

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 120

ORDINANCE NO. 86 8

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-3a) AT KAHUA AND WAIKA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-9-08:3.

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 Kahua and Waika, North Kohala, Hawaii, shall be Agricultural (A-3a):

Beginning at the Southwest corner of this parcel of land and running by azimuths measured clockwise from True South:

1. 176° 39' 44" 942.26 feet along Lot 48 of Land Court Consolidation 117;
2. 286° 50' 41" 1,287.71 feet along Lot 47 of Land Court Consolidation 117;
thence along Lots 47 and 46 (Ala Kahua Drive) of Land Court Consolidation 117, on a curve to the right with a radius of 660.00 feet, the chord azimuth and distance being:
3. 49° 52' 30" 982.88 feet, thence;
4. 98° 00' 280.12 feet along Lot 46 (Ala Kahua Drive) of Land Court Consolidation 117;

thence along Lot 46 (Ala Kahua Drive) of Land Court Consolidation 117, on a curve to the left with a radius of 840.00 feet, the chord azimuth and distance being:

5. 93° 36' 28" 128.66 feet;

thence along Lot 46 (Ala Kahua Drive) of Land Court Consolidation 117, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

6. 132° 56' 20" 27.65 feet to the point of beginning and containing an area of 20.210 Acres.

All as shown 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 zoning of the property shall be effective only after water is made available to the property from either the Kohala Joint Venture's private water system or a public water system. The petitioners shall also show proof of the availability of water to accommodate the proposed development; (B) no subdivision of any portion of the land shall occur unless and until Condition A has been complied with; (C) the petitioners, their assigns or successors shall be responsible for complying with all of the conditions of approval; (D) subdivision plans for tentative approval shall be submitted within one year from the effective date of the change of zone; (E) the proposed lots shall be used for agricultural

purposes. For the purpose of this condition "agriculture" shall be defined as 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 "appropriate" (1) if such activity is utilizing a minimum of fifty percent of the usable land area of the affected property(ies); or (2) if it provides a major source of income to the person(s) utilizing the property; or (3) if a level of production, greater than or equal to that which could be achieved on fifty percent of the usable land area, is achieved on a smaller area through the alternative production technology; (F) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; and (G) all other applicable rules, regulations and requirements be complied with. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the property to its original or more appropriate designation.

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.

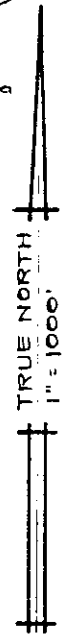
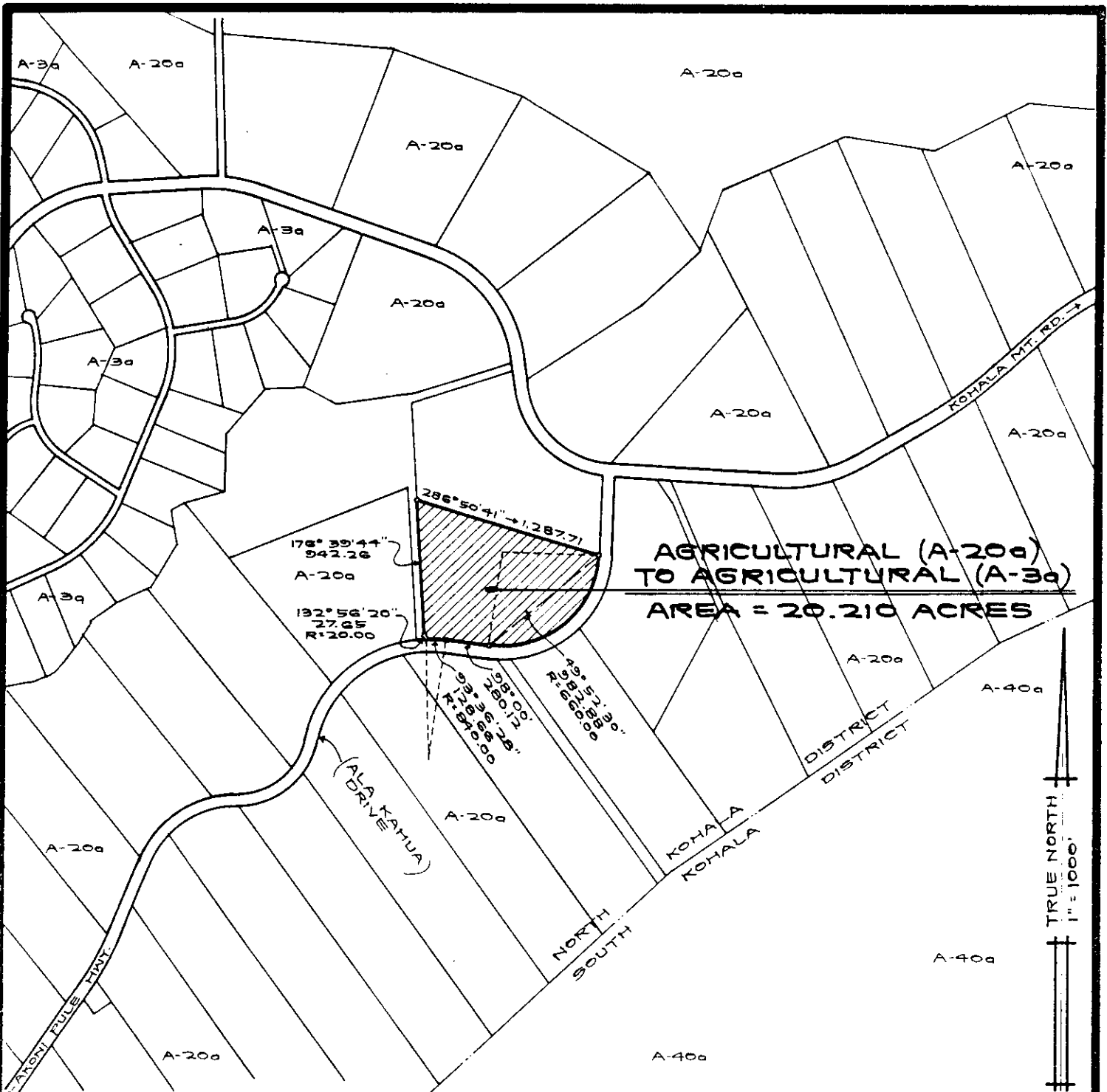
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	January 22, 1986
Date of 1st Reading:	January 22, 1986
Date of 2nd Reading:	February 5, 1986
Effective Date:	February 13, 1986



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-3a) AT KAHUA AND WAIKA, NORTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 5-9-08 : 3

NOV. 21, 1985

EXHIBIT "A"