

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 84  
(Draft 3)

ORDINANCE NO. 95 127

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO AGRICULTURAL (A-1a) AT KALOKO, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-08:106 & 107.

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

SECTION 1. Section 25-87, 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 Kaloko, North Kona, Hawaii, shall be Agricultural (A-1a):

Beginning at the Northeasterly corner of this parcel of land, being also the Northeasterly corner of Lot 2-C-2, the Southeasterly corner of Lot 3-A of Kaloko Tract 3 and being a point on the Southwesterly side of Old Government Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA", being 15,948.26 feet South and 6,278.13 feet West, thence running by azimuths measured clockwise from True South:

Thence, for the next eight (8) courses following along stonewall and along the Southwesterly side of Old Government Road:

1. 341° 50' 68.21 feet to a point;
2. 337° 21' 30" 92.96 feet to a point;
3. 338° 38' 30" 37.78 feet to a point;
4. 331° 45' 30" 127.47 feet to a point;
5. 332° 37' 30" 69.72 feet to a point;
6. 335° 51' 49.04 feet to a point;

- 7. 337° 06' 30" 113.66 feet to a point;
- 8. 331° 20' 71.30 feet to a point;
- 9. 78° 13' 45" 720.03 feet along Lots 2-E-5, 2-E-4, 2-E-3, 2-E-2 and 2-E-1 and along the remainder of Royal Patent 8214, Land Commission Award 7715, Apana 11 to Lota Kamehameha to a point;
- 10. 165° 06' 336.18 feet along the Northeasterly side of the 40-Ft. Road Reserve to a point;

Thence, for the next (3) courses following along Lot 2-C-1 of Kaloko Tract 3 and along the remainder of Royal Patent 8214, Land Commission Award 7715, Apana 11 to Lota Kamehameha:

Thence, following on a curve to the left with a radius of 10.00 feet, the chord azimuth and distance being:

- 11. 301° 39' 52.5" 13.75 feet to a point;
- 12. 258° 13' 45" 432.10 feet to a point;
- 13. 165° 06' 291.46 feet to a point;
- 14. 259° 30' 50" 172.79 feet along Lot 3-A of Kaloko Tract 3 and along the remainder of Royal Patent 8214, Land Commission Award 7715, Apana 11 to Lota Kamehameha to the point of beginning and containing an area of 6.409 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, its successors or assigns shall be responsible for complying with all of the stated conditions of approval;

- B. As represented and agreed to by the applicants, the approximately 6.409-acre project site shall be subdivided into a total of no more than four (4) parcels. Restrictive covenant(s) in the deeds of the proposed agricultural lots shall prohibit its further subdivision into additional parcels. A copy of the proposed covenant(s) with this requirement shall be submitted to the Planning Director for review and approval. A copy of the approved covenant shall be recited in an instrument executed by the applicant and the County prior to final subdivision approval for any portion of the subject property. The Planning Director shall promptly deliver such document to the Bureau of Conveyances for recordation. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- C. Final Subdivision Approval of the proposed subdivision development shall be secured within three (3) years from the effective date of this change of zone ordinance.
- D. The applicant shall construct necessary water system improvements to support the proposed subdivision development in a manner meeting with the approval of the Department of Water Supply, prior to Final Subdivision Approval of the proposed subdivision.
- E. The applicants shall widen and improve an approximate 450-foot segment of the Old Mamalahoa Highway to a minimum pavement width of 20 feet from its intersection with Onaona Drive to its intersection with the private roadway to the project site, in a manner meeting with the approval of the Department of Public Works, prior to Final Subdivision Approval.

- F. Should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
- 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 shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- 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).

- I. 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.

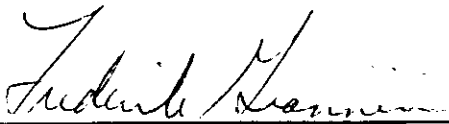
INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

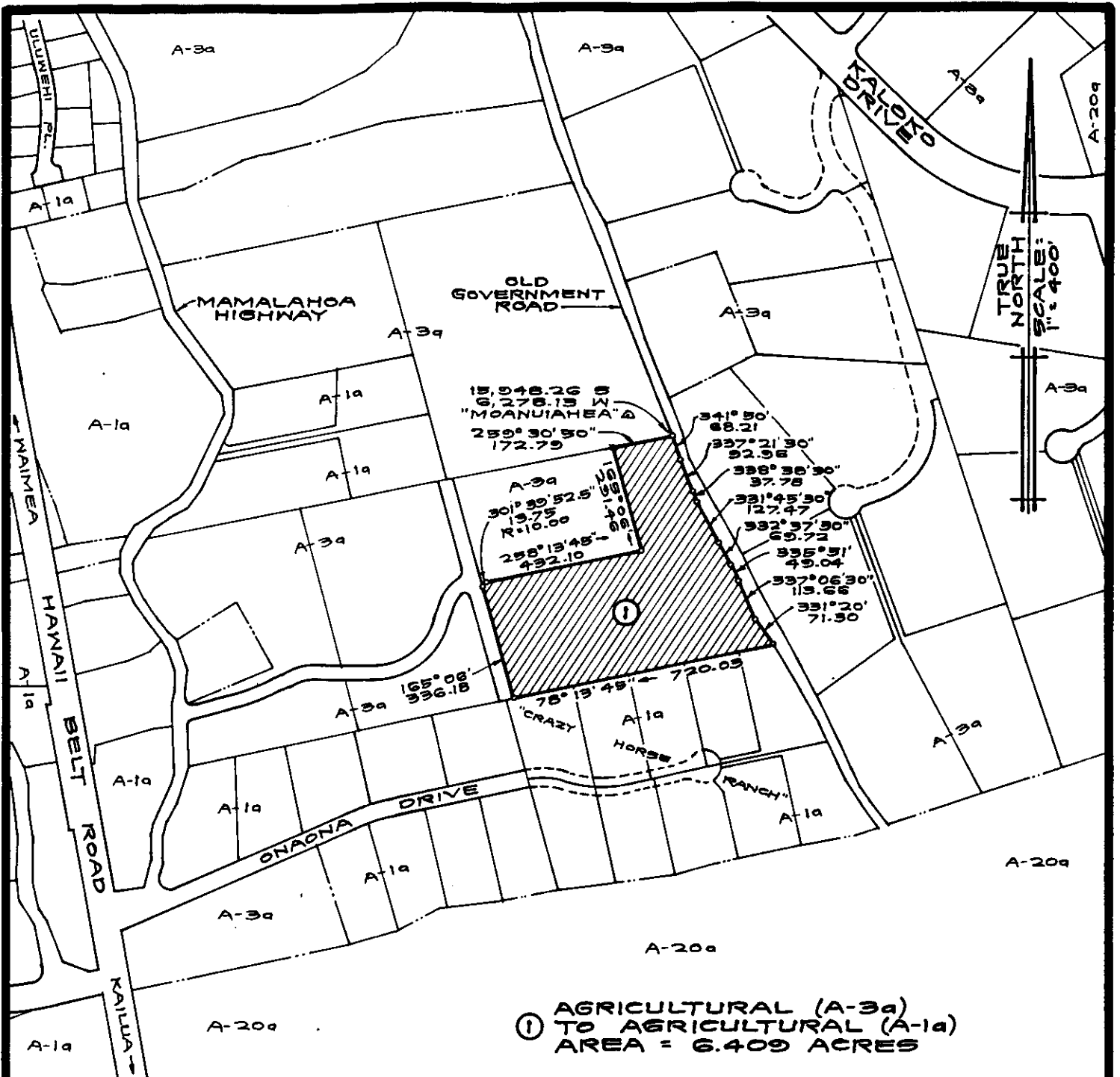
Hilo, Hawaii

Date of Introduction: October 18, 1995  
Date of 1st Reading: October 18, 1995  
Date of 2nd Reading: November 1, 1995  
Effective Date: November 9, 1995

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL

DATE: 11/3/95



# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO AGRICULTURAL (A-1a) AT KALOKO, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 7-3-08 : 106 AND 107

JAN. 31, 1995

EXHIBIT "A"

(WALLACE K. TIRRELL AND HENRY K. BOSCHARD)

C-362

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 3)

Introduced By: Takashi Domingo  
Date Introduced: October 18, 1995  
First Reading: October 18, 1995  
Published: October 26, 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

Second Reading: November 1, 1995  
To Mayor: November 2, 1995  
Returned: November 9, 1995  
Effective: November 9, 1995  
Published: November 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.

B. J. R. L.  
COUNCIL CHAIRMAN  
Barbara Bell  
COUNTY CLERK

Approved/Disapproved this 9 day  
of November, 1995.

Atul G. Gopal  
MAYOR, COUNTY OF HAWAII

Bill No.: Bill 84 (Draft 3)  
Reference: C-369/PC-80  
Ord. No.: 95 127