

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 85 20

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-3a) AT PONAHAWAI, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-5-06:PORTION OF 30.

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 Ponahawai, South Hilo, Hawaii, shall be Agricultural (A-3a):

Beginning at a point at the southwest corner of this parcel of land and on the easterly side of Akolea Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 8,008.87 feet South and 13,773.60 feet West and running by azimuths measured clockwise from True South:

1. 180° 10'                    228.28 feet along the easterly side of Akolea Road; thence along Lot B, remainder of Lot 18, Grant 4778 to Maria Pavao along a curve to the right having a radius of 20.00 feet, the chord azimuth and distance being:
2. 220° 52' 30"            26.09 feet;
3. 261° 35'                    521.41 feet along Lot B, remainder of Lot 18, Grant 4778 to Maria Pavao;

4. 0° 10' 245.49 feet along Lot B, remainder of Lot 18, Grant 4778 to Maria Pavao;
5. 81° 35' 538.62 feet along Lot 17, Grant 5057 to Levi C. Lyman to the point of beginning and containing an area of 3.0001 Acres.

All as shown 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 petitioner, its successors or 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 the change of zone. Final subdivision plans shall be submitted within one year from the effective date of the tentative subdivision approval; (C) the proposed three-acre parcel shall be used for substantial agricultural purposes. 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 "substantial" (1) if such activity is utilizing a minimum of fifty 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 fifty percent of the usable land area, is achieved on a smaller area through alternative production technology; (D) restrictive deed covenants for the three-acre parcel shall be submitted to the Planning Department for review and approval prior to its submittal to the Bureau of Conveyances for recordation with final subdivision plat maps. These covenants shall include but not necessarily be limited to the following: (1) the parcel shall be subject to requirements for active agricultural activities to ensure the land is productively used; (2) the parcel shall be subject to requirements for participating in an Improvement District should one be adopted for the improvement of Akolea Road in this area. The restrictive covenants contained herein are encumbrances running with the land, and shall be binding on all parties and persons claiming under them until such time that the land is rezoned to a more appropriate zoning designation; and (E) all other applicable rules, regulations and requirements, including those of the Department of Health, Department of Public Works and Department of Water Supply shall be complied with. Should any of the foregoing conditions not be met the rezoning of the property to its original or more appropriate zoning designation may be initiated.

SECTION 3. In the event that any portion of the ordinance is declared invalid, such invalidity shall not affect other parts of this ordinance.

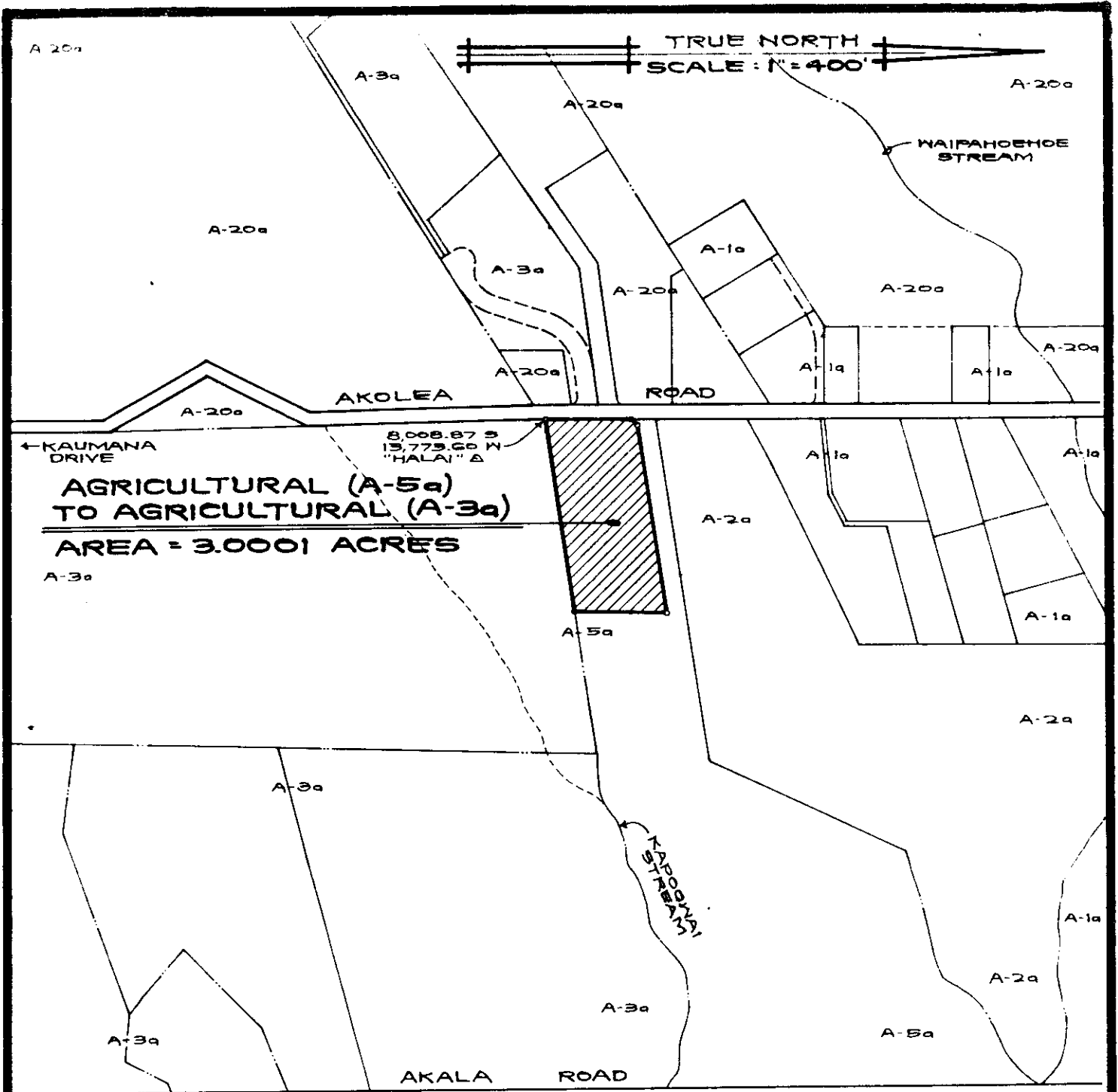
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 6, 1985  
Date of 1st Reading: March 6, 1985  
Date of 2nd Reading: March 20, 1985  
Effective Date: April 3, 1985



## 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-3a) AT PONAHAHAWAI, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII