

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 85 24

AN ORDINANCE AMENDING SECTION 25-109 (KA'U DISTRICT ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-10a) AND AGRICULTURAL (A-5a) AT WOOD VALLEY HOMESTEADS, KA'U, HAWAII, COVERED BY TAX MAP KEY 9-6-08:4.

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

SECTION 1. Section 25-109, 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 Wood Valley Homesteads, Ka'u, Hawaii, shall be Agricultural (A-10a):

Beginning at a point at the north corner of this parcel of land and on the southwesterly side of Government Road (East Road), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAMAKAMAKA" being 6,881.80 feet North and 3,974.99 feet West and running by azimuths measured clockwise from True South:

1. 323° 38' 309.60 feet along the southwesterly side of Government Road (East Road);
2. 45° 01' 30" 1,045.45 feet along remainder of Lot 2, (Revised), Grant 7404 to Hatsue Iseri Uyeda;
3. 139° 12' 30" 21.08 feet along Lot 5-B, Grant 7611 to Mrs. Sarah Kapea;

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| 4. | 74° 01' | 28.42 feet (Revised) along Lot 5-B, Grant 7611 to Mrs. Sarah Kapea; |
| 5. | 148° 21' 30" | 368.50 feet along Lot 5-A, Grant 7611 to Mrs. Sarah Kapea; |
| 6. | 227° 27' 30" | 73.00 feet along Lot 3 (Revised), remainder of Grant 7404 to Hatsue Iseri Uyeda to a point in middle of a Gulch; thence along the middle of a Gulch along Lot 3 (Revised) in all its windings for the next two (2) courses, the direct azimuths and distances being: |
| 7. | 166° 48' 20" | 152.07 feet; |
| 8. | 157° 25' 50" | 69.72 feet; |
| 9. | 257° 31' | 215.54 feet along Lot 3 (Revised), remainder of Grant 7404 to Hatsue Iseri Uyeda; |
| 10. | 252° 31' | 69.09 feet along Lot 3 (Revised), remainder of Grant 7404 to Hatsue Iseri Uyeda; |
| 11. | 247° 25' | 48.36 feet along Lot 3 (Revised), remainder of Grant 7404 to Hatsue Iseri Uyeda; |
| 12. | 245° 17' 30" | 58.53 feet along Lot 3 (Revised), remainder of Grant 7404 to Hatsue Iseri Uyeda; |
| 13. | 237° 54' 30" | 79.43 feet along Lot 3 (Revised), remainder of Grant 7404 to Hatsue Iseri Uyeda; |
| 14. | 234° 45' 30" | 436.68 feet along Lot 3 (Revised), remainder of Grant 7404 to Hatsue Iseri Uyeda to the point of beginning and containing an area of 10.00 Acres. (Refer to Parcel 1 as shown on Exhibit "A".) |

Beginning at a point at the north corner of this parcel of land and on the southwesterly side of Government Road (East Road), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAMAKAMAKA" being 6,632.50 feet North and 3,791.41 feet West and running by azimuths measured clockwise from True South:

1. 323° 38' 66.70 feet along the southwesterly side of Government Road (East Road);
2. 327° 44' 642.20 feet along the southwesterly side of Government Road (East Road) to a point at the northwesterly side of Government Road (East Road);
3. 45° 01' 30" 952.60 feet along the northwesterly side of Government Road (East Road);
4. 140° 23' 30" 375.50 feet along Lot 4-A, Grant 7591 to Julia K. Kapea;
5. 139° 12' 30" 319.42 feet along Lot 5-B, Grant 7611 to Mrs. Sarah Kapea;
6. 225° 01' 30" 1,045.45 feet along remainder of Lot 2 (Revised), Grant 7404 to Hasue Iseri Uyeda to the point of beginning and containing an area of 15.887 Acres. (Refer to Parcel 2 as shown on Exhibit "A".)

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

SECTION 2. These changes in district classification are 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 for tentative approval within one year from the effective date of approval of the change of zone. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval; (C) the proposed lots shall be used for 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 "appropriate" (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 the alternative production technology. Further, any of the proposed lots designated Class "B" or Good by the Land Study Bureau shall comply with the requirements of Section 205-4.5, Chapter 205, Hawaii Revised Statutes, as amended; (D) a drainage system in accordance with the requirements of the Department of Public Works shall be installed; and (E) all other applicable rules, regulations and requirements be complied with. Should any of the foregoing conditions not be met, rezoning of the area 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 the affect other parts of this ordinance.

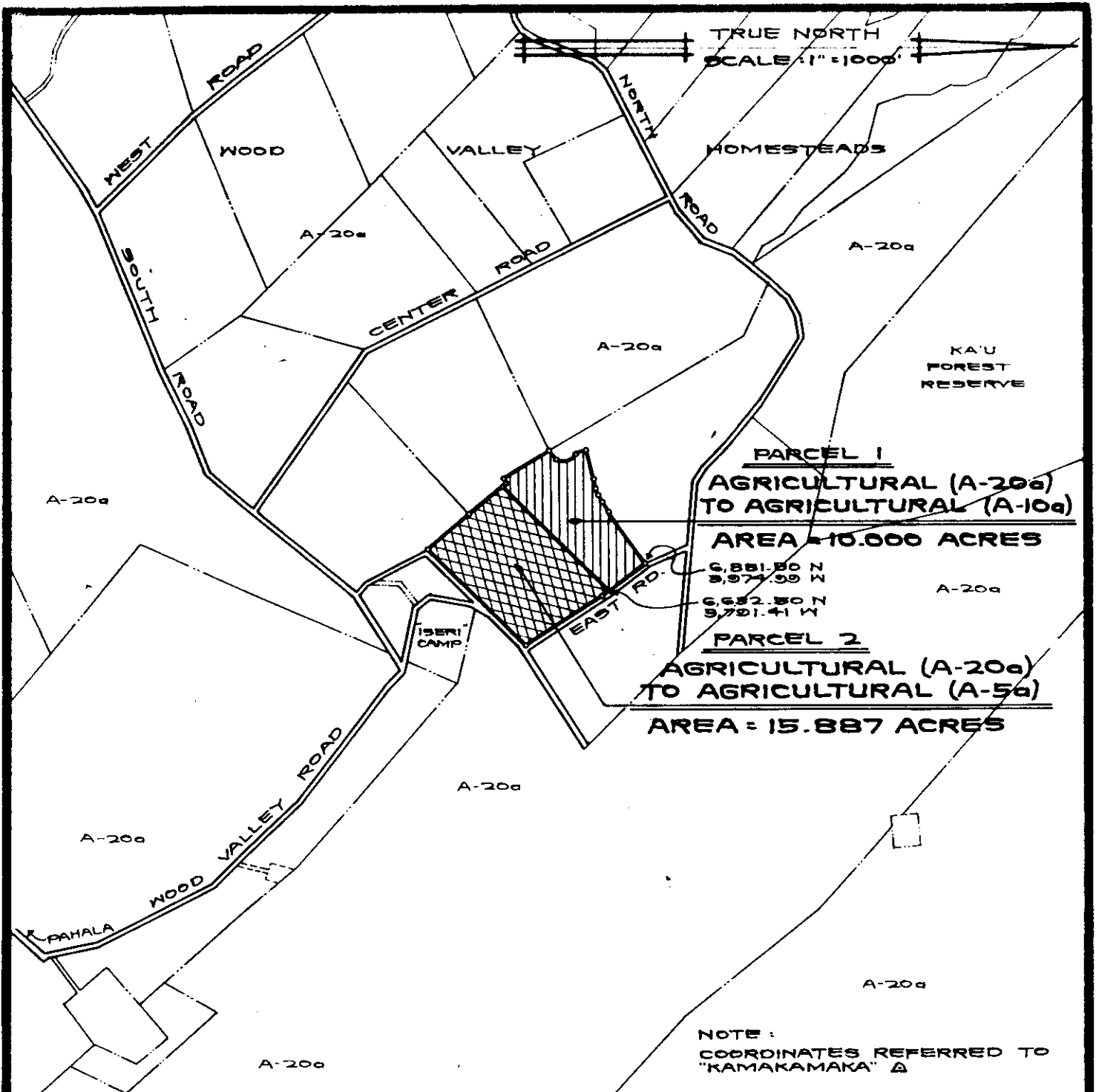
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 20, 1985
Date of 1st Reading: March 20, 1985
Date of 2nd Reading: April 3, 1985
Effective Date: April 8, 1985



TRUE NORTH
SCALE: 1" = 1000'

PARCEL 1
AGRICULTURAL (A-20a)
TO AGRICULTURAL (A-10a)

AREA = 10.000 ACRES
6,881.80 N
9,974.59 W
6,652.50 N
9,791.41 W

PARCEL 2
AGRICULTURAL (A-20a)
TO AGRICULTURAL (A-5a)

AREA = 15.887 ACRES

NOTE:
COORDINATES REFERRED TO
"KAMAKAMAKA" Δ

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-109 (KA'U DISTRICT ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-10a) AND AGRICULTURAL (A-5a) AT WOOD VALLEY HOMESTEADS, KA'U, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 9-6-08: 4

JAN. 31, 1985

EXHIBIT "A"