

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 193

AN ORDINANCE AMENDING SECTION 7.20, THE KURTISTOWN ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-7-01:PORTION OF 21.

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(d). The district classification of the following area situated at Olaa, Puna, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the Southwest corner of this parcel of land on the East side of New Volcano Road (F.A.P. F-2(4)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "Olaa" being 571.01 feet South and 323.97 feet East and running by azimuths measured clockwise from true South:

1. 203° 50' 215.84 feet along New Volcano Road (F.A.P. F-2(4));
2. 274° 45' 260.83 feet along Olaa-Keaau Boundary;
3. 27° 49' 275.65 feet along the remainder of Grant 4460 to George W. Paty (Lot 1 of Olaa Homestead Reservation Lots);
4. 107° 16' 36" 228.84 feet along the same to the point of beginning and containing an area of 57,610 square feet.

"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, Daniel Hata, submit a subdivision plan and secure tentative approval within one (1) year of the official date of approval of the change of zone request; and (B) construction of a single-family dwelling commence on one of the lots within three (3) years of receipt of final subdivision approval. Should any of the foregoing conditions not be met, rezoning of the property to its former zoning 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:

Frank Le Ty III

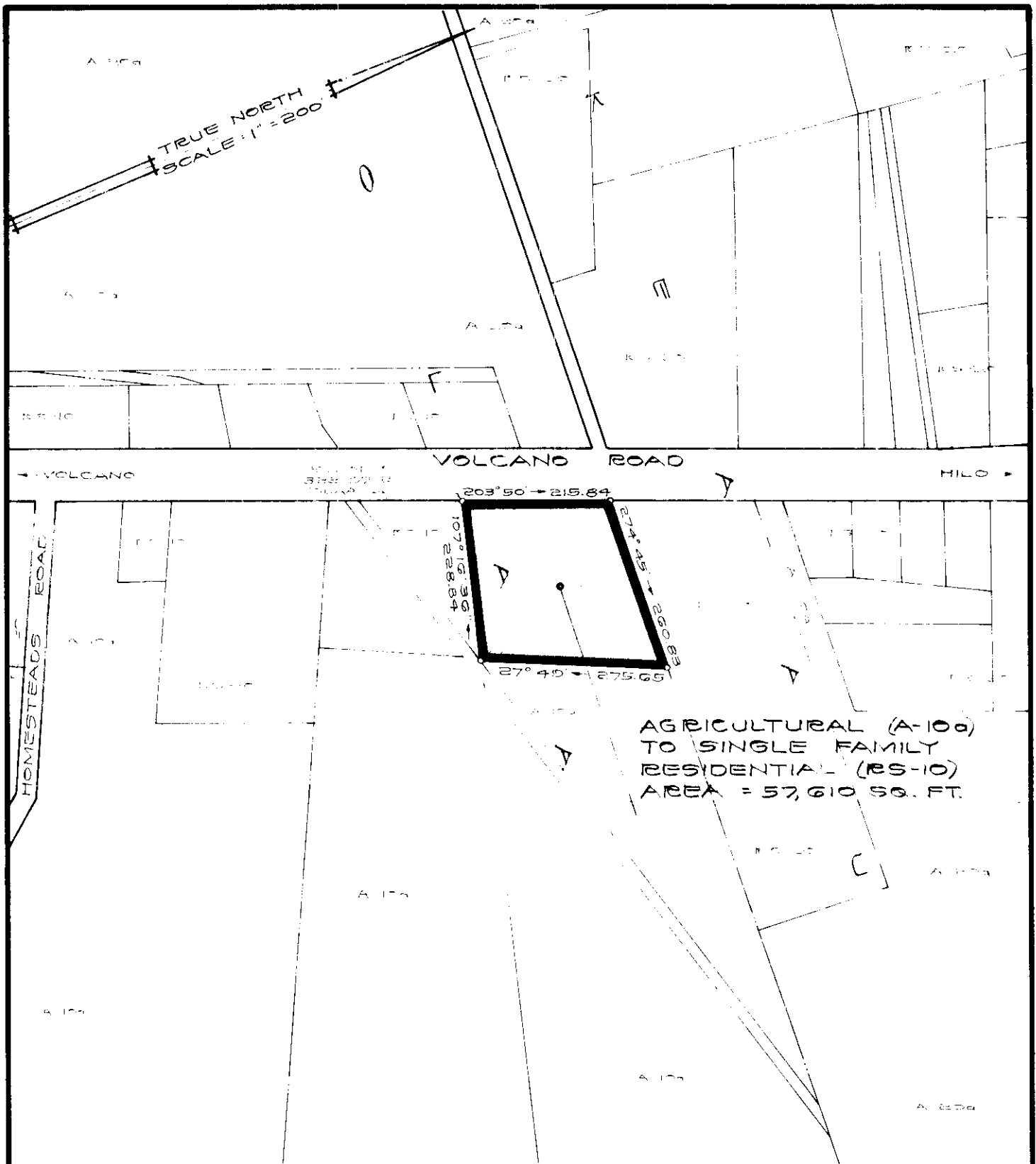
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 6, 1976

Date of Adoption: February 18, 1976

Effective: March 3, 1976



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 4 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.20, THE KURTISTOWN ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-100) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT OLAA, PUNA, HAWAII.

DATE OF PUBLIC HEARING: NOV. 20, 1975
 DATE OF APPROVAL: MARCH 3, 1976
 ORDINANCE NO. 193
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

Hilo, Hawaii
Date: February 6, 1976

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		
	7	1	1

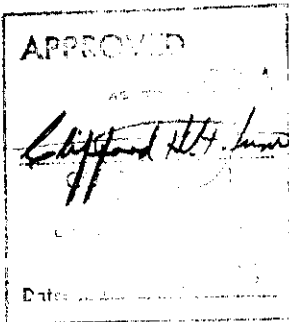
Publication Date: Feb. 12, 1976

Hilo, Hawaii
Date: February 18, 1976

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: FEB 19 1976

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



Robert M. Yamada

Council Chairman

Ted J. Suzuki

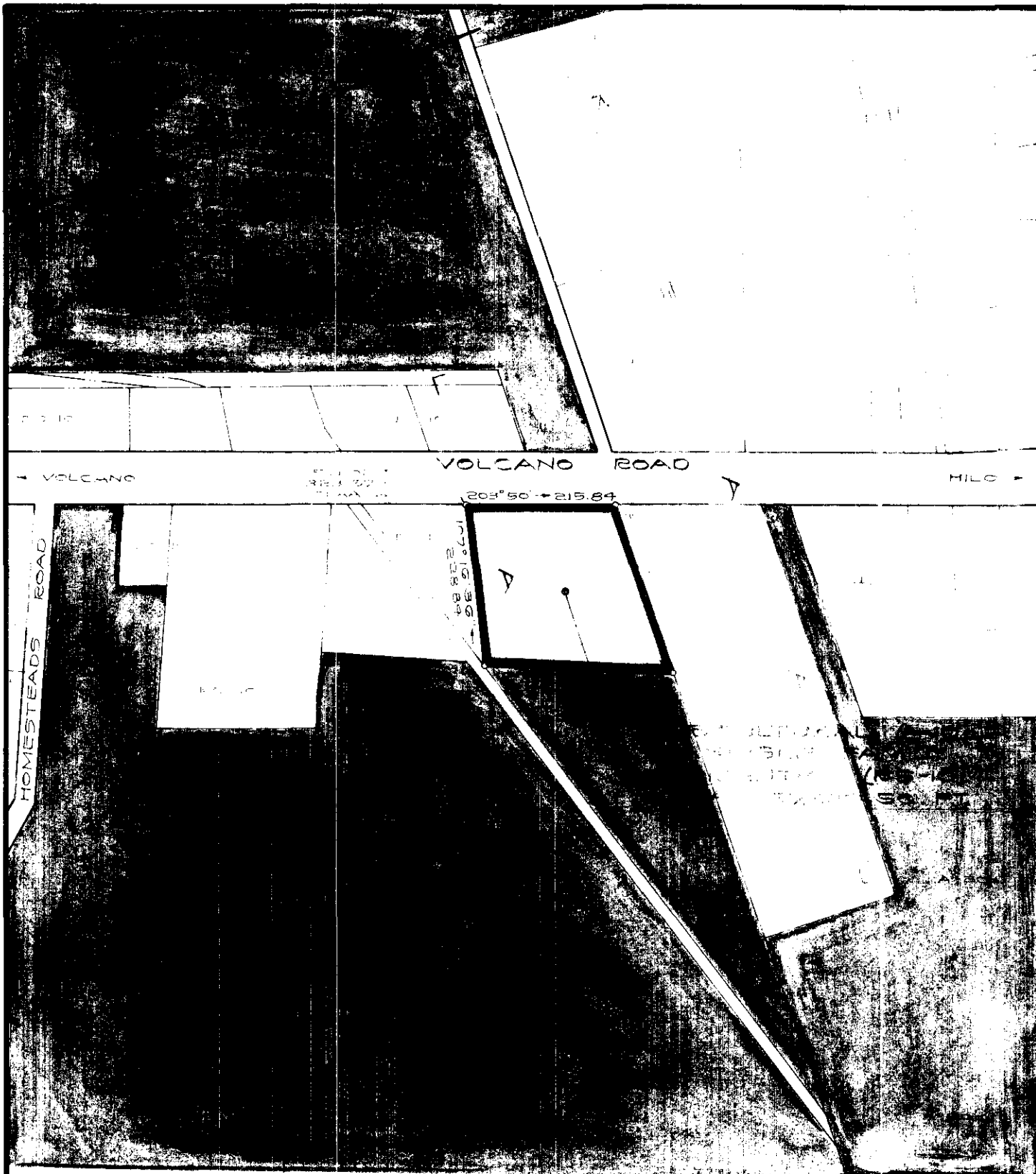
County Clerk

Approved/~~Disapproved~~ this 3rd day of
March, 1976

Hubert Matsuyoshi

Mayor, County of Hawaii

Bill No. 206
Reference: C-1697/PRDLC-67
M.B. No. 1867 1877
Ord. No. 153



AMENDMENT TO THE ZONING CODE

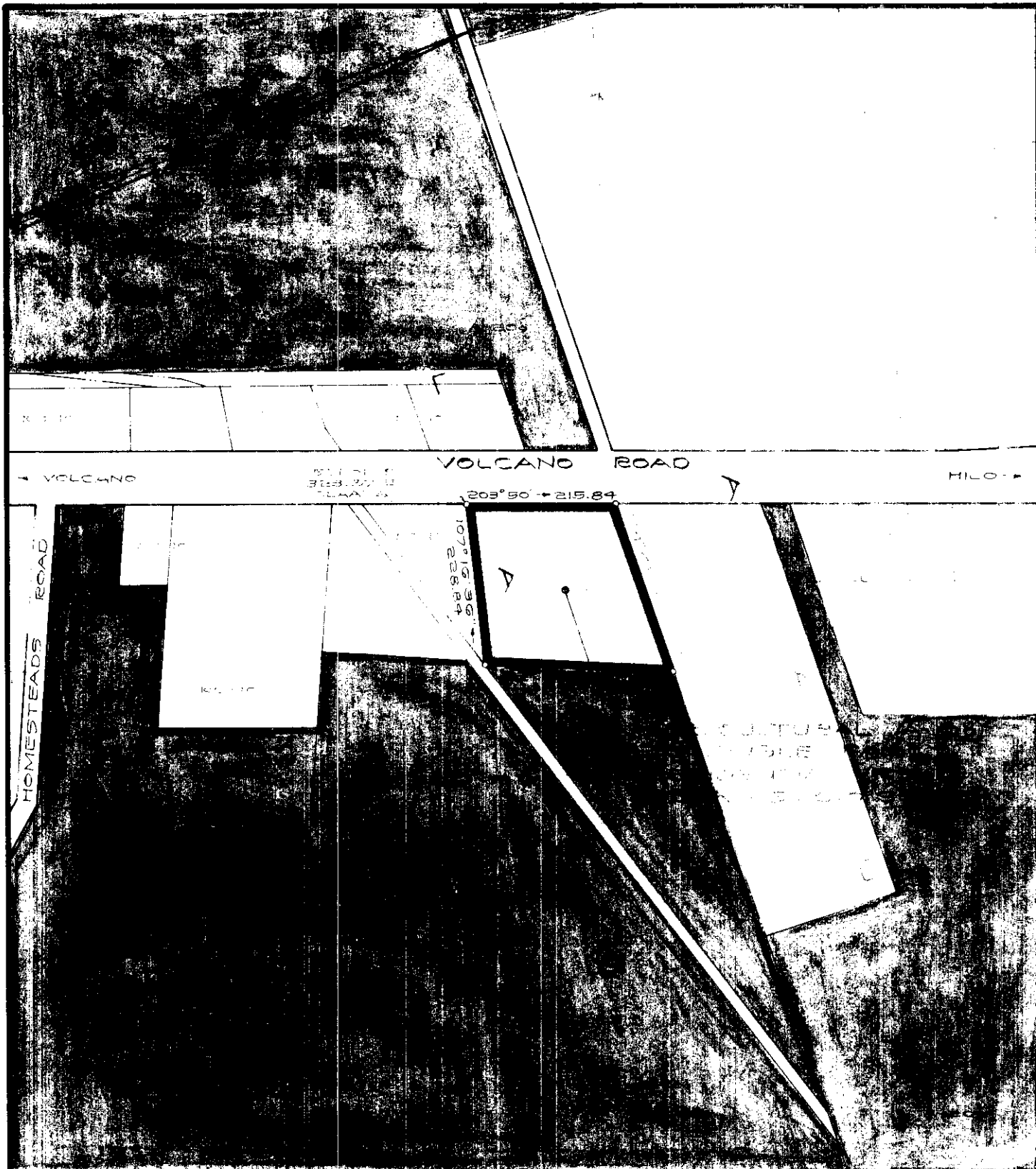
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 DATE OF APPROVAL: MARCH 3, 1976
 ORDINANCE NO. 193
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK: 1-7-01: 21 (POR)

DEC. 23, 1975

EXHIBIT "A"



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 4 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.20, THE KURTISTOWN ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-100) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT OLAA, PUNA, HAWAII.

DATE OF PUBLIC HEARING: NOV. 20, 1975
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 ORDINANCE NO. 193
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK: 1-7-01: 21 (POR)

DEC. 23, 1975

EXHIBIT "A"

REZONING: DANIEL HATA

The applicant, Daniel Hata, is requesting a change of zone for 1.3 acres of land from an Agricultural 10-acre (A-10a) to a Single Family Residential - 10,000 square foot (RS-10) zoned district. The area in question is situated along the east side of the Volcano Highway, approximately 1,700 feet Hilo side of the Kurtistown Post Office and Sako Store, Olaa Homestead Reservation Lots, Kurtistown, Puna (TMK: 1-7-01:por. 21).

In request of the change of zone, the applicant intends to create four (4) lots of approximately 13,500 square feet in size. These lots are intended for family distribution.

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 requested density does conform to this density limit.

For the Commissioners' information, the property in question was reclassified by the State Land Use Commission from an Agricultural to an Urban District during its 1974 5-year boundary review.

Presently situated on the property is an old single-family dwelling which the applicant intends to remove should the change of zone request be approved. The remaining 2+-acre area to the rear which is not involved in this request is occupied by a saran house, as indicated in the photograph being circulated. The applicant intends to consolidate this remaining 2+-acre lot with his rear parcel which consist of 15± acres.

Surrounding land uses primarily consist of single family dwellings and cane lands. The adjacent lots on the Hilo side are zoned for Single Family Residential - 20,000 square foot (RS-20), while the properties on the Volcano side are zoned for Single Family Residential - 10,000 square foot (RS-10). Within the Kurtistown area, there are slightly over ten (10) acres of RS-10 zoned lands involving twenty-three (23) lots. Some of the lots are larger than 10,000 square feet. Should these lots be further subdivided, 17 additional lots may be created.

The soil in the area is of the Olaa Series, consisting of deep, well drained silty clay loam with 0 to 10 percent slopes. This soil is 20 to 30 inches deep with an effective depth of about 25 inches. The erosion hazard is considered to be slight. The Soil Conservation Service's land capability unit is Class III which are soils having severe limitations that reduce the choice of plants, require special conservation practices, or both.

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

"Although the subject lot is zoned A-10a, Petitioners' real property tax on a portion of the subject lot abutting the highway and comprised of an area of a little over one acre, is taxed by the State Department of Taxation as urban RS-10. This is presumably due to the fact that the abutting parcels to the subject lot on either sides of the lot are zoned RS-10. Peti-

tioners checked with the Tax Office and determined that the practice of taxing the frontage on the basis of urban use started at least by 1966 and has continued up to the present time. There is an old house in the front part of the lot which has been there since the early 1920's indicating that the use has been an urban one for this portion of the premises."

The petitioner further states that "since my parents have passed away, I would like to have some members of the family acquire a portion of this property to build their homes."

All essential utilities, including an 8-inch water line and fire hydrant, are available to the area in question. All cooperating agencies had no comments on or objections to the subject request.

RS-10

A-10a

THESE ARE THE ORIGINALS OF THE
RECORDS OF THE BUREAU OF THE
INTERNAL SECURITY OF THE UNITED STATES

AND ARE BEING MAINTAINED IN THE
FEDERAL BUREAU OF INVESTIGATION

RECORDS SECTION OF THE FEDERAL BUREAU OF INVESTIGATION

AND ARE BEING MAINTAINED IN THE
FEDERAL BUREAU OF INVESTIGATION

Bill No. 206 - 1976

AN ORDINANCE AMENDING SECTION 7.20, THE KURTISTOWN ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-7-01:PORTION OF 21.

This Bill amends Section 7.20, The Kurtistown Zone Map of the Zoning Code.

Date Introduced: February 6, 1976

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 February 6, 1976, by the following aye and no vote:

AYES: Councilmen De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 7.

NOES: Councilman Levin - 1.

ABSENT AND EXCUSED: Councilman Carpenter - 1.



COUNTY CLERK
COUNTY OF HAWAII

AN ORDINANCE AMENDING SECTION 7.20, THE KURTISTOWN ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-7-01:PORTION OF 21.

This Bill amends Section 7.20, The Kurtistown Zone Map of the Zoning Code.
Date Introduced: February 6, 1976
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NOES: Councilman Levin - 1.

ABSENT AND EXCUSED: Councilman Carpenter - 1.

TED T. SUZUKI
COUNTY CLERK
COUNTY OF HAWAII

ORDINANCE NO. 193
(Bill No. 206-1976)

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Date Approved: February 18, 1976
Date Effective: March 3, 1976

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 February 17, 1976, by the following ye and nays:

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

NOES: Councilman Levin - 1.



COUNTY CLERK
COUNTY OF HAWAII

CHAPTER 8 ZONING CODE, ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-7-01:PORTION OF 21.

Date Approved: February 18, 1976
Date Effective: March 3, 1976
Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

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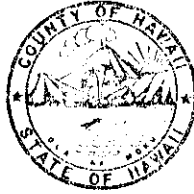
AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: Councilman Levin - 1.

TED T. SUZUKI
COUNTY CLERK
COUNTY OF HAWAII

(305 - Hawaii Times Herald
March 31, 1976)

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. 206
passed by the County Council on second and final
reading.

A handwritten signature in cursive script that reads "Ted T. Suzuki".

COUNTY CLERK

Encl.

Dated: FEB 20 1976