

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 309

ORDINANCE NO. 87 17

AN ORDINANCE AMENDING SECTION 25-95B (UPOLU POINT-KAAUHUUHOMESTEADS DISTRICT 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) AND AGRICULTURAL (A-5a) AT KAAUHUUH, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-5-01:20.

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

SECTION 1. Section 25-95B, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of properties described hereinafter as follows:

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

PARCEL 1

Beginning at the South corner of this parcel of land, on the Northeasterly side of 25-ft. Wide Roadway, the coordinates of which referred to Government Survey Triangulation Station "PUU O NALE" being 2,044.50 feet North and 4,496.04 feet East and running by azimuths measured clockwise from True South:

- 1. 139° 08' 30" 261.37 feet along the Northeasterly side of 25-ft. Wide Roadway to a pipe;
2. 229° 40' 500.00 feet along Exclusion 1 and Lots 7-A-12 and 7-A-12 (Map 6) of Land Court Application 1122 to a pipe;
3. 319° 08' 30" 261.37 feet along Lot 8-B (Map 9) of Land Court Application 1122;

4. 49° 40' 500.00 feet along remainder of Grant 9127 to Rose Martins to the point of beginning and containing an area of 3.000 Acres. (Refer to Parcel 1 as shown on Exhibit "A").

The district classification of the following area situated at Kaauhuhu, North Kohala, Hawaii, shall be Agricultural (A-5a):

PARCEL 2

Beginning at the West corner of this parcel of land, on the Northeasterly side of 25-Ft. Wide Roadway, the coordinates of which referred to Government Survey Triangulation Station "PUU O NALE" being 2,044.50 feet North and 4,496.04 feet East and running by azimuths measured clockwise from True South:

1. 229° 40' 500.00 feet along remainder of Grant 9127 to Rose Martins;
2. 319° 08' 30" 435.63 feet along Lots 8-B and 8-A (Map 9) of Land Court Application 1122 to a pipe;
3. 49° 40' 500.00 feet along Grant 13747 to Lui Kainoa (Lot 30-B of Kaauhuhu Homesteads, First Series) and 40-Ft. Wide Roadway to a pipe;
4. 139° 08' 30" 435.63 feet along the Northeasterly side of 25-Ft. Wide Roadway to the point of beginning and containing an area of 5.000 Acres. (Refer to Parcel 2 as shown on Exhibit "A").

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

SECTION 2. These changes in district classification are conditioned upon the following: (A) the petitioner shall submit the required water commitment deposit to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the date of receipt of the change of zone. The zoning for the property shall not be in effect until the water commitment deposit has been accepted by the Department of Water Supply; (B) the petitioners, successors or its assigns shall be responsible for complying with all of the stated conditions of approval; (C) it shall be demonstrated to the satisfaction of the Planning Director that substantial agricultural activity is being conducted on the lands being considered for subdivision under this change of zone request. 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 State Bureau of Conveyances and with a copy filed with the Planning Department. The execution of a farm dwelling agreement may also suffice in lieu of the above requirements. Each approved lot must comply with one or more of the above requirements to satisfy the conditions of approval of this change of zone request; (D) subdivision plans shall be submitted to the Planning Department within one year from the effective date of the zone change. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval; (E) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (F) a 15-foot wide strip along the frontage of the property shall be set aside for future road widening purposes, and shall be delineated on the subdivision plans; and (G) all other applicable rules, regulations and requirements to be complied with. The Planning Director may administratively grant extensions to the foregoing time condition. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the property to its original or more appropriate designation.

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.

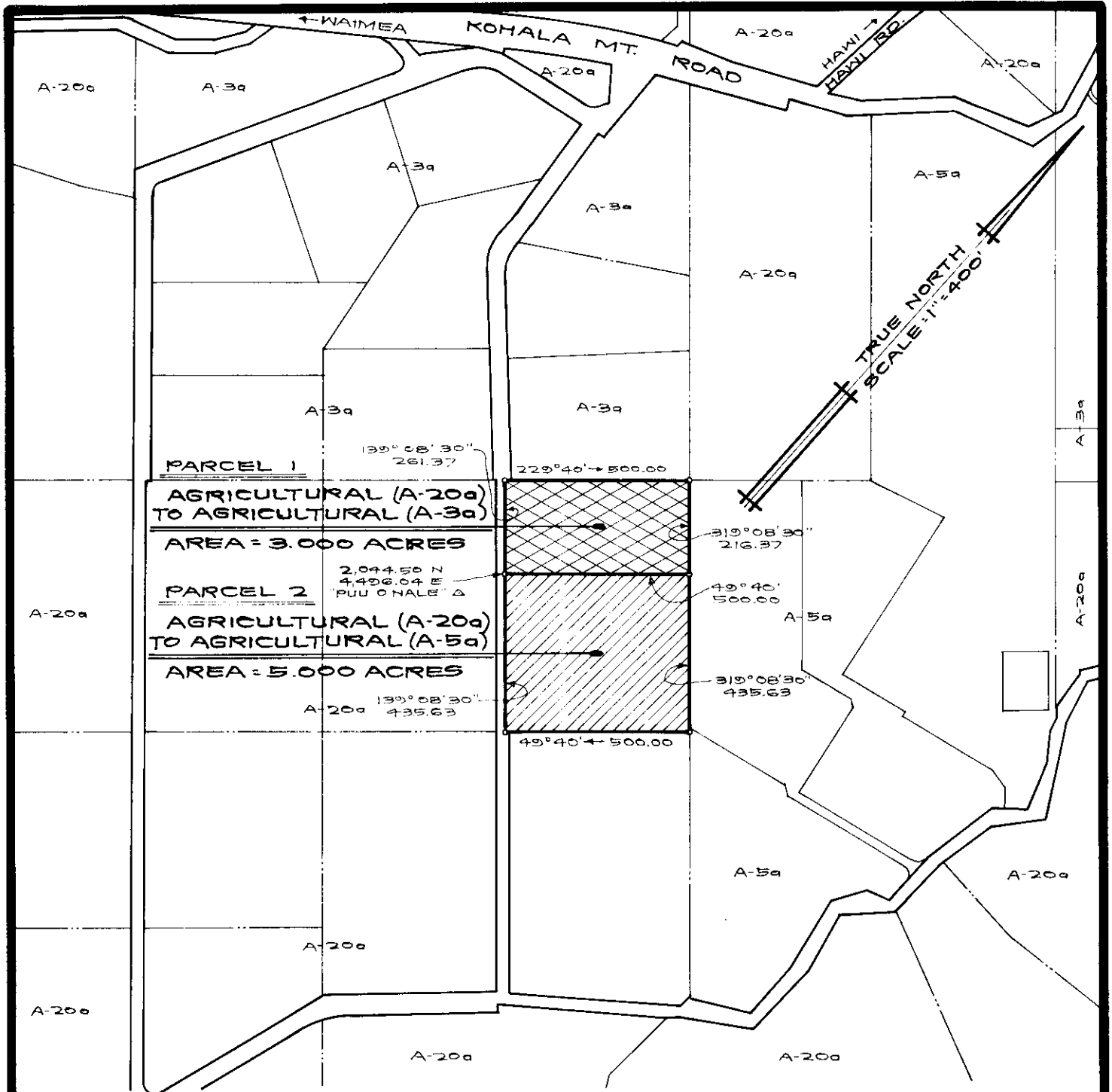
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	February 4, 1987
Date of 1st Reading:	February 4, 1987
Date of 2nd Reading:	February 18, 1987
Effective Date:	February 24, 1987



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95 B (UPOLU POINT-KAAUHUUHOMESTEADS 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) AND AGRICULTURAL (A-5a) AT KAAUHUUH, NORTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 5-5-01 : 20

DEC. 12, 1986

EXHIBIT "A"