

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 140

ORDINANCE NO. 86 29

AN ORDINANCE AMENDING SECTION 25-103 (PUNA DISTRICT ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-10a) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-8-05:96.

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

SECTION 1. Section 25-103, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Olaa, Puna, Hawaii, shall be Agricultural (A-10a):

Beginning at a pipe in concrete at the north corner of this parcel of land, being the east corner of Lot 1, Olaa Scenic Lands, File Plan No. 694, and on the southwesterly side of North Kulani Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 10,638.25 feet South and 18,770.29 feet West, thence running by azimuths measured clockwise from True South:

1. 318° 40' 1,452.00 feet along North Kulani Road to a pipe in concrete;
2. 48° 40' 1,490.00 feet along Lot 74, a portion of Grant 4167 to W.D. Alexander, Jr. to a pipe in concrete;
3. 138° 40' 1,452.00 feet along Lot 85, a portion of Grant 4328 to Charles Supe, Trustee for Caroline Supe and Charles Supe, Jr. to a pipe in concrete;

4. 228° 40' 1,490.00 feet along Lot 101, Kalola Road, Lots 91 and 81, Henele Road, Lots 71 and 61, Ewalina Road, Lots 51 and 41, Kolenelio Road, Lots 31 and 21, Ekika Road, Lots 11 and 1 of Olaa Scenic Lands, File Plan No. 694 to the point of beginning and containing an area of 49.6667 Acres, more or less.

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

SECTION 2. These changes in district classification are conditioned upon the following: (A) the petitioner, successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) subdivision plans shall be submitted within one year from the effective date of the change of zone. Final subdivision plans shall be submitted within one year from the effective date of the tentative subdivision approval; (C) restrictive deed covenants for all of the lots shall be submitted to the Planning Department for review and approval prior to its submittal to the Bureau of Conveyances for recordation with final subdivision plat maps. These covenants shall include but not necessarily be limited to (a) requirements for active agricultural activities to ensure the land is productively used; and (b) a restriction on the further conveyance of the subject parcels, beyond the families of the four original recipients, unless one of the following conditions are met: (1) a valid commitment for water service

is available, (2) water service is available to the subject parcel, or (3) a water catchment system, that satisfies any County standards which may be adopted for such a system, is available to the subject parcel. The restrictive covenants contained herein are encumbrances running with the land, and shall be binding on all parties and persons claiming under them until such time that the change of zone ordinance is amended; (D) a 15-foot wide future road widening setback, for all lots fronting on the North Kulani Road, shall be delineated on the plans submitted for subdivision approval. No structural improvements shall be allowed within this road widening strip. Further, the applicable setbacks shall be taken from the future road widening strip; (E) a drainage report, delineating all drainageways, shall be submitted to the Planning and Public Works Departments prior to tentative subdivision approval; and, (F) all other applicable rules, regulations and requirements shall be complied with. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the property to its original or more appropriate designation.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

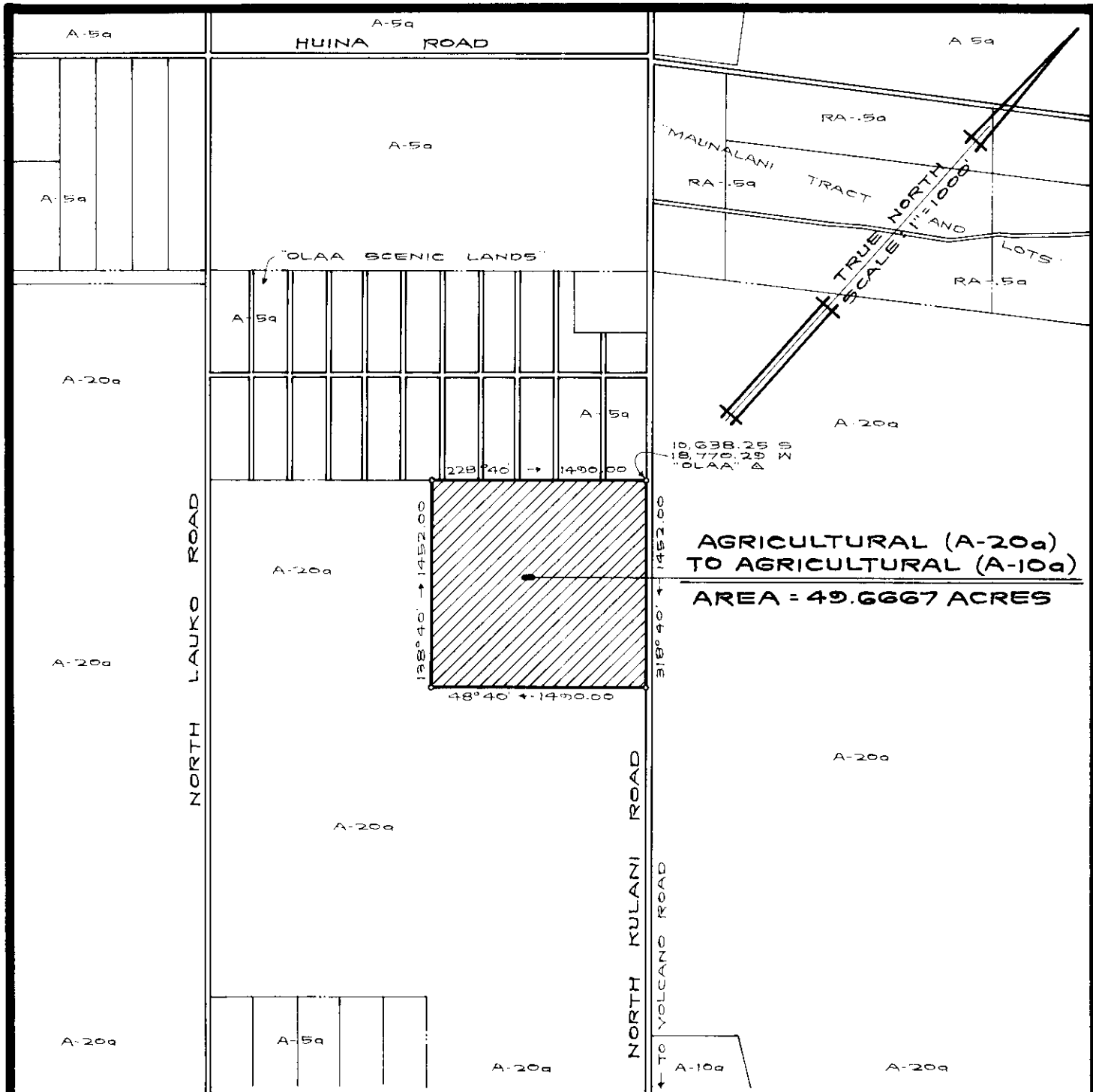
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Isaac P. Poono
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 5, 1986
Date of 1st Reading: March 5, 1986
Date of 2nd Reading: March 19, 1986
Effective Date: March 24, 1986



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-103 (PUNA DISTRICT ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-10a) AT OLAA, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 1-8-05 : 96

JAN. 24, 1986

EXHIBIT "A"