

## COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 176

AN ORDINANCE AMENDING SECTION 7.20, THE KURTISTOWN ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO AGRICULTURAL (A-1a) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-7-01:56.

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

SECTION 1. Section 7.20 of Chapter 8 (Zoning Code) Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.20 (c ). The district classification of the following area situated at Olaa, Puna, Hawaii, shall be Agricultural (A-1a):

Beginning at the Southwest corner of this parcel of land on the southeasterly side of Old Volcano Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 3473.23 feet South and 1667.31 feet West, thence running by azimuths measured clockwise from true South:

1. 191° 20' 60.00 feet along the southeasterly side of Old Volcano Road;
2. Thence along the southeasterly side of New Volcano Road, F.A.P. No. F-2(4) on a curve to the right with a radius of 1392.40 feet, the chord azimuth and distance being 213° 17' 38", 192.13 feet;
3. Thence along the southeasterly side of New Volcano Road, F.A.P. No. F-2(4) on a curve to the right with a radius of 1869.95 feet, the chord azimuth and distance being 219° 45', 163.13 feet;
4. 222° 15' 74.47 feet along the southeasterly side of New Volcano Road, F.A.P. No. F-2(4);
5. 302° 08' 495.45 feet along Grant 4969 to Mai, being also along Lot 9, Olaa Homestead Reservation Lots;
6. 36° 20' 294.90 feet along a portion of Grant 4860 to S. Pali, being also along Lot 17, Olaa Homestead Reservation Lots;
7. 126° 20' 236.50 feet along the remainder of Grant 4881 to Kaoi, being also along the remainder of Lot 18, Olaa Homestead Reservation Lots;

8. 56° 20' 170.25 feet along same;
9. 101° 20' 200.00 feet along same to the point of beginning and containing an area of 4.078 Acres.

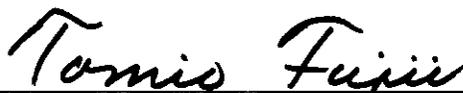
"All as outlined in red on the map attached hereto, marked Exhibit 'A' and by reference made a part hereof."

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that (A) the applicant submit a subdivision plan and secure tentative approval within one (1) year from the official date of adoption of the change of zone. The applicant shall also be responsible for securing final subdivision approval; (B) a minimum of two (2) acres of the three-acre lot to be subdivided be put into agricultural use within three (3) years of receipt of final subdivision approval; and (C) a payment of fee for park and recreational purposes for the area shall be required at the time of subdivision approval, using the standards and guidelines of the Park Dedication Ordinance. Should any of the foregoing conditions not be met, rezoning of the area to its original designation may be initiated.

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:

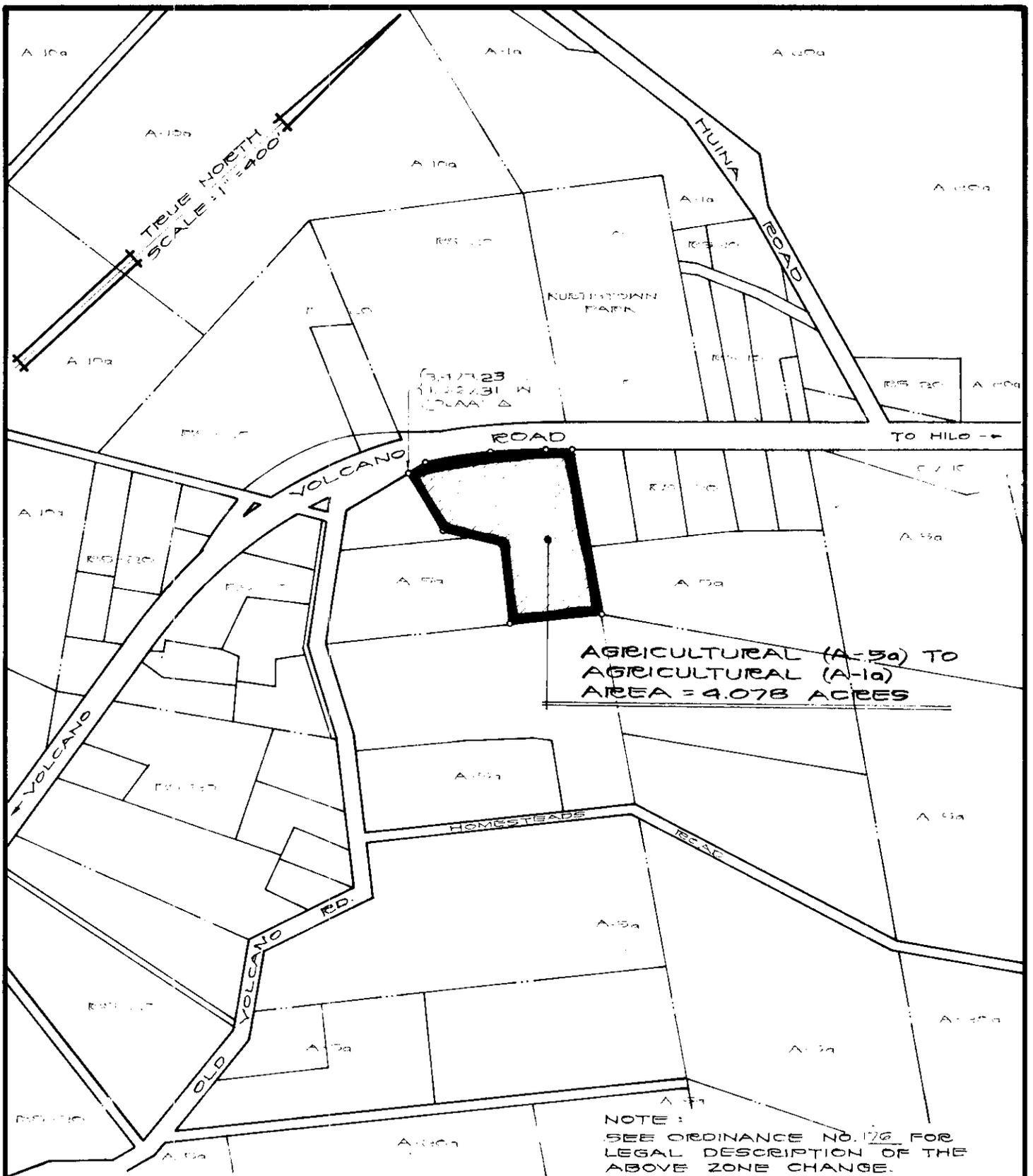
  
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 19, 1975

Date of Adoption: December 3, 1975

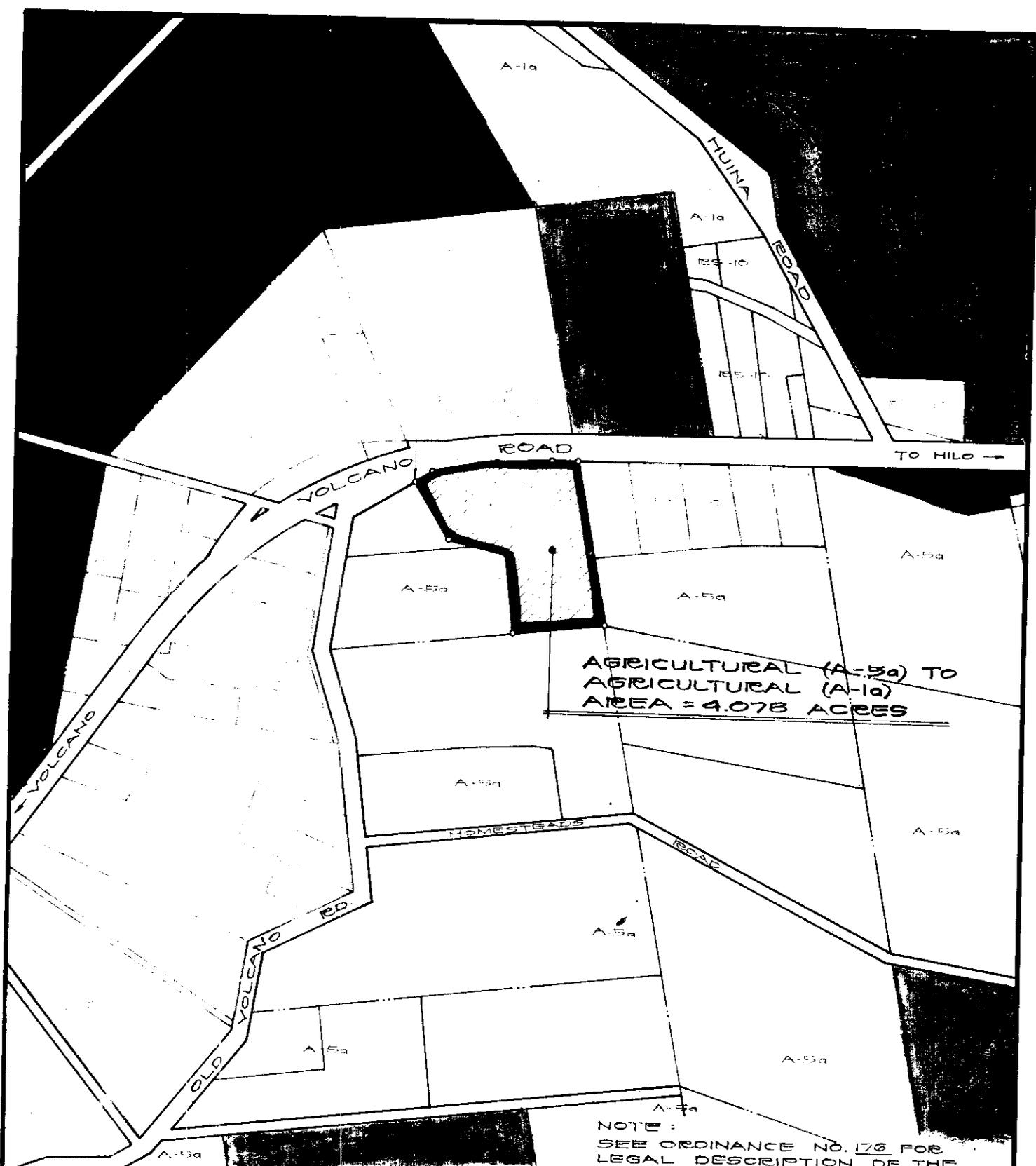
Effective Date: December 8, 1975



**AMENDMENT TO THE ZONING CODE**

AMENDMENT NO. 3 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.20, THE KUIETISTOWN ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO AGRICULTURAL (A-1a) AT OLAA, PUNA, HAWAII.

DATE OF PUBLIC HEARING: AUG. 13, 1975  
 DATE OF APPROVAL: DEC. 8, 1975  
 ORDINANCE NO. 176  
 PREPARED BY: PLANNING DEPARTMENT  
 COUNTY OF HAWAII



## AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 3 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.20, THE KURTISTOWN ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO AGRICULTURAL (A-1a) AT OLAA, PUNA, HAWAII.

DATE OF PUBLIC HEARING: AUG. 13, 1975  
 DATE OF APPROVAL: DEC. 8, 1975  
 ORDINANCE NO. 176  
 PREPARED BY: PLANNING DEPARTMENT  
 COUNTY OF HAWAII

TMK: 1-7-01:56

SEPT. 23, 1975

EXHIBIT "A"

CHANGE OF ZONE: YOSHITAKA ASAYAMA

The applicant, Yoshitaka Asayama, is requesting a change of zone for four (4) acres of land from an Agriculture 5-acre (A-5a) to an Agriculture 1-acre (A-1a) zoned district. The area in question is situated along the makai side of the Volcano Highway, across from the Kurtistown Park and approximately 1,000 feet Volcano side of Sako Store, Olaa Homestead Reservation Lots, Kurtistown, Puna (TMK: 1-7-01:56).

In request of the change of zone, the applicant intends to create a 2-lot subdivision consisting of 1-acre and 3-acre in sizes.

The General Plan land use pattern allocation guide map designates the area for Low Density Urban Development. Such a designation may allow single family residential uses at a maximum density of four (4) units per acre. The State Land Use district classification is Agricultural. For the Commissioners' information, during the recent 1974 State Land Use Commission's 5-year boundary review, the applicant did submit a letter of intent to reclassify the land from an Agricultural to an Urban. The State Land Use Commission, <sup>did not consider</sup> however, rejected the request.

The subject land consists of Hilo and Keaukaha soils. The Hilo series consists of very deep, well drained, silty clay loam soils. In a typical profile, the surface layer is about 12 inches thick while the subsoil extends to a depth of over 70 inches to unconforming bedrock. Hilo soils are low in fertility, however, they respond

to fertilization. These soils are always moist as they have a high moisture-holding capacity. Permeability is rapid and the erosion hazard is slight.

The Keaukaha soil series consists of very shallow, well drained organic soils. The surface layer is about 8 inches thick. Solid rock outcrops occupy 25 to 50 percent of the surface.

The slope range of the area is between 0 to 20 percent, and the rainfall ranges from 120 to 180 inches annually.

Presently, situated on portion of the property is a single family dwelling while the remaining area is vacant. Surrounding land uses include single family dwellings, Kurtistown Park, Sako Store and Service Station, and sugar cane lands. The adjacent lots <sup>across</sup> in the Hilo side and across the highway are zoned for Single Family Residential - 20,000 square foot (RS-20). There are also RS-10 zoned lands in close proximity. The adjoining areas to the rear and also to the Volcano side of the property are zoned as A-5a.

All essential utilities, including an 8-inch water line, are available to the area. According to the Department of Public Works and the Soil Conservation Service, there is a drainage way which traverses the southeast end of the property.

All other cooperating agencies had no comments on or objections to the subject request.

In further support of his request, the applicant has stated the following:

"I, along with my wife, jointly own the subject land located in Kurtistown with an area of 4.078 acres, more or less, and bearing Tax Map Key Number 1-7-01:56. We presently reside on one end of the lot and do not presently farm on the land. We want to retain our residence on an acre portion of the land and transfer title to the remaining acreage to our daughter and son-in-law, Mr. and Mrs. Robert Kanno of Hilo. The present zoning classification of the land prevents this subdivision. If both the zoning change request and proposed two-lot subdivision is approved, the Kannos plan to farm various crops on their portion and thus increase the agricultural usage of the land. This planned agricultural usage of the land by the Kannos is consistent with the stated goal in the General Plan of protecting and maintaining agriculture lands on the island of Hawaii (Gen. Plan, p. 82). The two land units created if our request is granted is well within the present density requirements. No increase in government services or improvements would be necessary if our application is approved."

The following letter, dated Aug. 12, from  
Mr. Jack Sawa was received:  
(FROM LETTER)

PLANNING DEPARTMENT

County of Hawaii

APPLICATION FOR CHANGE OF ZONE

Name of Applicant: YOSHITAKA ASAYAMA  
(print or type)

(I) ~~(We)~~ hereby request an amendment of zoning to change the present classification in a(n) Agriculture 5-acre district into a(n) Agriculture 1-acre district in accordance with provisions of Section 38, Ordinance No. 63 of the County of Hawaii for the following reasons:

Submittals: Petitioner shall submit sixteen (16) copies of the application and location/site plan drawn to scale, and one (1) copy of the questionnaire.

Petitioner's interest in subject property: (State if owner or lessee\*)

Joint owner with wife.

\*must be for 5 years or more

Petitioner's reason(s) for requesting a change of zone:

NOTE: a. Please explain how the requested change of zone would be consistent with the goals, policies, and course of action (if applicable) of the General Plan document. Please, also, specifically indicate which goals, policies, and courses of action are involved. (Copies of the General Plan document are available at all public libraries and at the Hawaii County Planning Department.)

See attached.

b. Please state any other reason(s) for your request.

The application shall be accompanied with a deposit of \$100.00 to cover publication and administrative costs.

Signature *Yoshitaka Asayama* owner  
Name Title

Address P. O. Box 34, Kurtistown, Hawaii 96760

Telephone 966-9139

ATTACHMENT

Agricultural Rezoning

PLANNING DEPARTMENT  
COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

1. If your request is approved, do you intend to subdivide the subject land in accordance with the approved change of zone? Yes

If yes, please answer the rest of question 1 and then to question 3.

a. How many acres of the requested area do you intend to subdivide? Entire

b. Into what lot sizes? 1 lot - 1 acre  
1 lot - 3.078 ac.

c. If your request is approved, approximately how long after the date of approval do you expect to submit your subdivision plans to the Planning Department for preliminary approval? Immediate

d. Do you intend to build houses on the newly created lots? No

If yes, please answer the following questions:

On how many of those lots? N/A

At what approximate price range? House N/A

Lot N/A

Total N/A

Approximately how long, after approval of the subdivision, would the first house be available for occupancy? N/A

If you intend to subdivide, please submit a preliminary schematic subdivision plan together with your change of zone application form.

2. If you have no firm plans of subdividing the subject area, do you intend to: ---

a. Sell or lease the land to someone who has firm plans? ---

b. Sell or lease the land to someone who has tentative plans? ---

c. Sell or lease the land to someone who has no plans? ---

d. Keep it? ---

e. Other (please state) ---

f. If you intend to do either a, b, or c, please elaborate on the kind of plans the other party has. Please, also, include in your answer approximately how soon after approval of your rezoning do you expect to transfer the subject land to another party.

N/A

3. Do you think that your request and your further plans for the land will alleviate the local housing situation?

No

How?

4. Are there any buildings on the subject area?

Yes

If so, what kind?

Single family residence

What do you intend to do with those buildings if your request is approved?

Continue residence therein

5. Is the subject land currently being used for any agricultural activity?

No

If so, please list the kinds of products grown and on how many square feet or acres of land per product.

N/A

6. Was your request to allow for the creation of smaller agricultural lots?

Yes

If so, did your plan include the following considerations?

a. Commodity to be produced?

Yes

What kinds of commodity?

Diversified agriculture

- b. Suitability of the proposed lot-size for that commodity? Yes
- c. Sufficient farm size to allow reasonable chance of success in commercial agriculture? Yes
- d. Agricultural leases or other forms of assurance that potential buyers or leases would put the subject area into some form of agricultural use? Yes

Please state the proposed type of arrangement.

My daughter and son-in-law (Mr. and Mrs. Robert Kanno of Hilo) plan to farm the 3 acre portion of the proposed subdivision.

Please submit your agricultural plans for the subject area and present evidence of consideration of the above requirements together with your request for a change of zone.

(See reasons for requesting zoning change.)

If you do not intend to subdivide the subject land for some sort of agricultural purpose, please state your other reasons.

N/A

7. To your knowledge, has there been any flooding and/or drainage problem on the subject area? No

If so, please describe the problem.

8. Do you think that the roads leading to the subject area needs improvements? No

If so, what kind?

Is the road adequate for the proposed traffic volume or load? Yes

9. What sort of governmental assistance and/or improvements do you feel will be needed in the subject area when developed?

	<u>Yes</u>	<u>No</u>
a. Schools	_____	X _____
b. Roads	_____	X _____
c. Sewer	_____	X _____
d. Drainage	_____	X _____
e. Police Protection	_____	X _____
f. Fire Protection	_____	X _____
g. Recreational Facilities	_____	X _____
h. Public Utilities	_____	X _____
i. Other	_____	X _____

For those checked "yes", please elaborate what type or kinds of improvements and/or assistance are needed.

Signature: Yorutana Asayama

Address: P. O. Box 34, Kurtistown, HI 96760

Telephone: 966-9139

Date: 4.7.75

Hilo, Hawaii

Date: November 19, 1975

FIRST READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin		X	
Yadao	X		
Yamada	X		
	8	1	

NOV 24 1975

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

Hilo, Hawaii

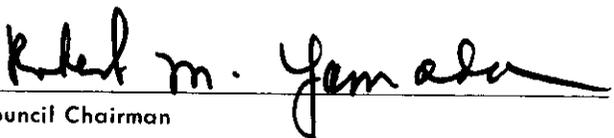
Date: December 3, 1975

SECOND & FINAL READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin		X	
Yadao	X		
Yamada	X		
	8	1	

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

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

  
 Date: 12/5/75

  
 Council Chairman

  
 County Clerk

Approved/~~Disapproved~~ this 8<sup>th</sup> day of  
December, 19 75

  
 Mayor, County of Hawaii

Bill No. 185  
 Reference: C-1616/PRDLC-62  
 M.B. No. 1745  
 Ord. No. 175

Bill No. 185 - 1975

AN ORDINANCE AMENDING SECTION 7.20, THE KURTISTOWN ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO AGRICULTURAL (A-1a) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-7-01:56.

This Bill amends The Kurtistown Zone Map of the Zoning Code.

Date Introduced: November 19, 1975

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

---

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on November 19, 1975, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: Councilman Levin - 1.

  
DEPUTY COUNTY CLERK  
COUNTY OF HAWAII

CHAPTER 8. ZONING CODE. ARTICLE  
2. HAWAII COUNTY CODE, AS  
AMENDED, CHANGING THE  
DISTRICT CLASSIFICATION FROM  
AGRICULTURAL (A-5a) TO  
AGRICULTURAL (A-1a) AT OLAA,  
PUNA, HAWAII, COVERED BY TAX  
MAP KEY 1-7-01:56.

This Bill amends The Kurtistown Zone  
Map of the Zoning Code.  
Date Introduced: November 19, 1975  
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on file in the Office of the County Clerk for  
use and examination by the public.

I hereby certify that the foregoing Bill  
passed first reading at the meeting of the  
County Council on November 19, 1975, by  
the following aye and no vote:  
AYES: Councilmen Carpenter, De Luz,  
Fujii, Hisaoka, Kawahara, Lai, Yadao and  
Chairman Yamada - 8.  
NOES: Councilman Levin - 1.

DEPUTY COUNTY CLERK  
COUNTY OF HAWAII

ORDINANCE NO. 176  
(Bill No. 185-1975)

AN ORDINANCE AMENDING SECTION 7.20, THE KURTISTOWN ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO AGRICULTURAL (A-1a) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-7-01:56.

Date Approved: December 3, 1975  
Date Effective: December 8, 1975

Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

---

I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on December 3, 1975, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: Councilman Levin - 1.



COUNTY CLERK  
COUNTY OF HAWAII

AN ORDINANCE AMENDING SECTION 7.20, THE KURTISTOWN ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO AGRICULTURAL (A-1a) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-7-01:56.

Date Approved: December 3, 1975  
Date Effective: December 8, 1975

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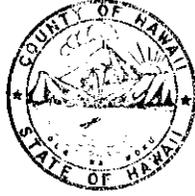
AYES: Councilmen Carpenter, De Luz, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: Councilman Levin - 1.

TED T. SUZUKI  
COUNTY CLERK  
COUNTY OF HAWAII

(18) - Ordinance of Hawaii County  
Dec. 12, 1975

Ted T. Suzuki  
COUNTY CLERK



Robert Shioji  
DEPUTY COUNTY CLERK

OFFICE OF THE COUNTY CLERK  
COUNTY OF HAWAII  
HILO, HAWAII 96720

Mayor Herbert T. Matayoshi  
County of Hawaii  
Hilo, Hawaii

I hereby transmit Ordinance Bill No. 185  
passed by the County Council on second and final  
reading.

*Ted T. Suzuki*

COUNTY CLERK

Encl.

Dated: DEC 4 1975