

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 83 56

AN ORDINANCE AMENDING SECTION 25-91 (NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-10a) AT HONOIPU AND PUAKEA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-6-01:PORTIONS OF 24 AND 43.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 25-91, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Honoipu and Puakea, North Kohala, Hawaii, shall be Agricultural (A-10a):

Beginning at a pipe at the South corner of this parcel of land on the Northwesterly side of Mahukona-Hawi Road, the coordinates of which referred to Government Survey Triangulation Station "PUU O NALE" being 11,552.12 feet North and 10,303.09 feet West and running by azimuths measured clockwise from True South:

1. 115° 29' 1,889.86 feet along Grant 1999 to Kahionamaka to a pipe;
2. 108° 59' 4,193.07 feet along Grant 1999 to Kahionamaka and Lot 20-B of Land Court Application 1120 to a pipe;
3. 198° 59' 425.78 feet along Lot 20-B of Land Court Application 1120 and remainder of Grant 744 to Paahao to a pipe;
4. 107° 55' 184.84 feet along remainder of Grant 744 to Paahao;
5. 129° 26' 592.78 feet along remainder of Grant 744 to Paahao;
6. 246° 30' 239.10 feet along remainder of Grant 744 to Paahao;

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| 7.  | 243° 30' | 370.00 feet along remainder of Grant 744 to Paahao;  |
| 8.  | 228° 00' | 210.00 feet along remainders of Grant 744 to Paahao and Lot 19-B of Land Court Application 1120;   |
| 9.  | 220° 00' | 340.00 feet along remainder of Lot 19-B of Land Court Application 1120;  |
| 10. | 216° 30' | 160.00 feet along remainder of Lot 19-B of Land Court Application 1120;  |
| 11. | 209° 00' | 410.00 feet along remainder of Lot 19-B of Land Court Application 1120;  |
| 12. | 181° 00' | 200.00 feet along remainder of Lot 19-B of Land Court Application 1120;  |
| 13. | 206° 30' | 330.00 feet along remainder of Lot 19-B of Land Court Application 1120;  |
| 14. | 161° 00' | 157.36 feet along remainder of Lot 19-B of Land Court Application 1120;  |
| 15. | 300° 00' | 620.29 feet along Lot 19-A of Land Court Application 1120 to a brass disc (found);   |
| 16. | 270° 00' | 250.79 feet along Lot 19-A of Land Court Application 1120 to a brass disc (found);   |
| 17. | 295° 29' | 794.58 feet along R. P. 4922, L. C. Aw. 10154 to Makahalalu;   |
| 18. | 199° 20' | 312.10 feet along R. P. 4922, L. C. Aw. 10154 to Makahalalu;   |
| 19. | 303° 48' | 35.30 feet along Grant 5089 to Trustees Under the Will and of the Estate of Bernice Pauahi Bishop, deceased to a pipe in concrete marked "18-A" (found); |

20. 285° 05' 30" 592.60 feet along Grant 5089 to Trustees Under the Will and of the Estate of Bernice Pauahi Bishop, deceased to a pipe;
21. 298° 56' 760.40 feet along Grant 5089 to Trustees Under the Will and of the Estate of Bernice Pauahi Bishop, deceased to a pipe;
22. 294° 58' 30" 878.00 feet along Grant 5089 to Trustees Under the Will and of the Estate of Bernice Pauahi Bishop, deceased to a pipe;
23. 295° 58' 30" 954.70 feet along Grant 5089 to Trustees Under the Will and of the Estate of Bernice Pauahi Bishop, deceased to a pipe;
24. 303° 35' 30" 1,609.70 feet along Grant 5089 to Trustees Under the Will and of the Estate of Bernice Pauahi Bishop, deceased to a pipe in concrete marked "23" (found);
25. 296° 04' 790.68 feet along Grant 5089 to Trustees Under the Will and of the Estate of Bernice Pauahi Bishop, deceased;
- Thence along the Northwestern side of Old Mahukona-Hawi Road, on a curve to the left with a radius of 1,944.86 feet, the chord azimuth and distance being:
26. 50° 28' 07" 781.16 feet, thence;
27. 38° 53' 686.25 feet along the Northwestern side of Old Mahukona-Hawi Road;
28. 308° 53' 3.13 feet along the Northwestern side of Old Mahukona-Hawi Road;
29. 38° 52' 501.74 feet along the Northwestern side of Old Mahukona-Hawi Road;

Thence along Mahukona-Hawi Road, on a curve to the left with a radius of 5,789.58 feet, the chord azimuth and distance being:

30. 42° 20' 12.8" 54.61 feet;

Thence along the Northwestern side of Mahukona-Hawi Road, on a curve to the left with a radius of 7,699.69 feet, the chord azimuth and distance being:

31. 41° 56' 58" 31.51 feet, thence;

Thence along the Northwestern side of Mahukona-Hawi Road, on a curve to the left with a radius of 7,699.69 feet, the chord azimuth and distance being:

32. 41° 27' 13.5" 101.72 feet;

Thence along the Northwestern side of Mahukona-Hawi Road, on a curve to the left with a radius of 7,699.69 feet, the chord azimuth and distance being:

33. 40° 04' 15.5" 269.91 feet, thence;

34. 39° 04' 140.36 feet along the Northwestern side of Mahukona-Hawi Road to the point of beginning and containing an area of 416.887 acres.

All as outlined in red on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. This change in district classification is conditioned upon the following: (A) the petitioner, its successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the subject area shall be zoned in two increments. The first increment shall

consist of 25 lots encompassing approximately 267 acres. The second increment shall include the remaining area. The zoning of the second increment shall become effective upon final subdivision approval of the first increment and either the construction of dwellings or the development of agricultural activity on 25% of the lots in the first increment. As used herein "construction" means the issuance of building permits for dwellings and the completion of roofs for those dwellings. In lieu of actual construction, the petitioner may enter into an agreement with the Hawaii County Housing Agency to assure the County that the dwellings will be constructed within a given period. Such agreement shall be secured by a surety bond, certified check, or other security acceptable to the Hawaii County Housing Agency and the Corporation Counsel. Upon final execution of such agreement and filing of the security with the Hawaii County Housing Agency, development of the second increment may proceed prior to the actual construction of the dwellings in the first increment. As used herein, "agricultural activity" means the cultivation of crops, including but not limited to flowers, vegetables, foliage, fruits, forage and timber; game propagation; raising of livestock, including but not limited to poultry, bees, fish or other animal or aquatic life that are propagated for economic or personal use. An agricultural activity will be considered to have been developed (1) if such activity is utilizing a minimum of 25% of the usable land area of the affected property; or (2) if a level of production, greater than or equal to that which could be achieved on 25% of the usable land area, is achieved on a smaller area through alternative production technology; (C) subdivision plans for each increment

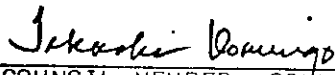
shall be submitted within one year from the effective date of the change of zone for that increment. Final subdivision plans for each increment shall be submitted within one year from the effective date of tentative subdivision approval for that increment; (D) the petitioner shall submit a surface drainage and soil protection plan to the Soil Conservation Service for their review and comments. Any comments provided by the Soil Conservation Service shall be submitted along with the plan to the Planning Department simultaneously with the subdivision application for both increments. Final subdivision approval for both increments shall be conditioned on the implementation of a surface drainage and soil protection plan meeting with the approval of the Department of Public Works; (E) intensive survey mapping of the Kohala Field System remnant on the subject property, both in and out of the special management area, and necessary salvage archaeology shall be completed prior to any grading or grubbing activity allowed on the subject property affected by the field system; (F) intensive survey mapping of all isolated sites not in the State Land Use Conservation District shall also be completed. Reports shall be submitted to the State Department of Land and Natural Resources, Historic Sites Division, and the Hawaii County Planning Department for review and comment. Additional work, as may be recommended by the Planning Department and the Department of Land and Natural Resources, may be required; (G) the requirements of the Department of Water Supply shall be

complied with; and (H) all other County and State rules, regulations, and requirements shall be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation may be initiated.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

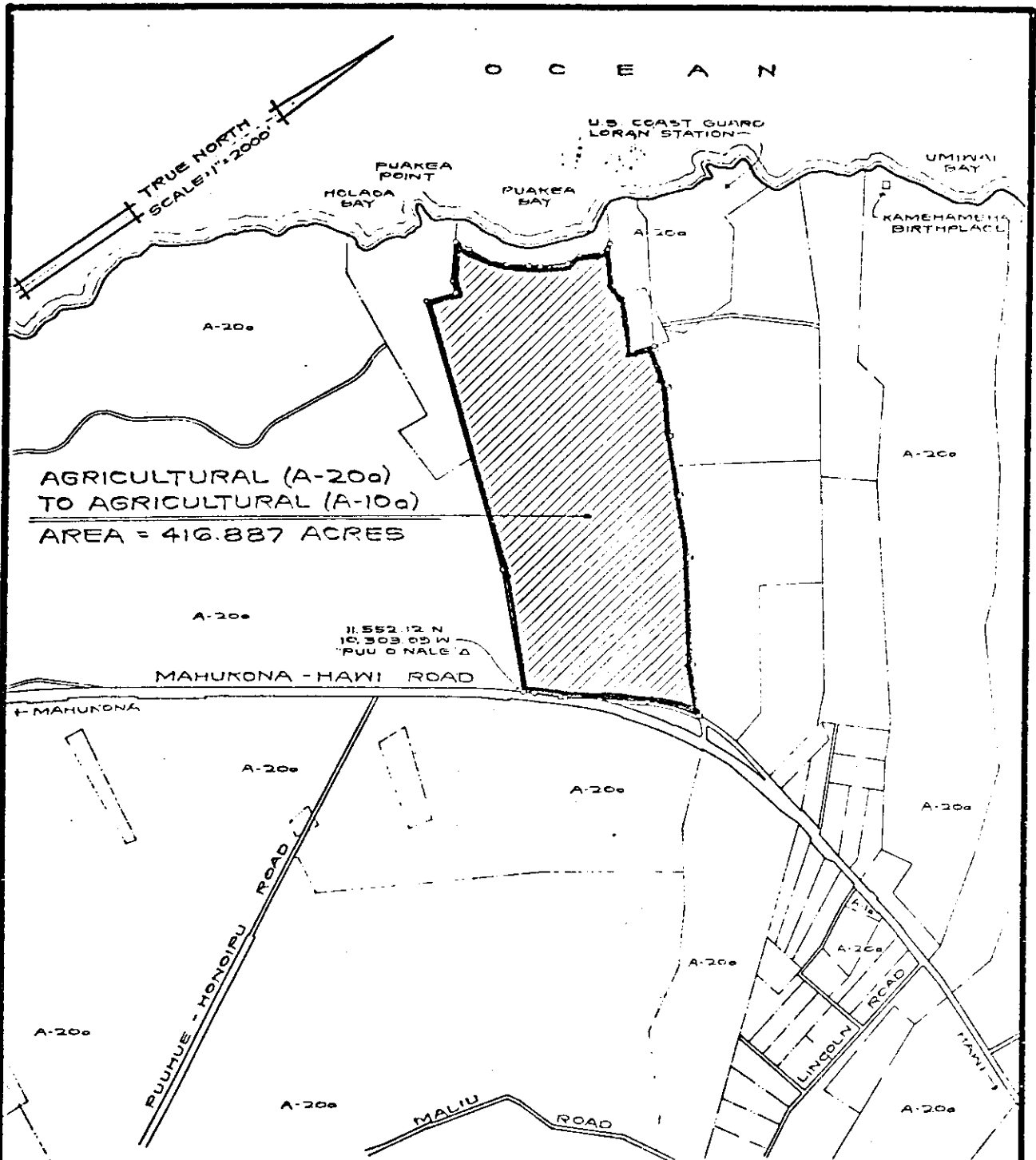
SECTION 4. This ordinance shall take effect upon its approval.

Introduced by

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 16, 1983  
Date of 1st Reading: November 16, 1983  
Date of 2nd Reading: December 6, 1983  
Effective Date: December 12, 1983



## AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-91 (NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-10a) AT HONOIPU AND PUAKEA, NORTH KOHALA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII