

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 149 (Draft 3)

ORDINANCE NO. 86 82

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 UNPLANNED (U) TO AGRICULTURAL (A-1a) AT KAPAANUI AND KOU, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-7-02:PORTION OF 11.

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 Kapaanui and Kou, North Kohala, Hawaii, shall be Agricultural (A-1a):

Beginning at the northeast corner of this parcel of land, also being the southeast corner of Government Land of Kapaa on the northwest side of Akoni Pule Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 560.10 feet north and 16,613.53 feet west and running by azimuths measured clockwise from True South:

- 1. 21° 24' 30" 3,439.83 feet along the northwest side of Akoni Pule Highway;
2. 111° 24' 30" 20.00 feet along the northwest side of Akoni Pule Highway;
3. 21° 24' 30" 149.88 feet along the northwest side of Akoni Pule Highway;

4.	94° 19' 45"	2,192.62	feet along the remainder of Grand 3405 to Trustees of Estate of James Woods;
5.	180° 00'	98.54	feet along Parcel A;
6.	160° 00'	445.08	feet along Parcel A;
7.	140° 00'	210.00	feet along Parcel A;
8.	179° 00'	190.00	feet along Parcel A;
9.	228° 00'	250.00	feet along Parcel A;
10.	159° 00'	220.00	feet along Parcel A;
11.	235° 00'	115.00	feet along Parcel A;
12.	219° 00'	280.00	feet along Parcel A;
13.	193° 00'	535.00	feet along Parcel A;
14.	183° 00'	160.00	feet along Parcel A;
15.	100° 00'	70.00	feet along Parcel A;
16.	175° 00'	200.00	feet along Parcel A;
17.	217° 00'	80.00	feet along Parcel A;
18.	250° 00'	140.00	feet along Parcel A;
19.	177° 00'	200.00	feet along Parcel A;
20.	165° 00'	120.00	feet along Parcel A;
21.	205° 00'	95.00	feet along Parcel A;
22.	147° 00'	180.00	feet along Parcel A;
23.	268° 28' 04"	3,306.98	feet along the Government Land of Kapaa to the point of beginning and containing an area of 208.202 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 petitioner, its successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the property shall be zoned in two increments. The first increment shall consist of a maximum of 130 contiguous acres, and the second, the remaining area. The zoning for the second increment shall become effective upon subdivision approval of the first increment; and further, it shall be demonstrated to the satisfaction of the Planning Director that either 1) agricultural activity is being conducted on the land within the first increment, or 2) that building permits have been issued for single family dwellings and construction has been partially completed to the extent that roofs have been constructed on a minimum of twenty-five percent of the lots within the first increment. 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 (a) if such activity is implementing a conservation program for the affected property(ies), as approved by the applicable soil and water conservation district directors

and filed with the Soil Conservation Service; (b) if it provides a source of income to the person(s) who reside on the property; or (c) if the property qualifies for an agricultural use assessment in accordance with applicable Real Property Tax provisions. The execution of a Farm Dwelling Agreement may also suffice in lieu of the above requirements; (C) subdivision plans shall be submitted to the Planning Department within one year from the effective date of the change of zone; (D) substantial construction of on-site and off-site improvements shall commence within three (3) years from the effective date of the change of zone; (E) prior to the commencement of construction, a plan for monitoring any potential pollution to the coastal reef caused by the construction shall be submitted to the Planning Department for its approval, which plan shall provide for precautionary measures to be taken sufficient to prevent eroded soils and other suspended sediments ("turbidity"), construction materials, waste and debris from passing into the near shore waters; (F) a fifty-foot wide landscape easement along the property's frontage along Akoni Pule Highway shall be set aside and delineated on the subdivision plans. A landscaping plan for the easement area shall be submitted to the Planning Director for review and approval prior to issuance of final subdivision approval. Said plan shall depict the landscaping, identify the

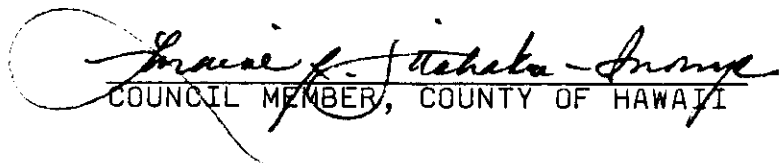
plant species to be utilized, and outline a program for ongoing maintenance of the easement area; (G) underground telephone, water, electrical and cable T.V. utility lines shall be constructed throughout the property; no overhead utility lines shall be permitted; (H) the areas of the property within the State Land Use conservation district shall be set aside as public shoreline access areas via covenants recorded with the Bureau of Conveyances. These covenants shall be encumbrances running with the land and shall be binding on all parties and persons claiming under them; (I) prior to the sale of any lots, restrictive covenants shall be recorded with the Bureau of Conveyances regarding size of structures, materials, and building design on the property to insure the quality of the development; (J) the height limit for any structure constructed on the property shall be thirty-five feet; (K) water and electrical lines shall be provided to the pavilion located on the adjoining property designated as Kapaa Park prior to the completion of all on-site improvements; (L) fire hydrants shall be installed on the property; (M) the method of sewage disposal shall meet with the approval of the appropriate government agencies; (N) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (O) access(es) to the proposed subdivision shall meet with the approval of the State Department of Transportation, Highways Division. The lots shall not have

direct access from Akoni Pule Highway; (P) the complex of archaeological sites known as "Kapaanui Village" shall be preserved in place; (Q) should any unanticipated archaeological or historic features be uncovered during land preparation activities, work shall cease immediately and the Planning Department shall be notified. Work shall not resume until clearance has been obtained from the Planning Department; and (R) all other applicable rules, regulations and requirements shall be complied with. The County Council, for good cause shown, may grant extensions to the foregoing time conditions. Should any of the foregoing conditions not be met or substantially complied within a timely fashion, without good causes shown, the Planning Director shall initiate proceedings to rezone 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

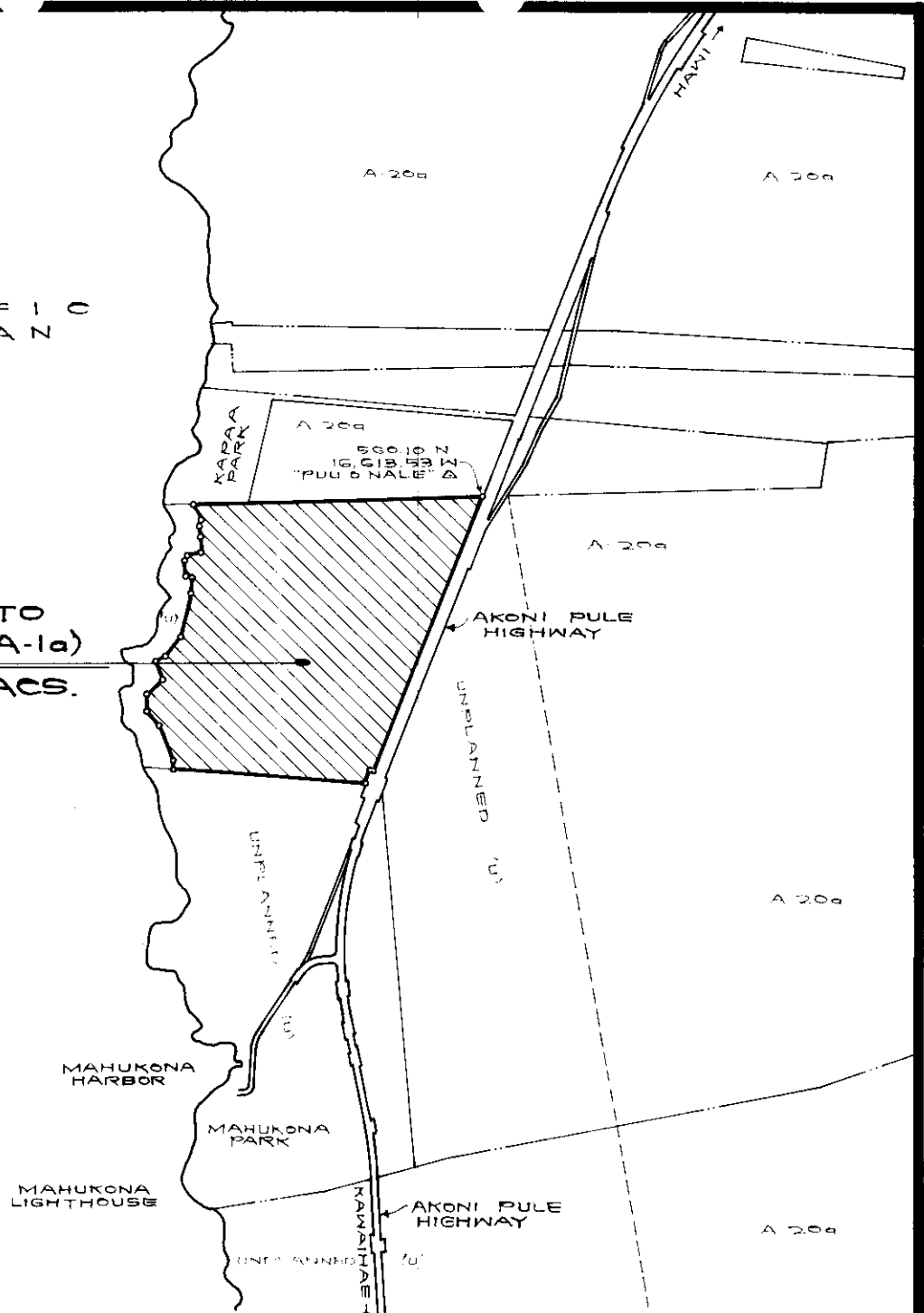
Hilo, Hawaii

Date of Introduction: April 9, 1986
Date of 1st Reading: April 9, 1986
Date of 2nd Reading: August 6, 1986
Effective Date: August 19, 1986

TRUE NORTH
SCALE: 1" = 2000'

PACIFIC
OCEAN

UNPLANNED (U) TO
AGRICULTURAL (A-1a)
AREA = 208.202 ACS.



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 UNPLANNED (U) TO AGRICULTURAL (A-1a) AT KAPAANUI AND KOU, NORTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 5-7-02 : 11 (POR.)

FEB. 18, 1986

EXHIBIT "A"