

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 200
(Draft 2)

ORDINANCE NO. 90 016

AN ORDINANCE AMENDING SECTION 25-95 E (LALAMILO-PUUKAPU ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO AGRICULTURAL (A-5a) AT PUUKAPU HOMESTEADS, 2ND SERIES, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-4-30:(SEGMENT OF GOVERNMENT ROADWAY).

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

SECTION 1. Section 25-95E, 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 Puukapu Homesteads, 2nd Series, South Kohala, Hawaii, shall be Agricultural (A-5a):

Beginning at the southeast corner of this roadway parcel, being the northeast corner of Lot 2-C, a portion of Grant 7981 to Leone Naiheauhau and on the westerly side of 20-foot Government Road Reserve, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIMEA EAST BASE" being 10,392.11 feet North and 6,912.47 feet East, thence running by azimuths measured clockwise from True South:

1. 127° 57' 1,031.00 feet along Lot 2-C, a portion of Grant 7981 to Leone Niheauhau;
2. 256° 10' 25.46 feet along Lot 5, Hawaiian Home Lands;
3. 307° 57' 989.85 feet along Lot 13, portion of Land Commission Award 8559-B, Apana 2 to William C. Lunalilo;

4. 346° 10' 32.33 feet along 20-foot Government Road Reserve to the point of beginning and containing an area of 20,209 square feet or 0.464 acre.

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) Plans for consolidation/resubdivision shall be submitted to the Planning Department within one year from the effective date of the change of zone. Final subdivision approval shall be secured within one year of the receipt of tentative subdivision approval; (C) Access shall meet with the approval of the Department of Public Works; (D) A drainage system shall be installed in accordance with the requirements of the Department of Public Works; (E) All other applicable laws, rules, regulations, and requirements shall be complied with; (F) 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; (G) 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; (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 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.

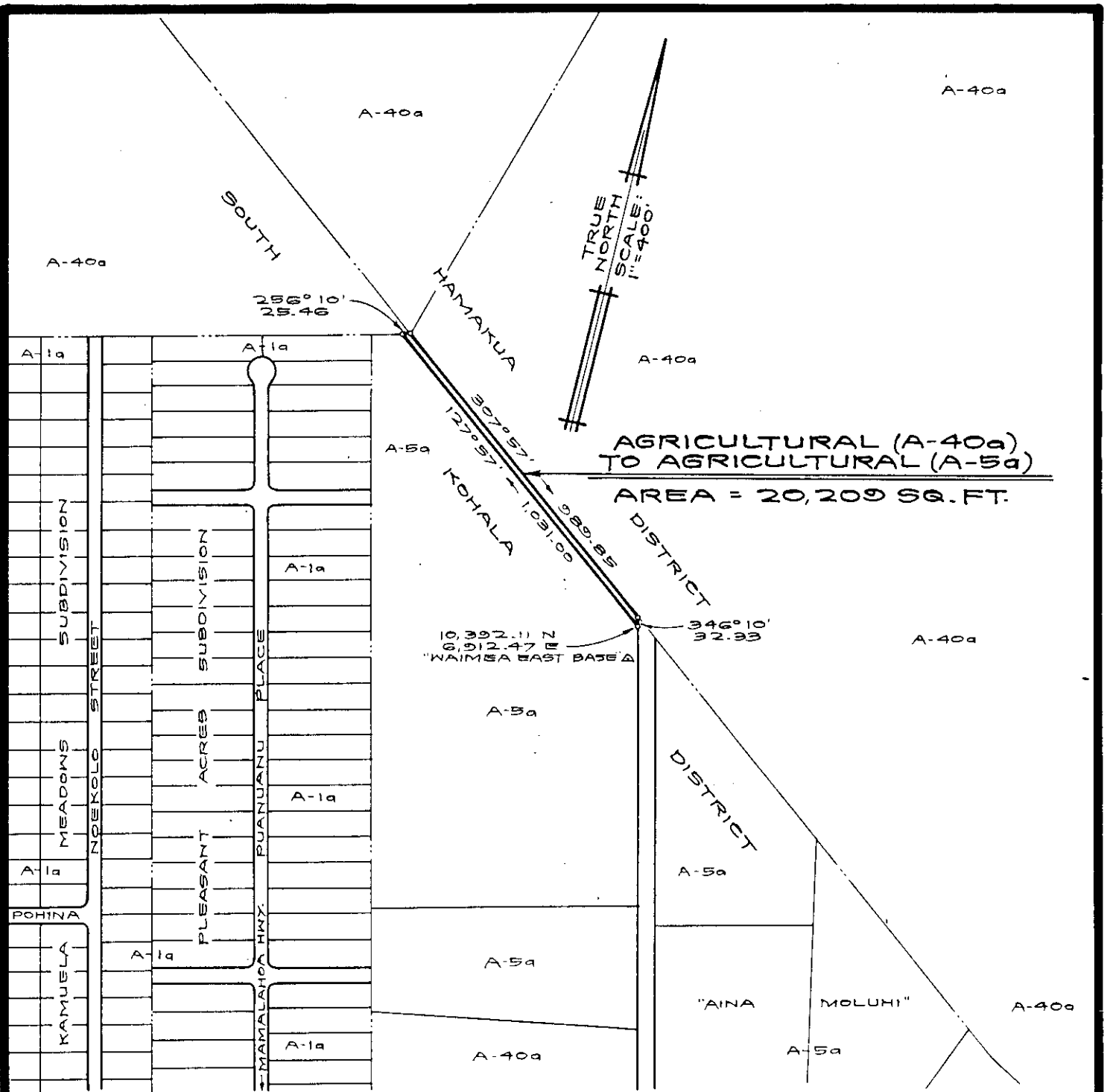
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	February 7, 1990
Date of 1st Reading:	February 7, 1990
Date of 2nd Reading:	February 21, 1990
Effective Date:	March 1, 1990



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95 E (LALAMILO-PUUKAPU ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO AGRICULTURAL (A-5a) AT PUUKAPU HOME-STEADS, 2ND SERIES, SOUTH KOHALA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 6-4-30:
PORTION OF GOV'T. ROADWAY

NOV. 27, 1989