

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 501 (Draft 2)

ORDINANCE NO. 89 5

AN ORDINANCE AMENDING SECTION 25-86 (NORTH & SOUTH KONA DISTRICT 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 KALOKO, NORTH KONA, HAWAII COVERED BY TAX MAP KEY 7-3-24:35.

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

SECTION 1. Section 25-86, 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 Kaloko, North Kona, Hawaii, shall be Agricultural (A-3a):

Beginning at the Southwest corner of this parcel of land, being also the Westerly corner of Lot 2, on the Northerly side of Lot A (100 foot wide Road Reserve), the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 14,041.89 feet South and 6,616.94 feet West and running by azimuths measured clockwise from true South:

- 1. 135° 00' 406.38 feet along Lot A (100 foot wide Road Reserve) and along remainder of R. P. 8214, L. C. Aw. 7715, Apana 11 to Lota Kamehameha;

Thence running along the Easterly side of the Old Government Road for the next ten (10) courses, the direct azimuth and distance between points being:

- |     |      |     |     |  |
|-----|------|-----|-----|--|
| 2.  | 180° | 25' | 30" | 131.82 feet;   |
| 3.  | 176° | 07' |     | 71.96 feet;  |
| 4.  | 155° | 13' | 30" | 100.04 feet;   |
| 5.  | 150° | 22' |     | 100.15 feet;   |
| 6.  | 174° | 49' | 30" | 211.67 feet;   |
| 7.  | 189° | 31' | 30" | 25.20 feet;  |
| 8.  | 160° | 17' | 30" | 67.58 feet;  |
| 9.  | 155° | 52' | 30" | 64.43 feet;  |
| 10. | 143° | 55' | 30" | 69.05 feet;  |
| 11. | 137° | 44' |     | 68.85 feet;  |
| 12. | 252° | 47' |     | 926.76 feet along Lot 28 and a portion of Lot 29 of Kohanaiki Homesteads;  |
| 13. | 342° | 00' |     | 1233.07 feet along Lot 2 and along remainder of R. P. 8214, L. C. Aw. 7715, Apana 11 to Lota Kamehameha;   |
| 14. | 72°  | 00' |     | 761.06 feet along Lot 2 and along remainder of R. P. 8214, L. C. Aw. 7715, Apana 11 to Lota Kamehameha to the point of beginning and containing an area of 25.151 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 landowner, successors or assigns, shall be responsible for complying with all conditions of approval; (B) subdivision plans shall be submitted within one year from the effective date of change of zone. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval; (C) a drainage system in accordance with the requirements of the Department of Public Works shall be installed; (D) access to the proposed lots from Kaloko Drive shall meet with the approval of the Department of Public Works; (E) for the purpose of funding a fully channelized intersection with turning lanes at the intersection of Kaloko Drive and Hawaii Belt Road, a payment of \$3,000 per 3-acre lot, but not to exceed a total of \$24,000, shall be submitted to the Planning Department for deposit into an escrow account prior to receipt of final subdivision approval; (F) all other applicable laws, rules, regulations, and requirements shall be complied with; (G) an annual program report shall be submitted to the Planning Department on the anniversary date of the effective date of the change of zone outlining the status of the proposed development and the conditions of approval are being satisfied. This condition shall be released after all of the conditions have been satisfied and complied with; and, (H) an initial extension of time for the performance of conditions

within the ordinance may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and 5) if the applicant shall require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. Should the council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

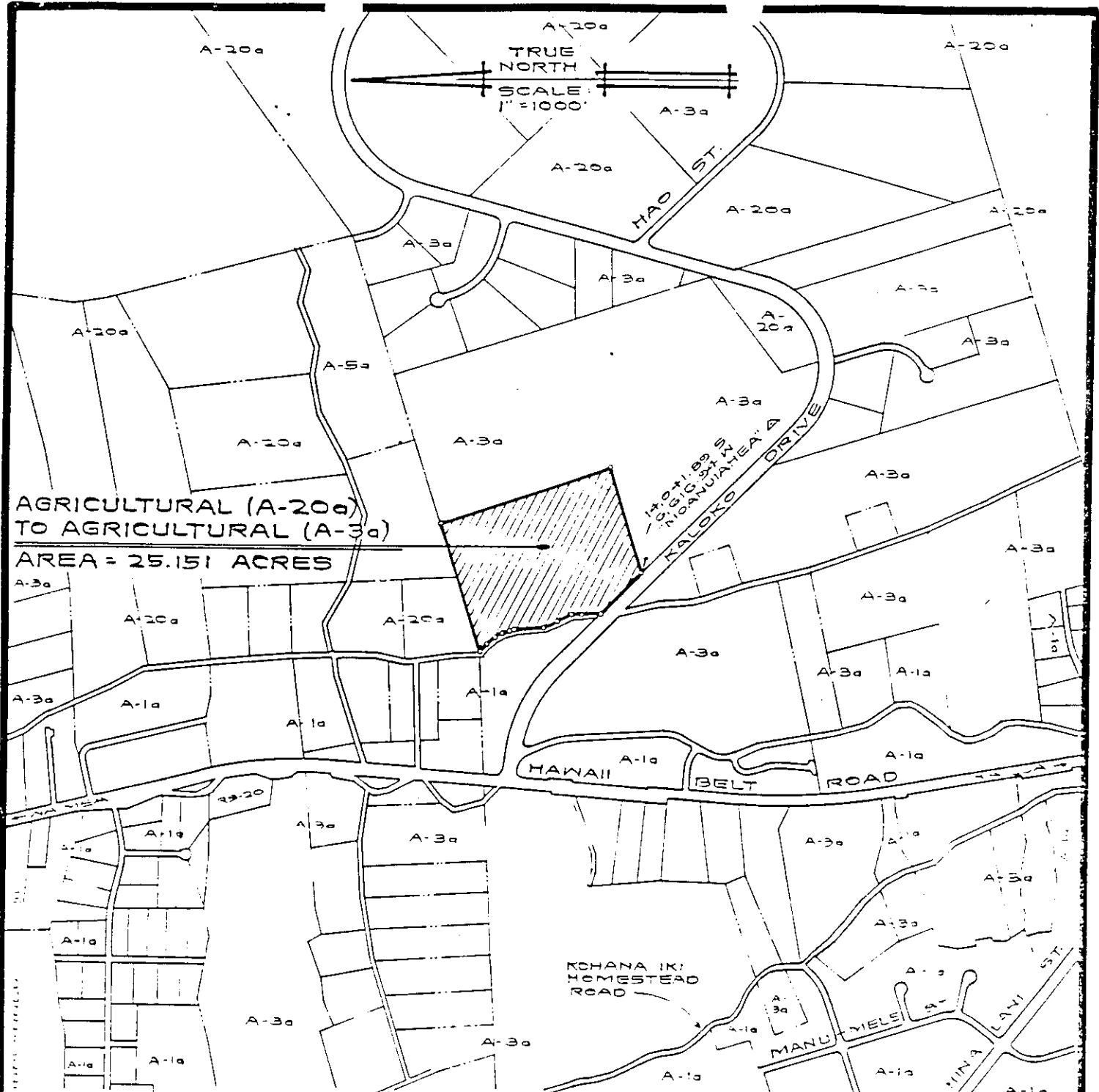
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: January 4, 1989  
Date of 1st Reading: January 4, 1989  
Date of 2nd Reading: January 17, 1989  
Effective Date: January 30, 1989



AGRICULTURAL (A-20a)  
TO AGRICULTURAL (A-3a)  
AREA - 25.151 ACRES

## AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-86 (NORTH AND SOUTH KONA 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 KALOKO, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII