

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 815

AN ORDINANCE AMENDING SECTION 7.06 (THE NORTH AND SOUTH KOHALA DISTRICT ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE 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 5-5-01:22.

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

SECTION 1. Section 7.06, Article 2, Chapter 8 (Zoning Code), of the Hawaii County Code, as amended, is further amended to add a new subsection, to read as follows:

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

Beginning at the South corner of this parcel of land on the Northwesterly side of Homestead Road, being also the East corner of Grant 13747 to Lui Kainoa, the coordinates of which referred to Government Survey Triangulation Station "PUU O NALE" being 1,478.80 feet North and 5,646.40 feet East and running by azimuths measured clockwise from True South:

1. 139° 08' 30" 1,437.20 feet along Grant 13747 to Lui Kainoa and Grant 9127 to Rose Martins;
2. 229° 02' 498.80 feet along Grant 4817 to Manuel Assencao;
3. 139° 16' 1,005.20 feet along Grant 4817 to Manuel Assencao;
4. 228° 00' 224.90 feet along the Southeasterly side of Government Road;
5. 252° 50' 230.00 feet along the Southeasterly side of Government Road;
6. 198° 00' 75.00 feet along the Southeasterly side of Government Road;
7. 319° 17' 962.80 feet along Grant 4818 to Peter R. Nelson;
8. 319° 02' 640.10 feet along Land Court Application 1788;

9.	326 <sup>0</sup>	37'	137.20 feet along the Westerly side of Homestead Road;
10.	340 <sup>0</sup>	19'	137.80 feet along the Westerly side of Homestead Road;
11.	52 <sup>0</sup>	38'	101.70 feet along the Westerly side of Homestead Road;
12.	10 <sup>0</sup>	10'	202.80 feet along the Westerly side of Homestead Road;
13.	3 <sup>0</sup>	20'	172.20 feet along the Westerly side of Homestead Road;
14.	66 <sup>0</sup>	10'	63.60 feet along the Westerly side of Homestead Road;
15.	32 <sup>0</sup>	49'	108.30 feet along the Westerly side of Homestead Road;
16.	349 <sup>0</sup>	18'	218.00 feet along the Westerly side of Homestead Road;
17.	2 <sup>0</sup>	18'	160.10 feet along the Westerly side of Homestead Road;
18.	60 <sup>0</sup>	54'	172.70 feet along the Northwestern side of Homestead Road to the point of beginning and containing an area of 37.86 acres.

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

This subsection is conditioned upon the following:

(A) that the petitioner or its authorized representative shall be responsible for complying with all of the stated conditions of approval; (B) that [subdivision plans shall be submitted and tentative approval secured within one (1) year from the effective date of this ordinance. Final subdivision approval shall be secured within one (1) year thereafter; (C) that within three (3) years from the effective date of this ordinance, a minimum of ninety (90) percent of each parcel shall be utilized for substantial agricultural activity.] the property shall be zoned on an incremental basis. Each increment shall not exceed eighteen (18) contiguous

acres of land area or 50% of the total land area of the property, whichever is greater; (C) that the zoning of the successive increment(s) shall become effective upon subdivision of the previous increment and [it shall be demonstrated to the satisfaction of the Planning Director that substantial] agricultural activity [is] being conducted on at least [90%] [25%] 75% of [each] the lots in the preceding increment. For the purpose of this condition "agriculture" shall be defined as the cultivations 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] appropriate (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 Planning Department and Bureau of Conveyances. [The execution of a Farm Dwelling Agreement may also suffice in lieu of the above requirements]; (D) that tentative [approval of] subdivision plans shall be [secured] submitted within two (2) years from the effective date of this ordinance and final subdivision [approval] plans be [secured] submitted within one (1) year thereafter. Tentative subdivision [approval] plans of successive increment(s) be [secured] submitted within one (1) year from the effective date of the zoning for that increment. Final subdivision [approval] plans shall be [secured] submitted within two (2) years thereafter; (E) [(D)]


that a drainage system [in accordance with the standards] meeting with the approval of the Department of Public Works shall be installed; and (F) [(E)] that all other applicable rules, regulations and requirements, including those of the Department of Water Supply, shall be complied with. Should any of the foregoing conditions not be met, the Planning Director may initiate the rezoning of the property to its original or more appropriate zoning designation."

SECTION 2. Material to be repealed is bracketed. New material is underscored and italicized. In printing this ordinance, the brackets, bracketed material, the underscoring and italicized need not be included.

SECTION [2]. 3 In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

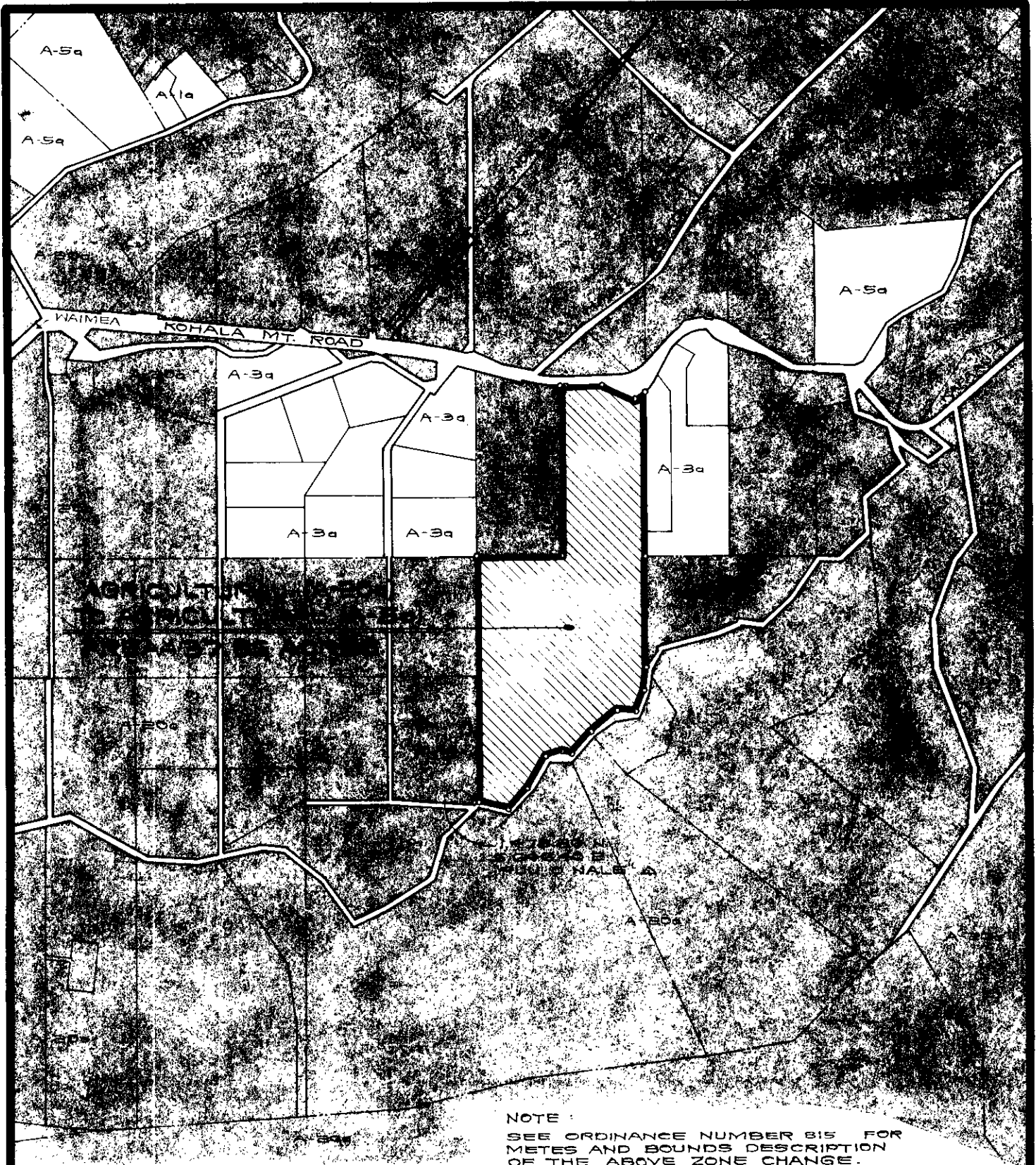
SECTION [3]. 4 This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: August 4, 1982  
Date of Adoption: August 17, 1982  
Effective Date: August 24, 1982



NOTE :  
 SEE ORDINANCE NUMBER 815 FOR  
 METES AND BOUNDS DESCRIPTION  
 OF THE ABOVE ZONE CHANGE.

## AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 23 TO SECTION 7.06 (THE NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-5a) AT KAAUHUHU HOMESTEADS, NORTH KOHALA, HAWAII.

DATE OF PUBLIC HEARING : JUNE 2, 1982  
 EFFECTIVE DATE : AUG. 24, 1982  
 ORDINANCE NUMBER : 815  
 PREPARED BY : PLANNING DEPARTMENT  
 COUNTY OF HAWAII

TMK : 5-5-01 : 22

JUNE 29, 1982

EXHIBIT "A"

Hilo, Hawaii  
Date: August 4, 1982

FIRST READING			
	AYES	NOES	A/E
Dahlberg			
De Luz			
Domingo			
Fujii			
Hale			
Kawahara			
Lai			
Schutte			
Chr. Yamashiro			

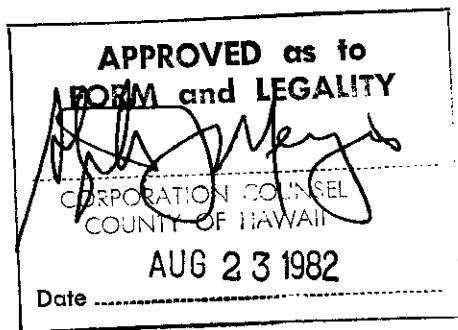
Publication Date: \_\_\_\_\_

Kona, Hawaii  
Date: August 17, 1982

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo	X		
Fujii	X		
Hale	X		
Kawahara	X		
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	9	0	0

Publication Date: AUG 31 1982

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



*Heh Kawanishi*  
Council Chairman

*Yasuko Arakawa*  
Dep. County Clerk

Approved, ~~Disapproved~~ this 24<sup>th</sup> day of

August, 1982.

*Paula M. Lujan*  
Mayor, County of Hawaii

Bill No. 871 **AMENDED** (REVISED II)  
Reference: C-894/PC-133  
M.B. No. \_\_\_\_\_  
Ord. No. 815