

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 162

ORDINANCE NO. 89 155

AN ORDINANCE 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-5a) AT KAAWALOA, SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 8-1-21:30 & 33.

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 Kaawaloa, South Kona, Hawaii, shall be Agricultural (A-5a):

Beginning at the Southeasterly corner of this parcel of land, being also the southwesterly corner of Lot F-23 and the Northeasterly corner of Lot 76, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 4,573.68 feet South and 19,099.52 feet East and running by azimuths measured clockwise from True South:

- 1. 63° 57' 30" 580.99 feet along Lot 76 and along Royal Patent 3607, Land Commission Award 8452, Apana 9 to A. Keohokalole to a point;
2. 150° 37' 703.40 feet along Lots F-14-A and F-14-B and along the remainder of Royal Patent 4386, Land Commission Award 8452, Apana 10 to A. Keohokalole to a point;

3. 176° 25' 12.81 feet along Lots F-14-A and F-14-B and along the remainder of Royal Patent 4386, Land Commission Award 8452, Apana 10 to A. Keohokalole to a point;

Thence, for the next seven (7) courses following along Lot F-15 and along the remainder of Royal Patent 4386, Land Commission Award 8452, Apana 10 to A. Keohokalole:

4. 227° 43' 17.77 feet to a point;
5. 218° 08' 85.80 feet to a point;
6. 246° 55' 42.55 feet to a point;
7. 288° 18' 49.11 feet to a point;
8. 272° 33' 89.09 feet to a point;
9. 241° 20' 102.41 feet to a point;
10. 246° 13' 78.68 feet to a point;
11. 254° 57' 86.10 feet along Lots F-15 and F-32 and along the remainder of Royal Patent 4386, Land Commission Award 8452, Apana 10 to A. Keohokalole to a point;
12. 228° 35' 89.67 feet along Lot F-32 and along the remainder of Royal Patent 4386, Land Commission Award 8452, Apana 10 to A. Keohokalole to a point;
13. 272° 15' 60.99 feet along Lot F-32 and along the remainder of Royal Patent 4386, Land Commission Award 8452, Apana 10 to A. Keohokalole to a point;

Thence, for the next four (4) courses following along Lot F-32 and along the remainder of Royal Patent 4386, Land Commission Award 8452, Apana 10 to A. Keokahalole:

14. 354° 02' 30" 10.10 feet to a point;

- 15. 337° 02' 523.59 feet to a point;
- 16. 354° 15' 52.55 feet to a point;
- 17. 325° 35' 76.48 feet to the point of beginning
and containing an area of
9.881 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 applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval; (B) Final subdivision approval shall be secured within one year from the effective date of the change of zone; (C) All other applicable laws, rules, regulations, and requirements be complied with; (D) 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; (E) An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the zone change. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not

required; and, (F) 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; and
- 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 should 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 shall initiate rezoning of the area 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.

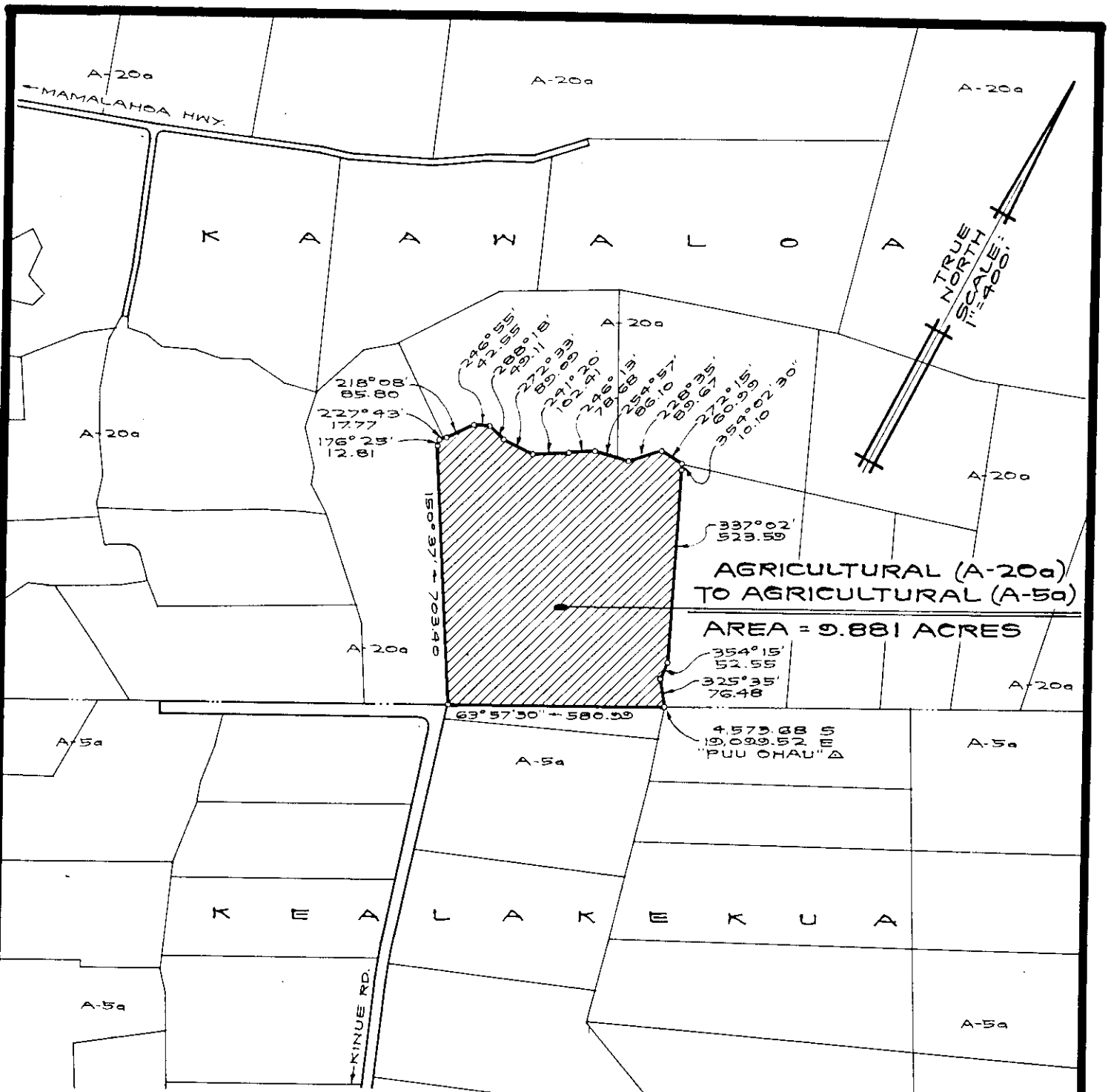
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	November 15, 1989
Date of 1st Reading:	November 15, 1989
Date of 2nd Reading:	December 5, 1989
Effective Date:	December 11, 1989



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-5a) AT KAAWALOA, SOUTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 8-1-21 : 30 AND 33

SEPT. 7, 1989

EXHIBIT "A"