

## COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. **185**

AN ORDINANCE AMENDING SECTION 7.06, THE NORTH & SOUTH KOHALA DISTRICTS ZONE MAP, CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-5a) AT KAAUHUUHOMESTEADS, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-5-08:3.

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

SECTION 1. Section 7.06 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.06 (o). The district classification of the following area situated at Kaauhuhu Homesteads, North Kohala, Hawaii, shall be Agricultural (A-5a):

Beginning at a 1-1/2 inch pipe at the southeast corner of this lot and the northeast corner of Lot 79, the coordinates of said pipe referred to the Government Survey Trig. Station "PUU-O-NALE" being 15227.2 feet North and 4671.2 feet East, as shown on Government Survey Registered Map No. 2579, and running by true azimuths:

1. 90° 00' 1281.6 feet along Lot 79 to a 1-1/2 inch pipe;
2. 190° 30' 531.4 feet along Hoesa Road to a 1-1/2 inch pipe;
3. 270° 00' 1245.0 feet along Lot 81 to a 1-1/2 inch pipe;
4. 6° 35' 526.0 feet along Homestead Road to the point of beginning and containing an area of 15-15/100 Acres or thereabouts.

"All as outlined in red on the map attached hereto, marked Exhibit 'A' and by reference made a part hereof."

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that (A) the applicant, Gilbert McConnell, submit a subdivision plan and secure tentative approval within one (1) year from the date of adoption of the change of zone. The applicant shall also be responsible for securing final subdivision approval; (B) a minimum of fifty percent (50%) of the proposed 10-acre lot be put into agricultural production within five (5) years of receipt of final subdivision approval. Agricultural production is defined as active production of crops or livestock

for purposes of deriving income. Twenty-five percent (25%) of the individual(s)/firm(s) gross income must be derived from agricultural production from the use of this particular land. This condition shall apply to whomever holds title of the land. Prior to the five (5) year period, the applicant or whomever holds title to the land shall file a progress report to the Planning Department which will include, but not be limited to, the number of acres used for agricultural purposes, types of agricultural activities conducted, and income derived from agricultural production. Further, the applicant will include in his deed for the proposed 10-acre lot, the following clause of conveyance: "AND the grantees for themselves, their heirs, administrators, and assigns, do hereby covenant with the grantor that the above described premise will be put into agricultural production within five (5) years. Such agricultural use will consist of a minimum of fifty percent (50%) of the above described lot, and that twenty-five percent (25%) of the individual(s)/firm(s) gross income will be derived from the agricultural production of the above described lot." Such agreement shall be filed with the Bureau of Conveyance, the Office of the Corporation Counsel, and the Planning Department; and (C) that access to the proposed 10-acre lot shall be from Cambra Road. Should any of the foregoing conditions not be met, rezoning of the property to its original zoning designation may be initiated.

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:

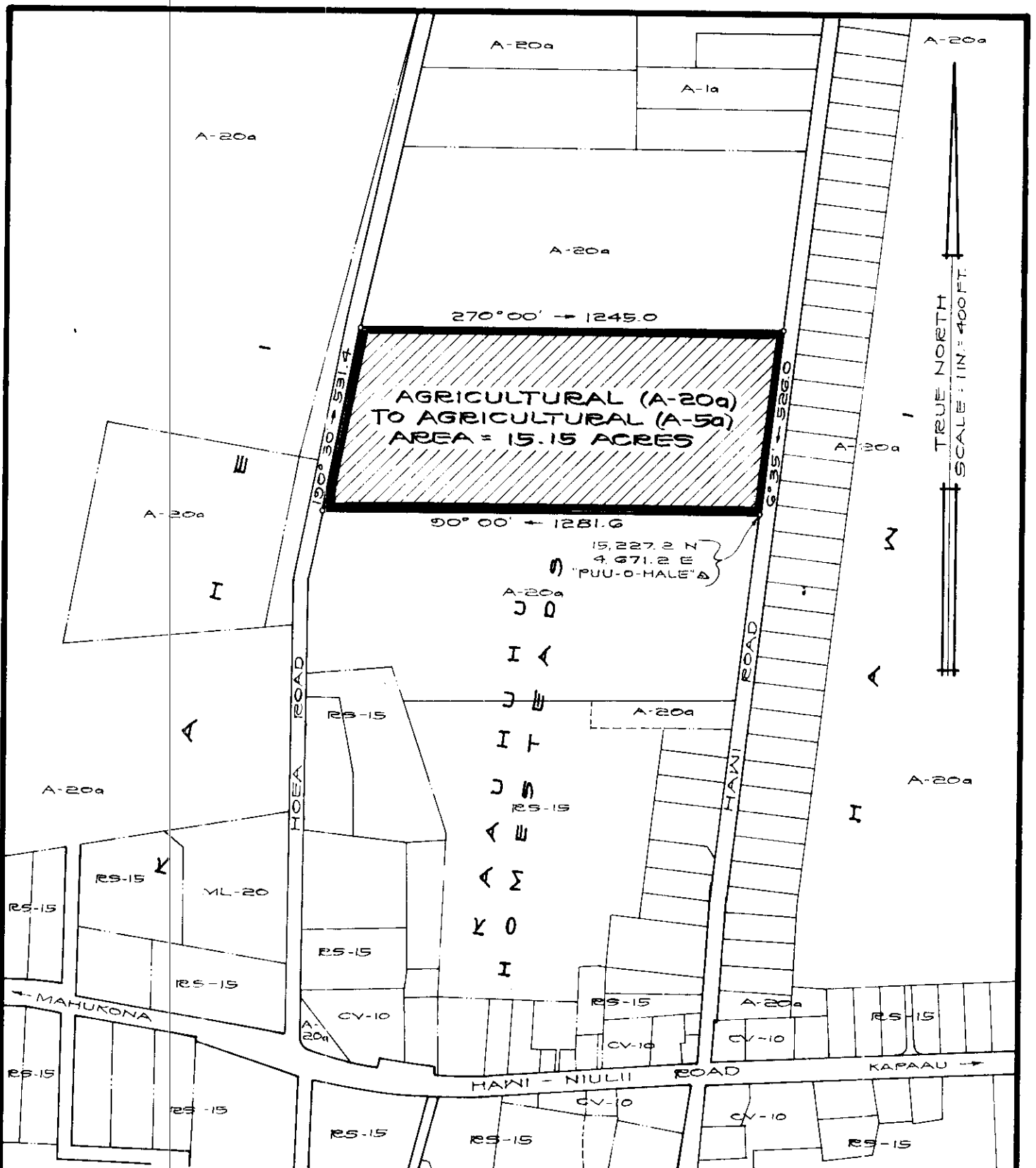
*Frank Le'ahi III*  
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: January 20, 1976

Date of Adoption: February 6, 1976

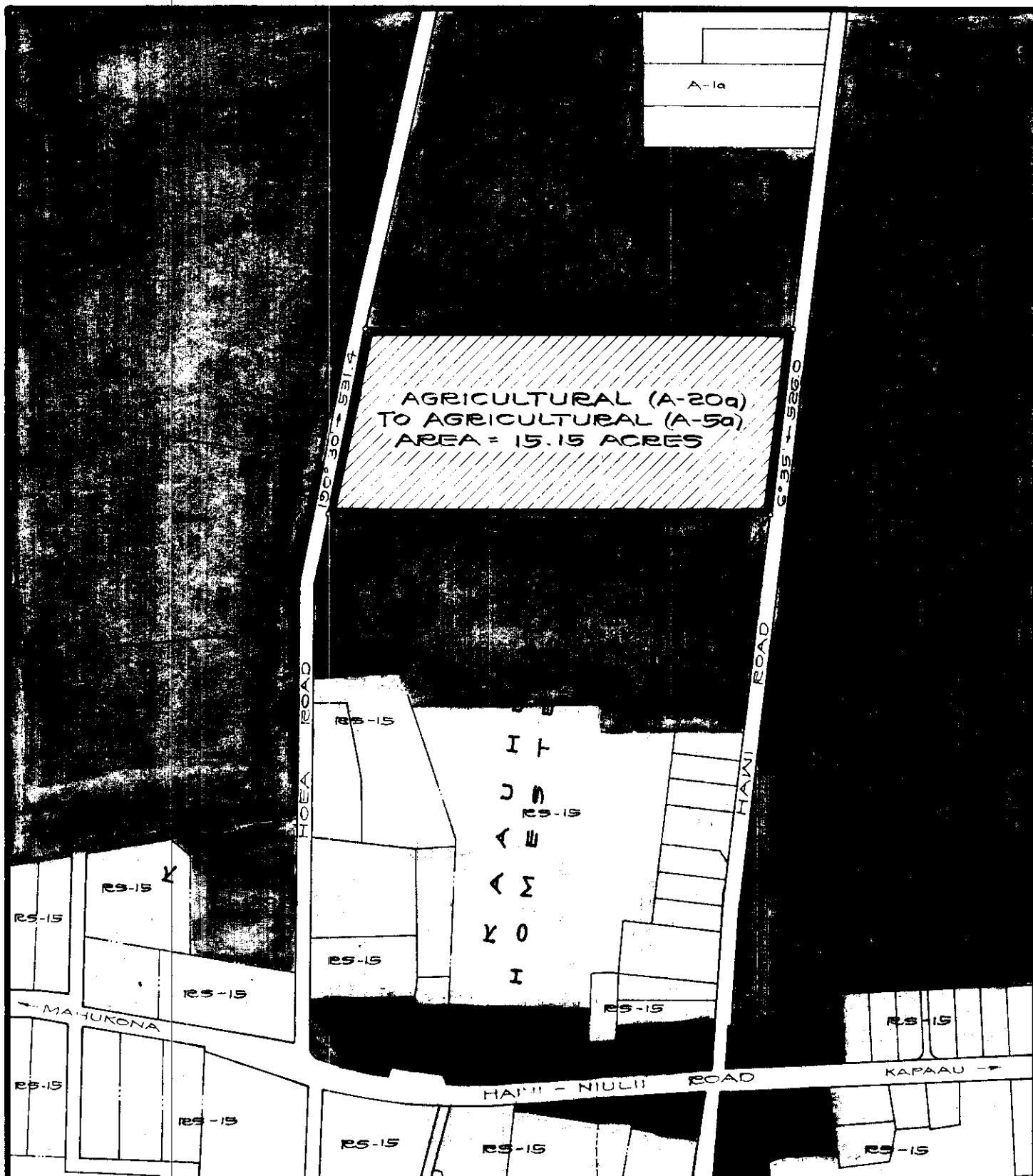
Effective Date: February 17, 1976



## AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 15 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.06, THE NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-5a) AT KAAUHUU HOMESTEADS, NORTH KOHALA, HAWAII.

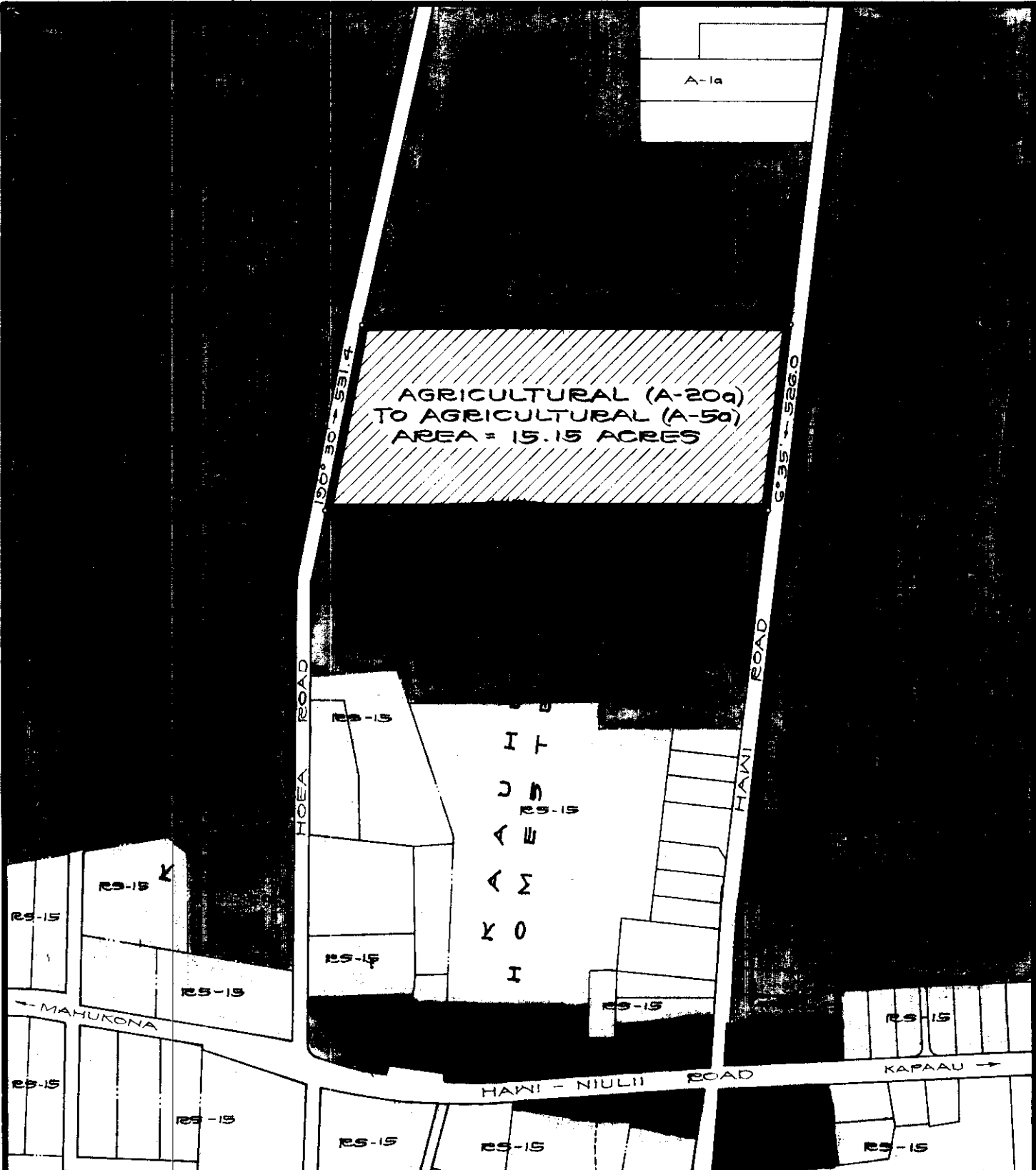
DATE OF PUBLIC HEARING : NOV. 6, 1975  
 DATE OF APPROVAL : FEB. 17, 1976  
 ORDINANCE NO. 185  
 PREPARED BY : PLANNING DEPARTMENT  
 COUNTY OF HAWAII



## AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 13 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.06, THE NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-5a) AT KAAHUHU HOMESTEADS, NORTH KOHALA, HAWAII.

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 COUNTY OF HAWAII

CHANGE OF ZONE: GILBERT C. McCONNELL

An application has been filed by Gilbert C. McConnell for a change of zone for 15.15 acres of land from an Agricultural 20-acre (A-20a) to <sup>an</sup> Agricultural 5-acre (A-5a) zoned district. This parcel is located between Cambra and Hoesa Roads, approximately 1600 feet makai of the Hawi-Niulii Road in Kaauhuhu Homesteads, North Kohala (TMK: 5-5-08:03).

Originally, the applicant intended to subdivide the area into three (3) 5-acre sized lots. However, per verbal discussion with the staff on October 20, 1975, he stated that the land will be subdivided into two (2) lots consisting of five (5) acres and ten (10) acres. The 5-acre lot will be kept for himself, while the 10-acre lot will be sold to an individual who plans to do truck farming and some swine raising. U p o n approval of the rezoning and subsequent subdivision approval, the transfer of the land will take place.

In support of his request, the applicant has stated the following reasons:

- "1) To provide reasonable income for my family to live on. I am disabled and not able to make use of all the land.
- "2) In 5-acre lots, it makes it within reach of small farmers at reasonable prices."

The General Plan Land Use pattern allocation guide map designates the area for low density urban development. This designation may allow single-family residential development at a density of no more than four (4) units per acre. The State

Land Use District designation is Agricultural.

Presently, most of the land is being used for pasture. There are three structures situated on the Cambra Road end of the parcel -- the applicant's dwelling, a storage shed, and a church. The Kingdom Hall Church was established in 1967. At that time, the State Land Use Commission's Rules and Regulations allowed churches within the State Land Use Agricultural District. It is situated on approximately 1/2 acre of the subject parcel.

The area in question is bounded by 15,000 square foot houselots on the opposite side of the Cambra Road. These are nonconforming sized lots created prior to the adoption of the Zoning Code. Two similar fifteen (15) acre lots are situated immediately adjacent of the property on two sides. On the Hoesa Road side, the parcel adjoins land leased by Kohala Corporation to Hawaii Biogenics, a project sponsored by the Kohala Task Force.

Cambra Road, the major access to the property, has a 40-foot right-of-way with a 23-foot pavement. Another access to the parcel is via Hoesa Road. This County-owned, gravel road (18 - 24 feet cleared) has a 30 to 40 foot right-of-way. There are no improvement plans for this road at the present time.

The Soil Conservation Service reported that the two soil types on the parcel are of Kohala silty clay and Rough Broken Land (Gulch). Kohala silty clay, the major soil type between the gulch and Cambra Road, has more than 40 inches of weathering basalt with an effective rooting depth of 60 inches. This area



has only a slight slope of 0 to 3 percent and has a slight erosion hazard. Annual rainfall of this area is generally 40 inches. The capability class of this soil is II. Class II soils have moderate limitations that reduce the choice of plants or require moderate conservation practices.

The gulch area along Hoesa Road is Rough Broken Land. This miscellaneous land type consists of very steep and precipitous lands that are broken by numerous intermittent drainage channels. This gulch has a slope of 35 to 70 percent with soil material varying from very shallow to deep. This landform and soil limit the agricultural land uses to pasture, woodland, and wildlife. The capability of this soil is VII. In the inventory and evaluation of the property, the Soil Conservation Service recommends that the gulch area be kept in a protective cover state, but some regulated pasturing can be done, as has been in the past.

According to the Department of Agriculture, "the Land Study Bureau soil rating is 'B115i' which is considered good soil for all ag crops."

All essential utilities are available, including a 6-inch waterline along Cambra Road. Fire hydrants are also provided and the Kohala Fire Station is located approximately three (3) miles away.

All other cooperating agencies had no comments or objections to the change of zone.

APPLICATION FOR CHANGE OF ZONE

COUNTY OF HAWAII

PLANNING DEPARTMENT

APPLICANT: Gilbert L. McConnell

APPLICANT'S SIGNATURE: Gilbert L. McConnell

ADDRESS: Box 209 Hana Hawaii

TELEPHONE: 889 5173

REQUEST FROM: H 20a TO: H 5a

TAX MAP KEY: 5-5-08-3 AREA OF PROPERTY: 15.15 acres  
(size of parcel)

OWNER: Gilbert L. McConnell

OWNER'S SIGNATURE: Gilbert L. McConnell

APPLICANT'S INTEREST, IF NOT OWNER: \_\_\_\_\_  
(If lessee, must be for at least another 5 years from date of application)

APPLICANT'S REASONS FOR REQUESTING A CHANGE OF ZONE (Please attach)

- 1) To provide reasonable income for my family to live on. I am disable, not able to make use of all the land.
- 2) In 5 acres lots it makes it with in reach of small farmers at reasonable price.

2. Please state any other reasons for your request.

THIS APPLICATION MUST BE ACCOMPANIED BY:

- (1) 16 copies of the completed application form.
- (2) 16 copies of a location map.
- (3) 16 copies of a site plan with existing and proposed uses (e.g., structures, topography, proposed subdivision).
- (4) 1 copy of appropriate questionnaire.
- (5) any additional information.
- (6) \$100.00 processing fee.

FOR OFFICIAL USE:

Date Received \_\_\_\_\_  
Director's Action \_\_\_\_\_  
Prelim. Hearing \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
To Council \_\_\_\_\_

P.D. 1 2/75

102

7712

100

Mountain Road

Camel Field

10 45E, 40TS

15.20 Acres  
FORM

15.15 acres

McCoy E & L

15.00

KITA

1000  
LOTS

House  
Lot

Road Plat

Empire

House

S

L

110 W S E

110 W S E

Mountain Road

110 W S E

110 W S E

110 W S E

SITE PLAN

1750

Amherst Road

Part of 50' x 100'

50' x 100'



50'

50'

50'

50'

1750'

1750'

1750'

HOME ROAD

Hilo, Hawaii  
Date: January 20, 1976

FIRST READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin		X	
Yadao	X		
Yamada	X		
	8	1	

Publication Date: Jan. 23, 1976

Hilo, Hawaii  
Date: February 6, 1976

SECOND & FINAL READING			
	AYES	NOES	A/E
Carpenter			X
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin		X	
Yadao	X		
Yamada	X		
	7	1	1

Publication Date: Feb 23 1976

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.

*[Signature]*

*Robert M. Yamada*  
Council Chairman

*Ted F. Suzuki*  
County Clerk

Approved/Disapproved this 14<sup>th</sup> day of February, 1976

*Hubert Matsuyoshi*  
Mayor, County of Hawaii

Bill No. 196  
Reference: C-1665/PRDLC-66  
MrB. No. 1841 1841  
Ord. No. 185

Bill No. 196 - 1976

AN ORDINANCE AMENDING SECTION 7.06, THE NORTH & SOUTH KOHALA DISTRICTS ZONE MAP, CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-5a) AT KAAUHUHU HOMESTEADS, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-5-08:3.

This Bill amends The North & South Kohala Districts Zone Map of the Zoning Code.

Date Introduced: January 20, 1976

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

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I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on January 20, 1976, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: Councilman Levin - 1.



COUNTY CLERK  
COUNTY OF HAWAII

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NOES: Councilman Levin-1.

Ted. Suzuki  
COUNTY CLERK.  
COUNTY OF HAWAII

ORDINANCE NO. 185  
(Bill No. 196-1976)

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Date Approved: February 6, 1976  
Date Effective: February 17, 1976

Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

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I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on February 6, 1976, by the following aye and no vote:

- AYES: Councilmen De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 7.
- NOES: Councilman Levin - 1.
- ABSENT AND EXCUSED: Councilman Carpenter - 1.



COUNTY CLERK  
COUNTY OF HAWAII

**RECEIVED**  
COUNTY CLERK  
COUNTY OF HAWAII  
FEB 23 1976

ORDINANCE NO. 185  
(BILL NO. 196-1976)  
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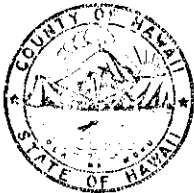
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AYES: Councilmen De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 7.  
NOES: Councilman Levin - 1.  
ABSENT AND EXCUSED: Councilman Carpenter - 1.

TED J. SUZUKI  
COUNTY CLERK  
COUNTY OF HAWAII

Ord. - Hawaii Tribune Herald  
Feb. 23, 1976

Ted T. Suzuki  
COUNTY CLERK



Robert Shioji  
DEPUTY COUNTY CLERK

OFFICE OF THE COUNTY CLERK  
COUNTY OF HAWAII  
HILO, HAWAII 96720

Mayor Herbert T. Matayoshi  
County of Hawaii  
Hilo, Hawaii

I hereby transmit Ordinance Bill No. 196  
passed by the County Council on second and final  
reading.

*Ted T. Suzuki*  
COUNTY CLERK

Encl.

Dated: FEB 9 1976