

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 206

AN ORDINANCE AMENDING SECTION 7.04, THE KAILUA URBAN ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM RESORT-HOTEL (V-.75) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT WAIAHA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:86.

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

SECTION 1. Section 7.04 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.04(1). The district classification of the following area situated at Waiaha 1st, North Kona, Hawaii, shall be Single Family Residential (RS-7.5):

Beginning at a pipe in concrete at the northeast corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "KAHELO" being 3508.52 feet North and 1393.94 feet West, and thence running by azimuths measured clockwise from True South:

Along the westerly side of the old Kailua-Keauhou Beach Road for the following two (2) courses:

- | | | | |
|----|------|-----|---------------------------------------------------------------------------------------------------------------------------------|
| 1. | 350° | 10' | 27.70 feet to a pipe in concrete; |
| 2. | 330° | 22' | 60.00 feet to a pipe in concrete, thence; |
| 3. | 75° | 54' | 77.84 feet along Lot 1 of Land Court Application 1854, to a spike in concrete at the western face of seawall at highwater mark; |

Thence along the western face of seawall at highwater mark, the direct azimuth and distance to a "+" cut on rock on seawall being:

- | | | | |
|----|------|-----|--------------------------------------------------------------------------------------------------------------------|
| 4. | 171° | 08' | 85.79 feet; |
| 5. | 255° | 54' | 56.00 feet along Grant 4344:1 to Kulani at Puaa 3, to the point of beginning and containing an area of 0.120 Acre. |

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

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the condition that all applicable rules and regulations pertaining to the Single Family Residential - 7,500 (RS-7.5) zoned district be complied with. Should the foregoing condition not be met, rezoning of the area to its original zoning designation may be initiated.

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:

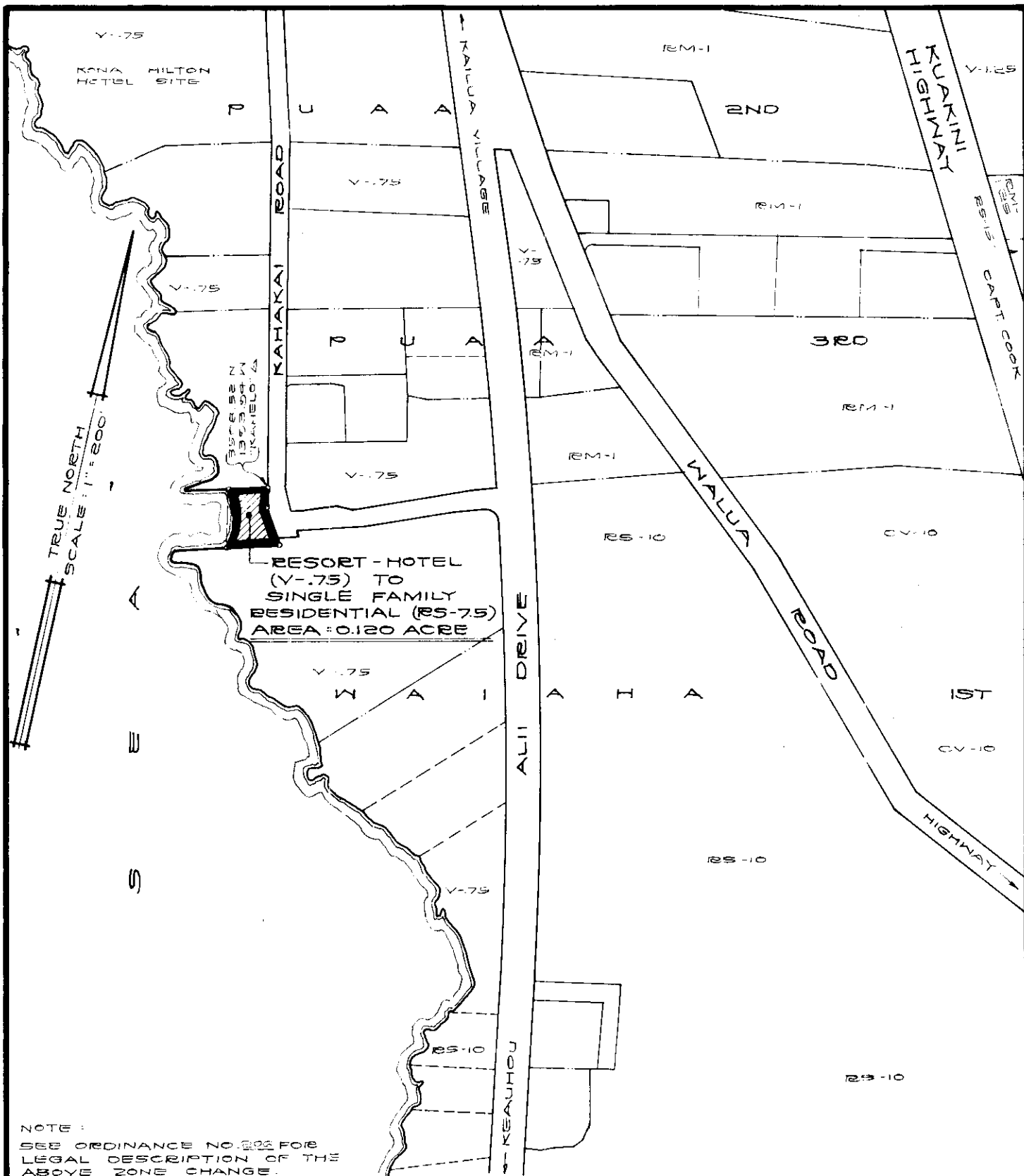
Frank W. King III
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 12, 1976

Date of Adoption: May 7, 1976

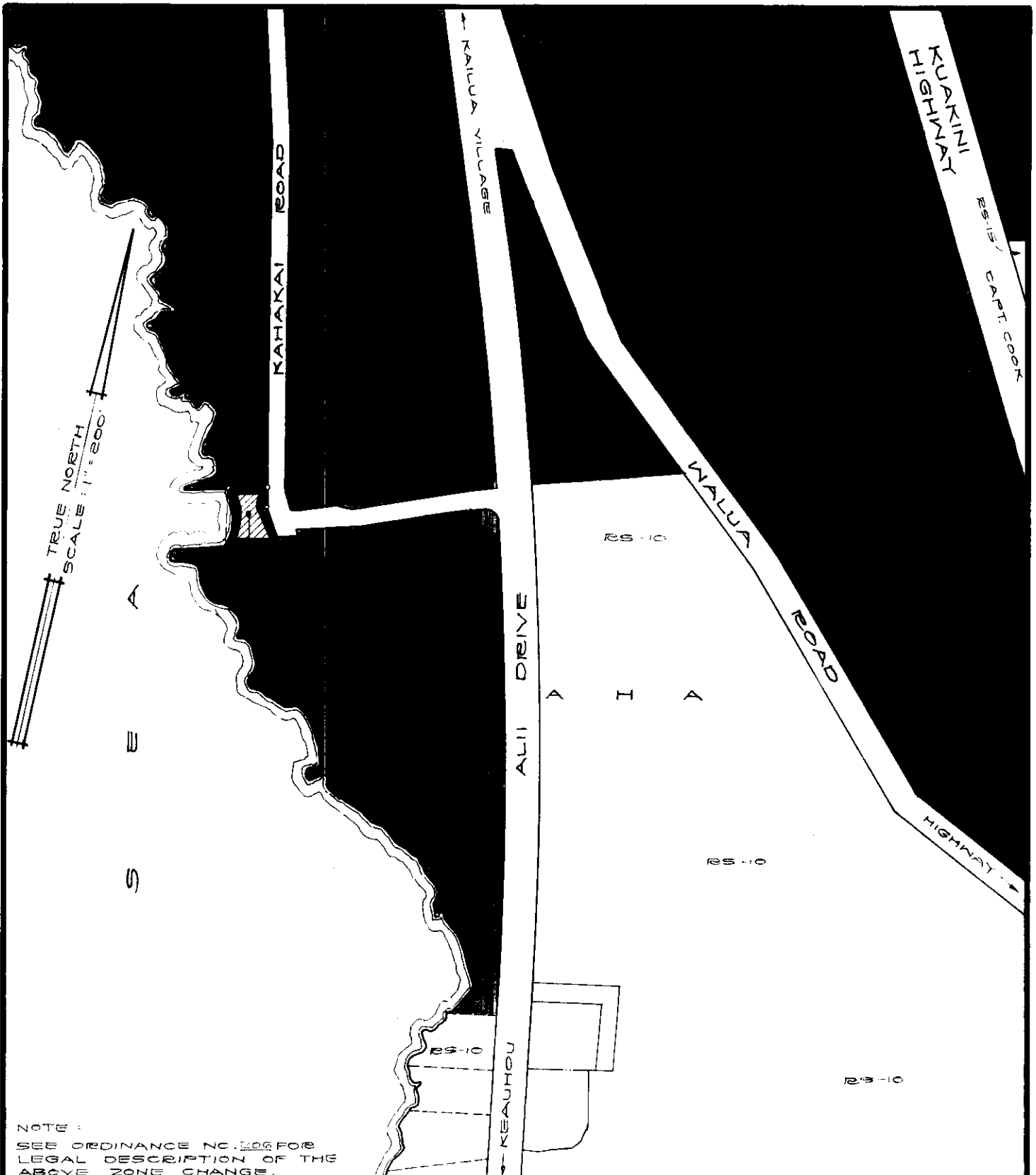
Date Effective: May 14, 1976



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 12 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.04, THE KAILUA URBAN ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM RESORT-HOTEL (Y-75) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT WAIAHA 1ST, NORTH KONA, HAWAII.

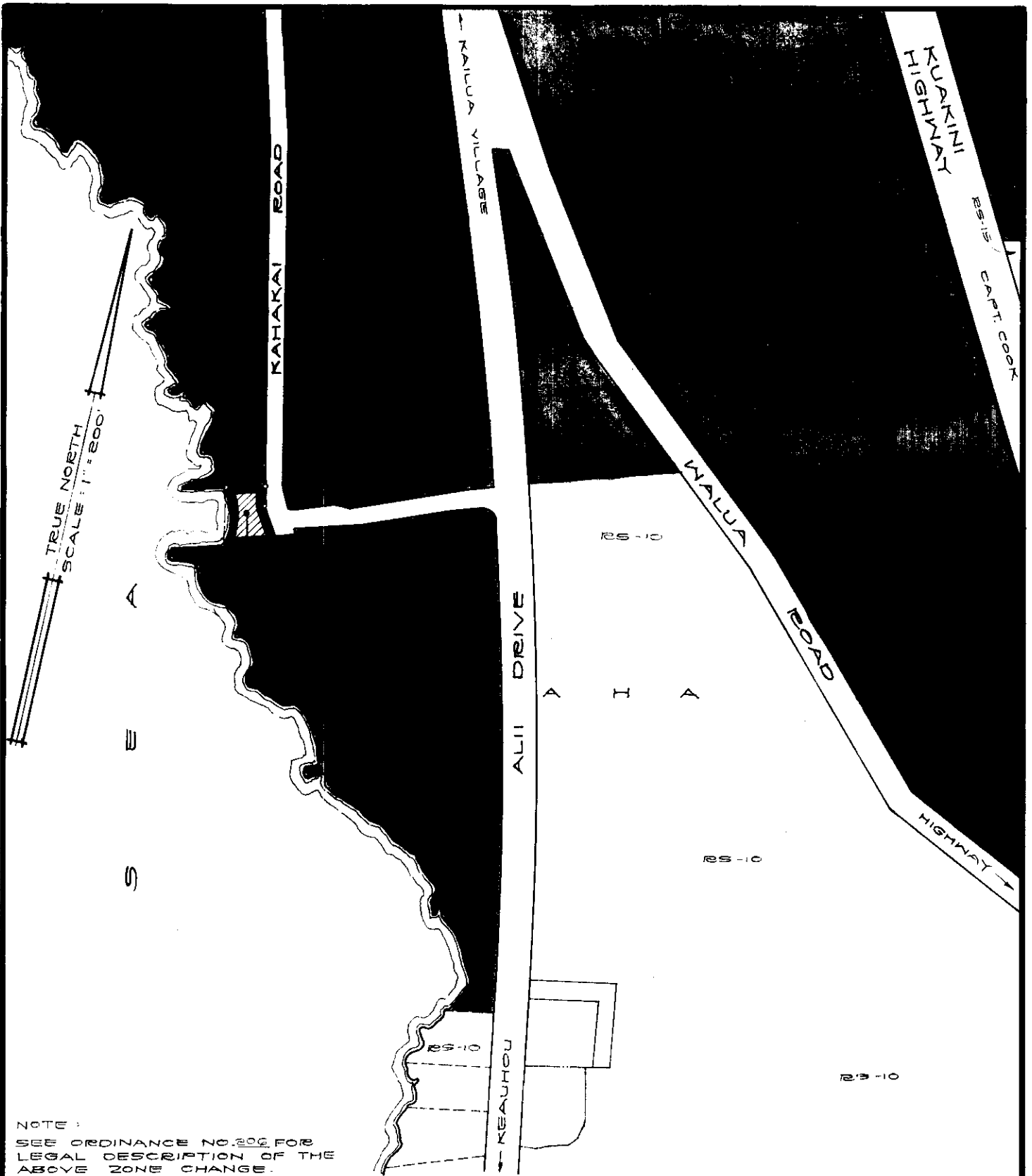
DATE OF PUBLIC HEARING : MARCH 4, 1976
 DATE OF APPROVAL : MAY 14, 1976
 ORDINANCE NO. 206
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 12 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.04, THE KAILUA URBAN ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM RESORT-HOTEL (V-7.5) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT WAIAHA IST, NORTH KONA, HAWAII.

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AMENDMENT TO THE ZONING CODE

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DATE OF PUBLIC HEARING : MARCH 4, 1976
 DATE OF APPROVAL : MAY 14, 1976
 ORDINANCE NO. 276
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

COUNTY OF HAWAII

PLANNING DEPARTMENT

APPLICANT: ANTHONY R. PAUL

APPLICANT'S SIGNATURE: *Anthony R. Paul*

ADDRESS: 100 Honolulu Pali

Hilo, Hawaii 96720

TELEPHONE: 935-3263

REQUEST FROM: V-.75 TO: RS 7.5

TAX MAP KEY: 7-5-18-86 AREA OF PROPERTY: Formerly: 0.232 ac.
Reduced to: 0.120 ac.
(size of parcel)

OWNER: JOSEPH GOMES, Kailua-Kona, Hawaii

OWNER'S SIGNATURE: *Joseph Gomes*

APPLICANT'S INTEREST, IF NOT OWNER: LESSEE to year 2032
(If lessee, must be for at least another 5 years from date of application)

APPLICANT'S REASONS FOR REQUESTING A CHANGE OF ZONE *(Please attach)*

1. Please explain how the requested change of zone would be consistent with the goals, policies, and courses of action *(if applicable)* of the General Plan document. Also, please indicate specifically which goals, policies, and courses of action are involved. *(Copies of the General Plan document are available at public libraries and at the Hawaii County Planning Department.)*
2. Please state any other reasons for your request.

THIS APPLICATION MUST BE ACCOMPANIED BY:

- (1) 16 copies of the completed application form.
- (2) 16 copies of a location map.
- (3) 16 copies of a site plan with existing and proposed uses (e.g., structures, topography, proposed subdivision).
- (4) 1 copy of appropriate questionnaire.
- (5) any additional information.
- (6) \$100.00 processing fee.

FOR OFFICIAL USE:

Date Received _____
Director's Action _____
Prelim. Hearing _____
Public Hearing _____
To Council _____

ATTACHMENT

Residential Rezoning

PLANNING DEPARTMENT
COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

1. If your request is approved, do you intend to subdivide the subject land in accordance with the approved change of zone? NO

If yes, please answer the rest of question 1 and then to question 3.

- a. How many acres of the requested area do you intend to subdivide? _____
- b. Into what lot sizes? _____
- c. If your request is approved, approximately how long after the date of approval do you expect to submit your subdivision plans to the Planning Department for preliminary approval? _____
- d. Do you intend to build houses on the newly created lots? NO

If yes, please answer the following questions:

On how many of those lots? _____

At what approximate price range? House _____

Lot _____

Total _____

Approximately how long, after approval of the subdivision, would the first house be available for occupancy? _____

If you intend to subdivide, please submit a preliminary schematic subdivision plan together with your change of zone application form.

2. If you have no firm plans of subdividing the subject area, do you intend to:
- a. Sell or lease the land to someone who has firm plans? _____
- b. Sell or lease the land to someone who has tentative plans? _____
- c. Sell or lease the land to someone who has no plans? _____
- d. Keep it? YES
- e. Other (please state)

To conform to Chapter 8, Section 7, to wit: Shoreline Setback Line Regulation. After a recent re-survey, to conform with the Shoreline Regulation, this property has been reduced in size from 0.232 ac. to 0.120 ac.

f. If you intend to do either a, b, or c, please elaborate on the kind of plans the other party has. Please, also, include in your answer approximately how soon after approval of your rezoning do you expect to transfer the subject land to another party.

3. Do you think that your request and your further plans for the land will alleviate the local housing situation?

How?

4. Are there any buildings on the subject area?
If so, what kind? Cottage, residential

YES

What do you intend to do with those buildings if your request is approved?

KEEP IT.

5. Is the subject land currently being used for any agricultural activity?

NO

If so, please list the kinds of products grown and on how many square feet or acres of land per product.

6. To your knowledge, has there been any flooding and/or drainage problem on the subject area?

NO

If so, please describe the problem.

7. Do you think that the roads leading to the subject area needs improvement?

NO

If so, what kind?

Is the road adequate for the ^{present}~~proposed~~ traffic volume or load?

YES

8. What sort of governmental assistance and/or improvements do you feel will be needed in the subject area when developed?

	<u>Yes</u>	<u>No</u>
a. Schools	_____	X
b. Roads	_____	X
c. Sewer	_____	X
d. Drainage	_____	X
e. Police Protection	_____	X
f. Fire Protection	_____	X
g. Recreational Facilities	_____	X
h. Public Utilities	_____	X
i. Other	_____	X

For those checked "yes", please elaborate what type or kinds of improvements and/or assistance are needed.

Signature: _____

Address: _____

Telephone: _____

Date: _____

Anthony R. Paul
100 Hampton Falls
935-3263
10-27-75

CHANGE OF ZONE: ANTHONY PAUL

The applicant, Anthony Paul, is requesting a change of zone for 0.12 acre or 5,227 square feet of land from a Resort-Hotel 750 square foot (V-.75) to a Single-Family Residential 7,500 square foot (RS-7.5) zoned district. The area under consideration is located along Kahakai Road, approximately 300 feet makai of the Alii Drive-Kahakai Road junction in the vicinity of the Kona Hilton Hotel, Waiaha 1st, North Kona (TMK: 7-5-18:86).

Originally, the property was 10,188 square feet in size. However, after conducting a shoreline survey of the property recently, the applicant has found that his land area has been reduced by almost half. Since a single family dwelling presently exists on the property, and since the land area is so small, the applicant does not intend to use the property for any resort-hotel uses. As such, he is applying for the change of zone.

The General Plan Land Use Pattern Allocation Guide Map designates the area for "Resort" uses. The area is further identified as a Major Resort Area, which is a self-contained resort destination area which provided basic and support facilities for the needs of the entire development. However, since the request would allow for a lesser density, *in this particular case,* the requested RS-7.5 zone may be permitted within the General Plan's

"Resort" classification. *For the Commissioners' information, Single family residential uses are allowed up to the Resort-Hotel (V) zoned district.*

The subject area is also situated within the Shoreline Environmental Protection's Special Management Area (SMA). As such, any change in the intensity of the present usage of the property ~~may~~ require ~~that~~ ^{to} the applicant go through the SMA Assessment and/or permit

procedure.

The minimum building site requirement under the present V-.75 zoned district is 15,000 square feet. As such, the present lot size of 5,227 square feet is non-conforming, ~~in this respect~~. Under the requested RS-7.5 zoning, the minimum building site requirement is 7,500 square feet. Thus, should the requested change of zone be granted, the parcel would continue to be non-conforming in this respect.

As stated earlier, a single family dwelling which the applicant intends to retain is presently located on the subject parcel. Surrounding land uses include the Hale Kona Kai Condominium, the Kona Hilton Hotel, single-family dwellings, a miniture golf course, a drive-in restaurant, and vacant land. Other zoning in the area include V-.75, RM-1, and RS-10. The RS-10 zoned district is located across Alii Drive and approximately 400 feet east of the subject area.

For the Commissioners' information, the subject parcel is owned by Joseph Gomes and is leased to Anthony Paul to the year 2032. The parcel to the south, which is 2.244 acres in area, is also owned by Joseph Gomes.

The subject parcel fronts the 30-foot wide Kahakai Road. All essential utilities are available to the area in question.

There are no significant historical or geological features attributed to the property.

Upon review of the subject request, the Department of Transportation commented that "Approval of the proposed action would

result in spot zoning within existing V-.75 zone."

The Department of Water Supply stated the following:

"We have no objections to this application inasmuch as this action will down zone the existing usage to a lesser number of units possible. Also, we understand that there already is an existing residence on this parcel."

All other cooperating agencies had no comments on or objections to the requested change of zone.

Bill No. 220 - 1976

AN ORDINANCE AMENDING SECTION 7.04, THE KAILUA URBAN ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM RESORT-HOTEL (V-.75) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT WAIAHA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:86.

This Bill amends the Kailua Urban Zone Map of the Zoning Code.

Date Introduced: April 12, 1976

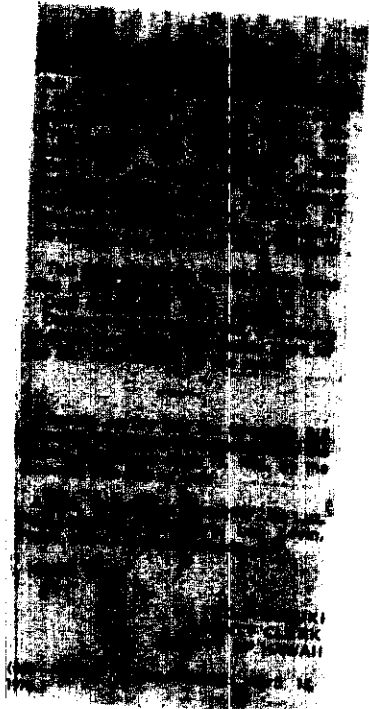
Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on April 12, 1976, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Levin, Yadao and Chairman Yamada - 9.

NOES: None.

Ted J. Suzuki
COUNTY CLERK
COUNTY OF HAWAII



ORDINANCE NO. 206
(Bill No. 220-1976)

AN ORDINANCE AMENDING SECTION 7.04, THE KAILUA URBAN ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM RESORT-HOTEL (V-.75) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT WAIAHA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:86.

Date Approved: May 7, 1976
Date Effective: May 14, 1976

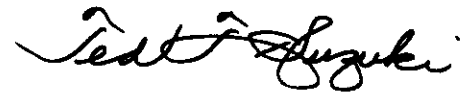
Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on May 7, 1976, by the following aye and no vote:

AYES: Councilmen Carpenter, Fujii, Hisaoka, Kawahara, Lai, Levin, Yadao and Chairman Yamada - 8.

NOES: None.

ABSENT AND EXCUSED: Councilman De Luz - 1.



COUNTY CLERK
COUNTY OF HAWAII

AN ORDINANCE AMENDING SECTION 7.04, THE KAILUA URBAN ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM RESORT-HOTEL (V-.75) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT WAIAHA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:86.

Date Approved: May 7, 1976
Date Effective: May 14, 1976
Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on May 7, 1976, by the following aye and no vote:

AYES: Councilmen Carpenter, Fujii, Hisaoka, Kawahara, Lai, Levin, Yadao and Chairman Yamada - 8.

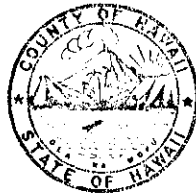
NOES: None.

ABSENT AND EXCUSED: Councilman De Luz - 1.

TED T. SUZUKI
COUNTY CLERK
COUNTY OF HAWAII

(144-Hawaii Tribune-Herald:
May 19, 1976)

Ted T. Suzuki
COUNTY CLERK



Robert Shioji
DEPUTY COUNTY CLERK

OFFICE OF THE COUNTY CLERK

COUNTY OF HAWAII
HILO, HAWAII 96720

Mayor Herbert T. Matayoshi
County of Hawaii
Hilo, Hawaii

I hereby transmit Ordinance Bill No. 220
passed by the County Council on second and final
reading.

Ted T. Suzuki
COUNTY CLERK

Encl.

Dated: May 7, 1976

Hilo, Hawaii

Date: April 12, 1976

FIRST READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin	X		
Yadao	X		
Yamada	X		
	9		

Publication Date: April 15, 1976

Hilo, Hawaii

Date: May 7, 1976

SECOND & FINAL READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz			X
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin	X		
Yadao	X		
Yamada	X		
	8		1

Publication Date: _____

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

Shubert Matayoshi
 1976 11 13

Robert M. Yamada
 Council Chairman

Ted Suzuki
 County Clerk

Approved/Disapproved this 14th day of May, 1976.

Shubert Matayoshi
 Mayor, County of Hawaii

Bill No. 220
 Reference: C-1807/PRDLC-74
 M.B. No. 1158 5/11/76
 Ord. No. 206

ORIGINAL

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 62

AN ORDINANCE OF THE COUNTY OF HAWAII, STATE OF HAWAII, ESTABLISHING PROCEDURES AND STANDARDS FOR THE PARTITIONING AND SUBDIVISION OF LAND WITHIN THE COUNTY OF HAWAII, IN ACCORDANCE WITH THE PROVISIONS OF LAW UNDER CHAPTER 144, SECTION 33, REVISED LAWS OF HAWAII, 1955; THESE REGULATIONS PRESCRIBE THE PROPER WIDTH AND ARRANGEMENT OF STREETS, PROVISION FOR INSTALLATION OF PUBLIC UTILITIES AND PROVISION OF ADEQUATE OPEN SPACE (FOR RECREATION AND COMMUNITY FACILITIES), SPECIFYING PROCEDURES FOR THE ADMINISTRATION AND ENFORCEMENT HEREOF; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII:

Section 1. TITLE

This Ordinance shall be known as the Subdivision Ordinance.

Section 2. ADMINISTRATION

This Ordinance shall be applied and administered within the framework of the "County General Plan" which is a long range, comprehensive, general plan prepared or being prepared to guide the overall future development of the County. Said "County General Plan" shall consist of that portion of the "State's General Plan" that applies to the County, or such lesser portion thereof as the County may adopt, together with those "Comprehensive or General Plans" for sections of the County which may hereafter be adopted as amendments to or portions of the "County General Plan."

Section 3. DEFINITIONS

- A. The following words and phrases, unless the context otherwise requires, shall mean:
- 1) ALLEY. A narrow street through a block primarily for access by service vehicles to the back or side of properties fronting on another street.
 - 2) ARTERIAL. A street of considerable continuity, which is primarily a traffic artery for intercommunication between or through large areas.
 - 3) BUILDING LINE. A line on a plat indicating the limit beyond which buildings or structures may not be erected.
 - 4) BUREAU OF CONVEYANCES. A Bureau, a portion of the Department of Land and Natural Resources, State of Hawaii, where subdivisions meeting the requirements of this Ordinance may be filed.
 - 5) CHIEF ENGINEER. The Chief Engineer of the Department of Public Works of the County of Hawaii.
 - 6) CITY OF HILO. That portion of the district of South Hilo, County of Hawaii, which is described as follows: Bounded on the South by the district of Puna; bounded on the West by the districts of Kau and North Hilo; on the North by the ahupuaa of Paukaa in the district of South Hilo; and on the East by the sea.

Ord. No. 62
File No. _____
M. B. No. _____
Date: _____

- 7) COMMISSION. The Planning Commission of the County of Hawaii.
- 8) COUNTY GENERAL PLAN. Any plan adopted by the County of Hawaii for the guidance of growth and improvement of the County, including modifications or refinements which may be made from time to time.
- 9) CUL-DE-SAC. (Dead-end street) A street with only one end open to traffic.
- 10) DIRECTOR. The Director of the Planning Commission.
- 11) DIRECTOR OF TRANSPORTATION. The Director of the Department of Transportation, State of Hawaii.
- 12) DISTRICT ENGINEER. The District Engineer of the Division of Highways of the State Department of Transportation for the County of Hawaii.
- 13) EASEMENT. A grant of the right to use a strip of land for specific purposes.
- 14) ENGINEER. A person duly registered as a professional civil engineer in the State of Hawaii.
- 15) LOT. A parcel of land intended as a unit for transfer of ownership or for development.
- 16) LOT, REVERSED CORNER. A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
- 17) LOT, REVERSED FRONTAGE. A lot situated between an existing or proposed arterial street and a minor street with frontage and access being derived from the minor street.
- 18) LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets other than alleys and access being derived from either of the two streets.
- 19) MANAGER. The Manager of the Board of Water Supply of the County of Hawaii.
- 20) PARKWAY. Any road, street or highway that provides a traffic artery which provides for movement of traffic in opposite directions on either side of a dividing island or medial strip and is designated for through traffic.
- 21) PEDESTRIAN WAY. A public right-of-way through a block between lots for pedestrian traffic, which may also be used as a utility easement.
- 22) PERSON. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, including any trustee receiver, assignee, or other similar representative thereof.
- 23) PLAT. The map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval.
- 24) RESERVE STRIP. A non-access reservation, placed under public control with conditions approved by the Director, along rear property lines of reverse frontage lots.
- 25) RIGHT-OF-WAY. The area between property boundary lines for use as a street or as a drainage or utility easement.

- 26) ROADWAY. The portions of a street right-of-way developed for vehicular traffic.
- 27) SANITARY ENGINEER. The Sanitary Engineer of the State Department of Health for the County of Hawaii.
- 28) SIDEWALK. A surfaced walkway for pedestrian traffic.
- 29) STREET. The entire width between the boundary lines of every public way provided for public use, for vehicular and pedestrian traffic, and the placement of utilities, and including "Road," "Boulevard," "Highway," "Land," "Place," "Avenue," "Lane," "Court," "Alley," or similar designations.
- 30) STREET, BUSINESS OR INDUSTRIAL. Any street providing primary access to business or industrial lots.
- 31) STREET, COLLECTOR. Any street supplementary to the arterial street system which is a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.
- 32) STREET, HALF. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street is to be provided in another subdivision.
- 33) STREET, MARGINAL ACCESS. (Service road) A minor street, parallel and adjacent to an arterial, providing access to abutting properties, but protected from through traffic.
- 34) STREET, MINOR. A street intended exclusively for access to abutting property.
- 35) STREET, PRIVATE. Any street providing primary access to land, retained in private ownership.
- 36) STREET PLUG. A reservation for street purposes, placed under public control under conditions approved by the Director, for the extension of streets from a subdivision into adjacent lands that may be subdivided in the future.
- 37) SUBDIVIDED LAND. Improved or unimproved land or lands divided into two or more lots, parcels, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all such parcels, and shall include re-subdivision, and when appropriate to the context shall relate to the process of subdividing of the land or territory subdivided. Easements for the purpose of road and utilities shall not be construed as subdivided land.
- 38) SUBDIVIDER. Any person, firm, corporation, partnership, association, trust or other legal entity, or a combination of any thereof who or which causes land to be divided into a subdivision for himself, itself, or for others.
- 39) SURVEYOR: A person duly registered as a professional land surveyor in the State of Hawaii.

Section 4. SCOPE OF REGULATIONS

As authorized by Chapter 144, Section 33, Subsection g, Revised Laws of Hawaii, 1955, as amended, and Section 4, Subsection B, Ordinance No. 16 of the County of Hawaii, 1965, all subdivision plats and all streets or ways within the County of Hawaii created for the purpose of partitioning land shall be approved by the Director in accordance with these regulations.

A person desiring to subdivide land or desiring to partition land by creation of a street or way within the area under jurisdiction of the County shall submit preliminary plans and final documents for approval as provided in this Ordinance and the State law. No subdivision plat may be filed with the Bureau of Conveyances or Land Court until submitted to and approved by the Director.

Section 5. PRELIMINARY PLAT

- A. INITIAL STEPS. A subdivider may call at the Commission's office for information regarding procedures and general information that may have a direct influence on the proposed subdivision.
- B. SUBMISSION. The subdivider shall prepare a preliminary plat together with improvement plans and other supplementary material required to indicate the general program and objectives of the project, and shall submit six (6) copies, or more if requested by the Director, of the preliminary plat and other supplementary material to the Commission's office.

All pertinent information on the preliminary plat shall be drawn to scale.

Where the area to be subdivided contains only part of the tract owned or controlled by the subdivider, the Director may require a sketch of a tentative layout for streets in the unsubdivided portion.

- C. PLAT SIZE AND SCALE. The preliminary plat shall be drawn according to size and scale as stipulated in Section 343-13 of the Revised Laws of Hawaii, 1955 or on a sheet size of eight and one-half (8 1/2) inches by thirteen (13) inches. When more than one (1) sheet is required, an index sheet of the same size shall be filed to show the entire subdivision on one (1) sheet, with block and lot numbers.
- D. INFORMATION. Information required on the preliminary plat shall be as follows:

1) GENERAL INFORMATION

- a. Proposed name of the subdivision shall not duplicate nor resemble the name of another subdivision in the County of Hawaii. It shall be subject to approval by the Director.
- b. Date, northpoint and scale of drawing.
- c. Tax key number or numbers and other information to sufficiently describe and define the location and boundaries of the proposed subdivision according to the real property records of the State Tax Office.
- d. Names and addresses of the owner or owners, subdivider, engineer, or surveyor who prepared the plat.
- e. The approximate lot layout and the approximate dimension and area of each lot.
- f. Acreage of proposed subdivision and number of lots.
- g. A title report issued by a licensed title company in the name of the owner of the land, showing all parties whose consent is necessary and their interests in the premises when required by the Director.

2) EXISTING CONDITIONS

- a. Location, width and names of all existing or platted streets or other public ways within or adjacent to the tract, together with easements, other rights-of-way, and other important features, such as corners, property boundary lines, and control of access lines adjacent to State highways.
- b. When required by the Director, contours at vertical intervals of five (5) feet where the slope is greater than ten (10) per cent. Elevations shall be marked on such contours based on an established bench mark or other datum approved by the Chief Engineer. In addition, such contours as may be required by the Board of Water Supply, Department of Health and County Public Works Department shall be shown.
- c. The location and direction of all water courses and approximate location of areas subject to inundation or storm water overflow.
- d. Existing uses of property, including location of all existing structures, wells, cisterns, private sewage disposal systems, utilities, etc.
- e. Zoning on and adjacent to the tract.

3) PROPOSED PLAN OF LAND PARTITIONING. The following information shall be included on the preliminary plat:

- a. Streets showing location, widths, proposed names, approximate radii of curves. The relationship of all streets to projected streets shown on the County General Plan adopted by the Commission, or if there is no complete County General Plan, projected streets suggested by the Director to assure adequate traffic circulation in the area.
- b. Existing and proposed easements, showing width and purpose.
- c. Lots, showing approximate dimensions, minimum lot size and proposed lot and block numbers.
- d. Sites, if any, allocated for purposes other than single family dwellings.

4) EXPLANATORY INFORMATION. The following information shall be included on and/or with the preliminary plat. If it cannot be shown practicably on the preliminary plat, it shall be submitted in separate statements accompanying the preliminary plat:

- a. A vicinity map at a small scale, showing existing subdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets may be extended to connect with existing streets.
- b. Proposed deed restrictions in outline form if any.
- c. The approximate location within the subdivision and in the adjoining streets and property of existing sewers and water mains, culverts and drain pipes, electric conduits or lines proposed to be used on the property to be subdivided and invert elevations of sewers at points of proposed connections.
- d. Statement regarding water system to be installed, including source, quality and quantity of water.
- e. Provisions for sewage disposal, drainage and flood control which are proposed.

- f. Parcels of land proposed to be dedicated to public use, and the conditions of such dedication.
- g. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with objectives of these regulations, State laws and other applicable County ordinances.

Section 6. FILING FEES

Each application for a subdivision is subject to the payment of the following fee: Fifteen dollars (\$15.00) plus three dollars (\$3.00) per lot noted on the initial preliminary plat or Cluster Plan Development and for each additional lot resulting from any subsequent amendment of the initial preliminary plat exclusively of any lots set aside for roadway or easement purposes or lands dedicated for public use.

The above prescribed, shall not apply to subdivision of land into burial or crematory lots within the confines of duly-established cemetery areas provided, however, that processing fee will be filed as follows:

One hundred dollars (\$100.00) per acre and proportionate fee for fraction of acre thereof.

The payment of the filing fee shall be made at the Commission's office and payable to the Treasurer, County of Hawaii. This fee is not refundable.

Section 7. PRELIMINARY PLAT REVIEW

Within five (5) days after being submitted by the subdivider, the Director shall furnish one (1) copy of the preliminary plat and supplemental materials to the Manager, Chief Engineer and Sanitary Engineer, and in addition the District Engineer when a subdivision is adjacent to a State highway or proposed State highway.

The above listed officers shall review the preliminary plat with the Director.

Section 8. TENTATIVE APPROVAL OF PRELIMINARY PLAT

- A. Within forty-five (45) days after submission of the preliminary plat, the Director shall review the plan and may give tentative approval of the preliminary plat as submitted or as it may be modified or may disapprove the same and shall express its disapproval and its reasons therefor in writing. Approval of the preliminary plat shall indicate the Director's directive to prepare detailed drawings on the plat submitted, provided there is no change in the plan of subdivision as shown on the preliminary plat and there is full compliance with all requirements of this Ordinance. The action of the Director with reference to any attached documents describing any conditions shall be noted on two (2) copies of the preliminary plat. One (1) copy shall be returned to the subdivider and the other retained by the Director. At such time the Director shall stamp the above two (2) preliminary plats:

"Subdivider authorized to prepare detailed drawings on plat as submitted including corrections noted."

"Recordation with the Bureau of Conveyances, State of Hawaii, not authorized until approved for record at a later date."

- B. If no action (approval, disapproval, modification or deferral) is taken by the Director within forty-five (45) days after submission of the preliminary plat, or such longer period as may have been agreed upon in

writing, the preliminary plat shall be deemed approved, and it shall be the duty of the Director to endorse its approval of the preliminary plat upon the face thereof.

Section 9. DESIGN STANDARDS AND REQUIREMENTS OF SUBDIVISION

Each subdivision and the map thereof shall conform to the following standards:

A. PRINCIPLES OF ACCEPTABILITY

Subdivisions shall conform to the County General Plan and shall take into consideration preliminary plans made in anticipation thereof. Subdivisions shall conform to the requirements of State law, County Department of Public Works, State Department of Health, State Department of Transportation, and County Board of Water Supply requirements and the standards established by this Ordinance.

B. CREATION OF STREETS

- 1) The creation of streets shall be in compliance with requirements for subdivision.
- 2) The Director shall approve the creation of a street provided that any of the following conditions exist:
 - a. The establishment of the street is initiated by the Board of Supervisors and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
 - b. The tract in which the street is to be dedicated is an isolated ownership of one (1) acre or less.
 - c. The tract in which the street is to be dedicated is an isolated ownership of a size and with special existing physical conditions which make it impractical to develop more than three (3) lots.

C. STREETS

- 1) GENERAL. The location, width and grade of all streets shall conform to the County General Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of land to be served by such streets. Where location is not shown in a County General Plan, the arrangement of streets in a subdivision shall either:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or
 - b. Conform to a plan for the neighborhood which has been approved or adopted by the Director to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- 2) MINIMUM RIGHT-OF-WAY AND PAVEMENT WIDTHS. Unless otherwise indicated on the County General Plan, the width of streets in feet shall not be less than the minimums shown in the following table:

<u>Type of Street</u>	<u>Minimum Right-of-Way</u>	<u>Pavement</u>
Parkways	300	24'
Primary Arterials	120	24'
Secondary Arterials	80	60' (urban) 24' (rural)
Business & Industrial Streets	60	24' (agriculture)
		36' (urban)
		24' (rural)
Collector Streets	60	24' (agriculture)
		24' (urban)
		20' (rural)
Minor Streets (Streets generally not exceeding 1,300 feet in length)	50	20' (agriculture)
		20' (urban)
		20' (rural)
Cul-de-sac (Dead-end street)	50	20' (agriculture)
		20' (urban)
		20' (rural)
Radius for turn around at end of cul-de-sac	45	20' (agriculture)
		35' (urban)
		35' (rural)
Alley	20	35' (agriculture)
		20' (urban)
		20' (rural)
		20' (agriculture)

When sidewalks, curb and gutters are required, pavements in collector streets in urban areas shall be thirty-six (36) feet wide and pavements in minor and dead-end streets in urban areas shall be thirty-two (32) feet wide.

- 3) RESERVE STRIP. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land composing such strips is placed definitely within the jurisdiction of the County or State under conditions approved by the Director.
- 4) ALIGNMENT. As far as practical, all streets shall be in alignment with existing streets by continuations of the center lines thereof. The staggering of streets making "T" intersections shall be so designed and adjusted with curves and diagonals, that jogs are not less than one hundred fifty (150) feet measured along the center line of the through street.

If it is not possible to align the streets of a new subdivision with existing roads of an adjacent tract, short jogs may be avoided by establishing reverse curves in the road alignment within a block. Such jogs shall be separated from the existing road right-of-way by a tangent, a minimum of fifty (50) feet along to the beginning or end of the curve. Although such reverse curves are not objectionable in residential areas, they shall be avoided in commercial and industrial districts.

- 5) FUTURE EXTENSION OF STREETS. Where necessary to give access or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- 6) INTERSECTION ANGLES. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography

requires a lesser angle, but in no case less than sixty (60) degrees unless there is a special intersection design.

Intersections which are not at right angles shall have a minimum corner radius of twenty-five (25) feet along the right-of-way lines of the acute angle. All right-of-way lines at intersections shall have a corner radius of not less than twenty (20) feet. If unusual topographical conditions exist that will impair sight distances and create a traffic hazard, the Chief Engineer may specify a larger corner radius.

- 7) EXISTING STREETS. When existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.
- 8) HALF STREETS. No half streets shall be developed except where essential to the reasonable development of a subdivision, when it is in conformance with other provisions of this Ordinance and when the Director is shown clear evidence that the adjoining parcels shall be developed and that dedication of the other half shall be made when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- 9) CUL-DE-SACS. (Dead-end streets) A cul-de-sac shall be as short as possible and shall not be more than six hundred (600) feet in length nor serve more than eighteen (18) lots, provided that longer streets may be approved by the Director when unusual topographical conditions exist. All cul-de-sacs shall terminate with a circular turn-around of forty-five (45) feet radius, except that a T-turn around or other suitable turn-around may be permitted, if in the opinion of the Director, this type of turn-around meets the requirements of the situation.
- 10) STREET NAMES. No street names shall be used which may duplicate or may be confused with the names of existing streets in each individual district of the County, provided that identical or similar names may be used to name extensions of existing streets. Street names shall conform to the established pattern in the County and shall be subject to the approval of the Commission and adoption of same by the Board of Supervisors.
- 11) GRADES AND CURVES. Grades of all streets shall be a reasonable minimum but in no case be less than one-half of one (0.5) per cent and shall not exceed seven (7) per cent on major arterials, eight (8) per cent secondary arterials, ten (10) per cent on collector streets, or twelve (12) per cent on any other street. No grade shall be less than one-half of one (0.5) per cent at the gutter. Vertical and horizontal curves shall be so designed as to give non-passing distance visibility in conformance with the following minimum requirements:

<u>Classification</u>	<u>Vertical Curve</u>	<u>Horizontal Curve</u>
Primary Arterial	500 feet	500 feet
Secondary Arterial	500 feet	500 feet
Business or Industrial St.	500 feet	500 feet
Collector Street	500 feet	500 feet
Minor Street	300 feet	300 feet
Cul-de-sac	100 feet	200 feet

Variations from these grades or curves, may, however, be permitted by the Director and the Chief Engineer where advisable to meet topographical conditions; and the Chief Engineer may specify additional standards accordingly.

- 12) MARGINAL ACCESS STREETS. (Service road) Where a subdivision abuts or contains an existing or proposed arterial street, the Director may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 13) ALLEYS. Alleys shall have a minimum width of twenty (20) feet in commercial and industrial districts, unless adequate permanent provisions for access to off-street parking and loading facilities approved by the Director have been provided. At street and alley intersections, ten (10) feet radii shall be required.
- 14) PRIVATE STREETS. No private streets, alleys or ways shall be approved unless they are improved as specified under Section 10, "IMPROVEMENTS REQUIRED."

D. BLOCKS

- 1) GENERAL. The lengths, widths and shapes of blocks shall be designed with regard to providing adequate building sites suitable to the use contemplated, needs for convenient access, circulation, control and safety of street traffic, and limitations and opportunities of topography.
- 2) SIZES. Blocks shall not exceed two (2) tiers of lots in width and thirteen hundred (1,300) feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. Blocks shall not be less than four hundred (400) feet in length. Long blocks shall be provided adjacent to arterial streets to reduce the number of intersections. The recommended minimum distance between intersections on arterial streets is eighteen hundred (1,800) feet. Longer blocks shall be used when possible.

The desired length for normal residential blocks is from eight hundred (800) to one thousand (1,000) feet. When the layout is such that sewers will be installed or easements for future sewer lines are provided along rear lot lines, the block should not exceed eight hundred (800) feet in length.

3) EASEMENTS

- a. Natural Water Courses. Where a subdivision is traversed by a natural water course, drainage way, channel or stream, there shall be provided a drainage easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to water courses may be required.
- b. Pedestrian ways. In any block over seven hundred fifty (750) feet in length, the Director may require creation of a pedestrian way at or near the middle of the block. If unusual conditions require blocks longer than thirteen hundred (1,300) feet, two (2) pedestrian ways may be required. Said pedestrian way shall be dedicated for public use and shall have a minimum width of ten (10) feet.

E. LOTS

- 1) SIZE AND SHAPE. The lot size, width, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision, the type of development and uses contemplated and in conformance with the provisions of the Zoning Ordinance.
- 2) MINIMUM LOT SIZES. The minimum sizes of various types of lots shall be in conformance with the provision of the Zoning Ordinance and shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

Where property will not be served by a public sewer, lot sizes for sewage disposal systems shall conform to the requirements of the State Health Department and shall take into consideration problems of water supply and sewage disposal.

- 3) ACCESS. Each and every subdivided lot shall abut upon a public street or approved private street. No lots shall be platted without access on a street. The Director may indicate the side or sides of any lots from which driveway access shall be permitted or prohibited.
- 4) LOT SIDE LINES. The side lines of lots shall run at right angles to streets upon which the lots face, or on curved streets they shall be radial to the curve, as far as practicable.
- 5) THROUGH LOTS. A lot having frontage on two parallel or approximately parallel streets other than alleys and access being derived from either of the two streets known as through streets shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities, or to overcome specific disadvantages of topography or orientation.

A planting screen easement of at least ten (10) feet, across which there shall be no right of access, may be required along lot lines abutting such a traffic artery or other disadvantageous use. A through lot with planting screens shall have a minimum average depth of one hundred twenty five (125) feet.

- 6) SUITABLE FOR INTENDED USE. All lots shall be suitable for the purposes for which they are intended to be sold and no dangerous areas subject to periodic inundation in such a manner as to endanger the health or safety of the occupants thereof, may be subdivided for residential purposes.

F. LARGE LOT SUBDIVISION

In subdividing tracts into large lots which at some future time are likely to be resubdivided, the Director may require that the blocks shall be of such size and shape, be so divided into lots and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

G. BUILDING LINES

If special building setback lines at variance with the provisions of the Zoning Ordinance are established in a subdivision, they shall be shown on the subdivision plat or included in the deed restrictions.

H. MONUMENTS

Monuments approved by the Chief Engineer shall be placed and properly coordinated with the State survey triangulation stations at all angle points or points of curvature in streets and at such intermediate points as shall be required by the Chief Engineer. All lot and block corners shall be properly established and marked with one-half (1/2) inch round galvanized pipe or equal and firmly and permanently set in the ground.

I. LOCATION OF UTILITIES

In general, all utilities shall be located within the street width, and government owned water mains shall be located in the paved areas, except that water mains of a suburban water system may be located as designated in the area between the edge of pavement and the property line when approved by the Chief Engineer and Manager. Where practicable, sewer mains shall be located in the paved area between curbs.

On State highways, all utilities shall be located in the area between the edge of pavement and the property line. Where practicable, a minimum distance of six (6) feet shall be maintained between the edge of pavement and the location of the utilities. Utilities may be permitted to cross the highway on a line normal to the centerline of the highway. Under certain conditions the utility may be permitted to deviate from the normal line but in no case shall the angle between the utility and the normal line exceed forty-five (45) degrees.

If in the opinion of the Director, the Chief Engineer and Manager, the most suitable and reasonable location for any of the utilities, such as sewers, storm drains, water and gas pipes, electric and telephone pole lines and conduits, which are likely to be required within a subdivision, either for the service thereof or for the service of areas in the surrounding territory, do not lie wholly within the street width, the Director may require provisions to be made for the location of such utilities on routes elsewhere than within said street width. The subdivider shall designate the required area or areas for all such utility locations outside of the street width and shall deliver proper easements for the same.

Easements or rights-of-way for sewers, storm drains and government owned water facilities shall be fifteen (15) feet in width and centered on rear or side lot lines except for guy-wire tie-back easements, which shall be three (3) feet wide by twenty (20) feet long along lot lines at change of direction points of easements, except that this width may be modified where the Chief Engineer or the County Board of Water Supply, whichever is appropriate, finds that a greater or lesser width is necessary or satisfactory for the purpose of the use of the area. Easements or rights-of-way for all government owned utilities including storm drains except those under the jurisdiction of the County Board of Water Supply shall be conveyed to the County of Hawaii and documents shall be delivered to the Board of Supervisors for acceptance. Easements or rights-of-way for water facilities which are under the jurisdiction of the County Board of Water Supply and the documents shall be delivered to the Board of Supervisors for acceptance.

J. PARKS, PLAYGROUNDS, SCHOOLS, ETC.

The subdivider of a parcel of land capable of supporting two hundred (200) dwelling units shall reserve suitable areas for parks, playgrounds, schools, and other public building sites that will be required for the use of its residents. Five (5) to ten (10) per cent of the land area, exclusive of streets, shall be reserved for recreational and public use, for a period of two (2) years for acquisition by a public agency. Outstanding natural or cultural features such as scenic spots, water courses, fine groves of trees, heiaus, historical sites and structures shall be preserved.

K. SPECIAL PROVISIONS FOR CEMETERIES AND CREMATORIALS

The requirements and standards of subdivisions above set forth in this Ordinance shall not be applicable to cemeteries and crematoriums, provided, however, that the use of land for cemeteries or crematoriums shall comply with zoning requirements and Ordinance No. 362 pertaining to the establishment of cemeteries in the County.

Section 10. IMPROVEMENTS REQUIRED

A. WATER SUPPLY. Any subdivision hereafter to be laid out within the County of Hawaii shall be provided with water as follows:

- 1) Any subdivision shall provide a water system meeting the minimum requirements of the County Board of Water Supply.
- 2) Water mains and fire hydrants shall be installed to and within the subdivision in accordance with the rules and regulations of the County Board of Water Supply, enacted in conformity with Part VIII, Chapter 146, Revised Laws of Hawaii 1955, and all amendments thereto.

B. SEWAGE DISPOSAL

- 1) In any subdivision hereafter to be laid out within the proximity of an existing public sewer system, sewer lines shall be installed where the subdivision is within three hundred (300) lineal feet of the existing sewer system. These lines shall conform to the minimum requirements of the County Department of Public Works.
- 2) In subdivisions where sewer connections cannot be made to an existing sewer system under the requirements of this Ordinance, the subdivider shall meet the minimum requirements of the State Health Department relating to sewage disposal.

C. PAVEMENT OF DEDICABLE STREETS. The subdivider shall grade, drain and surface all streets hereafter constructed within the County of Hawaii as shown on his plat, except reserved dedication for future street purposes, so as to provide access for vehicular traffic to each lot of the subdivision. All streets shall be constructed in accordance with the specifications hereinafter set forth and those on file with the County Department of Public Works and shall be installed under the supervision of the Chief Engineer and to permanent grades approved by him. All streets shall have sufficient thickness of pavement and/or compacted base course and sub-base material to support axle and wheel loads permitted under Section 311-20, Revised Laws of Hawaii, 1955 and all amendments thereto; and in no case shall the streets be less substantial than the following minimum dedicable standards of the County of Hawaii.

- 1) Streets serving areas zoned for lots seventy-five hundred (7,500) square feet to and including one (1) acre, shall have a six (6) inch minimum select borrow sub-base course, a base course of four (4) inches of compacted crusher run base with filler and a pavement of two (2) inches of asphaltic concrete or two and one-half (2-1/2) inches of asphaltic macadam, applied in three (3) separate applications. Pavement width shall conform to the urban standard as set forth under Section 9, C, 2).
- 2) Streets serving areas zoned for lots of over one (1) acre and up to and including three (3) acres, shall have a six (6) inch minimum select borrow sub-base course, a base course of four (4) inches of compacted crusher run base and a pavement of two (2) inches of asphaltic concrete or two and one-half (2-1/2) inches of asphaltic macadam, applied in three (3) separate applications. Pavement width shall conform to the rural standard as set forth under Section 9, C, 2).

D. STANDARD OF PAVEMENT FOR NON-DEDICABLE STREETS

- 1) Streets serving areas zoned for lots of three (3) acres and over shall have a six (6) inch minimum fine select borrow base course with surface treatment acceptable to the Chief Engineer and Director. Preparation of the surface, application of surface and equipment used shall conform to standards adopted by the County Department of Public Works, subject to the condition that portions or roadways where grades are eight (8) per cent or greater shall be built to paved requirements of this Ordinance. Pavement widths shall conform to the agricultural standards as set forth under Section 9, C, 2). Where subdivision streets connect with a State highway, the standards of the pavement within the State highway right-of-way shall conform to standards adopted by the State Department of Transportation. A maintenance escrow fund when required by the Director shall be established by the developers with a escrow depository approved by the Director prior to final approval for recordation. Said fund shall be reviewed by the County Attorney and approved by the Director.

- 2) Private dead-end streets may be established upon approval of the Director. These streets shall provide access to six (6) lots or less conforming to the minimum area requirements set forth in the Zoning Ordinance and shall be restricted only to residential lots and those agricultural lots zoned for less than three (3) acres. The following shall be the minimum pavement width and right-of-way:

<u>Road Access</u>	<u>Pavement</u>	<u>Right-of-Way</u>
1 lot	8 feet	12 feet
2 lots	12 feet	16 feet
3 lots	14 feet	18 feet
4 to 6 lots	16 feet	20 feet

The private streets shall be constructed in conformance with standards on file at the County Department of Public Works.

- E. SIDEWALKS. For the safety of pedestrians and of children at play, sidewalks on both sides of the street may be required.

The Director shall have the authority to recommend and the Board of Supervisors may, when in its judgment a necessity exists for such improvements, require the construction of sidewalks which shall be constructed in accordance with specifications of the County Department of Public Works.

- F. PEDESTRIAN WAYS. A four (4) feet walk strip shall be paved in the center of all pedestrian ways. Paving shall consist of not less than three (3) inches of compacted crusher run or crushed rock passing a three-fourth (3/4) inch screen.

- G. CURBS AND GUTTERS. The Director shall have the authority to recommend and the Board of Supervisors may, when in its judgment a necessity exists for such improvements, require the construction of curbs and gutters which shall be constructed in accordance with specifications of the County Department of Public Works.

- H. LAND SURFACE DRAINAGE. Such grading shall be done and such drainage structures shall be provided by the subdivider as are deemed essential by the Chief Engineer or Sanitary Engineer to protect roadways and public safety.

- I. STREET LIGHTS. Street lights shall be constructed within the subdivision. The street lights shall conform to the standard specifications on file with the County Department of Public Works. The construction of street lights shall be made a part of the contract for subdivision improvement and installed coincident with other required improvements.

- J. STREET NAME AND TRAFFIC SIGNS. Street name signs showing the names of intersecting streets shall be erected by the subdivider at each street intersection. The type and location of street name and traffic signs which shall be created by the subdivider shall be subject to the approval of the Chief Engineer and shall conform to the standard specifications on file at the County Department of Public Works.
- K. ZONING RESTRICTIONS. The Director shall disapprove a preliminary plat or a subdivision map where the subdivider has failed to comply with the provisions of the Zoning Ordinance.
- L. RIGHT-OF-WAY IMPROVEMENTS. The subdivider shall be required to improve the entire street right-of-way. The improvements shall conform to the standard specifications on file with the County Department of Public Works.

Section 11. CONSTRUCTION PLANS

- A. After the subdivider has secured tentative approval of his preliminary plat of the subdivision from the Director, and before beginning construction of the improvements therein, the subdivider shall prepare and submit to the Director construction plans and specifications showing details of road construction, drainage structures, sewers, water mains and all other utilities proposed to be installed in the proposed subdivision. The construction plans shall be drawn on acceptable tracing medium to County standards as to size and general drafting practice. Included with the construction plans shall be a general layout map showing the location of lots and streets, and the location of water lines, sewer mains and drainage systems and other utility lines. Plans shall be prepared by an engineer registered under the laws of Hawaii; provided that, when the subdivision consists of three (3) lots or less, the Director may grant tentative approval to proceed with plans without the seal of an engineer.
- B. The subdivider shall submit six (6) copies of the construction plans and specifications to the Director for examination and submission to the Chief Engineer, the Manager, the Sanitary Engineer and the District Engineer as required under Section 7., for their respective consideration and approval. Such construction plans and specifications shall be considered approved for construction purposes when the construction plan tracings and specifications bear the approval of the Chief Engineer, the Manager, the Sanitary Engineer, the District Engineer and the Director as required under Section 7.

Section 12. COMPLETION OF IMPROVEMENT REQUIREMENTS FOR FINAL PLAT APPROVAL - BONDING

A. CONSTRUCTION PRIOR TO FINAL APPROVAL

When the construction drawings and specifications bear the approval of the Director, the Chief Engineer, the Manager, the Sanitary Engineer and the District Engineer as required under Section 11, the subdivider may proceed with the construction of the improvements and utilities and after completion of the same in accordance with the requirements of this Ordinance, the Director shall grant approval for recordation of his final plat. Where construction extends into the State highway right-of-way, the contractor shall obtain a permit from the District Engineer prior to commencement of work within the State right-of-way. In this case no bond or security need be posted with the County Department of Public Works and/or the County Board of Water Supply.

B. BOND AND FINAL APPROVAL PRIOR TO CONSTRUCTION

A subdivider may secure final approval prior to completion of construction by entering into an agreement with the County, signed by the Director and the County Department of Public Works and/or County Board of Water Supply wherein the subdivider agrees to make, install and complete all required improvements within a specified time and file with the County Department of Public Works and/or the County Board of Water Supply a surety bond or other security as hereinafter specified, to assure the County Department of Public Works and/or the County Board of Water Supply the actual construction and installation of the improvements and utilities shown on the approved construction drawings and specifications. The Director shall, after the execution and acceptance of the agreement and bond, grant approval of the final plat. The subdivider may then proceed to record the final plat and sell the lots or transfer any interest therein prior to completion of said improvements.

- 1) Agreement. The owner or owners of the subdivision shall submit an agreement to the Director who shall refer said document to the County Attorney for approval as to form and legality. Said agreement specify that the subdivider shall complete all improvements and utilities to the satisfaction of the Chief Engineer and/or the County Board of Water Supply, and shall provide that if the subdivider shall fail to so complete such work within the time specified or such extension of time under specified conditions or for the termination of the agreement and upon a reversion of the subdivision or part thereof to its original acreage, the County Department of Public Works and/or the County Board of Water Supply may complete the same and recover the full cost and expense thereof from the subdivider.
- 2) Bond. The agreement as specified in Section 12., B, 1), shall be secured by a good and sufficient surety bond (other than personal surety), certified check or other security acceptable to the Director and approved by the County Attorney, in the sum equal to the cost of all the work required to be done by the subdivider as estimated by the Chief Engineer and the Manager, if the subdivision is within the scope of the County Board of Water Supply requirements. Said surety bond shall be payable to the County of Hawaii and also to the County Board of Water Supply if the subdivision is within the scope of the County Board of Water Supply requirements and shall be conditioned upon the faithful performance of any and all work required to be done by the subdivider.

Said security shall be filed with the Director and deposited with the County Treasurer as a realization in whole or part for the completion, correction of any defective work or improper work called for in the original plan.

Section 13. INSPECTION AND CERTIFICATION

- A. The Chief Engineer shall inspect the construction of improvements and installation of facilities and utilities and other work in any subdivision. The Manager shall inspect all construction and improvements relating to water systems.
- B. Prior to the beginning of construction of the required improvements or prior to final approval of a subdivision map, when a suitable bond is posted, the applicant shall be required to pay a fee of two-tenths of one (0.2) per cent of the estimated cost of the construction work to be done in the subdivision but not less than twenty-five dollars (\$25.00) to cover the costs of inspection; provided, however, that said fee shall be returned to the applicant if the subdivision map is not approved. Fees received from applicants shall be deposited with the County Treasurer.

- C. Before starting any construction work, the subdivider shall give written notice at least one (1) week in advance to the Chief Engineer and/or Manager (if construction involves a water supply system), the name of the contractor and any other pertinent information, and shall file three (3) prints of approved construction drawings and specifications with the County Department of Public Works and/or the County Board of Water Supply (if construction involves a water supply system).

During construction of improvements and installation of facilities and utilities and the carrying on of other work in any subdivision, the work shall at all times be subject to inspection by the Chief Engineer and/or Manager, or their representatives.

Subdivision improvements shall not be considered complete and acceptable for final approval by the Director until such improvements are so certified in writing to be complete and of acceptable standards by the Chief Engineer and/or Manager.

Construction within the State highway right-of-way shall be subject to inspection by the District Engineer or his representative.

Section 14. FINAL PLAT

- A. TIME LIMIT. The final plat shall be prepared and completed within one (1) year following the tentative approval given on the preliminary plat by the Director. If the final plat has not been filed within this period, the preliminary plat shall be deemed null and void. Time extension, for good cause may be granted as provided under Section 15.
- B. DRAFTING OF FINAL PLAT. In preparing the final plat, all engineering and surveying work shall be made by or under the supervision of an engineer and/or surveyor, respectively.

If the final plat, following approval by the Director, is to be filed with the Land Court for recordation, it shall comply with all requirements specified under the rules of the Land Court for Land Court subdivisions. The scales and sheet sizes utilized on this drawing shall be the same as required under Section 5., C., of this Ordinance, and dedication or other written material shall be submitted on supplemental sheets.

- C. INFORMATION REQUIRED ON FINAL PLAT. The following information shall be shown on the final plat and supplemental sheets in addition to any other information required to be shown thereon under provisions of any State statute or County ordinance.
- 1) Date, northpoint and scale of drawing.
 - 2) Legal description of the tract boundaries.
 - 3) Name and address of the owner or owners, subdivider, engineer, or surveyor who prepared the plat.
 - 4) Approved street names on dedicable streets.
 - 5) Reference points of existing surveys identified, related to the plat by distances and azimuths, and reference to a field book or map as follows:
 - a. All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - b. Adjoining corners of all adjoining subdivisions.
 - c. Boundary lines and grants within and adjacent to the plat.

- d. Whenever the County has established the center line of a street, adjacent to or within the proposed subdivision, the location of this line and monuments found or reset.
- e. All other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.
- f. Tract boundary lines, right-of-way lines and center lines of streets; lot and block lines with dimensions, azimuths or deflection angles and radii, arcs, points of curvature and tangent bearings shall be shown.
- g. The width of the portion of streets being dedicated, the width of any existing right-of-way and the widths each side of the center line. For streets and curvature, all curve data shall be based on the street center line and, in addition to center line dimensions, shall indicate thereon the central angle.
- h. All easements denoted by fine broken lines, clearly identified and if already on record, its recorded reference; if any easement is not definitely located of record, a statement of such easement. The widths of the easement and the lengths and azimuths of the lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
- i. Lot and block identification shall be according to good engineering practices.
- j. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale and their use indicated.
- k. Minimum building setback lines, where not otherwise fixed by a building code or County ordinance.
- l. The following certification may be combined where appropriate:
 1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recording of the plat when required by the Director.
 2. A certificate signed and acknowledged as above, when dedicating all parcels of land shown on the final map and intended for any public use except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 3. A certificate with the seal of and signed by the engineer or surveyor responsible for the survey and final draft.
 4. All other certificates now or hereafter required by law. All control of access lines adjacent to State highways shall be denoted by the State Highways Division standard symbol of semicircles on the control of access line.
- m. All writing, including signatures on the final plat shall be made in black india ink.

D. SUPPLEMENTAL INFORMATION WITH FINAL PLAT. The following data shall be submitted with the final plat:

- 1) A complete title report issued by a licensed title company in the name of the owner of the land, showing all parties whose consent is necessary and their interests in the premises when required by the Director.
- 2) Five (5) copies of any deed restrictions applicable to the subdivision.
- 3) Written proof that all taxes and assessments on the tract are paid to date.

E. SUBDIVISION NOT INVOLVING STREETS, DRAINS AND/OR UTILITIES

In case a subdivision which involves no streets, drains or utilities, the preliminary plat may be approved by the Director for recordation provided the preliminary plat meets all of the requirements of a final plat.

Section 15. FILING OF FINAL PLAT

Within one (1) year after tentative approval of the preliminary plat by the Director, the subdivider shall have the subdivision surveyed and shall prepare a final plat which conforms with the preliminary plat as tentatively approved. The subdivider shall submit to the Director eight (8) copies of the final plat, prepared in conformity with these regulations, together with four (4) additional copies of a general layout map, same originally attached to the construction drawings and specifications (where required) showing the location of lots, streets, water mains and storm drainage system. The Director may grant to the subdivider an extension of time within which he may file such final plat, provided that the subdivider has made an application in writing to the Director for such purpose at least forty-five (45) days before the expiration of said period of one (1) year.

The time of filing the final plat shall be taken to mean the time at which the same, together with all required data, is received by the Director. The Director shall indicate the date of filing on all copies of the final plat and accompanying data.

Section 16. TECHNICAL REVIEW, ACTION ON FINAL PLAT, AND FILING OF PLAT

- A. TECHNICAL REVIEW. Within five (5) days after receipt of the final plat and other data, the Director shall submit copies of the final plat and other data to the Chief Engineer, Manager, Sanitary Engineer and District Engineer for review of said final plat with the Director. Final plat shall be examined as to whether it is substantially similar to the approved preliminary plat, that the plat is technically correct, as well as to verify the information on the final plat by entering upon the respective subdivisions. If there is a variance, the subdivider shall be advised by the Director of the changes or additions that must be made and afforded an opportunity to make corrections.
- B. ACTION ON FINAL PLAT. When all the construction work is complete and is accepted in writing by the Chief Engineer, the subdivider may apply for approval of the subdivision map for recordation. If the Director disapproves said plat, the ground or grounds of disapproval shall be filed in the records of the Commission's office. No plat shall be disapproved by the Director without affording the subdivider a hearing thereon.

Upon final approval, the Director shall stamp three (3) copies of the final plat:

"SUBDIVISION NUMBER _____ APPROVED FOR RECORDATION
WITH THE BUREAU OF CONVEYANCES, STATE OF HAWAII"

and such approval shall bear the signature of the Director. The Commission's office shall then retain one (1) copy of the final plat, forward one (1) copy of the final plat to the Hilo Tax Office, and one (1) copy of the final plat to the subdivider. The approval of the final plat by the Director shall not be deemed to constitute or effect an acceptance by the County of the dedication of any street or other easement or way shown on the plat.

- 1) No change in a subdivision, or in the plan of a subdivision, already approved, shall be made without the approval of the Director.
- 2) Land shall not be offered for sale, lease or rent in any subdivision, nor options or agreements for the purchase, sale, leasing or rental of land made until approval for recordation of the final plat is granted by the Director.
- 3) The approval for recordation of the final plat by the Director shall not relieve the subdivider of the responsibility for any error or errors in the dimensions or other discrepancies. Such errors or discrepancies shall be revised, or corrected, upon request, to the satisfaction of the Director.

C. FILING OF FINAL PLAT. After the Director grants approval for recordation of the final plat, the subdivider may file and record the plat.

Section 17. FINAL APPROVAL OF IMPROVEMENTS AND RELEASE OF SURETY

Upon completion of the improvements and utilities in such subdivision as required by this Ordinance and certification thereof as provided by Section 13, and after the subdivider shall have filed with the County Department of Public Works, State Department of Health and the County Board of Water Supply (if applicable) one (1) set of construction plans as actually modified to meet construction requirements, the County Department of Public Works, State Department of Health and the County Board of Water Supply (if applicable) shall approve such performance and thereupon discharge the subdivider and surety (in whole or in part according to the terms of his agreement, if any) from the obligation of any bonds and release to him any security posted by him, or authorize and direct such discharge and release by the appropriate agency or agencies.

Section 18. ISSUANCE OF BUILDING PERMITS FOR AN ERECTION OF BUILDINGS ON UNACCEPTED STREET

No building permit shall be issued for any building to be erected on any lot within the area covered by any proposed subdivision unless the street giving access to the lot shall have been accepted or opened as, or shall have otherwise received the legal status of a public street or private street that has been approved by the Director; or unless such street corresponds in its location and lines with a street shown on a subdivision map approved, or with a street located or accepted by the Board of Supervisors after submission to and approved by the Director, or in case of disapproval by the Director, it shall be located or accepted by the affirmative vote of not less than five (5) out of seven (7) of the members of the Board of Supervisors; provided, however, that as condition precedent to the issuing of any building permit for, or to the erection of any building on an unaccepted street, such street shall have been approved on satisfactory bond, with the amount and surety approved by the Chief Engineer, scheduled within a reasonable time to be suitably improved to the satisfaction of the Chief Engineer, in accordance with specifications approved by him substantially the same as those used by the County or required of other persons for comparable streets. No building shall be erected in violation of this section.

Section 19. ISSUANCE OF PERMIT FOR INSTALLATION OF SERVICE UTILITIES

The County Department of Public Works shall not issue a permit to cut a curb, tap a sewer line or install any lighting or sewer facilities and the County Board of Water Supply shall not issue a permit to tap a water line or install any water facilities in the area covered by a proposed subdivision until such subdivision has been approved as required by the provisions of this Ordinance.

Section 20. COUNTY NOT TO RECEIVE DEDICATION OF HIGHWAYS UNLESS CONSTRUCTED IN CONFORMITY WITH ORDINANCE

The Board of Supervisors shall not take over, receive by dedication, or otherwise, or do any repair or construction work upon streets or pavements, water lines, street lighting systems, sewer lines, or in any way accept as public highways any street, avenue or alley, in any subdivision hereafter opened or platted in the County of Hawaii, except upon full compliance with the provisions of this Ordinance.

Section 21. LARGE SCALE DEVELOPMENT

Exceptions from specific compliances with the provisions of this Ordinance may be provided by the Director where a plan and program for a complete community, a neighborhood unit, a large-scale shopping center, large industrial area development, or large agricultural area development provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and covenants or other legal provisions are provided as will assure conformity to and achievement of the plan.

Section 22. VARIANCES

Application for a variance from provisions of this Ordinance by a subdivider shall state the facts relied upon by the petitioner. Such petition shall be filed with the preliminary plat of the subdivision. No variance shall be granted unless the Commission finds the following facts:

- A. That there are special circumstances or conditions affecting said property that are not common to all property in the area.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with the provisions of this Ordinance because of the special circumstances or conditions affecting the property.
- C. That the special circumstances or conditions affecting said property is not the result of previous action of the applicant.
- D. That the granting of the variance shall not be detrimental to the public health, safety or welfare or injurious to other property in the vicinity of said property.

Section 23. HEARINGS OF GRIEVANCES BY THE COMMISSION

The Commission shall hear the grievances of any subdivider aggrieved by any decision of the Director.

Section 24. APPEAL

- A. Appeal may be made to the Board of Supervisors from any decision, determination or requirement of the Commission by filing notice thereof in writing in the office of the Clerk of the County of Hawaii within ten (10) days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and the grounds upon which the subdivider deems himself aggrieved.

- B. The Board of Supervisors, following the filing of said appeal, shall set a time within thirty (30) days for a hearing on the appeal, and such hearings may, for good cause, be continued by order of the Board of Supervisors. After the hearing, the Board of Supervisors may approve, overrule or modify the decision, determination or requirement appealed from and may enter any order or orders in harmony with the spirit and purpose of these regulations and such disposition of the appeal shall be final. The Board of Supervisors shall overrule or modify any decisions of the Commission only by the affirmative vote of at least five (5) out of seven (7) of its members.

Section 25. PENALTIES FOR VIOLATION

Any person, firm or corporation, violating or failing to comply with the provisions of this Ordinance, shall be punished by a fine not exceeding five hundred dollars (\$500.00). The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance.