

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 833

AN ORDINANCE AMENDING SECTION 7.20 (THE KURTISTOWN ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-1a) AND FROM AGRICULTURAL (A-1a) TO AGRICULTURAL (A-20a) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-7-08:PORTION OF 3.

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

SECTION 1. Section 7.20, Article 2, Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, is further amended to add new subsections, to read as follows:

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

Beginning at a point at the north corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 9,648.50 feet South and 4,440.55 feet West and running by azimuths measured clockwise from true South:

1. 324° 56' 221.99 feet along remainder of Grant 4263 to Charles Furneaux;
2. 56° 17' 375.08 feet along remainder of Grant 4263 to Charles Furneaux;
3. 146° 17' 228.71 feet along remainder of Grant 4263 to Charles Furneaux;
4. 237° 20' 369.91 feet along Grant 5048 to Charles Furneaux to the point of beginning and containing an area of 1.9624 Acres.

7.20 (g-2). The district classification of the following area situated at Olaa, Puna, Hawaii, shall be Agricultural (A-20a):

Beginning at a point at the north corner of this parcel of land at the southeasterly side of the Old Volcano Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 9,744.42 feet South and 4,825.18 feet West and running by azimuths measured clockwise from true South:

1. 326° 17' 124.72 feet along remainder of Grant 5048 to Charles Furneaux;
2. 57° 20' 173.28 feet along Grant 4263 to Charles Furneaux;
3. 146° 17' 121.55 feet along remainder of Grant 4263 to Charles Furneaux to a point at the southeasterly side of the Old Volcano Road;
4. 236° 17' 173.25 feet along the Old Volcano Road to the point of beginning and containing an area of 21,333 Square Feet or 0.4897 Acres.

7.20 (g-3). The district classification of the following area situated at Olaa, Puna, Hawaii shall be Agricultural (A-1a):

Beginning at a point at the north corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 9,941.69 feet South and 4,901.82 feet West and running by azimuths measured clockwise from true South:

1. 326° 17' 231.88 feet along the remainder of Grant 4263 to Charles Furneaux;
2. 56° 17' 406.20 feet along the remainder of Grant 4263 to Charles Furneaux;
3. 79° 23' 41.39 feet along the remainder of Grant 4263 to Charles Furneaux;
4. 146° 30' 65.00 feet along the remainder of Grant 4263 to Charles Furneaux;
5. 193° 50' 30.00 feet along the remainder of Grant 4263 to Charles Furneaux;

6. 163° 15' 143.61 feet along the remainder of Grant 4263 to Charles Furneaux;
7. 237° 20' 380.05 feet along Grant 5048 to Charles Furneaux to the point of beginning and containing an area of 2.2564 Acres.

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

This subsection is conditioned upon the following:

- (A) that the petitioner or its authorized representative shall be responsible for complying with all of the stated conditions of approval; (B) that subdivision plans shall be submitted [and tentative approval secured] within one (1) year from the effective date of approval of the Change of Zone. Final subdivision [approval] plans shall be [secured] submitted within one (1) year from the effective date of tentative subdivision approval [thereafter];
- (C) that within three (3) years from the effective date of approval of the change of zone, a minimum of fifty (50) percent of each Agricultural-1 acre zoned parcel shall be utilized for [substantial] appropriate agricultural activity. 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 [substantial] appropriate (1) if such activity is implementing a conservation program for the affected property(ies), as approved by the applicable soil and

water conservation district directors and filed with the Soil Conservation Service[,] ; or (2) if it provides a major source of income to the person(s) who reside on the property; or (3) if the property is dedicated for agriculture uses in accordance with applicable Tax Department procedures and that such agriculture dedication shall be made a deed covenant and duly recorded with the Planning Department and Bureau of Conveyances. [The execution of a Farm Dwelling Agreement may also suffice in lieu of the above requirements;](D) that shoulder improvements to the Old Volcano Road shall be continued in a westerly direction from the end of the Yada subdivision improvements up to the new Volcano Road. Shoulders shall be reworked to provide a minimum usable width of ten (10) feet; (E) that a drainage system [in accordance with the standards of] as required by the Department of Public Works shall be installed; and (F) that all other applicable rules, regulations and requirements shall be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation may be initiated."

SECTION 2. Materials to be repealed is bracketed. New material is underscored. In printing this ordinance, the brackets, bracketed material, and underscoring need not be included.

SECTION [2] 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 [3] 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

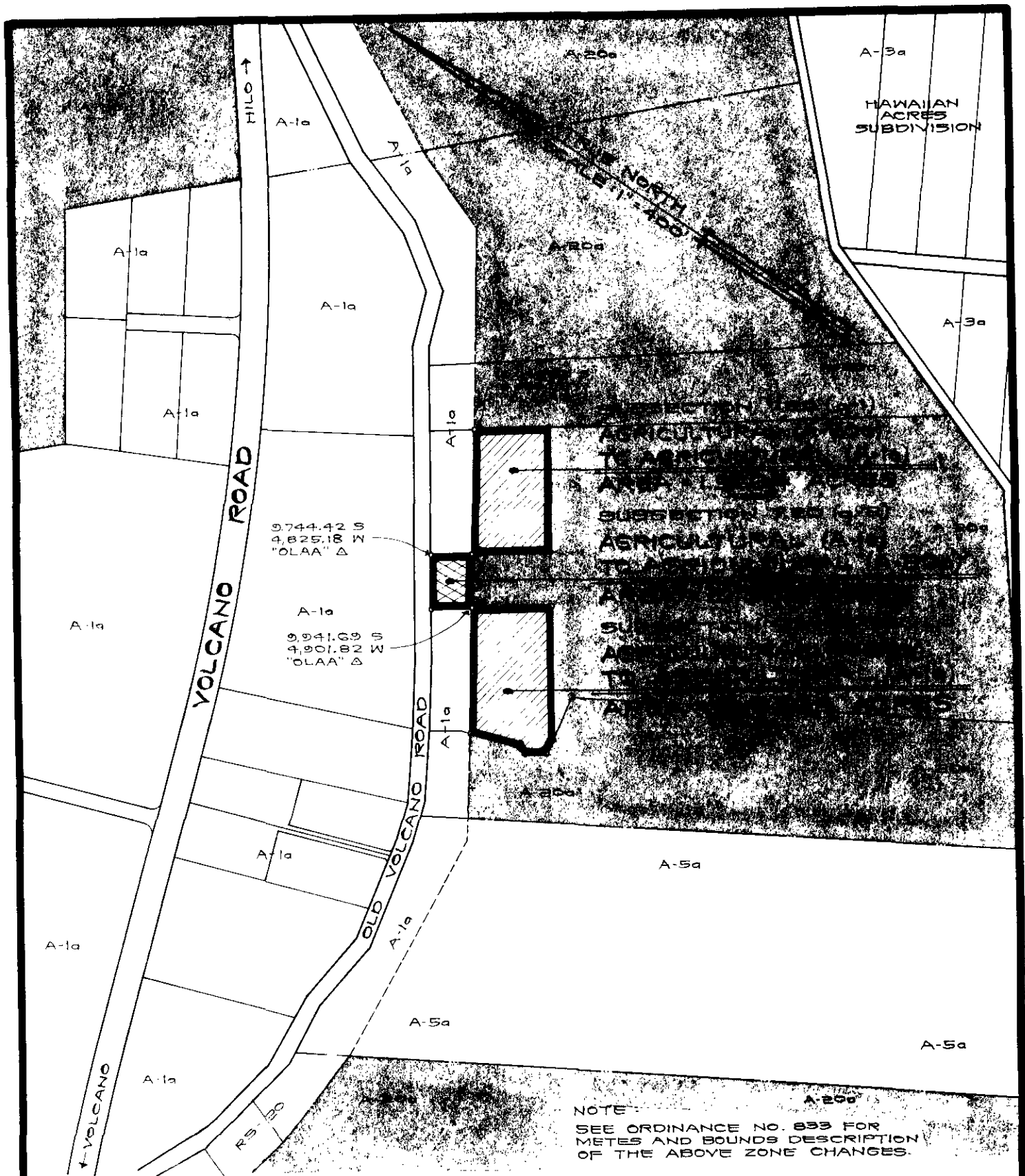
Jessie Domingo
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 17, 1982

Date of Adoption: December 8, 1982

Effective Date: December 15, 1982



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 7 TO SECTION 7.20 (THE KURTISTOWN ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-1a) AND FROM AGRICULTURAL (A-1a) TO AGRICULTURAL (A-20a) AT OLAA, PUNA, HAWAII.

DATE OF PUBLIC HEARING: MAY 5, 1982
 EFFECTIVE DATE: DEC. 15, 1982
 ORDINANCE NUMBER: 833
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK: 1-7-08:3 (PORTION)

AUG. 17, 1982

EXHIBIT "A"

Hilo, Hawaii
Date: November 17, 1982

FIRST READING			
	AYES	NOES	A/E
Dahlberg			X
De Luz	X		
Domingo	X		
Fujii	X		
Hale	X		
Kawahara	X		
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	8	0	1

Hilo, Hawaii
Date: December 8, 1982

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo	X		
Fujii	X		
Hale	X		
Kawahara	X		
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	9	0	0

Publication Date: _____

Publication Date: DEC 26 1982

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

<p>APPROVED as to FORM and LEGALITY</p> <p><i>[Signature]</i></p> <p>CORPORATION CLERK COUNTY OF HAWAII</p> <p>Date <u>DEC 13 1982</u></p>

[Signature]
Council Chairman

[Signature]
County Clerk

Approved/~~Disapproved~~ this 15th day of
December, 1982.

[Signature]
Mayor, County of Hawaii

Bill No. 884 (2ND DRAFT)
Reference: C-931/PC-158
M.B. No. _____
Ord. No. 833