

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 175

ORDINANCE NO. 96 4

AN ORDINANCE AMENDING SECTION 25-95B (UPOLU PT. - KAAUHUU HMSTDS. 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 KAAUHUU, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-5-1:19.

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

SECTION 1. Section 25-95B, 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 Kaauhuhu, North Kohala, Hawaii, shall be Agricultural (A-3a):

Beginning at a pipe in concrete marked 571 at the north corner of this lot, on the Southeast boundary of Lot 7-A of Land Court Application 1122 and on the Southwest side of Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-NALE" being 2225.94 feet North and 4305.92 feet East, as shown on Government Survey Registered Map 2570, thence running by azimuths measured clockwise from true South:

- 1. 319° 16' 702.40 feet along the Southwest side of 25.00 foot road;
- 2. 49° 16' 474.00 feet along Lot 30-C of Kaauhuhu Homesteads, First Series;
- 3. 139° 16' 699.92 feet along Grant 6234 to D.K. Keohokapu (Lot 31-F of Kaauhuhu Homesteads, First Series);

4. 228° 58' 474.01 feet along Lot 7-A of Land Court
Application 1122 to the point of beginning
and containing an area of 7.63 acres, more or
less.

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 applicants, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The applicants, successors or assigns shall be responsible for complying with all requirements of Chapter 205, Hawaii Revised Statutes, relating to permissible uses within the State Land Use Agricultural District.
- C. Final Subdivision Approval of the proposed subdivision development shall be secured within five (5) years from the effective date of this change of zone ordinance. Plans should reflect a 10-foot wide future road-widening strip fronting the subject property.
- D. The applicant shall dedicate a 10-foot wide future road-widening strip fronting the subject property, beyond the existing 30-foot right-of-way, to the County of Hawaii in accordance with the Department of Public Works.
- E. The pavement width of Kainoa Road fronting the subject property be widened to 20 feet, with 5-foot grassed shoulders, for the entire frontage of the subject property prior to securing Final Subdivision Approval.

- F. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the easements of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- G. 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 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 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).
- H. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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 15, 1995
Date of 1st Reading: December 15, 1995
Date of 2nd Reading: January 3, 1996
Effective Date: January 12, 1996

REFERENCE: Comm. 821

APPROVED AS TO FORM AND LEGALITY


DEPUTY CORPORATION COUNSEL

DATED: 1/5/96

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

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RECEIVED

OFFICE OF COUNTY CLERK
COUNTY OF HAWAII

Introduced By: Takashi Domingo
Date Introduced: December 15, 1995
First Reading: December 15, 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			
	8	0	1	0

Second Reading: January 3, 1996
To Mayor: January 4, 1996
Returned: January 12, 1996
Effective: January 12, 1996
Published: January 24, 1996

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			
	9	0	0	0

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


COUNCIL CHAIRMAN


COUNTY CLERK

Approved/Disapproved this 12 day
of January, 19 96.


MAYOR, COUNTY OF HAWAII

Bill No.: 175
Reference: C-821/PC-91
Ord. No.: 96 4