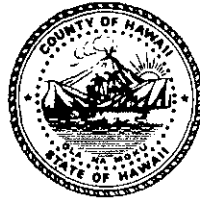


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 09 51 BILL NO. 34

AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAI'I BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT KEAAU, PUNA, HAWAI'I, COVERED BY TAX MAP KEY: 1-6-003:018 AND 023.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. The State Land Use Boundaries Maps for the County of Hawai'i are amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Keaau, Puna, Hawai'i, shall be Urban:

Beginning at the north corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 11,208.80 feet North and 9,990.50 feet East and running by azimuths measured clockwise from True South:

1. 347° 44' 530.52 feet along the remainder of Lot 41, Land Court Application 1053, Map 7;
2. 58° 10' 876.41 feet along Lot 41, Land Court Application 1053, Map 7;
3. Thence along Exception 6, Land Court Application 1053, Map 1 along a curve to the left having a radius of 901.95 feet, the chord azimuth and distance being:
165° 33' 15" 364.91 feet;
4. 153° 53' 154.98 feet along Exception 6, Land Court Application 1053, Map 1;
5. 222° 33' 74.01 feet along Lot 32 (Roadway) Land Court Application, Map 6;

6. 239° 40' 858.63 feet along Lot 32 (Roadway) Land Court Application, Map 6 to the point of beginning and containing an area of 10.373 acres.

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 applicant shall notify prospective purchasers, tenants, or lessees of the subject properties that farming operations and practices on adjacent or contiguous land in the State Land Use Agricultural District are protected under Hawai'i Revised Statutes chapter 165, the Hawai'i Right to Farm Act. This notice shall be included in any disclosure required for the sale or transfer of the subject properties.
- B. Any action that would interfere with or restrain farming operations on adjacent or contiguous properties shall be prohibited; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district.

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.

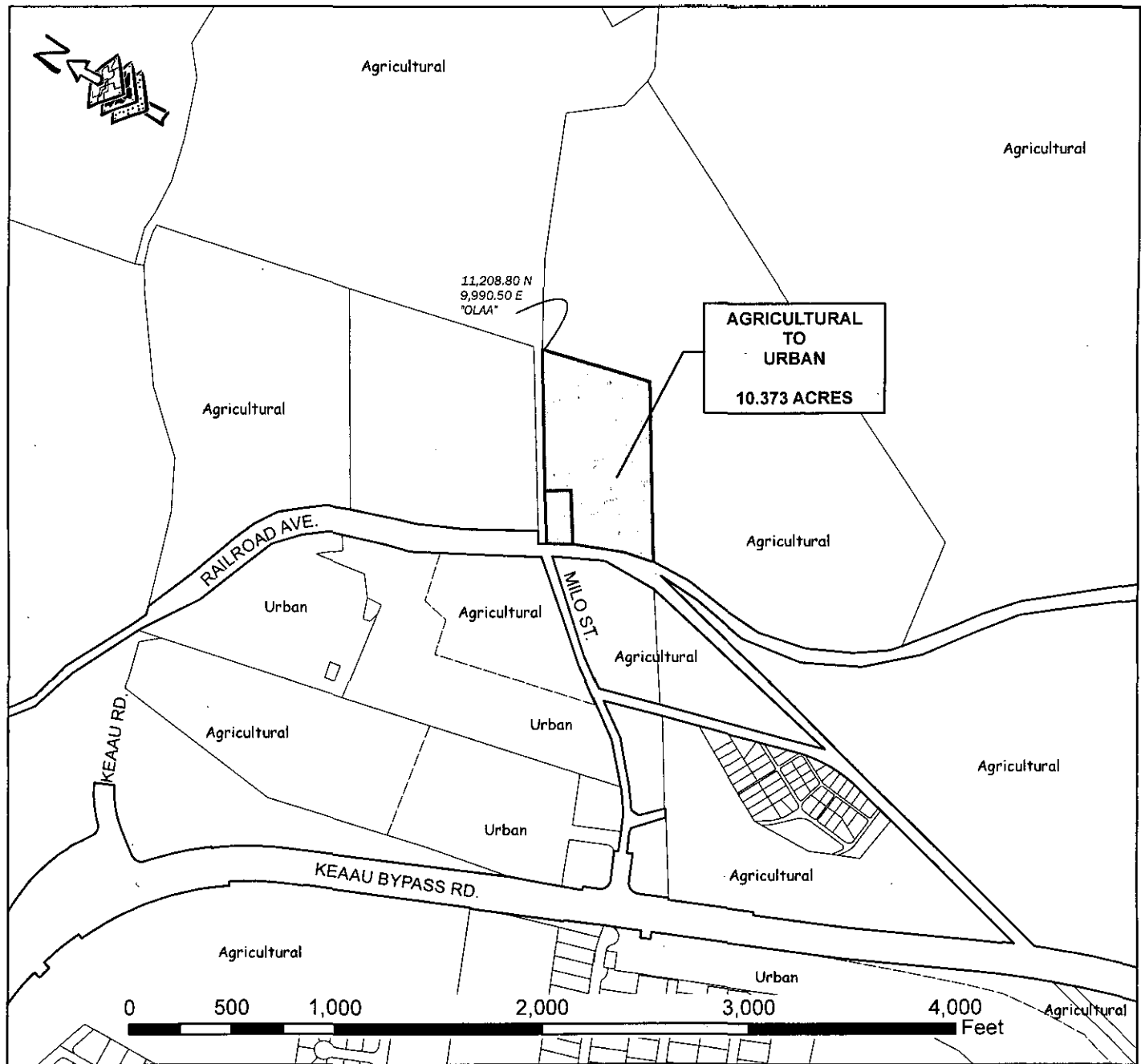
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Kona, Hawai'i

Date of Introduction: April 8, 2009
Date of 1st Reading: April 8, 2009
Date of 2nd Reading: April 22, 2009
Effective Date: May 11, 2009



AMENDMENT TO THE STATE LAND USE BOUNDARIES MAPS

AMENDING THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAII, BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT KEAAU, PUNA, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

OFFICE OF THE COUNTY CLERK
 County of Hawai'i
 Kona, Hawai'i

RECEIVED

Introduced By: Donald Ikeda
 Date Introduced: April 8, 2009
 First Reading: April 8, 2009
 Published: N/A

REMARKS: _____

Second Reading: April 22, 2009
 To Mayor: April 30, 2009
 Returned: May 12, 2009
 Effective: May 11, 2009
 Published: May 19, 2009

REMARKS: _____


ROLL CALL VOTE
 2009 MAY 12 AM 7 41
 COUNTY CLERK OF HAWAII

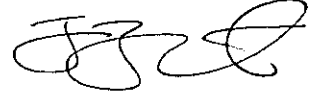
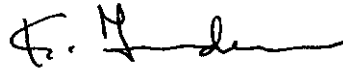
	AYES	NOES	ABS	EX
Enriques	X			
Ford	X			
Greenwell	X			
Hoffmann	X			
Ikeda	X			
Naeole			X	
Onishi	X			
Yagong	X			
Yoshimoto	X			
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ROLL CALL VOTE

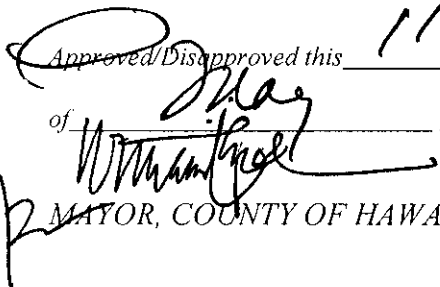
	AYES	NOES	ABS	EX
Enriques	X			
Ford	X			
Greenwell	X			
Hoffmann	X			
Ikeda	X			
Naeole	X			
Onishi	X			
Yagong	X			
Yoshimoto	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
 FORM AND LEGALITY:

 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date MAY - 8 2009


 COUNCIL CHAIRMAN

 COUNTY CLERK

Bill No.: 34
 Reference: C-149/PC-24
 Ord No.: 09 51

Approved/Disapproved this 11th day
 of May, 2009

 MAYOR, COUNTY OF HAWAII