

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 346

ORDINANCE NO. 87 44

AN ORDINANCE AMENDING SECTION 25-105 (KURTISTOWN ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO AGRICULTURAL (A-3a) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-7-02:7.

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

SECTION 1. Section 25-105, 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 Olaa, Puna, Hawaii, shall be Agricultural (A-3a):

That certain parcel of land, situate at Eleven and One-Half (11-1/2) Miles, Olaa, District of Puna, County and State of Hawaii, being LOT NO. 21, Public Lands Map No. 23, First Land District, originally covered by Land Patent No. 4827 of the Territory of Hawaii issued to K. W. S. Kaehamoku, and more particularly described as follows:

Beginning at the North corner of this Lot which point is the West corner of Lot No. 19 and running:

1. S 57° 52' E True 961 feet along Lot No. 19;
2. S 36° 20' W True 455 feet along Lot No. 19;
3. N 57° 52' W True 891 feet along 12 ft. Road to point on Hale Pule Loop;
4. N 41° 5' E True 105 feet along Hale Pule Loop;
5. N 16° 8' E True 141.3 feet along Hale Pule Loop;

6. N 8° 45' W True 42 feet along Hale Pule Loop;
7. N 36° 20' E True 183 feet along side Road to the point of beginning and containing an area of 9.7 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, 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 tentative subdivision approval; (C) it shall be demonstrated to the satisfaction of the Planning Director that substantial agricultural activity is being conducted on one of the proposed lots within three years from the date of receipt of final subdivision approval. 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: (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; (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 State Bureau of Conveyances and with a copy filed with the Planning Department; (D) access to the proposed lots shall meet with the approval of the Department of Public Works; and (E) all 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 conditions not be met or complied with in a timely fashion, the Planning Director may initiate rezoning of the property to its original or more appropriate designation.

SECTION 3. In the event that any portion of the 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.

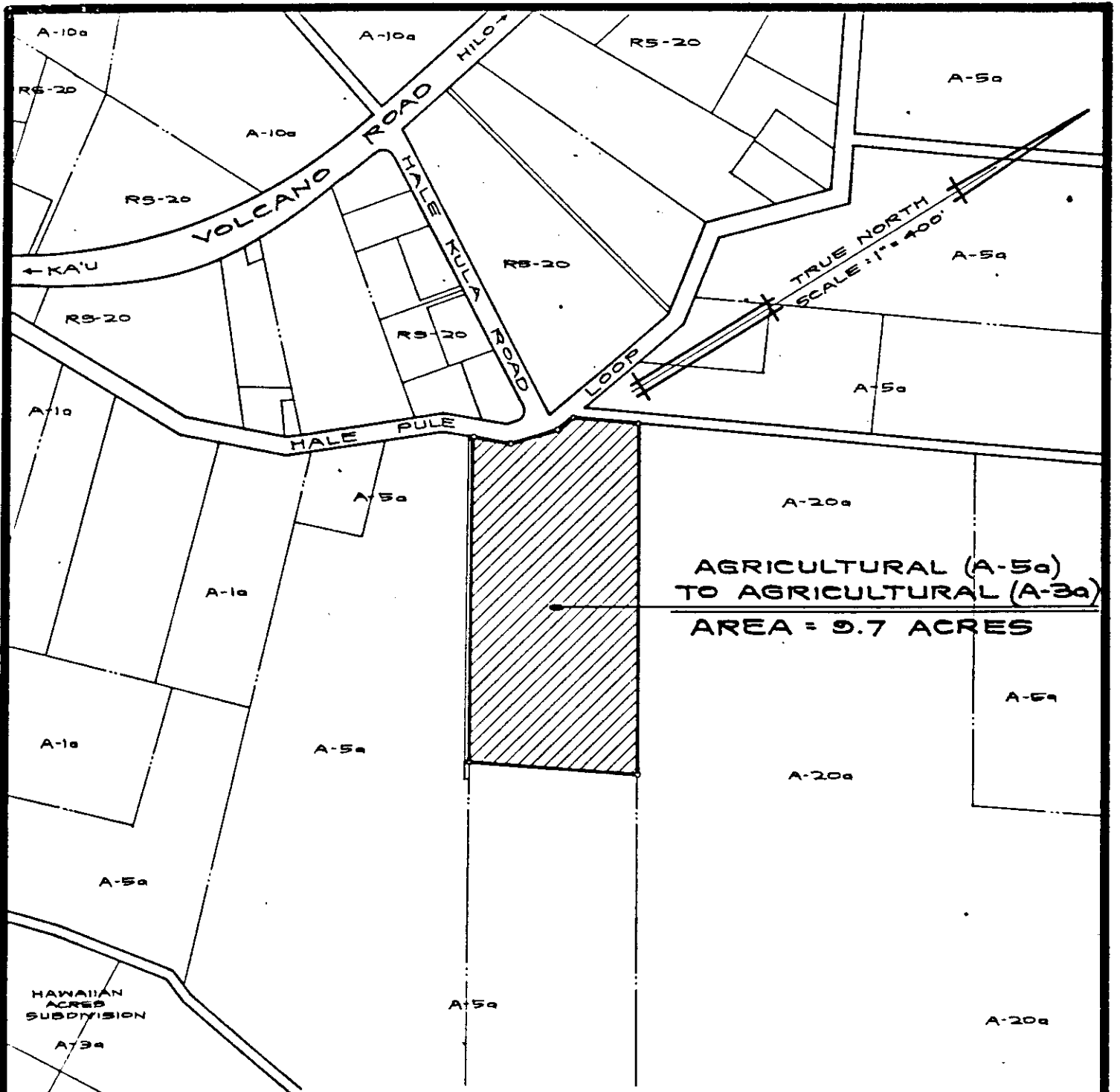
INTRODUCED BY:

Jessie Downing

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 1, 1987
Date of 1st Reading: April 1, 1987
Date of 2nd Reading: April 15, 1987
Effective Date: April 23, 1987



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-105 (KURTISTOWN ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO AGRICULTURAL (A-3a) AT OLAA, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII