

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 578

AN ORDINANCE AMENDING SECTION 7.22 (THE PAHOA ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, TO MODIFY CONDITIONS TO THE DISTRICT RECLASSIFICATION OF LAND AT KANIAHIKU HOMESTEADS, KANIAHIKU, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-5-115:14.

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

SECTION 1. Section 7.22, Article 2, Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, is further amended to read as follows:

"7.22(c). The district classification of the following area situated at Kaniahiku Homesteads, Kaniahiku, Puna, Hawaii, shall be Residential-Agricultural (RA-.5a):

Beginning at the northeast corner of this parcel of land, the southeast corner of Lot 40, Tangerine Acres, Unit I, File Plan 794, and along the west boundary of Lot 35, Kaniahiku House Lots, 2nd Series, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PAHOA," being 4,904.59 feet South and 8,493.07 feet East and thence running by azimuths measured clockwise from true South:

1. 16° 25' 1,330.86 feet along Lots 35, 39, 41, 43-A, 43-B and 45, Kaniahiku House Lots, 2nd Series;
2. 94° 36' 45" 559.36 feet along L. C. Award 8559-B:15 to William C. Lunailo;
3. 196° 25' 253.59 feet along Lot 20, Tangerine Acres, Unit I, File Plan 794;
4. 106° 25' 20.35 feet along same;
5. 196° 25' 1,116.65 feet along Lots 42 (40-ft. road), and 21 to 33 (inclusive), Tangerine Acres, Unit I, File Plan 794;
6. 286° 25' 263.94 feet along Lots 36, 37 and 38, Tangerine Acres, Unit I, File Plan 794;

- | | | |
|----|----------|--|
| 7. | 196° 25' | 75.05 feet along Lot 38, Tangerine Acres, Unit I, File Plan 794; |
| 8. | 286° 25' | 303.94 feet along Lots 43 (40-ft. road), 39 and 40, Tangerine Acres, Unit I, File Plan 794 to the point of beginning and containing an area of 17.550 acres, more or less. |

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

[SECTION 2. Section 1 of this] This ordinance shall take effect forthwith upon the conditions that (A) [the area be zoned in two increments. The first increment shall consist of seventeen (17) lots and the second increment the remaining lots. The effective date of zoning for the second increment shall be after development has occurred on the first increment. Development is defined as building permits issued for residential dwelling units and construction partially completed - partially completed in the sense of having roofs on those units - on seven (7) lots within the first increment;] The area be zoned in two increments. The first increment shall consist of seventeen (17) lots, and the second increment the remaining area. The effective date of zoning for the second increment shall be after residential or agricultural development or a combination of both has occurred on twenty-five (25) % of the lots proposed for the entire area of 17.5 acres. "Residential development" means resident dwelling units for which building permits have been issued and of which construction has been completed to the extent that roofs have been erected. "Agricultural development" means 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 if such activity is implementing a conservation program for the affected property(ies) as approved by the applicable soil and water conservation district directors filed with the Soil Conservation Service; or if it provides a major source of income to the person(s) to reside on the property; or if the property is dedicated for agriculture uses in accordance with applicable Tax Department procedures and that such agriculture dedication shall be made a deeded covenant and duly recorded with the State Bureau of Conveyances and Planning Department. The execution of a Farm Dwelling Agreement may also suffice in lieu of the above agricultural requirements; and (B) the applicant, Mr. Yasuo Kuwaye, submit and secure tentative approval of a subdivision plan within one (1) year from the date of approval of the change of zone. The applicant shall also assume the responsibility for securing final subdivision approval of the subject area. Should these conditions not be met, action may be taken to nullify any subdivision approval and to reclassify the subject area to a more appropriate designation."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, the brackets, bracketed material and underscoring need not be included.

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.

Hilo, Hawaii

INTRODUCED BY:

Date of Introduction: May 7, 1980

Date of Adoption: May 21, 1980

Effective Date: June 3, 1980

Takashi Domingo
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date: May 7, 1980

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara	X		
Lal	X		
Sameshima	X		
Tajiri	X		
Chr. Yamashiro	X		
	9	0	0

Hilo, Hawaii

Date: May 21, 1980

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara	X		
Lal	X		
Sameshima	X		
Tajiri	X		
Chr. Yamashiro	X		
	9	0	0

Publication Date: MAY 14 1980

Publication Date: JUN 10 1980

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to
FORM AND CERTAINITY
[Signature]
COUNTY CLERK
Date MAY 23 1980

[Signature]
Council Chairman

[Signature]
County Clerk

Approved/Disapproved this 3rd day of
June, 1980

[Signature]
Mayor, County of Hawaii

Bill No. 614
Reference: C-1527/PC-160
M.B. No. _____
Ord. No. 578

Bill No. 614 - 1980

AN ORDINANCE AMENDING SECTION 7.22, THE PAHOA ZONE MAP, ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, TO MODIFY CONDITIONS TO THE DISTRICT RECLASSIFICATION OF LAND AT KANIAHIKU HOMESTEADS, KANIAHIKU, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-5-115:14.

This Bill amends the Pahoa Zone Map, as amended, modifying conditions to the district reclassification of land at Kaniahiku Homesteads, Puna.

Date Introduced: May 7, 1980

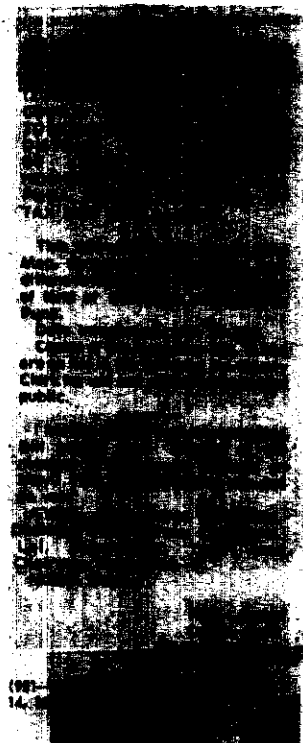
Copies of the foregoing Bill, in full are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on May 7, 1980, by the following aye and no vote:

AYES: Councilmen Dahlberg, Domingo, Fujii, Garcia, Kawahara, Lai, Sameshima, Tajiri and Chairman Yamashiro - 9.

NOES: None.

R. B. Leyapi
COUNTY CLERK
COUNTY OF HAWAII



ORDINANCE NO. 578
(Bill No. 614-1980)

AN ORDINANCE AMENDING SECTION 7.22 (THE PAHOA ZONE MAP),
ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE,
AS AMENDED, TO MODIFY CONDITIONS TO THE DISTRICT RECLASSIFICATION
OF LAND AT KANIAHIKU HOMESTEADS, KANIAHIKU, PUNA, HAWAII, COVERED
BY TAX MAP KEY 1-5-115:14.


Date Approved: May 21, 1980
Date Effective: June 3, 1980

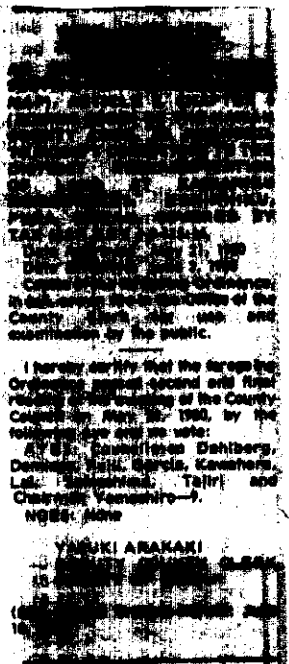
Copies of the foregoing Ordinance, in full, are on file
in the Office of the County Clerk for use and examination
by the public.

I hereby certify that the foregoing Ordinance passed
second and final reading at the meeting of the County Council
on May 21, 1980, by the following aye and no vote:

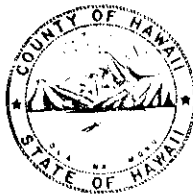
AYES: Councilmen Dahlberg, Domingo, Fujii, Garcia,
Kawahara, Lai, Sameshima, Tajiri and
Chairman Yamashiro - 9.

NOES: None


YASUKI ARAKAKI
DEPUTY COUNTY CLERK
COUNTY OF HAWAII



R. B. LEGASPI
County Clerk



YASUKIARAKAKI
Deputy County Clerk

HARRY A. TAKAHASHI
Legislative Auditor

OFFICE OF THE COUNTY CLERK
COUNTY OF HAWAII
HILO, HAWAII 96720

May 21, 1980

Honorable Mayor Herbert T. Matayoshi
County of Hawaii
Hilo, Hawaii 96720

I hereby transmit Ordinance Bill No. 614
passed by the County Council on second and final
reading.

R. B. Legaspi
COUNTY CLERK

Encl.

Dated: May 21, 1980