

ORDINANCE NO. 16 47 BILL NO. 166

AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAI'I BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT KEA'AU, PUNA, HAWAI'I (TAX MAP KEY: 1-6-152:020).

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, Hawai'i, shall be Urban:

Beginning at the south corner of this parcel of land, being the southeast corner of Lot 26-A-1, Land Court Application 1053 (Map 622) and on the northwesterly boundary of Lot 1-D, Land Court Consolidation 213 (Map 2), the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLA'A" being 9,636.95 feet North and 8,406.40 feet East, thence running by azimuths measured clockwise from True South:

- |    |          |        |   |
|----|----------|--------|---|
| 1. | 132° 37' | 140.00 | feet along Lot 26-A-1, Land Court Application 1053 (Map 622); |
| 2. | 180° 29' | 43.89  | feet along Lot 26-A-1, Land Court Application 1053 (Map 622); |
| 3. | 236° 44' | 112.94 | feet along Lot 26-A-1, Land Court Application 1053 (Map 622); |
| 4. | 228° 09' | 245.81 | feet along Lot 26-A-1, Land Court Application 1053 (Map 622); |
| 5. | 219° 48' | 144.84 | feet along Lot 26-A-1, Land Court Application 1053 (Map 622); |

- |    |          |        |   |
|----|----------|--------|---|
| 6. | 344° 59' | 274.95 | feet along Lot 9, Land Court Application 1689 (Map 1);  |
| 7. | 58° 10'  | 398.85 | feet along Lot 1-D, Land Court Consolidation 213 (Map 2) to the point of beginning and containing an area of 2.082 Acres. |

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

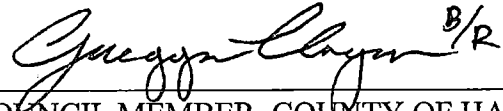
SECTION 2. This change in district classification is conditioned upon the following:

- A. The applicant shall notify prospective purchasers, tenants, or lessees of the subject property that farming operations and practices on adjacent or contiguous land in the State Land Use Agricultural District are protected under Hawaii Revised Statutes chapter 165, the Hawaii Right to Farm Act. This notice shall be included in any disclosure required for the sale or transfer of the subject property.
- 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:

 B/R

\_\_\_\_\_  
COUNCIL MEMBER, COUNTY OF HAWAII

Kona, Hawai'i

Date of Introduction: April 20, 2016  
Date of 1st Reading: April 20, 2016  
Date of 2nd Reading: May 4, 2016  
Effective Date: May 23, 2016

REFERENCE Comm. 753

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

COUNTY CLERK  
 COUNTY OF HAWAII

2016 MAY 23 PM 1:03

Introduced By: Greggor Ilagan (B/R)  
 Date Introduced: April 20, 2016  
 First Reading: April 20, 2016  
 Published: April 30, 2016

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

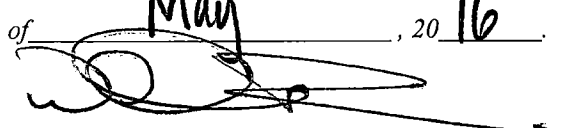
Second Reading: May 4, 2016  
 To Mayor: May 12, 2016  
 Returned: May 23, 2016  
 Effective: May 23, 2016  
 Published: June 4, 2016

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Ilagan	X			
Kanuha	X			
Onishi	X			
Paleka	X			
Poindexter	X			
Wille	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Ilagan	X			
Kanuha	X			
Onishi	X			
Paleka	X			
Poindexter	X			
Wille	X			
	9	0	0	0

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

Approved/Disapproved this 23<sup>rd</sup> day  
 of May, 20 16  
  
 MAYOR, COUNTY OF HAWAII



COUNCIL CHAIRPERSON



COUNTY CLERK

Bill No.: 166

Reference: C-753/PC-53

Ord No.: 16 47

