

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 138

ORDINANCE NO. 95 119

AN ORDINANCE AMENDING SECTION 25-95A (NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP), ARTICLE 3, CHAPTER 25, (ZONING CODE) OF THE HAWAII COUNTY CODE, ORDINANCE NO. 87-9 AND AS AMENDED BY ORDINANCE NO. 91-83, WHICH RECLASSIFIED 24.947 ACRES OF LAND FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-3a) AT KAHUA 1ST AND WAIKA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-9-07:03.

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

SECTION 1. Ordinance No. 87-9 and as amended by Ordinance No. 91-83 is amended as follows:

"SECTION 2. This change in district classification is conditioned upon the following:

- A. The petitioners, successors or its assigns shall be responsible for complying with all of the stated conditions of approval.
- B. It shall be demonstrated to the satisfaction of the Planning Director that substantial agricultural activity is being conducted on the lands being considered for subdivision under these change of zone requests. 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. An agricultural activity will be considered substantial:

1. If such activity is implementing a conservation program for the affected property(ies), as approved by the applicable soil and water conservation district directors and filed with the Soil Conservation Service; or
2. If it provides a major source of income to the person(s) who reside on the property; or
3. If the property is dedicated for Agriculture uses in accordance with applicable Tax Department procedures and that such agriculture dedication shall be made a deed covenant and duly recorded with the State Bureau of Conveyances and with a copy filed with the Planning Department. The execution of a farm dwelling agreement may also suffice in lieu of the above requirements. Each approved lot must comply with one or more of the above requirements to satisfy the conditions of approval of these change of zone requests.

C. Subdivision plans shall be submitted to the Planning Department within [one year] six months from the effective date of [the zone change]

approval of this amendment. Final subdivision approval shall be secured within [one] three years from the date of [approval of this amendment] receipt of revised tentative subdivision approval.

- D. A drainage system shall be installed in accordance with the requirements of the Department of Public Works.
- E. Only one access shall be allowed to the proposed subdivision from Ala Kahua Drive. Such access shall meet with the approval of the Department of Public Works.
- F. All other applicable rules, regulations and requirements be complied with.
- 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.

Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate rezoning of the property to its original or more appropriate designation."

SECTION 2. Material to be deleted is bracketed. New material is underscored.

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

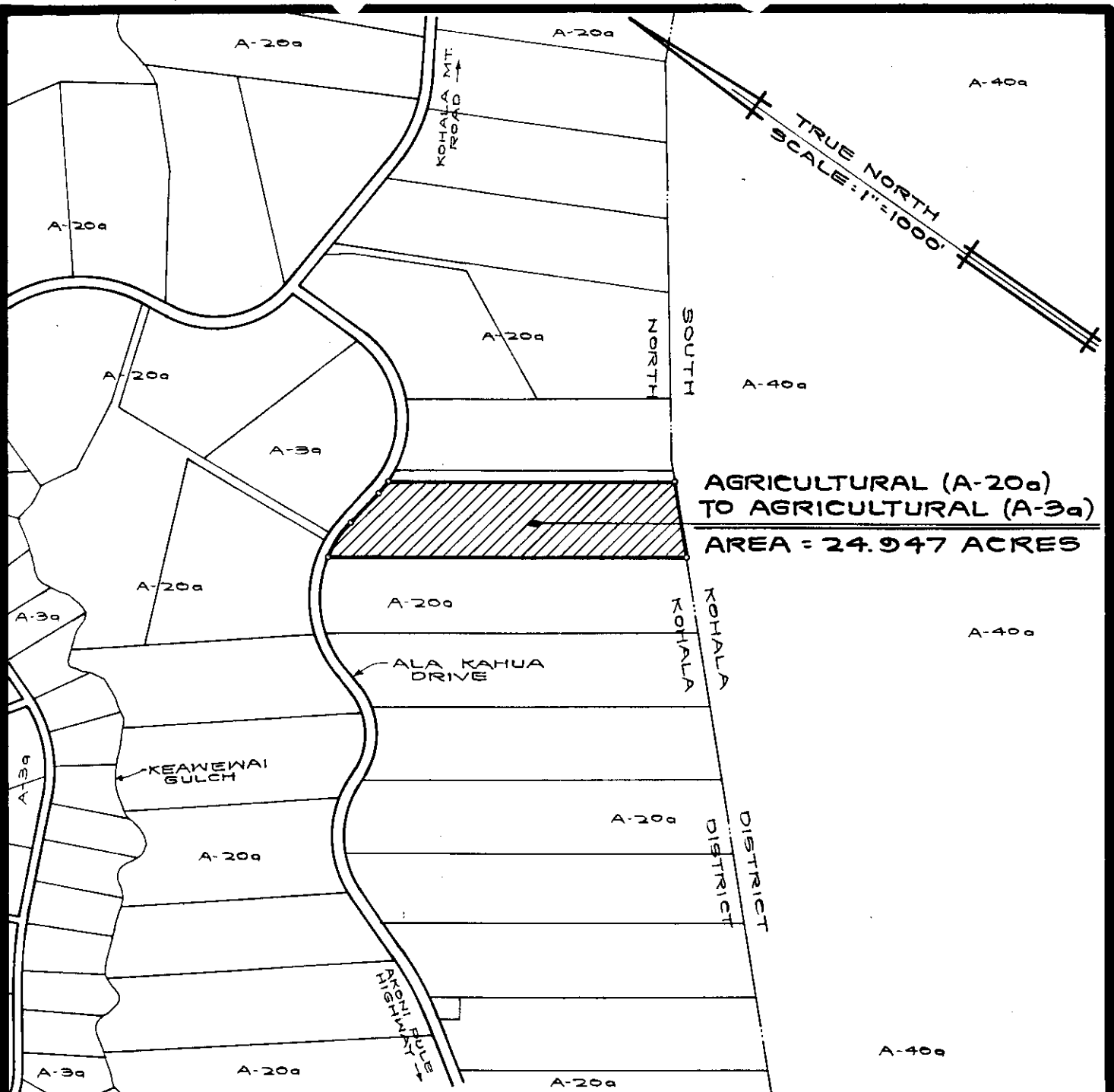
Hilo, Hawaii

Date of Introduction: September 20, 1995  
Date of 1st Reading: September 20, 1995  
Date of 2nd Reading: October 4, 1995  
Effective Date: October 12, 1995  
REF.: C-671

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL

DATED: OCT 10 1995



**AGRICULTURAL (A-20a)  
TO AGRICULTURAL (A-3a)  
AREA = 24.947 ACRES**

## 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 AGRICULTURAL (A-3a) AT KAHUA 1ST AND WAIKA, NORTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 5-9-07:3

NOV. 24, 1986

EXHIBIT "A"

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

95 OCT 12 11 11 01

Introduced By: Takashi Domingo  
 Date Introduced: September 20, 1995  
 First Reading: September 20, 1995  
 Published: N/A

REMARKS:


ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson		X		
Childs	X			
De Lima	X			
Domingo			X	
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	7	1	1	0



Second Reading: October 4, 1995  
 To Mayor: October 5, 1995  
 Returned: October 12, 1995  
 Effective: October 12, 1995  
 Published: October 20, 1995

REMARKS:


ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson		X		
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	8	1	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

**APPROVED as to  
FORM and LEGALITY**  
  
 CORPORATION COUNSEL  
 COUNTY OF HAWAII  
 Date 10/10/95

  
 COUNCIL CHAIRMAN  
  
 COUNTY CLERK

Approved / Disapproved this 12 day  
 of October, 19 95.

  
 MAYOR, COUNTY OF HAWAII

Bill No.: 138  
 Reference: C-671/PC-76  
 Ord. No.: 95 119