

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 889

AN ORDINANCE AMENDING SECTION 7.09 (THE KAMUELA ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO AGRICULTURAL (A-5a) AT PUUKAPU HOMESTEADS, 2ND SERIES, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-4-17:23.

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

SECTION 1. SECTION 7.09, 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:

"7.09 (r). The district classification of the following area situated at Puukapu Homesteads, 2nd Series, South Kohala, Hawaii, shall be Agricultural (A-5a):

Beginning at the Southeast corner of this parcel of land on the Northerly side of Mamalahoa Highway, being also the Southwest corner of Grant 9922 to Peter Bell, Jr., the coordinates of which referred to Government Survey Triangulation Station "EAST BASE" being 7,074.70 feet North and 3,286.00 feet East and running by azimuths measured clockwise from True South:

1. 73° 50' 600.50 feet along the Northerly side of Mamalahoa Highway;
2. 166° 10' 2,295.78 feet along Grant 8124 to Annie K. Ahuna;
3. 294° 59' 770.06 feet along the Southerly side of Upper Hamakua Ditch Right-of-way;
4. 346° 10' 1,788.63 feet along Grant 9922 to Peter Bell, Jr. to the point of beginning and containing an area of 28.1294 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) the petitioner, successors or its assigns shall be responsible for complying with all of the stated conditions of approval; (B) the area be zoned in two increments. The first increment shall consist of a maximum of seventeen contiguous acres, and the second, the remaining area; (C) rezoning of the second increment shall only become effective upon subdivision of the previous increment and upon the establishment of appropriate agricultural activity, as determined by the Planning Department who shall forward the basis of said determination to the Council on each of the lots within the first increment. 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 intensively utilizing a minimum of fifty 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) utilizing on the property; or (3) if a level of production, greater than or equal to that which could be achieved on fifty percent of the usable land area, is achieved on a smaller area through alternative production technology; (D) subdivision plans for the first increment shall be submitted within one year from the effective date of this ordinance. Final subdivision plans for the first increment shall be submitted within one year from the effective date of

tentative subdivision approval;(E) subdivision plans for the second increment shall be submitted within one year from the effective date of the zoning for that increment. Final subdivision plans for the second increment shall be submitted within one year from the effective date of tentative subdivision approval; (F) access(es) for the proposed subdivision shall meet with the approval of the Chief Engineer; (G) a drainage improvement plan, meeting with the approval of the Chief Engineer, shall be developed; (H) restrictive deed covenants for each lot shall be recorded with the Bureau of Conveyances together with any recordation of final subdivision plat maps. The covenants shall include a mandatory agricultural use provision for each lot as previously defined in Condition C. The covenants shall require all dwellings to meet the definition of farm dwelling below. Furthermore the covenant shall restrict the area devoted to all dwellings to a maximum of one-half acre per lot. "Farm dwelling" as used herein means a single-family dwelling located on and in connection with a farm or where agricultural activity provides income to the family occupying the dwelling. The remaining portion of the lot shall be used for agricultural purposes only. 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); and (I) all other applicable rules, regulations and requirements shall be complied with. Should any of the forgoing conditions not be met, rezoning of the area to its original or more appropriate 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

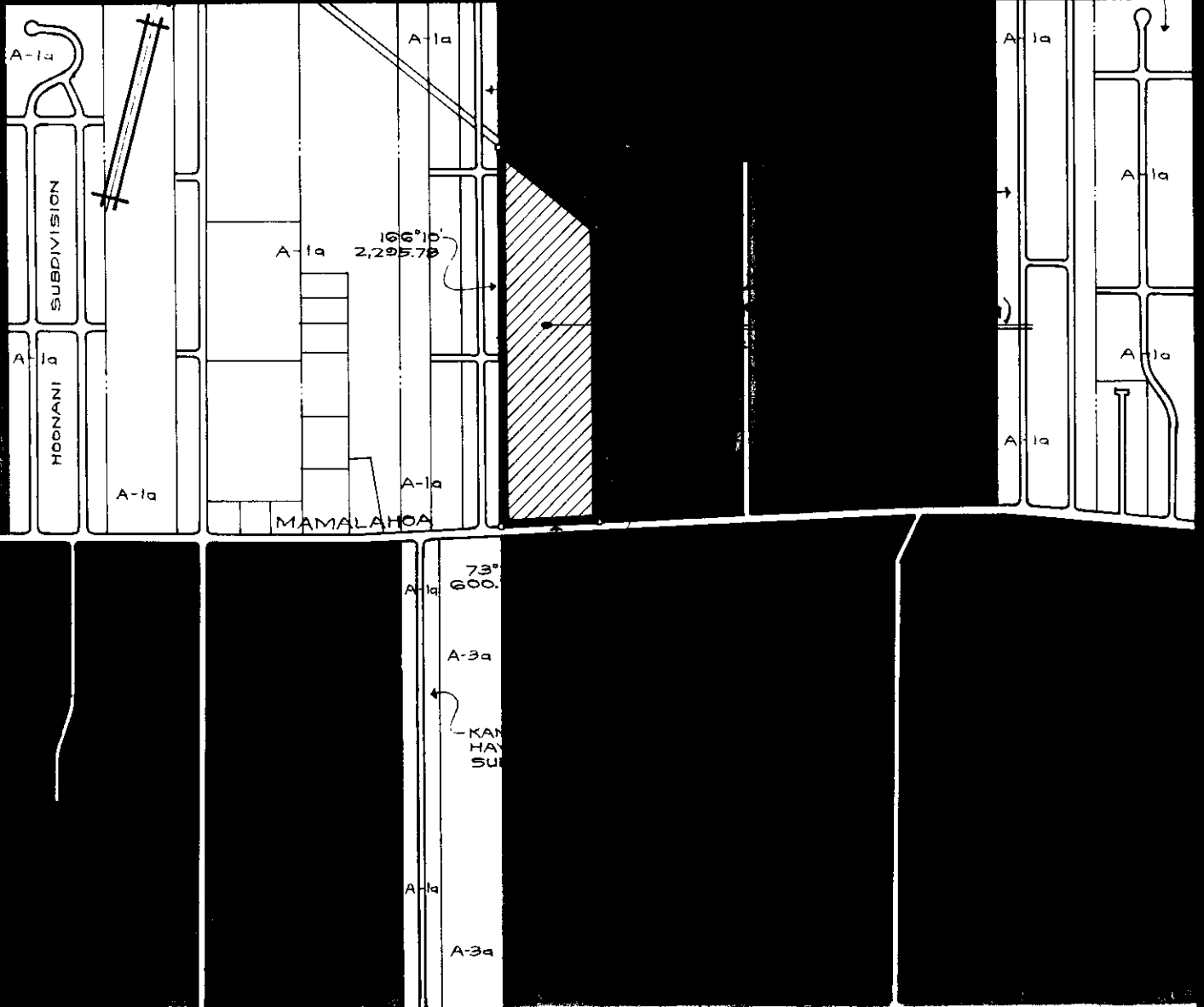
Hilo, Hawaii

Date of Introduction: May 18, 1983

Date of Adoption: June 8, 1983

Effective Date: June 21, 1983

KOHALA FOREST RESERVE



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 18 TO SECTION 7.09 (THE KAMUELA ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO AGRICULTURAL (A-5a) AT PUKAPU HOMESTEADS, 2ND SERIES, SOUTH KOHALA, HAWAII.

DATE OF PUBLIC HEARING: JAN. 25, 1983 & MARCH 2, 1983
EFFECTIVE DATE: JUNE 21, 1983
ORDINANCE NUMBER: 889
PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

REVISED:
MARCH 15, 1983
JAN. 11, 1983

TMK: 6-4-17: 23

EXHIBIT "A"

Hilo, Hawaii

Date: May 18, 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		
	9	0	0

Publication Date: _____

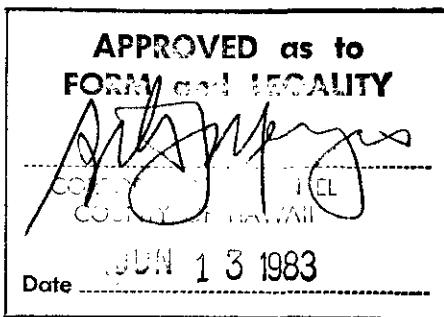
Hilo, Hawaii

Date: June 8, 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		
	9	0	0

Publication Date: JUL 1 1983

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 21st day of June, 19 83.

[Signature]
Mayor, County of Hawaii

Bill No. 949 (DRAFT 2)

Reference: C-1155/PC-224

M.B. No. _____

Ord. No. 889