



Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Honorable K. K. Iwama
Mayor
Duane Kanuha
Director
William L. Moore
Deputy Director

CERTIFIED MAIL

September 29, 1989

Mr. Christopher Norrie
P.O. Box 339
Captain Cook, HI 96704

Dear Mr. Norrie:

Change of Zone Ordinance No. 87-10
A-5a to A-2a
Effective Date: February 12, 1987
TMK: 8-1-09:Portion 2 and 14 (R553)

A review of our files indicate that Change of Zone Ordinance No. 87-10 was approved with an effective date of February 12, 1987, with the following conditions, in part, which read:

"(B) 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

Mr. Christopher Norrie
September 29, 1989
Page 2

a copy filed with the Planning Department. Each approved lot must comply with one or more of the above requirements to satisfy the condition of approval of this change of zone request; although nothing contained herein shall prevent the keeping of horses for personal use, horsebreeding, in and of itself, shall not be considered a substantial agricultural activity for the purposes of complying with the requirements of the subject condition.

"(G) all other applicable rules, regulations and requirements as 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."

Our records indicate that you have yet to comply with Condition B of Ordinance No. 87-10. We request that you address the requirements as stated within Condition B so that we may complete the review of your compliance with all conditions contained within Ordinance No. 87-10.

Please be informed that pursuant to Condition G, "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."

Should you have any questions regarding this matter, please feel free to contact staff planner Daryn Arai of this office.

Sincerely,


DUANE KANUHA
Planning Director

DSA:syw

cc: Subdivision No. 5617