

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 44

ORDINANCE NO. 85 46

AN ORDINANCE AMENDING SECTION 25-86 (NORTH AND SOUTH KONA 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-3a) AT KALOKO, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-24:9.

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

SECTION 1. Section 25-86, 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 Kaloko, North Kona, Hawaii, shall be Agricultural (A-3a):

Beginning at the West corner of this piece of land, being also the South corner of Lot 2, Block 2 of Kaloko Mauka Subdivision (File Plan 994), and on the Northeasterly side of Road "B", the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 14,352.36 feet South and 3,884.04 feet West, and running by azimuths measured clockwise from True South:

- 1. 225° 10' 1,020.00 feet along Lot 2, Block 2 of Kaloko Mauka Subdivision (File Plan 994);
2. 315° 10' 917.09 feet along Lots 4 and 5, Block 2 of Kaloko Mauka Subdivision (File Plan 994);
3. 35° 10' 475.61 feet along the Northwesternly side of Road "B";

Thence along the Northerly side of Road "B" on a curve to the right with a radius of 470.00 feet, the chord azimuth and distance being:

- 4. 85° 10' 720.08 feet;
- 5. 135° 10' 536.82 feet along the Northeasterly side of Road "B" to the point of beginning and containing an area of 21.962 acres, more or less.

All as shown 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 zoning for the property shall be effective only after: (1) there are assurances satisfactory to the Departments of Water Supply and Planning, upon consultation with the State Department of Health, and the Division of Water and Land Development of the State Department of Land and Natural Resources, that a water source of sufficient quality and quantity has been established within two years from the effective date of this ordinance; provided that a maximum one-year extension to the two-year time limit may be granted by the Planning Director with reasonable and sufficient justification; and (2) an agreement, accompanied by an appropriate surety bond or other acceptable security, is executed of a proven water source and its water transmission and distribution system within one year from the official date of compliance with condition A(1); provided that a one-year

extension to the one-year time limit may be granted by the Planning Director with reasonable and sufficient justification; or (3) the Department of Water Supply issues a water commitment for the proposed development; (B) no subdivision or development of any portion of the land shall occur unless and until condition A has been complied with; (C) the Planning Director shall be mandated to initiate action for the repeal of this ordinance if conditions A or B have not been complied with; (D) the petitioner, its assigns or successors, shall be responsible for complying with all conditions of approval; (E) the subject area shall be zoned in two increments. The first increment shall consist of four (4) 3-acre sized lots plus a remaining lot. The second increment shall include the remaining area. The zoning of the second increment shall become effective upon final subdivision approval of the first increment and it shall be demonstrated to the satisfaction of the Planning Director that substantial agricultural activity is being conducted on the land 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 substantial: (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; (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. Each lot in the previous increment must comply with one or more of the above requirements prior to the effective zoning of the successive increment; (F) 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; (G) a comprehensive drainage master plan, meeting with the approval of the Department of Public Works, shall be submitted prior to receipt of final subdivision approval of the first increment. Further, a drainage system in accordance with the requirements of the Department of Public Works shall be installed; and (H) 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 zoning designation may be initiated.

SECTION 3. In the event that any portion of the ordinance is declared invalid, such invalidity shall not the affect 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:	May 8, 1985
Date of 1st Reading:	May 8, 1985
Date of 2nd Reading:	May 22, 1985
Effective Date:	May 28, 1985

