

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 408

AN ORDINANCE AMENDING SECTION 7.18 THE PUNA DISTRICT ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-5a) AT OLA'A, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-8-86:6.

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

SECTION 1. Section 7.18 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.18 (j). The district classification of the following area situated at Ola'a, Puna, Hawaii, shall be Agricultural (A-5a):

Beginning at the East corner of this parcel of land, also being the North corner of Grant 4358 to F. Steininger (Lots 69 and 90-A of Olaa Reservation Lots) on the Southwesterly side of South Kulani Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 17,177.38 feet South and 12,980.79 feet West and running by azimuths measured clockwise from True South:

1. 48° 53' 30" 1,500.00 feet along Grant 4358 to F. Steininger (Lots 69 and 90-A of Olaa Reservation Lots);
2. 138° 53' 30" 2,019.75 feet along Grant 4027 to A. Zimmerman and Annie Zimmerman (Lots 88 and 89 of Olaa Reservation Lots);
3. 228° 53' 30" 739.76 feet along the remainder of Grant 4025 to J. Reinhardt (Lots 70 and 71 of Olaa Reservation Lots) and Lot 8 of Mountain View Gardens Subdivision, Unit 1-A;
4. 138° 53' 30" 36.70 feet along Lot 8 of Mountain View Gardens Subdivision, Unit 1-A;

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|----|--------------|---------------|--|
| 5. | 228° 53' 30" | 394.12 feet | along Lots 9, 10 and 11 of Mountain View Gardens Subdivision, Unit 1-A; |
| 6. | 318° 53' 30" | 890.05 feet | along Lots 14, 15, 16, 17, 18, 19 and 20 of Mountain View Gardens Subdivision, Unit 1-A; |
| 7. | 228° 53' 30" | 366.12 feet | along Lot 20 of Mountain View Gardens Subdivision, Unit 1-A to a point on the Southwesterly side of South Kulani Road; |
| 8. | 318° 53' 30" | 1,166.40 feet | along the Southwesterly side of South Kulani Road to the point of beginning and containing an area of 62.710 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 area be zoned in two (2) increments. The first increment shall consist of approximately 41 acres and the second increment, the remaining area. The effective date of zoning for the second increment shall be after agricultural developments have occurred on the first increment. Agricultural development is defined as the active cultivation or production of land for agricultural purposes as determined by the County Planning Department on a minimum of twenty-five (25) percent of the lots within the entire 62.153± acres of which a minimum of twenty (20) percent of the lots shall be cultivated; (B) a drainage study shall be submitted prior to tentative subdivision approval for the first increment; (C) the petitioner or his authorized representative submit plans for tentative subdivision approval for the first increment within one (1) year from the effective date of approval of the change of zone and also assume responsibility for

obtaining tentative and final subdivision approval. The petitioner shall also be responsible for securing tentative and final subdivision approval for the second increment; (D) the petitioner/representative shall improve the portion of Kulani Road fronting the subject property to a fifty (50) foot right-of-way. An additional five feet shall be set aside for future road widening of Kulani Road to an 80-foot right-of-way as stipulated in the General Plan document; and (E) all other applicable rules, regulations and requirements shall be complied with. Should any of the foregoing conditions not be met, rezoning of the property to its former or more appropriate 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:

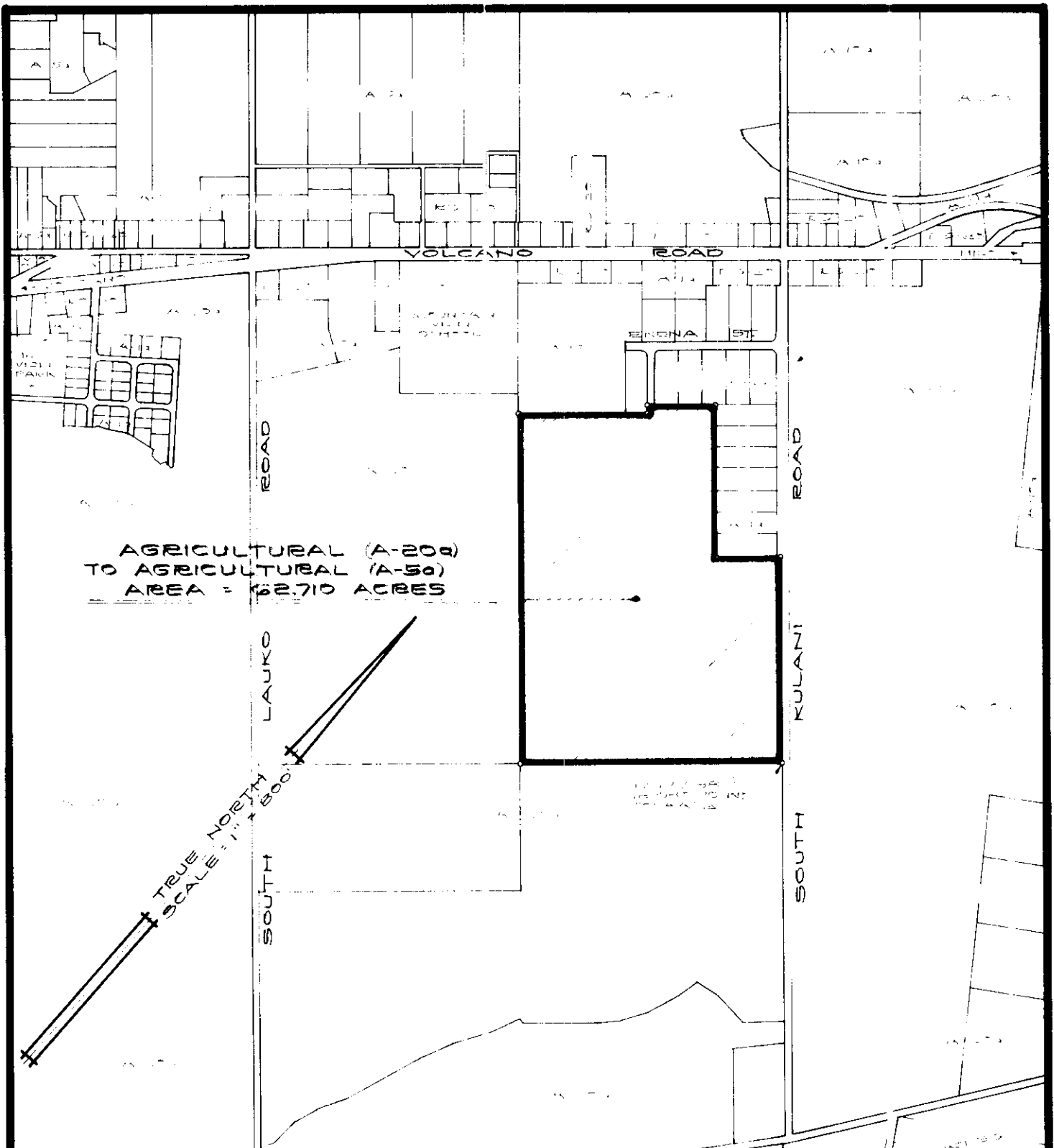

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: January 16, 1979

Date of Adoption: February 1, 1979

Effective Date: February 9, 1979



AGRICULTURAL (A-20a)
TO AGRICULTURAL (A-5a)
AREA = 122.710 ACRES

TRUE NORTH
SCALE: 1" = 500'

NOTE:
SEE ORDINANCE NO. 408 FOR
METES AND BOUNDS DESCRIPTION
OF THE ABOVE ZONE CHANGE

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 10 TO SECTION 7.18, THE PUNA DISTRICT
ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2,
HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE
DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a)
TO AGRICULTURAL (A-5a) AT OLA'A, PUNA, HAWAII.

DATE OF PUBLIC HEARING: SEPT. 28, 1978
EFFECTIVE DATE: FEB. 9, 1979
ORDINANCE NUMBER: 408
PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 1-8-86:06

NOV. 8, 1978

EXHIBIT "A"

Hilo, Hawaii

Date: January 16, 1979

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara			X
Lai	X		
Sameshima	X		
Tajiri			X
Chr. Yamashiro	X		
	7	0	2

Publication Date: JAN 21 1979

Hilo, Hawaii

Date: February 1, 1979

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara			X
Lai	X		
Sameshima	X		
Tajiri	X		
Chr. Yamashiro	X		
	8	0	1

Publication Date: FEB 16 1979

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

APPROVED as to
FORM AND LEGALITY
Handwritten Signature
Date: 1 22 1979

Handwritten Signature
Council Chairman

Handwritten Signature
County Clerk

Approved/Disapproved this 7th day of
February, 1979

Handwritten Signature
Mayor, County of Hawaii

Bill No. 435
Reference: C-998/PC-63
M.B. No. _____
Ord. No. 408