

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 537

ORDINANCE NO. 88 71

AN ORDINANCE AMENDING SECTION 25-86 (NORTH AND SOUTH KONA DISTRICTS ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO THE MODIFICATION OF CONDITION E OF ORDINANCE NO. 86 83 WHICH RECLASSIFIED CERTAIN LANDS FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-3a) AT KALOKO, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-24:4.

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

SECTION 1. Ordinance No. 86 83 is amended as follows:

"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):

Being the whole of:

Lot 4, Block 3, Kaloko-Mauka Subdivision Increment I (File Plan 994); and

Being a portion of:

Royal Patent 8214, Land Commission Award 7715, Apana 11 to Lota Kamehameha.

Beginning at the Northernmost corner of this parcel of land, being also the Westernmost corner of Lot 5, Block 3, and a point on the Southerly side of Hao Street and running by azimuths measured clockwise from True South:

1. 315° 10' 1,742.52 feet along Lots 5, 6 and 7 of Block 3, Kaloko Mauka Subdivision, Increment I, File Plan 994, and along the remainder of Royal Patent 8214, Land Commission Award 7715, Apana 11 to Lota Kamehameha to a point;

2. 71° 45' 969.34 feet along stonewall and along Royal Patent 7587, Land Commission Award 11,216, Apana 36 to Kekauonohi (Boundary Certificate No. 138) to a point;
3. 153° 35' 1,294.30 feet along Lot 3, Block 3, of Kaloko Mauka Subdivision, Increment I, File Plan 994 and along the remainder of Royal Patent 8214, Land Commission Award 7715, Apana 11 to Lota Kamehameha to a point;
4. 215° 10' 465.03 feet along the Southerly side of Hao Street to the point of beginning and containing an area of 23.415 Acres.

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 petitioner shall submit the required water commitment payment to the Department of Water Supply in accordance with its 'Water Commitment Guidelines Policy' within ninety days from the date of approval of the change of zone, unless an earlier deadline is imposed by the Department of Water Supply. The zoning of the property shall not be in effect until the water commitment payment is accepted by the Department of Water Supply; (B) the petitioner, its assigns or successors, shall be responsible for complying with all conditions of approval; (C) the subject area shall be zoned in two increments. The first increment shall consist of four 3-acre sized lots, and the second increment, 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. 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; (D) subdivision plans for the first increment shall be submitted within one year from the effective date of the change of zone. Final subdivision approval shall be secured within one year from the date of

receipt of tentative subdivision approval; (E) [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] Petitioner shall install a drainage system, which will dispose of its pro rata share of pre-existing basin flow and subdivision's flow due to development, meeting with the approval of the Department of Public Works. The pro rata share ratio computation also shall be reviewed and approved by the Department of Public Works;

(F) for the purpose of funding a fully channelized intersection with turning lanes at the intersection of Kaloko Drive and Hawaii Belt Road, a payment of \$3,000 per 3 acre lot, but not to exceed a total of \$18,000, shall be submitted to the Planning Department for deposit into an escrow account prior to receipt of final subdivision approval; and (G) all other County and State rules, regulations, and requirements shall be complied with. 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 Planning Director may initiate rezoning of the area 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 2. Material to be deleted is bracketed. New material is underscored.

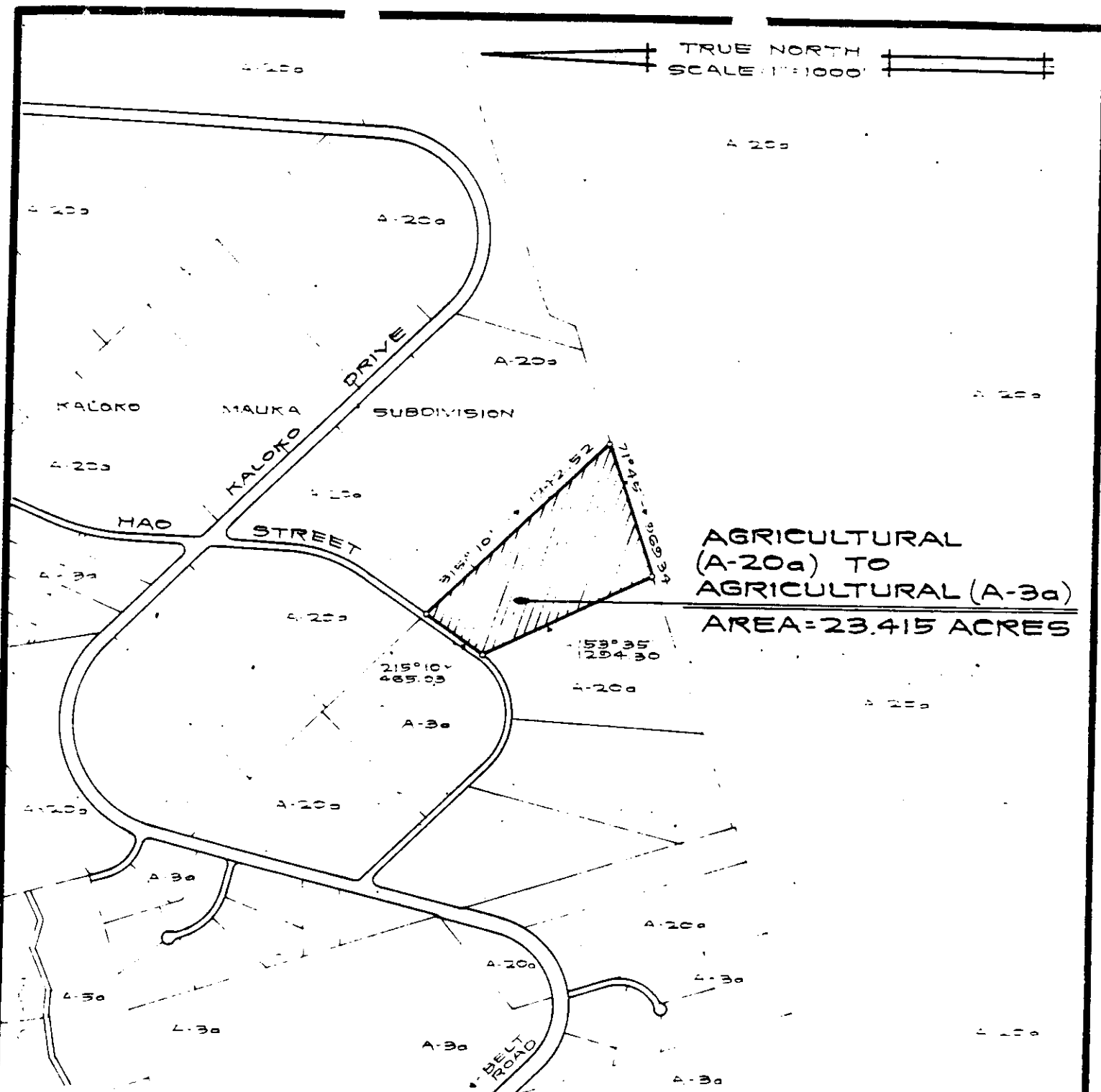
SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	May 4, 1988
Date of 1st Reading:	May 4, 1988
Date of 2nd Reading:	May 18, 1988
Effective Date:	May 31, 1988



AMENDMENT TO THE ZONING CODE

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.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-3-24:4

FEB. 18 1986

EXHIBIT "A"