

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 83 40

AN ORDINANCE AMENDING SECTION 25-91 (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-5a) AT KAHEI, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-5-07:PORTION OF 10.

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

SECTION 1. Section 25-91, 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 Kahei, North Kohala, Hawaii, shall be

Agricultural (A-5a):

Beginning at the Southeast corner of this parcel of land on the West side of Government Land adjoining Hoesa Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHEI" being 1,514.75 feet North and 1,239.56 feet East and running by azimuths measured clockwise from True South:

1. 92° 10' 1,434.31 feet along the remainder of Lot 120 of Land Court Application 1120 and the remainder of Grant 2495 to Kahulanui and Makeanawa;
2. 178° 40' 1,605.47 feet along Lot 121 of Land Court Application 1120 and Government Land;
3. 272° 10' 1,759.05 feet along the remainder of Grant 2495 to Kahulanui and Makeanawa and the remainder of Lot 120 of Land Court Application 1120;

4. Thence along the remainder of Lot 120 of Land Court Application 1120 on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:

230°	34'	39.84 feet;
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5. 8° 58' 940.98 feet along Hoesa Road and Government Land adjoining Hoesa Road;
6. 13° 58' 709.56 feet along Government Land adjoining Hoesa Road to the point of beginning and containing an area of 59.881 Acres.

All as outlined in red 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 petitioner, successors or its assigns shall be responsible for complying with all of the stated conditions of approval; (B) the rezoning of the property shall be on an incremental basis. The first increment shall consist of six lots encompassing 35 ± contiguous acres. The second increment shall consist of the remaining area. The zoning of the second increment shall become effective upon final subdivision approval for the first increment and the development of agricultural activity, as determined by the Planning Director, on each of the lots within the first increment. As used herein, "agricultural activity" means 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 to have been developed (1) if such activity is utilizing a minimum of 50


percent of the usable land area of the affected property(ies); or (2) if it provides a major source of income to the person(s) who are farming the property; or (3) if a level of production, greater than or equal to that which could be achieved on 50 percent of the usable land area, is achieved on a smaller area through alternative production technology; (C) subdivision plans for each increment shall be submitted within one year from the effective date of the change of zone for that increment. Final subdivision plans for each increment shall be submitted within one year from the effective date of tentative subdivision approval for that increment; (D) agricultural water, in the amount of 137,500 gallons per day, shall be available to the subject property, of which a minimum of 68,000 gallons per day shall be allocated to the first zoning increment; provided, however, that this condition may be satisfied, by the submittal of a program to provide agricultural water for each zoning increment. Such a program shall be developed and implemented by the petitioner or its authorized representative, meeting with the approval of the Planning Director. In determining the adequacy and acceptability of the agricultural water program, the Planning Director shall use as a guide the petitioner's agricultural program and resultant projected agricultural water demand. Said program shall be implemented prior to issuance of final subdivision approval of any zoning increment; (E) the petitioner shall submit a surface drainage and soil protection plan to the Soil Conservation Service for their review and comments. Any comments provided by the Soil Conservation Service shall be submitted along with the plan

to the Planning Department simultaneously with the subdivision application for both increments. Final subdivision approval for both increments shall be conditioned on the implementation of a surface drainage and soil protection plan meeting with the approval of the Department of Public Works; (F) restrictive deed covenants for each lot shall be submitted to the Planning Department for review and approval prior to its submittal to the Bureau of Conveyances for recordation with final subdivision plat maps. The covenants shall require agricultural activity to be developed on each of the lots as previously defined in condition B. The restrictive covenants contained herein shall run with the land and shall be incorporated into any deed, lease, agreement of sale, mortgage, or other instrument of conveyance executed for the subject property(ies); (G) the accesses of the proposed lots from Hoesa Road shall meet with the approval of the Department of Public Works; (H) the requirements of the Department of Water Supply shall be complied with; and (I) all other County and State rules, regulations, and requirements shall be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate 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:

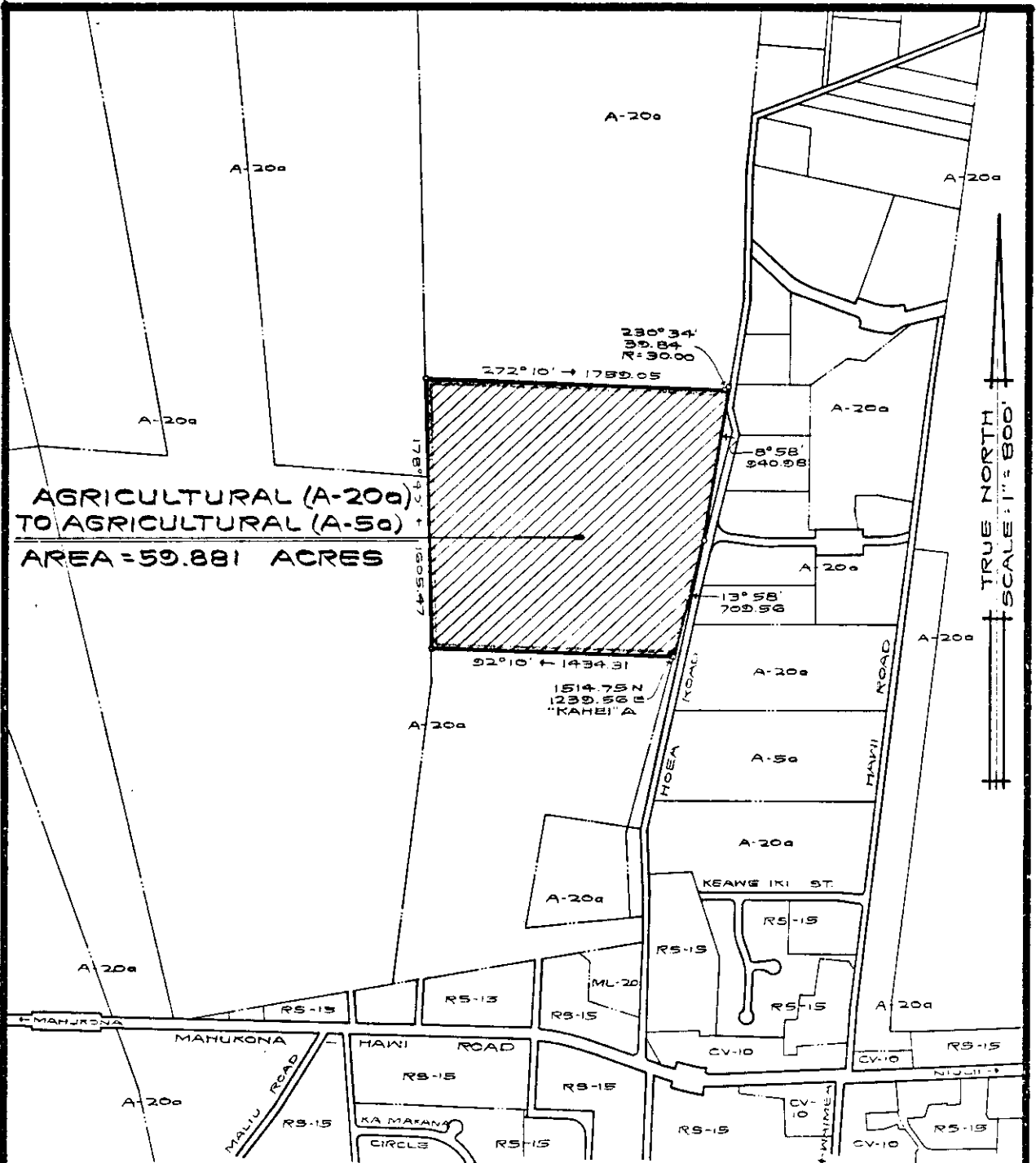

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 5, 1983

Date of Adoption: October 19, 1983

Effective Date: October 26, 1983



AGRICULTURAL (A-20a)
TO AGRICULTURAL (A-5a)
AREA = 59.881 ACRES

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-91 (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-5a) AT KAHEI, NORTH KOHALA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII