

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 867

AN ORDINANCE AMENDING 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-3a) AT KAAUHUUHOMESTEADS, 2ND SERIES, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-5-02:10.

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 (z). The district classification of the following area situated at Kaauhuhu Homesteads, 2nd Series, North Kohala, Hawaii, shall be Agricultural (A-3a):

Beginning at the Northeast corner of this parcel of land, on the Westerly side of Hawi Road, being also the Southeast corner of Grant 9916 to John Medeiros, the coordinates of which referred to Government Survey Triangulation Station "PUU O NALE" being 7,506.60 feet North and 4,550.85 feet East and running by azimuths measured clockwise from True South:

1. 358° 54' 35.00 feet along the Westerly side of Hawi Road;
2. 6° 05' 419.97 feet along the Westerly side of Hawi Road;
3. 90° 00' 149.98 feet along remainder of Grant 11,241 to (Mrs.) Violet Gomes Moniz;
4. 0° 30' 186.82 feet along remainder of Grant 11,241 to (Mrs.) Violet Gomes Moniz;
5. 270° 00' 131.70 feet along remainder of Grant 11,241 to (Mrs.) Violet Gomes Moniz;
6. 6° 05' 282.17 feet along the Westerly side of Hawi Road;

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| 7. | 90° 00' | 292.05 feet along remainder of Grant 11,241 to (Mrs.) Violet Gomes Moniz; |
| 8. | 6° 05' | 150.00 feet along remainder of Grant 11,241 to (Mrs.) Violet Gomes Moniz; |
| 9. | 90° 00' | 814.81 feet along Grant 8425 to J. Neves, Jr.; |
| 10. | 180° 06' | 255.16 feet along remainder of Grant 11,241 to (Mrs.) Violet Gomes Moniz; |
| 11. | 195° 33' | 302.71 feet along remainder of Grant 11,241 to (Mrs.) Violet Gomes Moniz; |
| 12. | 215° 00' | 214.92 feet along remainder of Grant 11,241 to (Mrs.) Violet Gomes Moniz; |
| 13. | 191° 37' | 134.77 feet along remainder of Grant 11,241 to (Mrs.) Violet Gomes Moniz; |
| 14. | 226° 27' | 91.67 feet along remainder of Grant 11,241 to (Mrs.) Violet Gomes Moniz; |
| 15. | 235° 00' | 263.50 feet along remainder of Grant 11,241 to (Mrs.) Violet Gomes Moniz; |
| 16. | 270° 00' | 299.98 feet along Grant 9916 to John Medeiros; |
| 17. | 353° 49' | 40.23 feet along Kohala Ditch Right-of-Way; |
| 18. | 270° 00' | 112.92 feet along Kohala Ditch Right-of-Way; |
| 19. | 218° 06' | 50.83 feet along Kohala Ditch Right-of-Way; |
| 20. | 270° 00' | 253.51 feet along Grant 9916 to John Medeiros to the point of beginning and containing an area of 23.528 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 petitioners, successors, or assigns

shall be responsible for complying with all of the stated conditions of approval; (B) that appropriate agricultural activity be established on fifty percent (50%) of the lots within three (3) years from the date of the change of zone. For the purpose of this condition, "agriculture" shall be defined as 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 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 agricultural 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; or (4) if the property is purchased in whole or in part through an agricultural or farm loan obtained from a federal, state or private institution; (C) that subdivision plans shall be submitted within one (1) year from the effective date of this ordinance. Final subdivision approval plans shall be submitted within one (1) year from tentative subdivision approval; (D) that access(es) for the proposed subdivision shall meet with the approval of the State Department of Transportation,

Highways Division; and (E) that all other applicable rules, regulations and requirements shall be complied with. Should any of the foregoing conditions not be met, the rezoning of the subject property to its original or more appropriate zoning designation may be initiated."

SECTION 2. 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. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

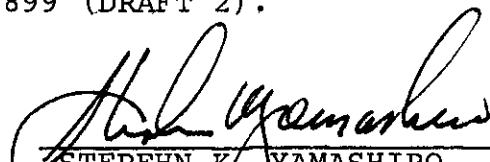
Hilo, Hawaii

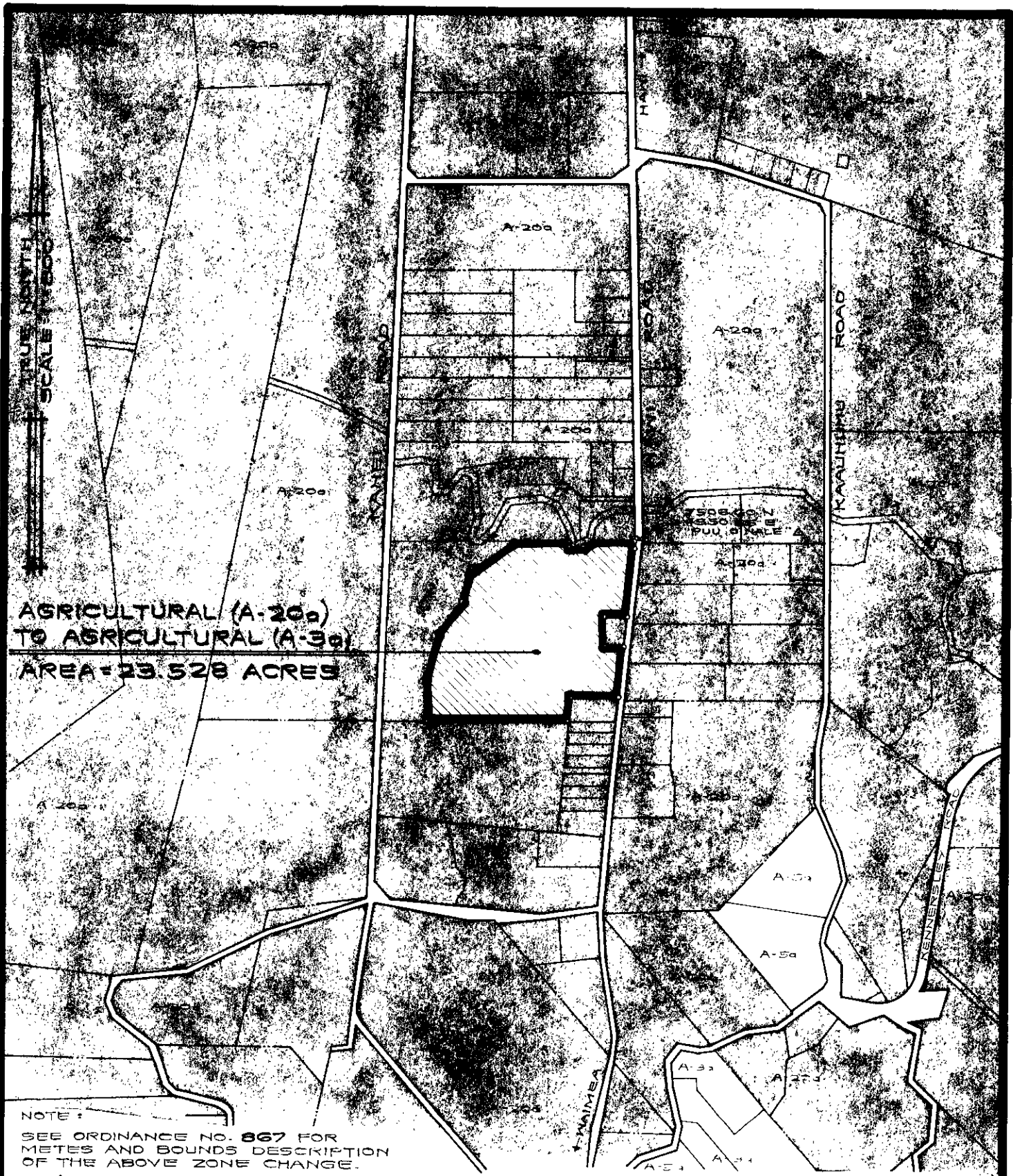
Date of Introduction: January 5, 1983

Date of Adoption: March 2, 1983

Effective Date: March 24, 1983

THIS WILL VERIFY THAT TWO-THIRDS OF THE MEMBERSHIP OF THE HAWAII COUNTY COUNCIL VOTED TO OVERRIDE THE MAYOR'S VETO ON BILL NO. 899 (DRAFT 2).


STEPEHN K. YAMASHIRO
COUNCIL CHAIRMAN



AGRICULTURAL (A-20a)
 TO AGRICULTURAL (A-3a)
 AREA = 23.528 ACRES

NOTE:
 SEE ORDINANCE NO. 867 FOR
 METES AND BOUNDS DESCRIPTION
 OF THE ABOVE ZONE CHANGE.

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 26 TO SECTION 706 (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-3a) AT KAAUHUUHOMESTEADS, 2ND SERIES, NORTH KOHALA, HAWAII.

DATE OF PUBLIC HEARING : JUNE 2 AND JULY 14, 1982
 EFFECTIVE DATE : MARCH 24, 1983
 ORDINANCE NUMBER : 867
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK : 5-5-02 : 10

OCT. 29, 1982

EXHIBIT "A"

I HEREBY CERTIFY that Ordinance Bill 899, Draft 2, passed upon reconsideration after veto, pursuant to Section 3-13, County Charter, County of Hawaii at the meeting of the County Council on March 24, 1983, by the following aye and no vote:

AYES: Councilmen Dahlberg, De Luz, Fujii, Hale, Kawahara, Lai, Schutte and Chairman Yamashiro - 8.

NOES: None.

ABSENT AND EXCUSED: Councilman Domingo - 1.


COUNCIL CHAIRMAN


COUNTY CLERK

Publication Date: April 8, 1983

Hilo, Hawaii
Date: January 5, 1983

FIRST 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		
	8	0	1

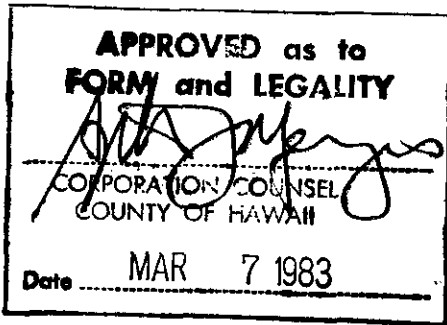
Hilo, Hawaii
Date: March 2, 1983

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		
	7	0	2

Publication Date: _____

Publication Date: _____

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



[Signature]
Council Chairman

[Signature]
County Clerk

Approved/Disapproved this 11th day of March, 1983.

[Signature]
Mayor, County of Hawaii

Bill No. 899
Reference: C-1002/PC-167
M.B. No. _____
Ord. No. _____