

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 282

ORDINANCE NO. 90 86

AN ORDINANCE REPEALING ORDINANCE NO. 87 17, WHICH AMENDED SECTION 25-95B (UPOLU POINT-KAAUHUUHOMESTEADS DISTRICT ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE 1983, AS AMENDED, AND CHANGES THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-3a) AND AGRICULTURAL (A-5a) AT KAAUHUUHOMESTEADS, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-5-01:20. UPON THE REPEAL OF ORDINANCE NO. 87 17, THE SUBJECT PROPERTY SHALL BE DESIGNATED BY THE DISTRICT CLASSIFICATION OF AGRICULTURAL (A-20a).

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

SECTION 1. Ordinance No. 87 17 which amended Section 25-95B (Upolu Point-Kaauhuhu Homesteads District Zone Map) Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code as amended is hereby repealed in its entirety.

"[SECTION 1. Section 25-95B, 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 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' 40" 500.00 feet along remainder of Grand 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 Kaahuhu, 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 Kaahuhu 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 2. The property shall be reclassified back to its original Agricultural 20-acre (A-20a) zoned district as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

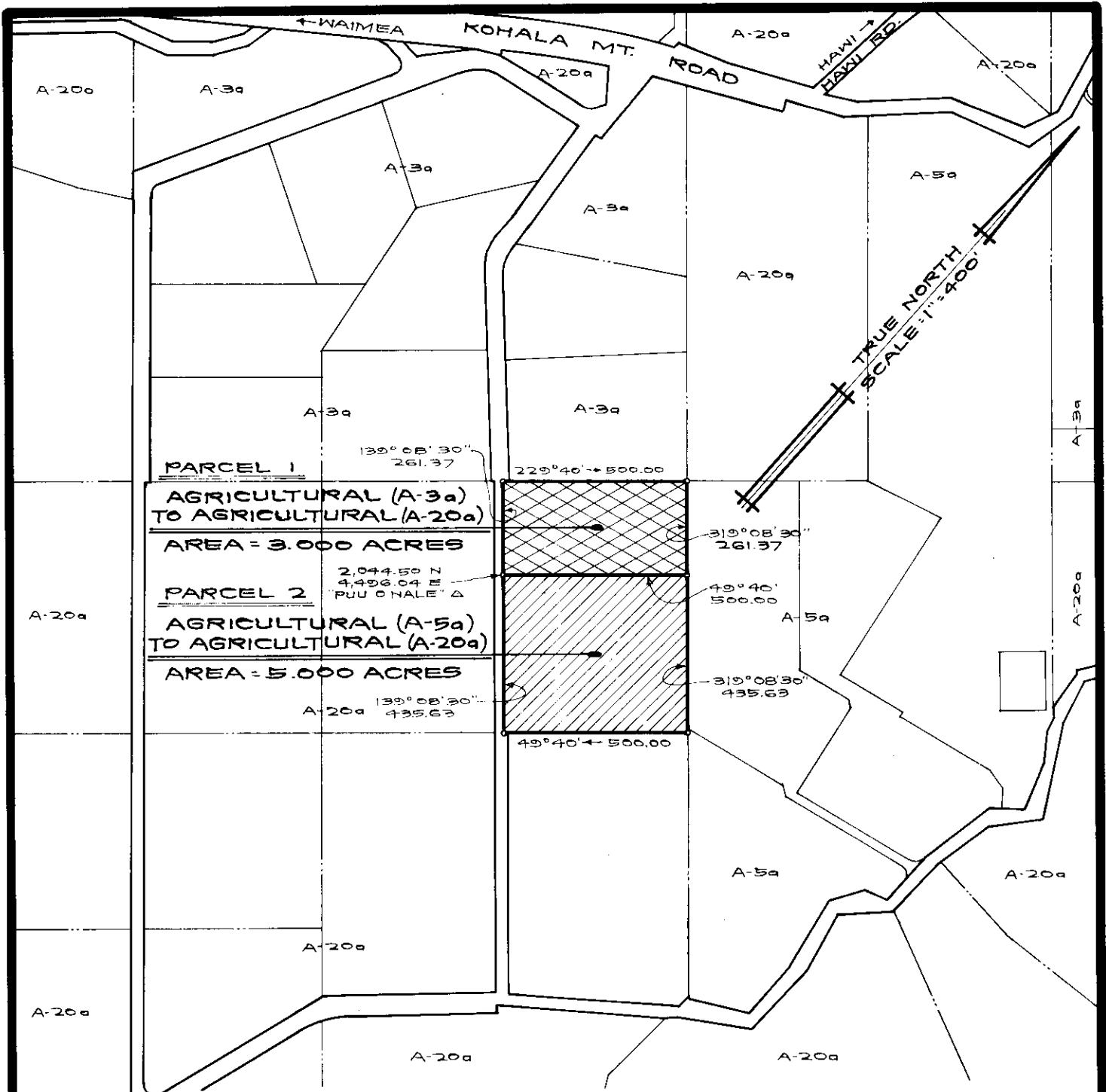
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	June 20, 1990
Date of 1st Reading:	June 20, 1990
Date of 2nd Reading:	July 5, 1990
Effective Date:	July 16, 1990



AMENDMENT TO THE ZONING CODE

REPEAL OF ORDINANCE NO. 87-17, WHICH AMENDED SECTION 25-95 B (UPOLU POINT-KAAUHHU HOME-STEADS ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE AND CHANGED THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-3a) AND AGRICULTURAL (A-5a) AT KAAUHHU, NORTH KOHALA, HAWAII. UPON THE REPEAL OF ORDINANCE NO. 87-17, THE SUBJECT PROPERTY SHALL BE DESIGNATED BY THE DISTRICT CLASSIFICATION OF AGRICULTURAL (A-20a).

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII