

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 893

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 6-4-03:24 & 98.

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 new subsections, to read as follows:

"7.09 (s-1). The district classification of the following area situated at Puukapu Homesteads, 2nd Series, South Kohala, Hawaii, shall be Agricultural (A-5a):

Beginning at the Northwest corner of this parcel of land, being also the Northeast corner of Lot 89 of "Pleasant Acres Subdivision" (File Plan 886), the coordinates of which referred to Government Survey Triangulation Station "WAIMEA EAST BASE" being 11,006.56 feet North and 6,019.90 feet East and running by azimuths measured clockwise from True South:

1. 256° 10' 81.96 feet along Hawaiian Home Land;
2. 307° 57' 1,031.00 feet along the Southwesterly side of 20-Ft. Wide Roadway;
3. 346° 10' 1,085.00 feet along the Westerly side of 20-Ft. Wide Roadway;
4. 80° 15' 721.07 feet along remainder of Grant 7981 to Leone Naiheauhau;
5. 166° 09' 1,843.68 feet along the Easterly Boundary of "Pleasant Acres Subdivision" (File Plan 886) to the point of beginning and containing an area of 24.947 Acres.

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

Beginning at the Southwest corner of this parcel of land, on the Northerly side of Mamalahoa Highway, the coordinates of which referred to Government Survey Triangulation Station "WAIMEA EAST BASE" being 8,089.33 feet North and 7,500.11 feet East and running by azimuths measured clockwise from True South:

1. 166° 10' 2,383.43 feet along the Easterly side of 20-Ft. Wide Roadway;
2. 307° 57' 1,512.60 feet along the Land of Waikoekoe, Hamakua, along L. C. Aw. 8559-B, Ap. 2 to William C. Lunalilo (Certificate of Boundaries No. 33) to a pipe (found);
3. 298° 44' 468.15 feet along the Land of Waikoekoe, Hamakua, along L. C. Aw. 8559-B, Ap. 2 to William C. Lunalilo (Certificate of Boundaries No. 33);
4. 346° 12' 10" 962.39 feet along the remainder of Grant 7966 to Sanford Kealoha Kakani;

thence along the Northerly side of Mamalahoa Highway, F.A.P. No. F-019-1(1), on a curve to the right with a radius of 11,419.16 feet, the chord azimuth and distance being:
5. 79° 07' 55.8" 371.24 feet;

thence along the Northerly side of Mamalahoa Highway, F.A.P. No. F-019-1(1), on a curve to the right with a radius of 11,419.16 feet, the chord azimuth and distance being:
6. 80° 09' 24.4" 37.16 feet, thence;

7. 80° 15' 12.84 feet along the Northerly side of Mamalahoa Highway F.A.P. No. F-019-1(1);
8. 80° 15' 124.96 feet along the Northerly side of Mamalahoa Highway F.A.P. No. F-019-1(1);
9. 80° 15' 736.54 feet along the Northerly side of Mamalahoa Highway to the point of beginning and containing an area of 47.955 Acres.

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

These subsections are 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 three increments. The first and second increment shall consist of a maximum of twenty-nine contiguous acres each, and the third, the remaining area; (C) Rezoning of the second and third increments shall only become effective upon subdivision of the previous increment and upon the establishment of appropriate agricultural activity, as determined by the Planning Director who shall forward the basis of said determination to the Council, on each of the lots within the previous 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 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 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 the alternative production technology; (D) Tentative 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) Tentative subdivision plans for the second increment shall be submitted within one year from the effective date of the zoning for the respective increment. Final subdivision plans for the second and third increments shall be submitted within one year from the effective date of tentative subdivision approval for the respective increment; (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 covenant 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 shall mean a single-family dwelling located on and used 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 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:

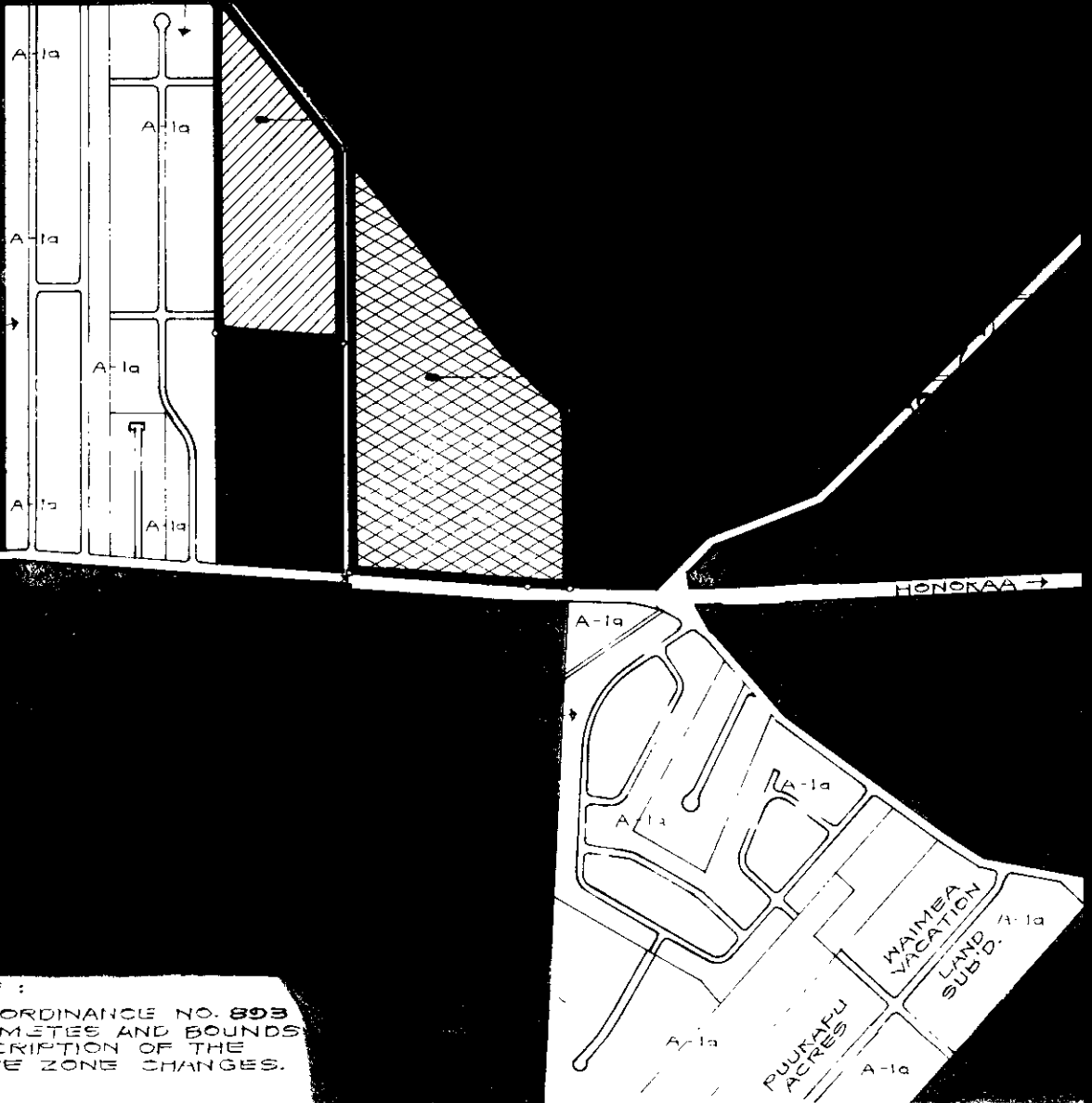


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: May 18, 1983
Date of Adoption: June 8, 1983
Effective Date: June 21, 1983

KOHALA
FOREST
RESERVE



NOTE :
SEE ORDINANCE NO. 893
FOR METES AND BOUNDS
DESCRIPTION OF THE
ABOVE ZONE CHANGES.

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 19 TO SECTION 709 (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.

DATE OF PUBLIC HEARING : JAN. 25, 1983 & MARCH 2, 1983
EFFECTIVE DATE : JUNE 21, 1983
ORDINANCE NUMBER : 893
PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 6-4-03 : 24 & 9B

MARCH 29, 1983

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.

<p>APPROVED as to FORM and LEGALITY</p> <p><i>[Signature]</i></p> <p>CO. CLERK</p> <p>CO. CLERK</p> <p>Date JUN 13 1983</p>

[Signature]
Council Chairman

[Signature]
County Clerk

Approved/~~Disapproved~~ this 21st day of
June, 1983.

[Signature]
Mayor, County of Hawaii

Bill No. 965 (DRAFT 2)
Reference: C-1201/PC-230
M.B. No. _____
Ord. No. 893