

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE No. 882

AN ORDINANCE AMENDING SECTION 7.12 (THE HAMAKUA DISTRICT HOMESTEADS AREA ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO AGRICULTURAL (A-5a) AT AHUALOA, HAMAKUA, HAWAII, COVERED BY TAX MAP KEY 4-6-06:11.

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

SECTION 1. Section 7.12, 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:

"7.12 (f). The district classification of the following area situated at Ahualoa, Hamakua, Hawaii, shall be Agricultural (A-5a):

Beginning at the southwest corner of this parcel of land, on the north side of Lower Homestead Road Reserve, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KUILEI" being 5,247.54 feet South and 1,997.59 feet East and running by azimuths measured clockwise from True South:

1. 170° 37' 423.72 feet along the remainder of Grant 938 to Nahakuelua, Hooulu, Kanae, Kaihumoku and Keaweopala to the southeast side of Hawaii Belt Road (F.A.P. No. F-019-1 (1));
2. Thence along the southeast side of Hawaii Belt Road (F.A.P. No. F-019-1 (1)), along a curve to the right having a radius of 2,819.79 feet, the chord azimuth and distance being: 259° 38' 21" 131.37 feet;
3. 350° 58' 26" 5.00 feet along a jog in Hawaii Belt Road (F.A.P. No. F-019-1 (1));
4. Thence along the southeast side of Hawaii Belt Road (F.A.P. No. F-019-1 (1)), along a curve to the right having a radius of 2,814.79 feet, the chord azimuth and distance being: 265° 28' 26" 441.69 feet;

5. 359° 58' 26" 25.00 feet along a jog in Hawaii Belt Road (F.A.P. No. F-019-1 (1));
6. Thence along the southeast side of Hawaii Belt Road (F.A.P. No. F-019-1 (1)), along a curve to the right having a radius of 2,789.79 feet, the chord azimuth and distance being: 272° 58' 13" 291.66 feet;
7. 275° 58' 100.36 feet along the southeast side of Hawaii Belt Road (F.A.P. No. F-019-1 (1));
8. 185° 58' 5.00 feet along a jog in Hawaii Belt Road (F.A.P. No. F-019-1 (1));
9. 275° 58' 169.56 feet along the southeast side of Hawaii Belt Road (F.A.P. No. F-019-1 (1));
10. 336° 10' 81.17 feet along the remainder of Grant 938 to Nahakuelua, Hooulu, Kanae, Kaihumoku and Keaweopala;
11. 347° 47' 127.00 feet along the remainder of Grant 938 to Nahakuelua, Hooulu, Kanae, Kaihumoku and Keaweopala;
12. 7° 35' 100.00 feet along the remainder of Grant 938 to Nahakuelua, Hooulu, Kanae, Kaihumoku and Keaweopala;
13. 257° 30' 74.00 feet along the remainder of Grant 938 to Nahakuelua, Hooulu, Kanae, Kaihumoku and Keaweopala;
14. 352° 06' 144.70 feet along Government Land along the middle of a gully;
15. 90° 47' 1,200.22 feet along Government Land and along the north side of Lower Homestead Road Reserve to the point of beginning and containing an area of 522,714 Square Feet or 12.000 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) The petitioner, successors or its assigns shall be responsible for complying with all of the stated conditions of approval; (B) Subdivision plans shall be submitted within one year from the effective date of this change of zone. Final subdivision plans shall be submitted within one year of tentative subdivision approval; (C) Within three years from the effective date of this change of zone, a minimum of fifty percent of each parcel shall be utilized for appropriate agricultural activity. 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 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 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) A drainage system meeting with the approval of the

Department of Public Works shall be installed; (E) The requirements of the State Department of Transportation, Highways Division, be complied with; and (F) All other applicable rules, regulations and requirements shall be complied with. Should any of the foregoing conditions not be met, the Planning Director or the Council may initiate the rezoning of the property to its original or more appropriate zoning designation."

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: April 20, 1983

Date of Adoption: May 4, 1983

Effective Date: May 16, 1983



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 6 TO SECTION 7.12 (THE HAMAKUA DISTRICT HOMESTEADS AREA ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO AGRICULTURAL (A-5a) AT AHUALOA, HAMAKUA, HAWAII.

DATE OF PUBLIC HEARING : JAN. 25, 1983 & MARCH 2, 1983
 EFFECTIVE DATE : MAY 16, 1983
 ORDINANCE NUMBER : 882
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK : 4-6-06:11

MARCH 14, 1983

EXHIBIT "A"

Hilo, Hawaii
Date: April 20, 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
	6	0	3

Publication Date: _____

Hilo, Hawaii
Date: May 4, 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		
	8	0	1

Publication Date: MAY 23 1983

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

APPROVED as to
FORM and LEGALITY
Patricia K. O'Boe
ASSISTANT CORPORATE COUNSEL
COUNTY OF HAWAII
Date MAY 5 1983

Harold Genah
Council Chairman

R. M. Legerpi
County Clerk

Approved/~~Disapproved~~ this 16th day of

May 1983

Alan H. Taka
Mayor, County of Hawaii

Bill No. 955 (DRAFT 2)
Reference: C-1173.1/PC-223
M.B. No. _____
Ord. No. 882