

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 83 36

AN ORDINANCE AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO AGRICULTURAL (A-3a) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-48:14.

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

SECTION 1. Section 25-114, 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 Waiakea, South Hilo, Hawaii, shall be Agricultural (A-3a):

Beginning at the east corner of this parcel of land, being also the west corner of the intersection of Railroad Avenue and Makalika Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 15,691.71 feet South and 16,376.41 feet East, thence running by aximuths measured clockwise from true South:

1. 71° 00' 1,080.90 feet along Makalika Street;
2. 161° 00' 1,122.00 feet along Grant 13,033 to Takeo and Sadame Matsuyama Watanabe (Lot 5) and along Grant 13,032 to Yoshio and Itsuko Okamoto Kami (Lot 4);
3. 251° 00' 1,081.65 feet along Grant 13,029 to Shigeru and Chieko Yoshimura Matsuyama;
4. Thence along Railroad Avenue on a curve to the left with a radius of 5,780.00 feet, the chord azimuth and distance being:
341° 27' 40" 93.03 feet;
5. 341° 00' 1,028.97 feet along Railroad Avenue to the point of beginning and containing an area of 27.842 Acres.

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

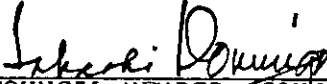
This change in district classification is conditioned upon the following: (A) the petitioners, their successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the subject area shall be zoned in two increments. The first increment shall consist of a maximum of 16 contiguous acres, and the second increment, the remaining area. The zoning of the second increment shall only become effective upon subdivision of the previous increment and upon the establishment of appropriate agricultural activity, as determined by the Planning Director, on each of the lots within the first increment. For the purpose of this condition, "agricultural activity" 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 "appropriate" (1) if such activity is intensively utilizing a minimum of 50 percent of the usable land area of the affected property(ies); or (2) if it provides a major source of income to the person(s) utilizing the property; or (3) if a level of production, greater than or equal to that which could be achieved on 50 percent of the usable land area, is achieved on a smaller area through alternative production technology; (C) some form of appropriate agricultural activity shall be established in

each increment within two years after final subdivision approval of that increment; (D) subdivision plans for each increment shall be submitted within one year from the effective date of the change of zone for that increment. Final subdivision plans for each increment shall be submitted within one year from the effective date of tentative subdivision approval relating to that increment; (E) the petitioners shall include a provision in the lease or sale agreements whereby agricultural activity shall be established on 50% of every lot created within the subject property(ies) within two years from the date of final subdivision approval. For the purpose of this condition, "agricultural activity" means that which is defined in condition "B"; (F) the accesses of the proposed lots from Makalika Street shall meet with the approval of the Department of Public Works; (G) lots 2-F and 2-J will not be permitted access from Railroad Avenue, until such time as it has been improved to County dedicable standards. This restriction shall be included in the restrictive covenants of the deeds of these two lots; (H) that the requirements of the Department of Water Supply shall be complied with; and (I) that all other County and State 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 designation may be initiated.

SECTION 2. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

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

INTRODUCED BY:

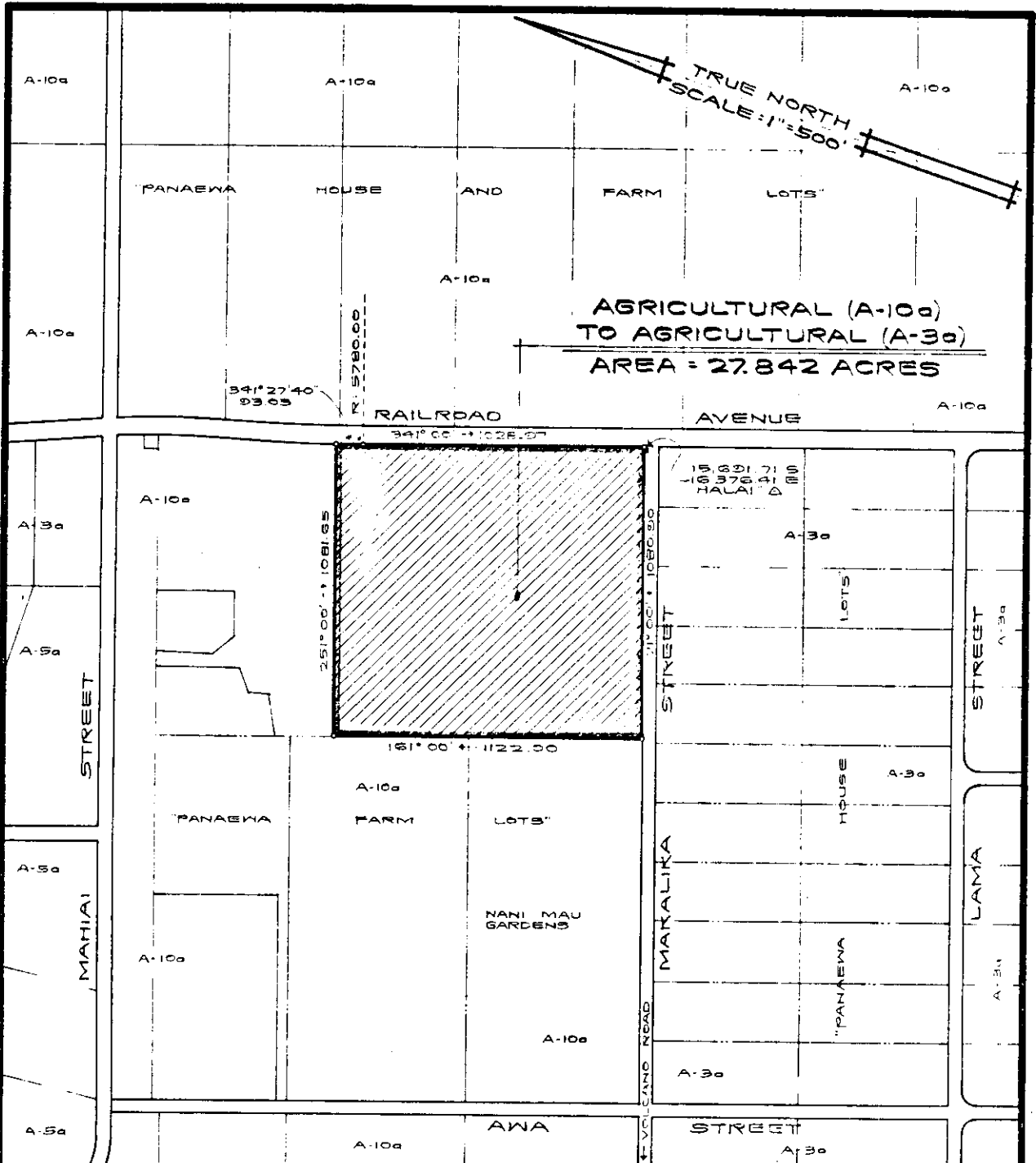

COUNCIL MEMBER COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 5, 1983

Date of Adoption: October 19, 1983

Effective Date: October 26, 1983



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO AGRICULTURAL (A-3a) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 2-2-48:14

JULY 22, 1983

EXHIBIT 'A'