

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 339

ORDINANCE NO. 90 145

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-5a) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-8-04:99.

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-5a):

Beginning at the Northeast corner of this piece of land on the Southeasterly side of Volcano Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 19,654.96 feet South and 20,206.12 feet West and running by true azimuths measured clockwise from South:

1. 318° 40' 130.09 feet along the Southwesterly side of Volcano Road [F.A.P. F-2(4)] and along Parcel 58, portion of Executive Order 3133;
2. 228° 40' 609.90 feet along Parcel 58, portion of Executive Order 3133;

Exhibit "A" and by reference made a part hereof.

All as shown on the map attached hereto, marked

10.554 acres, more or less, containing an area of of beginning and Volcano Road to the point Southeastly side of feet along the

10.	229°	15'	375.09	feet along the
9.	229°	18'	24.93	feet;
8.	138°	40'	134.20	feet along Parcel 56, portion of Executive Order 3133;
7.	228°	40'	100.00	feet along Parcel 56, portion of Executive Order 3133;
6.	138°	40'	334.77	feet along Lot 133, Grant 3959 to Ely Beck;
5.	47°	17'	493.95	feet;
4.	59°	38'	479.31	feet;
3.	338°	01'	439.00	feet along Parcel 7 and Lot B to a point in the middle of the gulch;

The fence following the middle of the gulch along Lot B for the next two (2) courses the direct azimuths and distances being:

Thence along the South-easterly side of Volcano Road on a curve to the right with a radius of 11,459.16 feet, the chord azimuth and distance being:

SECTION 2. This change in district classification is conditioned upon the following: (A) the applicant, successors or its assigns shall be responsible for complying with all of the stated conditions of approval; (B) subdivision plans shall be submitted to the Planning Department within one year from the effective date of the change of zone. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval; (C) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (D) access shall meet with the requirements of the Department of Transportation-Highways Division; (E) comply with all applicable laws, rules, regulations and requirements; (F) all other applicable laws, rules, regulations and requirements shall be complied with, including those of the Department of Water Supply and the Department of Health; (G) should the council adopt a Unified Impact Fees ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (H) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the change of zone. The report shall address the status of the development and the compliance with the conditions of approval. This condition

shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required; and, (I) an extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the General Plan or Zoning Code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area 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.

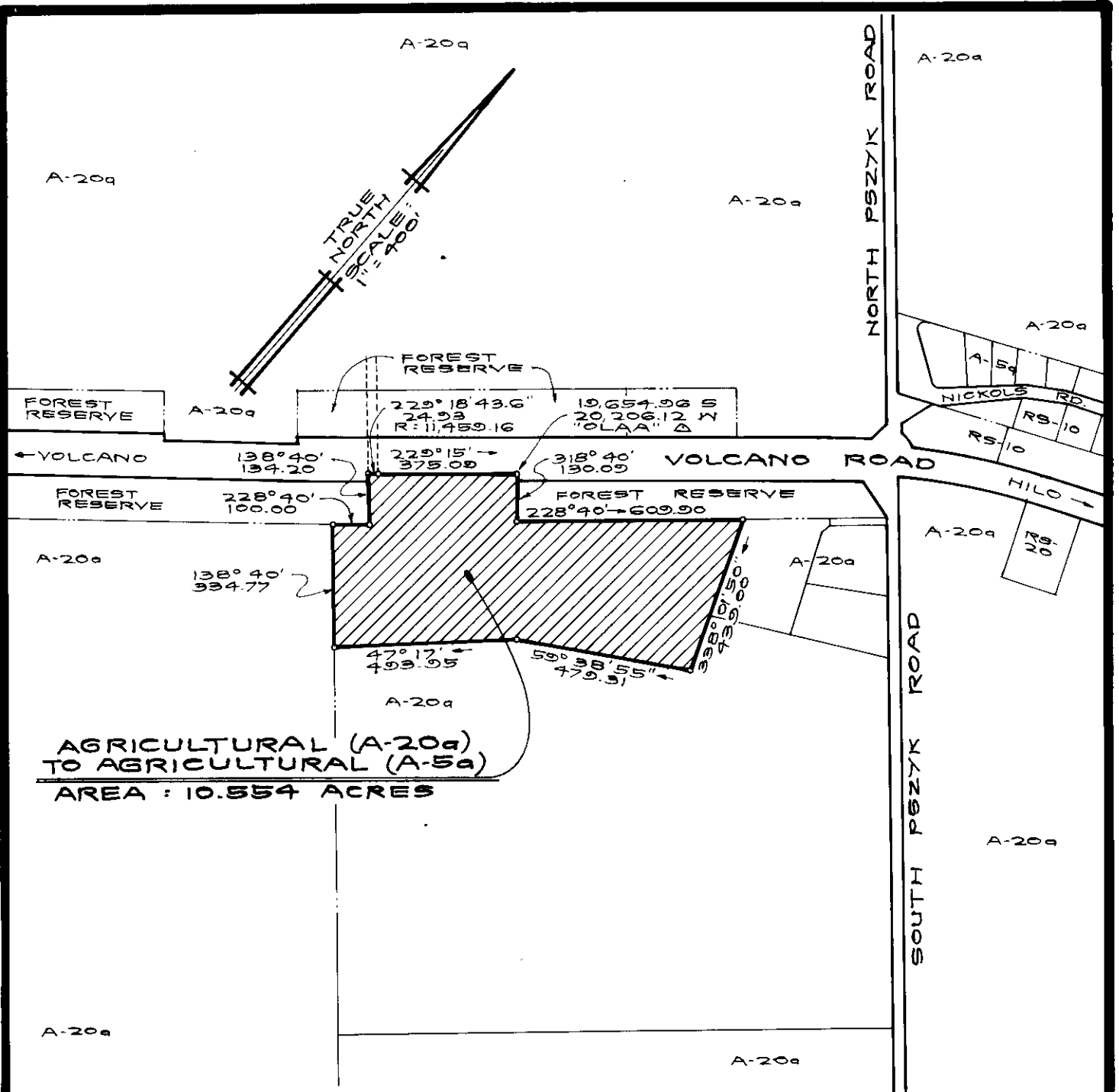
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	November 8, 1990
Date of 1st Reading:	November 8, 1990
Date of 2nd Reading:	November 21, 1990
Effective Date:	November 30, 1990



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-5a) AT OLAA, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 1-8-04 : 99

APRIL 5, 1990