

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 83 53

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-5a) TO AGRICULTURAL (A-2a) AT PONAHAHAWAI, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-5-06:131.

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 Ponehawai, South Hilo, Hawaii, shall be Agricultural (A-2a):

Beginning at the East corner of this parcel of land on the Westerly side of Akala Road, being also the Southeast corner of Lot 29 of Akolea Plantation Subdivision, File Plan 1336, the coordinates of which referred to Government Survey Triangulation Station "HALAI" being 6,679.47 feet South and 11,922.61 feet West and running by azimuths measured clockwise from true South:

Along remainder of Grant 4752 to Manuel Vierra along middle of stream for the first Two (2) Courses, the direct azimuth and distances between points along said middle of stream being:

1. 53° 50' 30" 478.80 feet;
2. 74° 12' 280.00 feet thence;
3. 25° 21' 50" 593.34 feet along remainder of Grant 4752 to Manuel Vierra to a pipe;
4. 81° 35' 950.00 feet along remainders of Grant 4752 to Manuel Vierra and Grant 4778 to Maria Pavao to a pipe;

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|-----|--------------|--------|--|
| 5. | 180° 10' | 245.50 | feet along the Easterly side of Akolea Road to a bolt in a concrete (found); |
| 6. | 242° 15' 20" | 139.60 | feet along remainder of Grant 4778 to Maria Pavao to a pipe; |
| 7. | 244° 17' | 555.40 | feet along remainder of Grant 4778 to Maria Pavao, to a 3/4" pipe in concrete (found); |
| 8. | 180° 10' | 908.77 | feet along remainder of Grant 4778 to Maria Pavao to the middle of Waipahoehoe Stream; |
| | | | thence along middle of Waipahoehoe Stream for the next Four (4) Courses, the direct azimuths and distances between points along said middle of stream being: |
| 9. | 256° 35' 30" | 259.49 | feet along Lot 39 of Akolea Plantation Subdivision, File Plan 1336; |
| 10. | 321° 17' | 418.77 | feet along Lot 38 of Akolea Plantation Subdivision, File Plan 1336; |
| 11. | 283° 45' 10" | 443.11 | feet along Lot 30 of Akolea Plantation Subdivision, File Plan 1336; |
| 12. | 281° 02' | 283.45 | feet along Lot 29 of Akolea Plantation Subdivision, File Plan 1336 to the point of beginning and containing an area of 24.432 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. This change in district classification is conditioned upon the following: (A) the petitioners, it successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the rezoning of the property shall be on an incremental basis. The first increment shall be 14 contiguous acres

and not exceed 6 lots; the second increment the remaining area. The zoning of the second increment shall become effective upon final subdivision approval for the first increment and either the construction of dwellings or the development of agricultural activity on 3 lots in the first increment, as determined by the Planning Director. As used herein "construction" means the issuance of building permits for dwellings and the completion of roofs for those dwellings. As used herein, "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 to have been developed (1) if such activity is utilizing a minimum of 25 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) who are farming the property; or (3) if a level of production, greater than or equal to that which could be achieved on 25 percent of the usable land area, is achieved on a smaller area through alternative production technology; (C) plans for tentative subdivision approval for the first increment shall be submitted within one year from the effective date of approval of the change of zone. Construction of the subdivision improvements shall be completed within one year from the date of final subdivision approval of the

first increment. Incremental construction of the improvements for the two increments may be permitted, but full improvements for the two increments may be required. The extent of improvements to be made will be determined by the Department of Public Works during the subdivision review process. Final subdivision approval of the second increment would be subject to the performance conditions outlined in condition "B". Additionally, no sales of lots in increment two shall be allowed until final subdivision approval of increment two is granted. Construction of houses or agricultural development as defined in condition "B" shall be completed within two years after final subdivision approval of the first increment; (D) in conjunction with final subdivision approval of the first zoning increment, Akolea Road shall be improved and widened to a 22-foot wide pavement with road shoulders and swales along the frontage of the proposed subdivision, meeting with the approval of the Department of Public Works; (E) a full drainage study shall be submitted and approved by the Department of Public Works. This submittal shall be made part of the subdivision review process; (F) that the requirements of the Department of Water Supply shall be complied with; and (G) 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 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

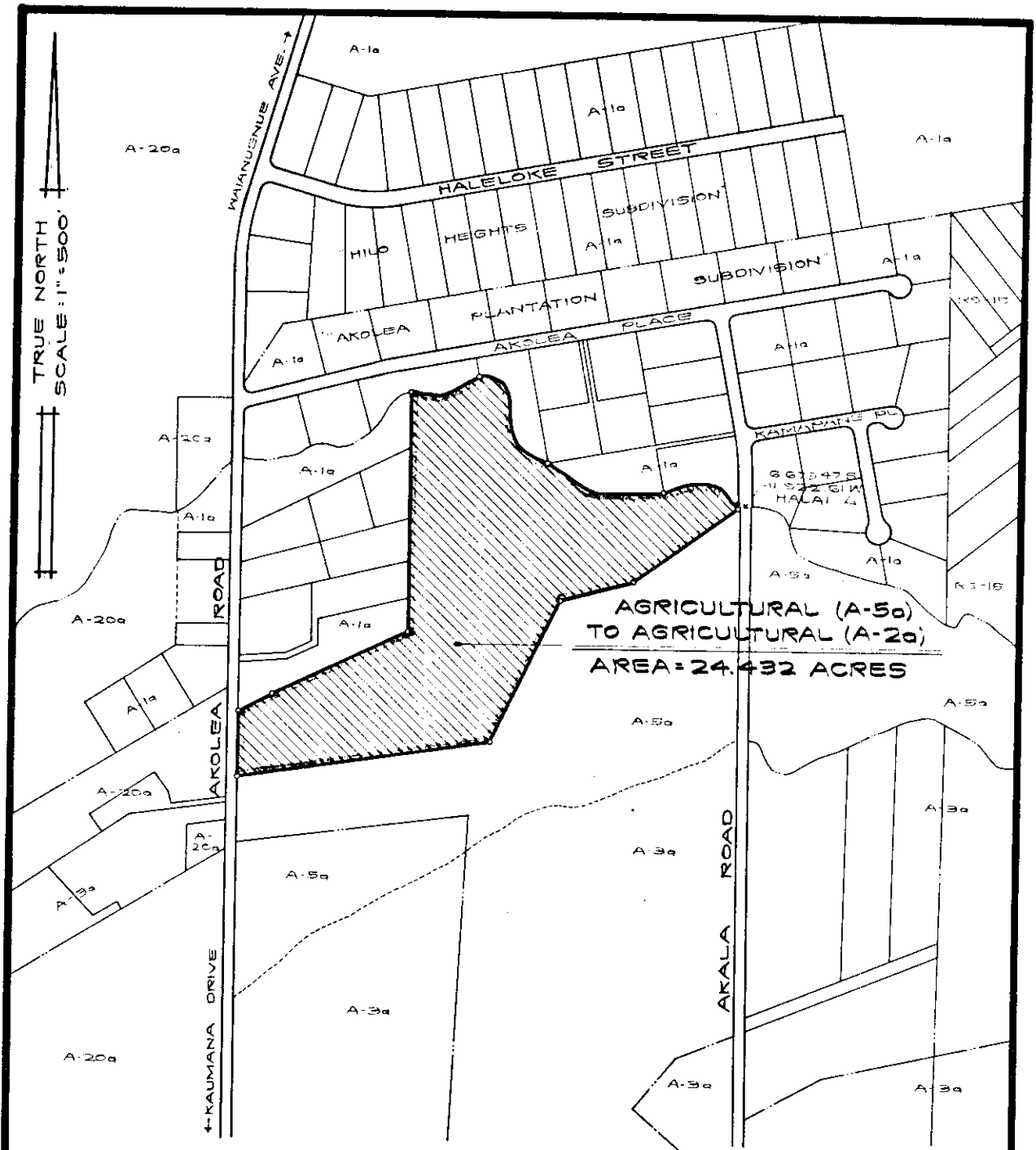
SECTION 4. This ordinance shall take effect upon its approval.

Introduced by:

Jakshi Doming
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 2, 1983
Date of 1st Reading: November 2, 1983
Date of 2nd Reading: December 6, 1983
Effective Date: December 12, 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-5a) TO AGRICULTURAL (A-2a) AT PONAHAWAI, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 2-5-06:131

JULY 22, 1983

EXHIBIT "A"