

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 296

ORDINANCE NO. 87 12

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 AGRICULTURAL (A-20a) TO AGRICULTURAL (A-3a) AT KAHUA AND WAIKA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-9-07:5.

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

Beginning at the North corner of this parcel of land on the Southeasterly side of Ala Kahua Drive being also the West corner of Lot 39 of Land Court Consolidation 117 and running by azimuths measured clockwise from True South:

- 1. 324° 47' 2,476.41 feet along Lot 39 of Land Court Consolidation 117;
- 2. 46° 24' 40" 505.39 feet along the North Kohala and South Kohala boundary line;
- 3. 144° 47' 2,248.58 feet along Lot 15 of Land Court Consolidation 117;

thence along the Southeasterly side of Ala Kahua Drive, on a curve to the left with a radius of 540.00 feet, the chord azimuth and distance being:

4. 204° 18' 56" 184.12 feet, thence;
5. 194° 30' 94.35 feet along the Southeasterly side of Ala Kahua Drive;
thence along the Southeasterly side of Ala Kahua Drive, on a curve to the right with a radius of 760.00 feet, the chord azimuth and distance being:
6. 206° 08' 50" 306.87 feet to the point of beginning and containing an area of 27.223 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, successors or its assigns shall be responsible for complying with all of the stated conditions of approval; (B) it shall be demonstrated to the satisfaction of the Planning Director that substantial agricultural activity is being conducted on the lands being considered for subdivision under this change of zone request. 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: (1) 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; (2) if it provides a major source of income to the person(s) who reside on the property; or (3) 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 State Bureau of Conveyances and with a copy filed with the Planning Department. The execution of a farm dwelling agreement may also suffice in lieu of the above requirements. Each approved lot must comply with one or more of the above requirements to satisfy the conditions of approval of this change of zone request; (C) subdivision plans shall be submitted to the Planning Department within one year from the effective date of the zone change. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval; (D) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (E) only one access shall be allowed to the proposed subdivision from Ala Kahua Drive. Such access shall meet with the approval of the Department of Public Works; and (F) all other applicable rules, regulations and requirements be complied with. The Planning Director may administratively grant extensions to the foregoing time condition. 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 the ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

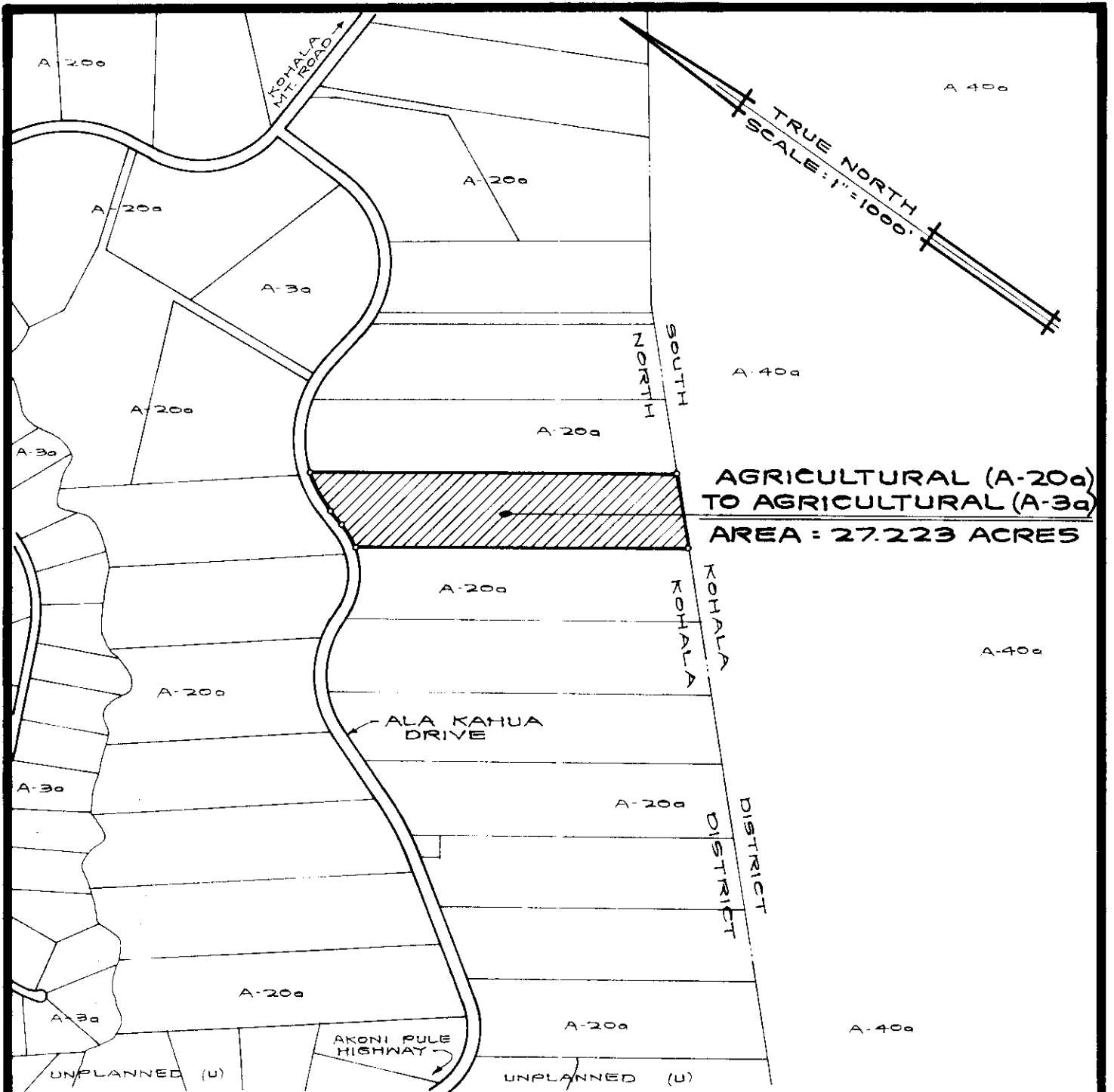
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: January 20, 1987
Date of 1st Reading: January 20, 1987
Date of 2nd Reading: February 18, 1987
Effective Date: February 24, 1987



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 AGRICULTURAL (A-20a) TO AGRICULTURAL (A-3a) AT KAHUA AND WAIKA, NORTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 5-9-07 : 5

OCT. 10, 1986

EXHIBIT "A"