

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 631

ORDINANCE NO. 92 92

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 1ST, KAHUA AND WAIKA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-9-08:4.

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 1st, Kahua and Waika, North Kohala, Hawaii, shall be Agricultural (A-3a):

Beginning at the Southwest corner of this parcel of land, being also the East corner of Lot 45 of Ld. Ct. Cons. 117, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PILI" being 21,564.93 feet South and 21,612.02 feet West, and thence running by azimuths measured clockwise from true South:

- 1. 141° 26' 1122.86 feet along Lot 45 of Ld. Ct. Cons. 117;
2. 248° 10' 55" 1301.26 feet along Lot 48 of Ld. Ct. Cons. 117;
3. 356° 39' 44" 1029.62 feet along Lot 48 of Ld. Ct. Cons. 117;
4. Thence along Lot 46 (roadway) of Ld. Ct. Cons. 117 on a curve to the right with a radius of 20.00 feet, the chord azimuths and distance being: 39° 36' 19" 27.25 feet;

5. Thence along Lot 46 (roadway) of Ld. Ct. Cons. 117 on a curve to the left with a radius of 840.00 feet, the chord azimuths and distance being:
- 60° 24' 22" 633.20 feet;
- to the point of beginning and containing an area of 22.458 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) subdivision plans shall be submitted within one year from the effective date of the Change of Zone. Final Subdivision Approval shall be secured within two years from the date of tentative subdivision approval; (C) access to the development shall meet with the approval of the Department of Public Works; (D) drainage improvements shall meet with the approval of the Department of Public Works; (E) the method of sewage disposal shall meet with the approval of the Department of Health; (F) it shall be demonstrated to the satisfaction of the Planning Department that agricultural activity is being conducted on the subdivided lots within three years from the date of final subdivision approval. 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. This condition shall be incorporated in each of the deeds for the proposed lots and duly recorded with the State Bureau of Conveyances. A copy of the recorded deeds shall be filed with the Planning Department within one year from the date of final subdivision approval of the lots; (G) should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; (H) all other applicable laws, rules, regulations and requirements shall be complied with; (I) 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 the performance in accordance with the requirements of the Unified Impact Fees Ordinance; (J) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the Change of Zone. 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 and the Planning Director acknowledges that further reports are not required; and, (K) an 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 applicant, 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 the 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 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

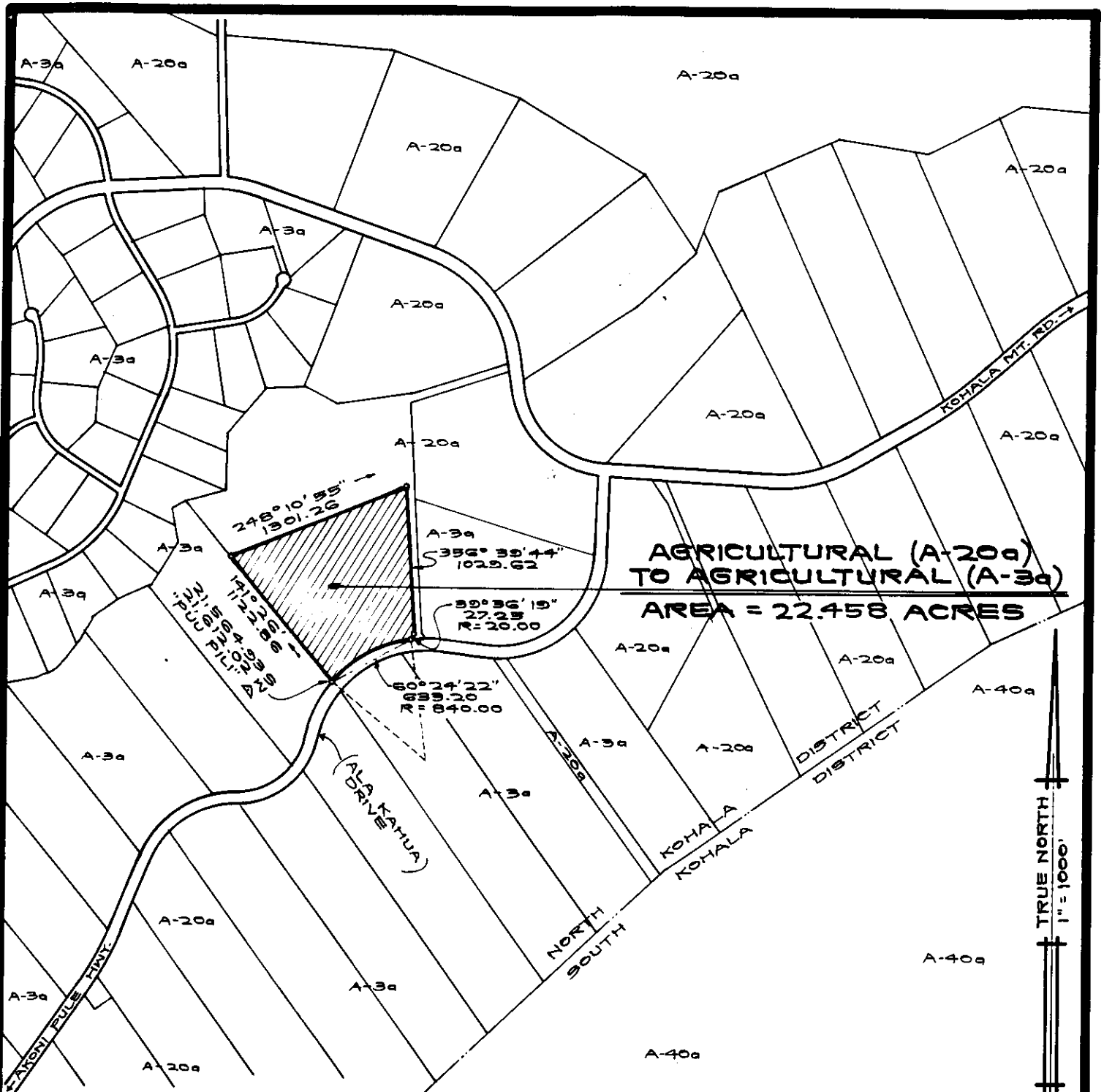
Hilo, Hawaii

Date of Introduction: July 15, 1992  
Date of 1st Reading: July 15, 1992  
Date of 2nd Reading: August 5, 1992  
Effective Date: August 18, 1992

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL

DATED: JUN - 2 1992



## AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-91A (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 1ST, KAHUA AND WAIKA, NORTH KOHALA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK - 5-9-08:4

APRIL 27, 1992

EXHIBIT "A"

(JAMES D. BRENNAN)