

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 199

ORDINANCE NO. 86 78

AN ORDINANCE AMENDING SECTION 25-91 (THE NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, RELATING TO THE MODIFICATION OF A CONDITION TO THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-10a) AND AGRICULTURAL (A-3a) AT MAHUKONA 2ND AND PUUOKUMAU, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-4-01:10, 11 AND 5-7-02:13.

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, as amended, is amended to modify a condition to reclassification in Ordinance No. 865 and further amended by Ordinance No. 83-15, to read as follows:

This subsection is conditioned upon the following:

(A) that the petitioner, its successors or assigns shall be responsible for complying with the stated conditions of approval; (B) that the property shall be developed in three increments. The first increment shall consist of 115+ contiguous acres in three-acre parcels and 132+ acres in ten-acre parcels. The second increment shall consist of 110+ acres in three-acre parcels. The third increment shall consist of 80+ acres in ten-acre parcels; (C) that the zoning for the second increment shall be effective upon the establishment of appropriate agricultural activity on fifty percent of the three-acre lots in the first increment. The zoning for the third increment shall

be effective upon the establishment of appropriate agricultural activity on fifty percent of the ten-acre lots in 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 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 agriculture uses in accordance with applicable Tax Department procedures and that such agriculture dedication shall be made a deed covenant 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; (D) that the subdivision plan for the first increment shall be submitted within one year from the effective date of

approval of the change of zone. Final subdivision plans shall be submitted [within one year after the date of tentative subdivision plan approval] by December 9, 1986; (E) that a water system meeting the standards and requirements of the Department of Water Supply's Rules and Regulations shall be provided prior to final subdivision approval of the first increment; (F) that a drainage system meeting with the approval of the Department of Public Works shall be installed; (G) that the petitioner shall receive proper approval from the State Department of Transportation, Highways Division and the Department of Public Works, complying with all County and State regulations as it relates to roadway within the proposed subdivision and access to the public highway. Further, access to all lots shall be restricted to an interior roadway meeting with the approval of the Department of Public Works; (H) that a copy of the final executed dedication deed to the State of Hawaii relating to that portion of the existing Waimea-Kohala Government Main Road right-of-way occupying property identified as TMK 5-4-01:11 and containing an area of 4.858 acres shall be submitted to the Planning Department prior to final subdivision approval; (I) that roadways are planned and constructed within the proposed subdivision to tie-in with the abutting properties; (J) that 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 mandatory agricultural use provisions as defined in Condition C as well as provision to protect Kehena Ditch from contamination by lot owners; (K) that performance reports shall be submitted to the Planning Director and forwarded to the Council prior to the Director's determination that appropriate agricultural activity has been established as stated in Condition C. The report shall contain information including but not limited to verifying compliance of Conditions C and J; and (L) that all applicable rules, regulations and requirements 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.] The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning the area to its original or more appropriate designation.

SECTION 2. Material to be deleted is bracketed. New material is underscored.

SECTION 3. In the event that any portion of the 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: June 17, 1986
Date of 1st Reading: June 17, 1986
Date of 2nd Reading: July 2, 1986
Effective Date: July 9, 1986