

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 293

ORDINANCE NO. 86 156

AN ORDINANCE AMENDING SECTION 25-95A (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 KAHUA 1ST, KAHUA AND WAIKA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-9-05:6.

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

SECTION 1. Section 25-95A, 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 1st, Kahua and Waika, North Kohala, Hawaii, shall be Agricultural (A-1a):

Beginning at the west corner of this parcel of land, being the south corner of Lot 54 of Land Court Consolidation 117 (Map 6) and on the northeasterly side of Kawaihae-Mahukona Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PILI" being 17,000.04 feet South and 30,089.77 feet West, thence running by azimuths measured clockwise from True South:

- 1. 249° 22' 17" 1,252.32 feet along Lot 54, Lot 53 and Lot 52 of Land Court Consolidation 117 (Map 6);

Thence following along the middle of gulch, along Lot 50 of Land Court Consolidation 117 (Map 6), the direct azimuths and distances between point for the next two (2) courses being:

- 2. 252° 50' 217.99 feet;
- 3. 241° 00' 232.28 feet;
- 4. 342° 31' 11" 365.72 feet along Lot 8 of Land Court Consolidation 117 (Map 3);

Thence following along the middle of gulch, along Lot 8 of Land Court Consolidation 117 (Map 3), the direct azimuths and distances between points for the next seven (7) courses being:

5.	226°	35'		73.57	feet;
6.	216°	46'	30"	126.97	feet;
7.	202°	46'	45"	89.09	feet;
8.	239°	04'		140.79	feet;
9.	264°	46'		84.23	feet;
10.	246°	29'		74.72	feet;
11.	234°	47'		46.38	feet;
12.	324°	47'		1,302.46	feet along Lot 9 of Land Court Consolidation 117 (Map 3);
13.	46°	24'	40"	962.26	feet along the North and South Kohala District Boundary;
14.	47°	02'	30"	1,086.36	feet along the North and South Kohala District Boundary;
15.	142°	00'	30.5"	308.85	feet along Kawaihae-Mahukona Road;
16.	232°	00'	30.5"	20.00	feet along a jog in Kawaihae-Mahukona Road;
17.	142°	00'	30.5"	500.00	feet along Kawaihae-Mahukona Road;
18.	232°	00'	30.5"	20.00	feet along a jog in Kawaihae-Mahukona Road;
19.	142°	00'	30.5"	100.00	feet along Kawaihae-Mahukona Road;
20.	52°	00'	30.5"	20.00	feet along a jog in Kawaihae-Mahukona Road;
21.	142°	00'	30.5"	900.00	feet along Kawaihae-Mahukona Road;

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|-----|------|-----|-------|--------|--|
| 22. | 232° | 00' | 30.5" | 10.00 | feet along a jog in
Kawaihae-Mahukona Road; |
| 23. | 142° | 00' | 30.5" | 400.00 | feet along Kawaihae-Mahukona
Road; |
| 24. | 52° | 00' | 30.5" | 30.00 | feet along a jog in
Kawaihae-Mahukona Road; |
| 25. | 142° | 00' | 30.5" | 110.00 | feet along Kawaihae-Mahukona
Road to the point of beginning
and containing an area of
86.900 Acres, more or less. |

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 conditions of approval; (B) the property shall be zoned in two increments. The first increment shall consist of a maximum of fifty-five 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 it shall be demonstrated to the satisfaction of the Planning Director that either 1) that substantial 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 substantial: (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 major source of income to the person(s) who reside on the property; or (c) if the property is dedicated for agriculture uses in accordance with applicable Tax Department procedures and that such agriculture dedication shall be made a deed covenant and duly recorded with the Planning Department and Bureau of Conveyances. The execution of a Farm Dwelling Agreement may also suffice in lieu of the above requirements; (C) subdivision plans for the first increment shall be submitted to the Planning Department within one year from the effective date of the change of zone; (D) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (E) 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; and (F) 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.

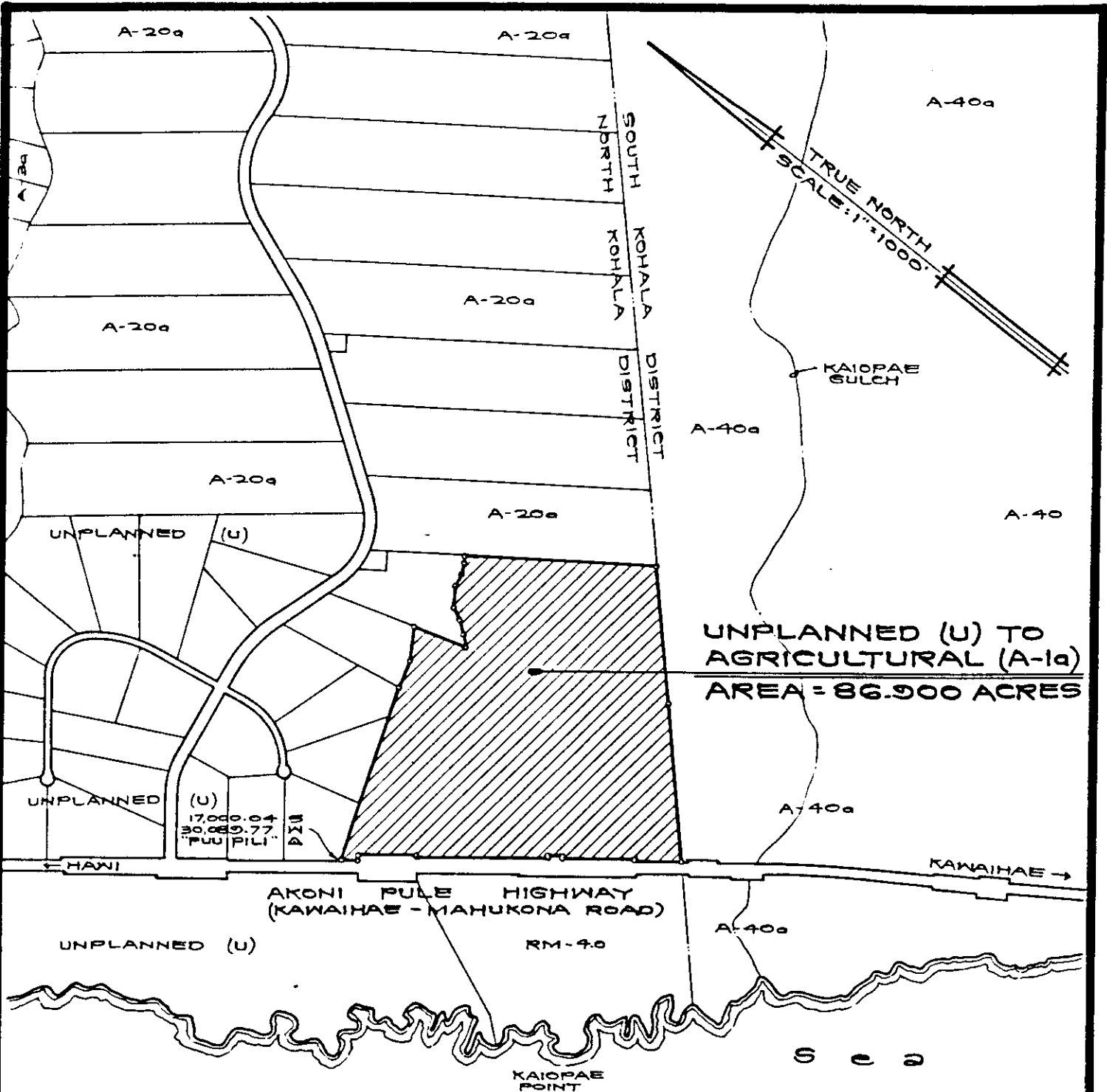
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: December 3, 1986
Date of 1st Reading: December 3, 1986
Date of 2nd Reading: December 15, 1986
Effective Date: December 23, 1986



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95A (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 KAHUA 1ST, KAHUA AND WAIKA, NORTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII