

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 125

ORDINANCE NO. 86 13

AN ORDINANCE AMENDING SECTION 25-96 (HAMAKUA DISTRICT ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO AGRICULTURAL (A-35a) AT WAIKOEKOE, HAMAKUA, HAWAII, COVERED BY TAX MAP KEY 4-7-07:39.

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

SECTION 1. Section 25-96, 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 Waikoekoe, Hamakua, Hawaii, shall be Agricultural (A-35a):

Beginning at a pipe at the Southeast corner of this parcel of land on the North side of Hawaii Belt Road, Federal Aid Project No. F-019-1 (1), the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIMEA EAST BASE" being 10,520.65 feet North and 16,630.86 feet East and running by azimuths measured clockwise from True South:

1. 76° 04' 00" 125.38 feet along the North side of Hawaii Belt Road, Federal Aid Project No. F-019-1 (1) to a pipe;
2. 346° 04' 00" 5.00 feet along the West side of Hawaii Belt Road, Federal Aid Project No. F-019-1 (1) to a pipe;

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| 3. | 76° 04' 00" | 850.00 | feet along the North side of Hawaii Belt Road, Federal Aid Project No. F-019-1 (1) to a pipe; |
| 4. | 166° 04' 00" | 5.00 | feet along the East side of Hawaii Belt Road, Federal Aid Project No. F-019-1 (1) to a pipe; |
| 5. | 76° 04' 00" | 112.57 | feet along the North side of Hawaii Belt Road, Federal Aid Project No. F-019-1 (1) to a pipe; |
| 6. | 187° 50' 00" | 3424.17 | feet along the remainder of L.C. Aw. 8559-B, Apana 2 to Wm. C. Lunalilo to a pipe; |
| 7. | 284° 40' 00" | 1017.61 | feet along the remainder of L.C. Aw. 8559-B, Apana 2 to Wm. C. Lunalilo to a pipe; |
| 8. | 7° 50' 00" | 2899.65 | feet along the remainder of L. C. Aw. 8559-B, Apana 2 to Wm. C. Lunalilo to the point of beginning and containing an area of 73.4385 acres, more or less. |

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 access shall meet with the approval of the State Department of Transportation, Highways Division; (D) the requirements of the Department of Water Supply shall be complied with; (E) restrictive deed covenants for both parcels 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 require active agricultural activities to ensure the land is productively used. These restrictive covenants 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, (F) all other applicable rules, regulations and requirements shall be complied with. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the area to its original or more appropriate designation.

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.

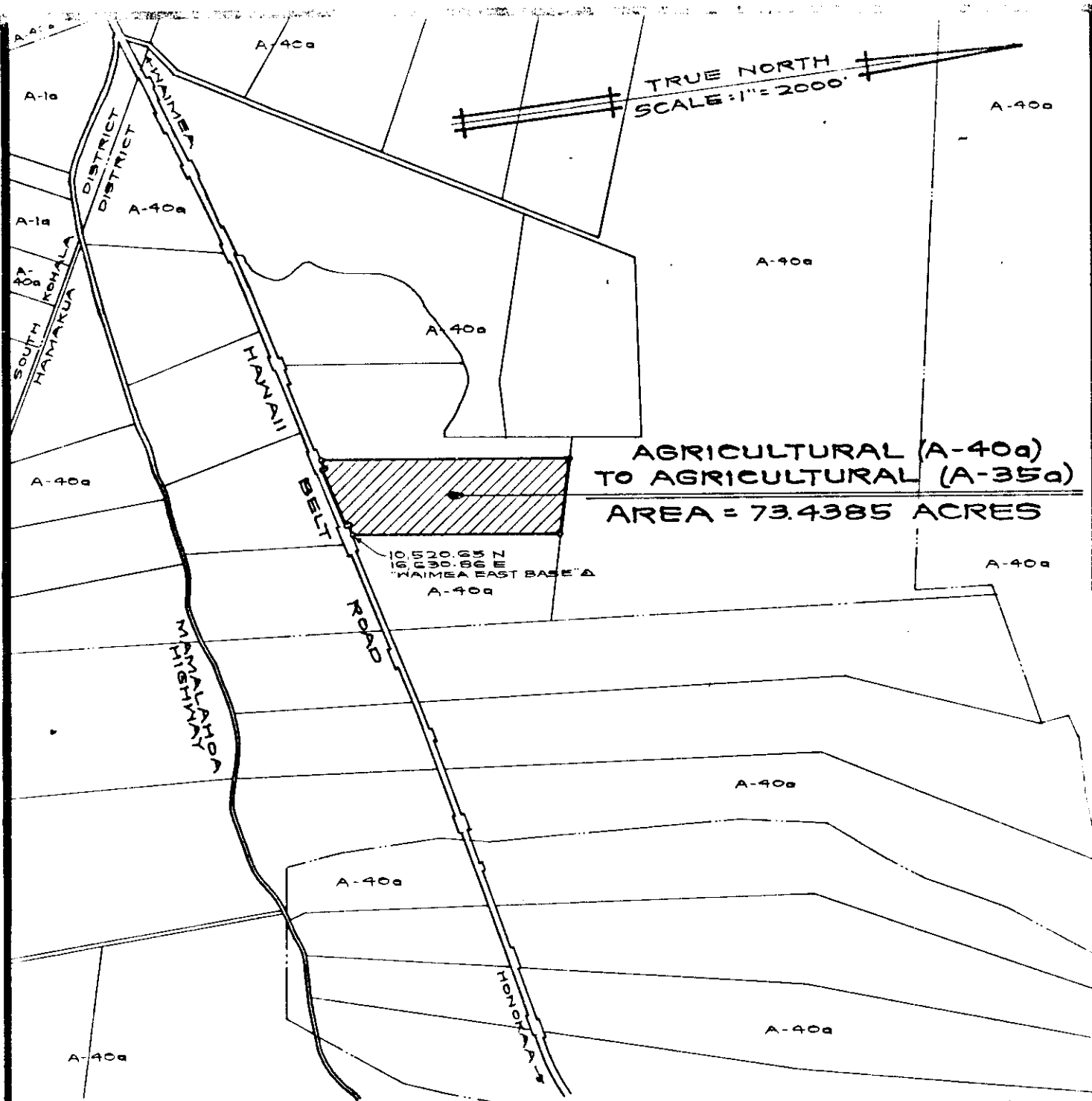
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Jessie Domingo
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 5, 1986
Date of 1st Reading: February 5, 1986
Date of 2nd Reading: February 19, 1986
Effective Date: February 24, 1986



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-96 (HAMAKUA DISTRICT ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO AGRICULTURAL (A-35a) AT WAIKOEKOE, HAMAKUA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 4-7-07:39

DEC. 20, 1985

EXHIBIT "A"