

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 173 (Draft 2)

ORDINANCE NO. 90 002

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 RESIDENTIAL AGRICULTURAL (RA-1a) AT KAPAAU, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-4-04:5.

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 Kapaau, North Kohala, Hawaii, shall be Residential Agricultural (RA-1a):

Beginning at the Northeast corner of this Lot at a pipe in concrete marked 451, of Land Court Application 1116, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUHOLA" being 6837.87 feet South and 9221.89 feet West, thence running by azimuths measured clockwise from true South:

- 1. 11° 52' 121.99 feet along Lot 1 of Ld. Ct. App. 1116 to a pipe which is 16.81 feet from a pipe in concrete marked 450;
2. 91° 23' 229.85 feet along M. Shikasho's land to a pipe;
3. 173° 51' 31.10 feet along same;
4. 94° 05' 74.97 feet along same;
5. 183° 18' 19.60 feet along Road Right of Way;

- |     |          |   |
|-----|----------|---|
| 6.  | 92° 30'  | 174.50 feet along same;   |
| 7.  | 184° 27' | 109.50 feet along the east side of<br>Road Right of Way leading into<br>Kapaau Village;       |
| 8.  | 193° 20' | 47.00 feet along same;  |
| 9.  | 210° 15' | 270.15 feet along same;   |
| 10. | 253° 20' | 51.21 feet along south side of Road<br>Right of Way leading into<br>Kapaau Village;           |
| 11. | 8° 45'   | 291.00 feet along Lot 1 of Ld. Ct.<br>App. 1116;  |
| 12. | 280° 38' | 352.00 feet along same to the point<br>of beginning and containing an<br>Area of 2.156 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) Should an Improvement District or similar arrangements be initiated for the County maintained road fronting the subject property, the landowner(s) shall automatically participate in such an arrangement; (D) Access shall meet with the approval of the Department of Public Works;

(E) As agreed to by the applicant, no ohana dwellings shall be allowed on the proposed lots until the roadway fronting the subject property is improved and such improvements are made in accordance with requirements of the Department of Public Works;

(F) Comply with all other applicable laws, rules, regulations, and requirements;

(G) 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;

(H) 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,

(I) 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.

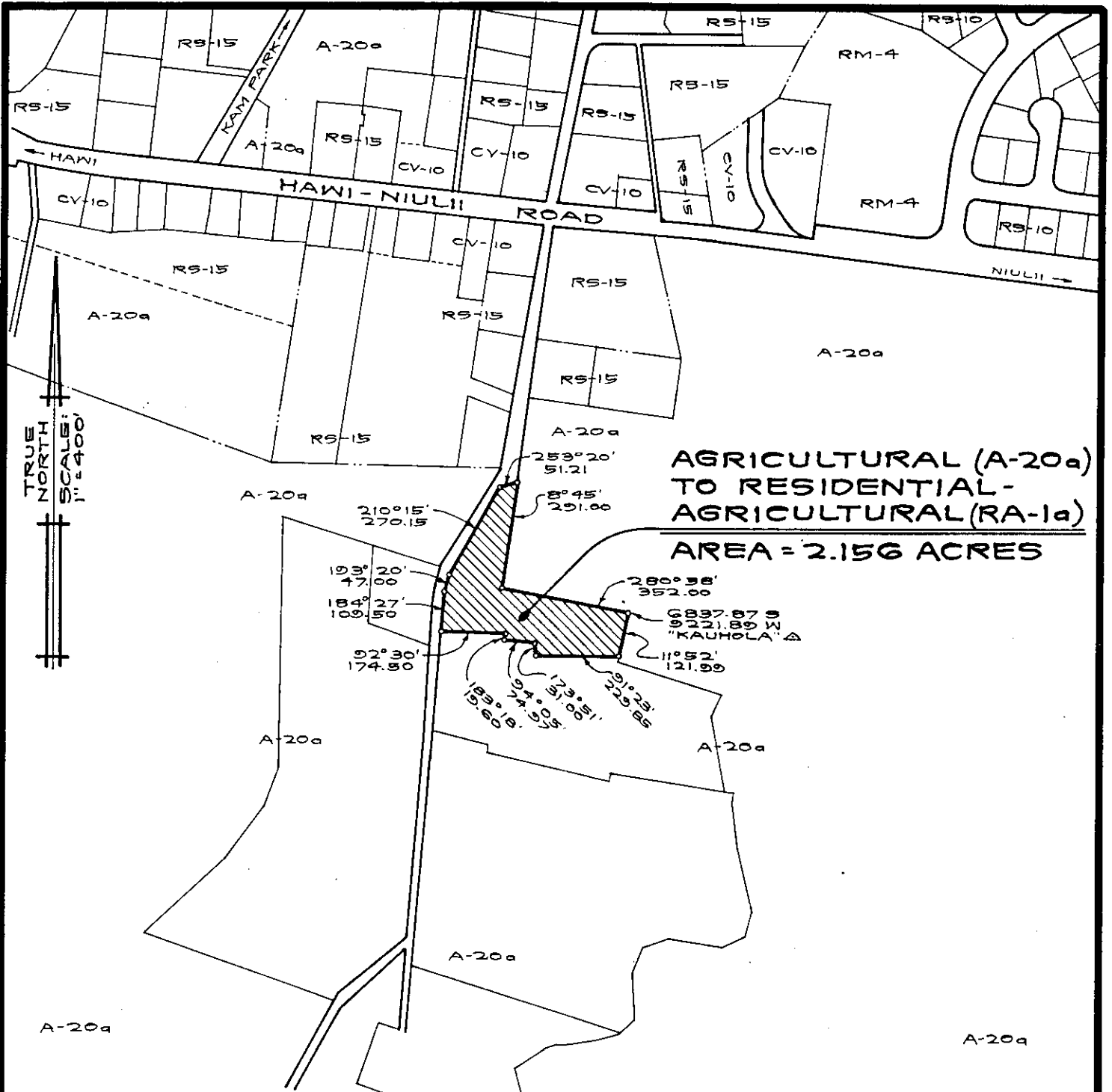
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: December 5, 1989  
Date of 1st Reading: December 5, 1989  
Date of 2nd Reading: January 3, 1990  
Effective Date: January 10, 1990



## 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 RESIDENTIAL-AGRICULTURAL (RA-1a) AT KAPAAU, NORTH KOHALA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 5-4-04:5

SEPT. 28, 1989