COUNTY OF HAWAI'I STATE OF HAWAI'I

ORDINANCE NO. 10 42 BILL NO. 225

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 KEA'AU, PUNA DISTRICT, HAWAI'I, COVERED BY TAX MAP KEY: 1-6-152:018.

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 Kea'au, Puna District, Hawai'i, shall be Urban:

Beginning at the northeast corner of this parcel of land and running by azimuths measured clockwise from True South:

1.	312°	37'	191.62	feet along Lot 26 of Land Court Application 1053 (Map 6);
2.	58°	10'	410.74	feet along Lot 1151-B-1 of Land Court Application 1053 (Map 168);
3.	158°	00'	169.25	feet along Lot 24-B of Land Court Application 1053 (Map 545);
4.	Thence along Lot 24-B of Land Court Application 1053 (Map 545), along a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being: 203° 00' 70.71 feet;			
5.	248°	00'	150.00	feet along Lot 24-B of Land Court Application 1053 (Map 545);
6.	158°	00'	22.50	feet along Lot 24-B of Land Court Application 1053 (Map 545);

7.	247°	17'	122.58	feet along Lot 26 of Land Court Application 1053 (Map 545) to the point of beginning and containing an area of 1.646 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.

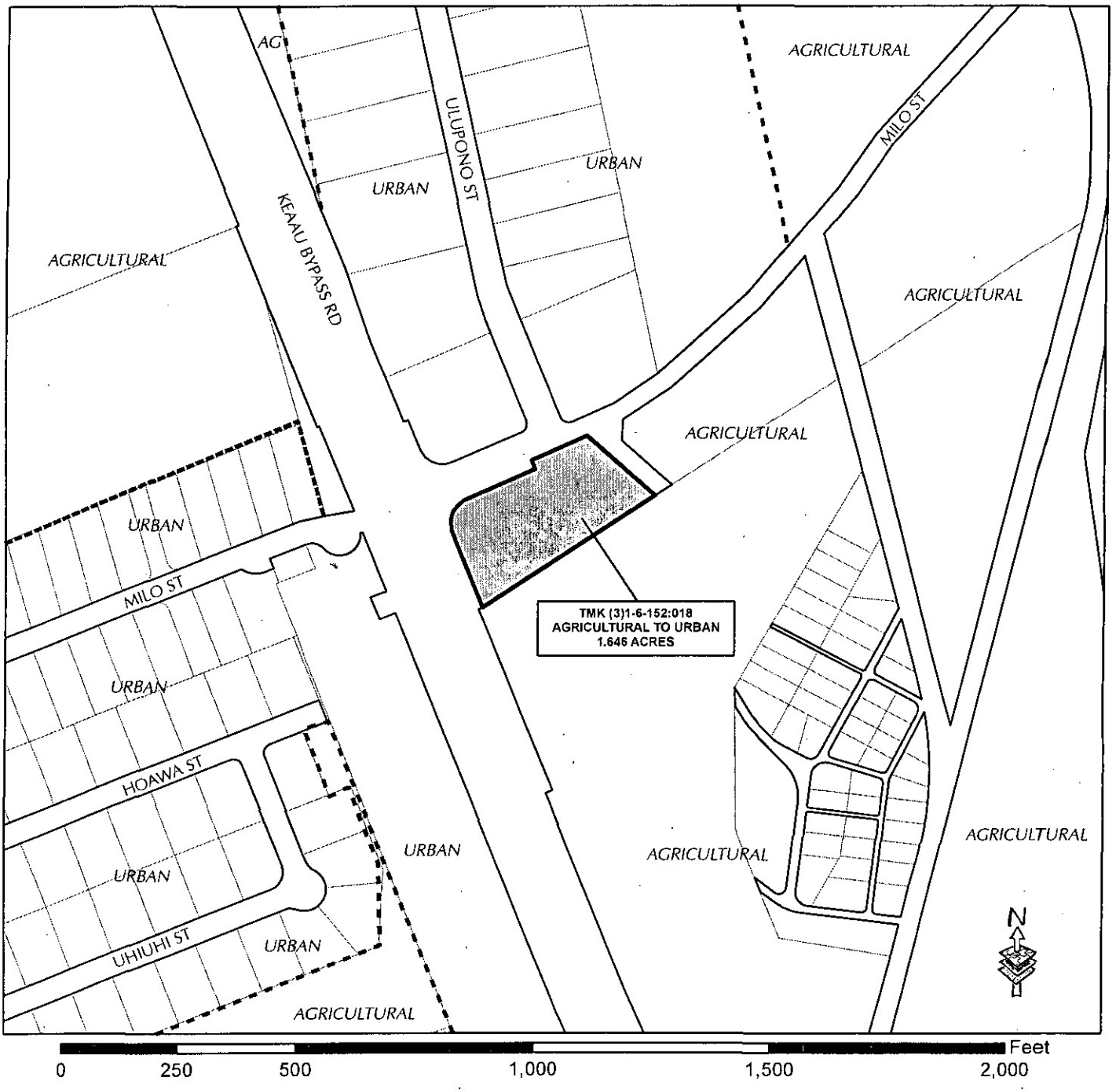
INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI'I

Kona, Hawai'i

Date of Introduction: April 20, 2010
Date of 1st Reading: April 20, 2010
Date of 2nd Reading: May 5, 2010
Effective Date: May 20, 2010

REFERENCE: Comm. 753



AMENDMENT TO THE STATE LAND USE BOUNDARIES MAPS

AMENDING THE STATE LAND USE BOUNDARIES MAP
FOR THE COUNTY OF HAWAI'I, BY CHANGING THE DISTRICT CLASSIFICATION
FROM THE AGRICULTURAL TO THE URBAN DISTRICT
AT KEA'AU, PUNA, HAWAI'I

MAP PREPARED BY:
COUNTY OF HAWAI'I, PLANNING DEPARTMENT

TMK: (3)1-6-152:018

DATE: Nov. 6, 2009

EXHIBIT "A"

Greenhouse Specialists, Inc.
Map: 09-175

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

RECEIVED
2010 MAY 20 PM 12 49
COUNTY CLERK
COUNTY OF HAWAII

Introduced By: Donald Ikeda
Date Introduced: April 20, 2010
First Reading: April 20, 2010
Published: N/A

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Enriques	X			
Ford	X			
Greenwell	X			
Hoffmann	X			
Ikeda	X			
Naeole-Beason	X			
Onishi	X			
Yagong	X			
Yoshimoto	X			
	9	0	0	0

Second Reading: May 5, 2010
To Mayor: May 13, 2010
Returned: May 20, 2010
Effective: May 20, 2010
Published: May 27, 2010

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Enriques	X			
Ford	X			
Greenwell			X	
Hoffmann	X			
Ikeda	X			
Naeole-Beason			X	
Onishi	X			
Yagong	X			
Yoshimoto	X			
	7	0	2	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 HAWAI'I

Date MAY 14 2010

COUNCIL CHAIRMAN

COUNTY CLERK

Bill No.: 225
Reference: C-753/PC-74
Ord No.: 10 42

Approved/Disapproved this 20th *day*
of May, *20* 10.

MAYOR, COUNTY OF HAWAI'I