

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 860

AN ORDINANCE AMENDING SECTION 7.24 (THE KA'U DISTRICT ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-5a) AT KIOLAKAA, KA'U, HAWAII, COVERED BY TAX MAP KEY 9-4-03:PORTION OF 16.

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

SECTION 1. Section 7.24, Article 2, Chapter 8 (Zoning Code), of the Hawaii County Code, as amended, is further amended to add a new subsection, to read as follows:

"7.24 ( j ). The district classification of the following area situated at Kiolakaa, Ka'u, Hawaii, shall be Agricultural (A-5a):

Beginning at the southerly corner of this parcel of land, the southeast corner of a portion of R.P. 7329, L.C. Aw. 9438 to Kauko and on the northwest side of Mamalahoa Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "STEIN 2" being 1518.90 feet North and 15907.55 feet West and running by azimuths measured clockwise from True South:

1. 139° 48' 201.58 feet along R.P. 7329, L.C. Aw. 9438 to Kauko;
2. 74° 40' 525.00 feet along R.P. 7329, L.C. Aw. 9438 to Kauko;
3. 164° 40' 109.42 feet along Lot 13-A-1, the remainder of Grant S-15342 to Yoshiko Toguchi Kihara;
4. 226° 30' 20" 663.44 feet along Lot 13-A-1, the remainder of Grant S-15342 to Yoshiko Toguchi Kihara;
5. 308° 48' 501.22 feet along Lot 13-A-1, the remainder of Grant S-15342 to Yoshiko Toguchi Kihara;
6. 9° 29" 167.53 feet along Lot 13-A-1, the remainder of Grant S-15342 to Yoshiko Toguchi Kihara;

7. Thence along Lot 13-A-1, the remainder of Grant S-15342 to Yoshiko Toguchi Kihara, along a curve to the right having a radius of 25.00 feet, the chord azimuth and distance being: 38° 03' 23" 23.91 feet;
8. Thence along Mamalahoa Highway, along a curve to the left having a radius of 254.45 feet, the chord azimuth and distance being: 64° 09' 53" 21.88 feet;
9. 151° 42' 10.00 feet along a jog in Mamalahoa Highway;
10. Thence along Mamalahoa Highway, along a curve to the left having a radius of 264.45 feet, the chord azimuth and distance being: 54° 07' 69.80 feet;
11. 136° 32' 20.00 feet along a jog in Mamalahoa Highway;
12. 46° 32' 83.41 feet along Mamalahoa Highway;
13. 136° 32' 10.00 feet along a jog in Mamalahoa Highway;
14. Thence along Mamalahoa Highway, along a curve to the right having a radius of 155.00 feet, the chord azimuth and distance being: 47° 02' 49" 2.78 feet to the point of beginning and containing an area of 6.057 Acres.

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

This subsection is conditioned upon the following:  
 (A) that the petitioner, successors, or assigns shall be responsible for complying with all of the stated conditions of approval; (B) that subdivision plans shall be submitted within one (1) year from the effective date of the zone change. Final subdivision plans shall be submitted within one (1) year from the effective date of

tentative subdivision approval; (C) that appropriate agricultural activity be established on fifty percent (50%) of the lot within three (3) years from the date of the change of zone. 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 appropriate (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; or (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 agricultural uses in accordance with applicable Tax Department procedures and that such agriculture dedication shall be made a deed covenant and duly recorded with the Planning Department and Bureau of Conveyances; or (4) if the property is purchased in whole or in part through an agricultural or farm loan obtained from a federal, state or private institution; (D) that the accesses of the proposed lots from Mamalahoa Highway shall meet with the approval of the Department of Public Works. All other applicable requirements of this agency shall be complied with; (E) that the requirements of the Department of Water Supply shall be complied with; and (F) 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: March 2, 1983

Date of Adoption: March 16, 1983

Effective Date: March 23, 1983



NOTE:  
SEE ORDINANCE NO. 860 FOR  
METES AND BOUNDS DESCRIPTION  
OF THE ABOVE ZONE CHANGE.

PROPOSED  
BELT ROAD  
KAMADA  
RD.

# AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 10 TO SECTION 7.24 (THE KA'U DISTRICT ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-5a) AT KIOLAKAA, KA'U, HAWAII.

DATE OF PUBLIC HEARING : JAN. 13, 1983  
EFFECTIVE DATE : MARCH 23, 1983  
ORDINANCE NUMBER : 860  
PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 9-4-03 : PORTION OF 16

DEC. 15, 1982

EXHIBIT "A"

Hilo, Hawaii  
Date: March 2, 1983

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo			X
Fujii	X		
Hale	X		
Kawahara			X
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	7	0	2

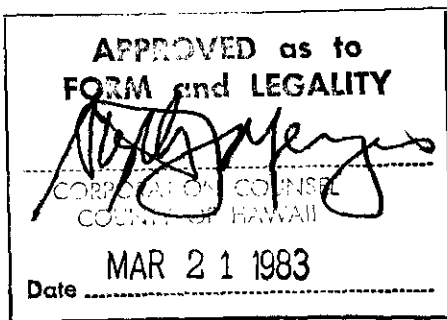
Publication Date: \_\_\_\_\_

Hilo, Hawaii  
Date: March 16, 1983

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo			X
Fujii	X		
Hale	X		
Kawahara			X
Lai	X		
Schutte	X		
Chr. Yamashiro			X
	6	0	3

Publication Date: APR 5 1983

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



*John Yamashiro*  
Council Chairman

*A. M. Leguipi*  
County Clerk

Approved/~~Disapproved~~ this 23<sup>rd</sup> day of March, 1983.

*John Yamashiro*  
Mayor, County of Hawaii

Bill No. 926 (DRAFT 2)  
Reference: C-190/C-1085  
M.B. No. \_\_\_\_\_  
Ord. No. 860