

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 296

ORDINANCE NO. 90 108

AN ORDINANCE REPEALING ORDINANCE NO. 525, WHICH AMENDED SECTION 7.29, CURRENTLY SECTION 25-114 (THE CITY OF HILO ZONE MAP), ARTICLE 2, CHAPTER 8, CURRENTLY ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE 1983, AS AMENDED, AND CHANGED THE DISTRICT CLASSIFICATION FROM OPEN (O) TO AGRICULTURAL (A-3a) AT KAUMANA AND KUKUAU 2ND, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-5-43:7, AND REDESIGNATING THE SUBJECT PROPERTY BY THE DISTRICT CLASSIFICATION OF OPEN (O).

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

SECTION 1. Ordinance No. 525 which amended Section 25-114 (The City of Hilo Zone Map), Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code as amended is hereby repealed in its entirety.

["SECTION 1. Section 7.29, Article 2, Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.29(xxx). The district classification of the following area situated at Kaumana and Kukuau 2nd, South Hilo, Hawaii shall be Agricultural (A-3a):

Beginning at an old spike in XII cut in Pahoehoe, at the Northeast corner of this parcel of land, being also the Northwest corner of Lot 12, Grant 4075 to Charles Auld, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 13,707.40 feet South and 21,176.85 feet West, thence running by azimuths measured clockwise from true South:

1. 360° 00' 147.79 feet along Lot 12, Grant 4075 to Charles Auld to a spike in concrete;

2. 20° 49' 126.24 feet along the Northwest side of Country Club Drive to a spike in concrete;
3. 00° 45' 1,407.95 feet along the Westerly side of Country Club Drive to a spike in concrete;
4. 58° 00' 1,017.24 feet along the remainder of R. P. 5706, L. C. Award 8521-B, Apana 2 to G. D. Hueu, and also along the remainder of Lot 14, Grant 4076 to Alexander Cockburn (Trustee), Kaumana Homesteads to a pipe in concrete;
5. 83° 55' 834.50 feet along the remainder of Lot 14, Grant 4076 to Alexander Cockburn (Trustee), and also along the remainder of R. P. 5706, L. C. Award 8521-B, Apana 2 to G. D. Hueu to an old pipe in concrete;
6. 180° 00' 1,420.56 feet along Lot 16, Grant 3758 to W. R. Castle, E. G. and D. H. Hitchcock, Kaumana Homesteads, to a spike in concrete;  
  
Thence along Kaumana Estate Subdivision being also the remainder of Lot 14, Grant 4076 to Alexander Cockburn (Trustee) Kaumana Homesteads, for the next nine (9) courses:
7. 285° 51' 83.27 feet to a pipe in concrete;
8. 238° 18' 240.00 feet to a pipe in concrete;
9. 199° 11' 145.00 feet to a pipe in concrete;

10. Thence along a curve to the left with a radius of 220.00 feet, to a pipe in concrete, the chord azimuth and distance being: 251° 39' 30" 107.38 feet;
11. 237° 32' 71.53 feet to a pipe in concrete;
12. Thence along a curve to the right with a radius of 280.00 feet, to a pipe in concrete, the chord azimuth and distance being: 255° 33' 30" 173.28 feet;
13. 273° 35' 197.72 feet to a pipe in concrete;
14. Thence along a curve to the left with a radius of 420.00 feet, to a pipe in concrete, the chord azimuth and distance being: 233° 57' 30" 535.72 feet;
15. 194° 20' 103.43 feet to a pipe in concrete;
16. 254° 27' 03" 454.25 feet along Grant 8881 to George Lycurgus to the point of beginning and containing an area of 63.689 Acres.

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

"This ordinance shall take effect forthwith upon the conditions that (A) the area be zoned into two (2) increments. The first increment shall consist of a maximum of forty (40) contiguous acres, and the second, the remaining area. The effective date of zoning for the second increment shall be after agricultural developments

have occurred on the first increment. Agricultural development is defined as the active cultivation or production of land for agricultural purposes as determined by the County Planning Department on a minimum of twenty-five (25) percent of the lots within the entire area of 63.6 acres, of which a minimum of twenty (20) percent of the lots shall be cultivated; (B) the petitioner, or his authorized representative, shall submit subdivision plans for the first increment and receive tentative approval within one (1) year from the effective date of approval of the change of zone. The petitioner/representative shall also secure final subdivision approval of the first increment within one (1) year from the date of receipt of tentative subdivision approval. The petitioner/representative shall also be responsible for securing final subdivision approval for the second increment; (C) a hydrologic/drainage study shall be submitted at the time of submission of the subdivision plans for the first increment; (D) a lateral road shall be provided from the subdivision road to the south property in accordance with the block length requirement as spelled out in the Subdivision Control Code; (E) the petitioner shall be responsible for improving and widening the existing pavement of the Country Club Drive to a minimum width of sixteen (16) feet

from Kaumana Drive to the entrance of the subdivision road. Such improvement shall be completed prior to the granting of final subdivision approval of the first increment. An additional ten (10) foot strip along Country Club Drive shall be delineated and set aside for the future road widening as stipulated in the General Plan document; (F) all access to the proposed lots will be from the subdivision road. No direct access shall be permitted from the Country Club Drive; and (G) all other applicable 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 2. The property shall be reclassified back to its original Open (O) zoned district as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 3. Material to be deleted is bracketed. New material is underscored.

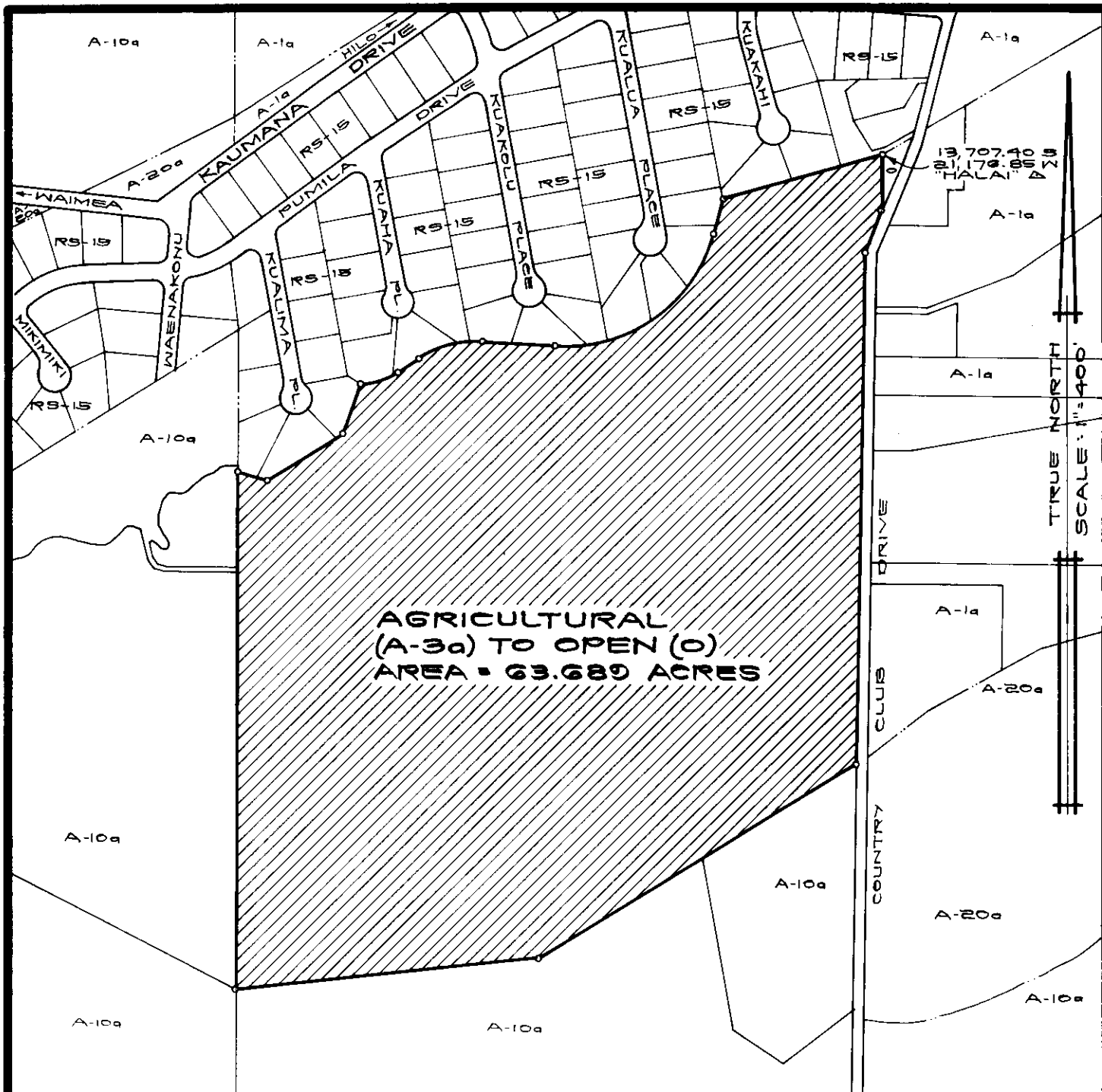
SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: August 15, 1990  
Date of 1st Reading: August 15, 1990  
Date of 2nd Reading: September 5, 1990  
Effective Date: September 14, 1990



## AMENDMENT TO THE ZONING CODE

REPEAL OF ORDINANCE NO. 525, WHICH AMENDED SECTION 7.29, CURRENTLY SECTION 25-114, THE CITY OF HILO ZONE MAP, ARTICLE 2, CHAPTER 8, CURRENTLY ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, AND CHANGED THE DISTRICT CLASSIFICATION FROM OPEN (O) TO AGRICULTURAL (A-3a) AT KAUMANA AND KUKUAU 2ND, SOUTH HILO, HAWAII. UPON THE REPEAL OF ORDINANCE NO. 525, THE SUBJECT PROPERTY SHALL BE DESIGNATED BY THE DISTRICT CLASSIFICATION OF OPEN (O).

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 2-5-43:7

MAY 9, 1990

EXHIBIT "A"