

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 412  
(Draft 4)

ORDINANCE NO. 91 135

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-1a) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-7-05:12.

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-1a):

Beginning at the southwest corner of this parcel of land, being northwest corner of Lot 91, Grant 6256 to B. Moanaliha, and on the east side of 30-foot wide Road Reserve, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 4,262.76 feet South and 12,389.98 feet West, thence running by azimuths measured clockwise from True South:

1. 150° 00' 353.38 feet along 30-foot wide Road Reserve;
2. 260° 30' 1,694.16 feet along Huina Road;
3. 350° 30' 331.00 feet along Lot 90-D;

4. 80° 30' 1,570.40 feet along Lot 91,  
Grant 6256 to B. Moanaliha  
to the point of beginning  
and containing an area of  
12.403 Acres.

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

SECTION 2. This change in district classification is  
conditioned upon the following: (A) the applicant, its  
successors or assigns shall be responsible for complying with  
all stated conditions of approval; (B) the change of zone shall  
become effective upon execution of a written agreement with the  
Department of Water Supply guaranteeing that water for the  
development will be made available to the property;  
(C) subdivision plans shall be submitted to the Planning  
Department within one year from the effective date of the zone  
change. Subdivision plans shall show a 10-foot future road  
widening setback along the Huina Road frontage of the  
property. Final subdivision approval shall be secured within  
one year from the date of receipt of tentative subdivision  
approval; (D) access to the proposed development shall meet  
with the approval of the Department of Public Works. The  
portion of Huina Road fronting the subject property shall be  
widened to a 20-foot wide pavement with 4-foot shoulders  
meeting with the approval of the Department of Public Works  
prior to final subdivision approval; (E) should any  
unidentified sites or remains such as artifacts, shell, bone,

or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; (F) comply with all other laws, rules, regulations and requirements; (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 zone change. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. 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) it shall be demonstrated to the satisfaction of the Planning Director that agricultural activity is being conducted on the subdivided lots within three years from the date of final subdivision approval. For the purpose of this condition, "agriculture" shall be defined as the cultivation of crops, including but not

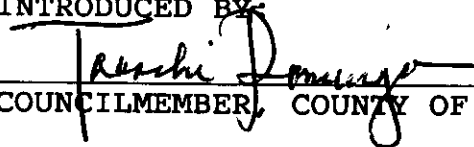
limited to flowers, vegetables, foliage, fruits, forage and timber; game propagation; raising of livestock, including but not limited to poultry, bees, fish or other animal or aquatic life that are propagated for economic or personal use. This condition shall be incorporated in each of the deeds for the proposed lots and duly recorded with the State Bureau of Conveyances. A copy of the recorded deeds shall be filed with the Planning Department within one year from the date of final subdivision approval; (J) There is an existing piggery operation located on Huina Road that may be a source of odor nuisance to the residents of the proposed 1-acre agricultural subdivision along the road. The owner/developer shall advise potential buyers of adverse environmental conditions and such conditions shall be made known to subsequent buyers through proper provisions in the property deed which will run with the parcels and shall be recorded with the State Bureau of Conveyances; (K) Approval of the subdivision of the property into one acre lots shall be conditioned upon submission of restrictive deed covenants for all of the one acre lots to the Planning Department for its review and approval prior to the submittal to the State of Hawaii, Bureau of Conveyances for recordation with the final subdivision plat maps. These covenants shall be included in the deeds to each of the lots, and will require that there shall be no application for further

rezoning or further subdivision, nor any applications for permission to create ohana dwelling units pursuant to Chapter 25, Article 25 of the Hawaii County Code until such time as Huina Road is improved to such a level as to accommodate the traffic estimated by the Department of Public Works to result from such an anticipated increased population caused by the further subdivision and/or ohana dwellings; (L) Should any improvement district be initiated for road improvements on Huina Road, the applicants, successors or assigns shall participate in such improvement district provided, however, that this condition shall be included in a restricted covenant approved by the Planning Department prior to tentative subdivision approval and recorded with the Bureau of Conveyances; and (M) 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.

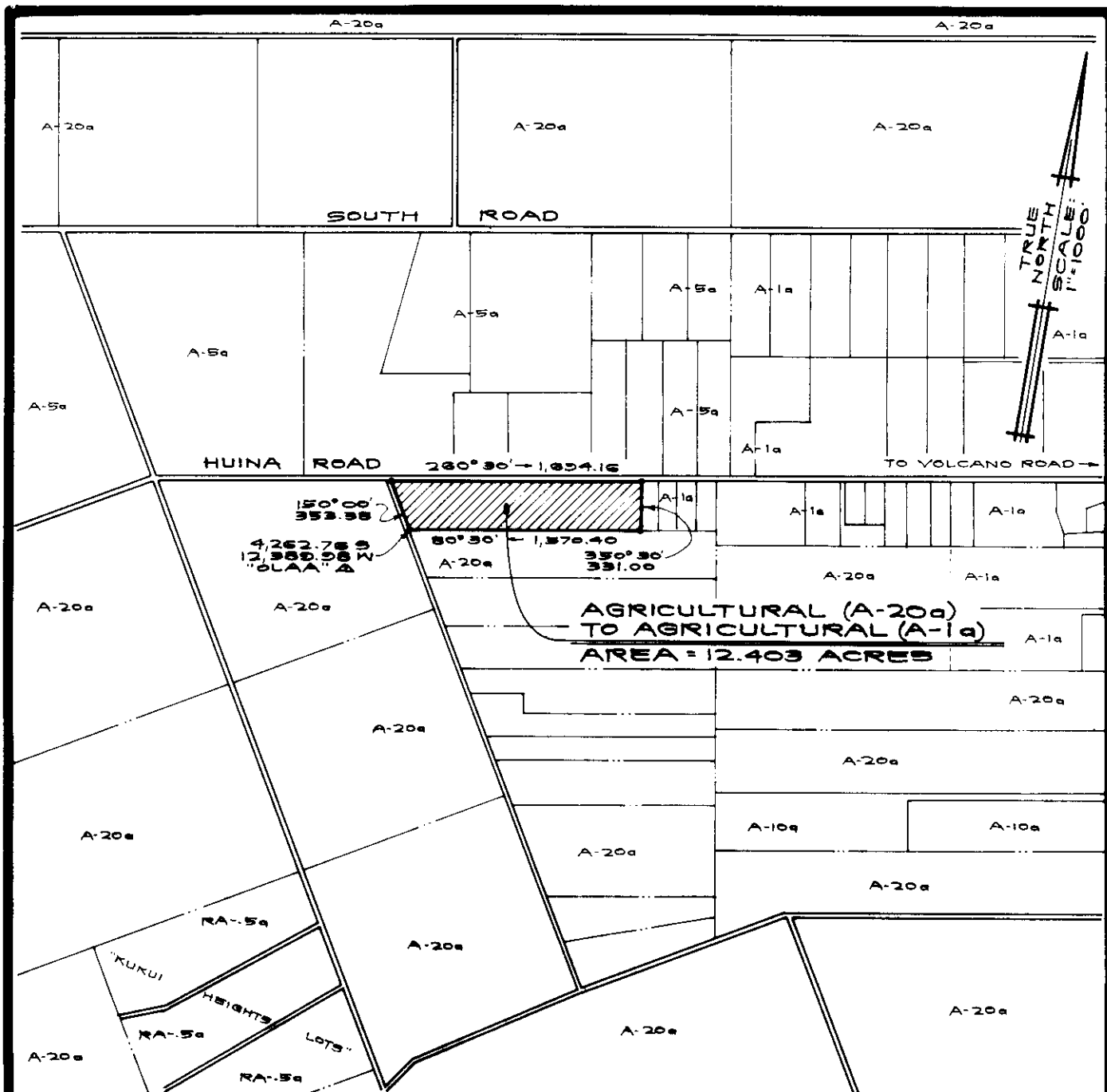
SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

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

INTRODUCED BY  
  
COUNCILMEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	September 4, 1991
Date of 1st Reading:	September 4, 1991
Date of 2nd Reading:	December 10, 1991
Effective Date:	December 27, 1991



AGRICULTURAL (A-20a)  
TO AGRICULTURAL (A-1a)  
AREA = 12.403 ACRES

## 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-1a) AT OLAA, PUNA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 1-7-05:12

NOV. 15, 1990

EXHIBIT "A"

(DR. ALLAN TAKASE)