

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 669 (Draft 3)

ORDINANCE NO. 92 123

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 1-7-17:3.

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 properties described hereinafter as follows:

The district classification of the following area situated at Olaa, Puna, Hawaii, shall be Agricultural (A-1a):

Beginning at the northwest corner of this parcel of land, also being the northeast corner of LOT 11-A (portion of Grant 3978 to L. Turner) on the south side of South Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 271.71 feet south and 814.55 feet west and running by azimuths measured clockwise from true south:

- 1. 274° 45' 1,145.33 feet along South Road;
2. 23° 50' 100.29 feet along Volcano Road;
3. 94° 45' 128.51 feet along Grant 10703 to Wataru Kuritani and Natsue Kuritani and Government Land;
4. 23° 20' 913.03 feet along Government Land and Grant 8200 to Keaau Land and Planting Company, Ltd.;

5. 293° 40' 113.18 feet along Government Land and Grant 10902 to Shigeo Kan;
6. Thence along Volcano Road on a curve to the right with a radius of 2,824.79 feet, the chord azimuth and distance being:
 - 25° 41' 19" 100.05 feet;
7. 113° 40' 108.38 feet along Grant 12516 to Tsugimi and Sachiko Nagasako and Government Land;
8. 23° 20' 128.00 feet along Government Land;
9. 33° 08' 400.00 feet along Grant 8200:2 to Keau Land and Planting Company, Ltd. and Grant 10742 to Olaa Sugar Company, Ltd.;
10. 18° 05' 136.29 feet along Grant 10742 to Olaa Sugar Company, Ltd.;
11. 298° 50' 45.12 feet along Grant 10742 to Olaa Sugar Company, Ltd.;
12. Thence along Volcano Road on a curve to the right with a radius of 2,824.79 feet, the chord azimuth and distance being:
 - 41° 18' 36" 92.68 feet;
13. 42° 15' 166.99 feet along Volcano Road;
14. 132° 15' 191.00 feet along Lot 10-C-1 and Lot 10-C-2;
15. 42° 15' 308.92 feet along Lot 10-C-2;
16. 103° 55' 504.46 feet along Huina Road;
17. 122° 08' 148.99 feet along Huina Road;
18. 204° 56' 04" 1,988.42 feet along Lot 11-A to the point of beginning and containing an area of 45.945 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, successors, or 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. [The plans to be submitted shall indicate a 30-foot wide future road widening easement along the property's entire South Road frontage, exclusive of its access connection.]The plans shall indicate a "no access" planting screen easement along the Hawaii Belt Road frontages of Lots 6, 35 and 36. Final Subdivision Approval shall be secured within two years from the date of receipt of Tentative Subdivision Approval; [(C) a Traffic Impact Analysis Report (TIAR) shall be prepared for the proposed development, if required, for the review and approval by the Departments of Transportation and/or Public Works, prior to the submittal of plans for subdivision review;]([D]C) the applicant shall provide channelization improvements at the intersection of the Hawaii Belt Road and [Huina]South Road in a manner meeting with the approval of the Departments of Transportation and Public Works, prior to securing Final Subdivision Approval. This requirement may be satisfied through the execution of a bond with the County to ensure the

construction of these improvements; ([E]D) interior subdivision access roadways shall meet with the approval of the Department of Public Works. Access shall not be permitted directly onto the Hawaii Belt Road and Huina Road. Access to the proposed lots shall be via a 60-foot right-of-way on the existing South Road right-of-way fronting the subject property. That portion of South Road shall be improved to county dedicable standards up to a length of 450 feet from the Belt Highway. Land along the balance of the subject property fronting South Road shall be set aside and delineated on the subdivision plans to allow for a future 60-foot wide road, inclusive of the existing South Road right-of-way; ([F]E) access to the subject property shall meet with the approval of the Departments of Transportation and Public Works.[The applicant shall provide off-site improvements to that portion of Huina and South Roads fronting the subject property as may be required by, and meeting with the approval of, the Departments of Transportation and/or Public Works]; ([G]E) drainage improvements, if required, shall be provided in a manner meeting with the approval of the Department of Public Works, prior to securing Final Subdivision Approval of the proposed development; ([H]G) restrictive covenants in the deeds of all the proposed lots shall prohibit the construction of a second dwelling unit on each lot. A copy of the proposed covenant(s) to be recorded with the Bureau of Conveyances shall be submitted to the Planning Department for

review and approval prior to final subdivision approval. A copy of a typically recorded covenant shall be filed with the Planning Department within one year from the date of final subdivision approval; (H) should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; (I) all other applicable laws, rules, regulations and requirements shall be complied with[, including those of the Departments of Health, Transportation and Public Works]; (J) 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 applicant's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (K) 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 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, (L) an initial 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 the 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

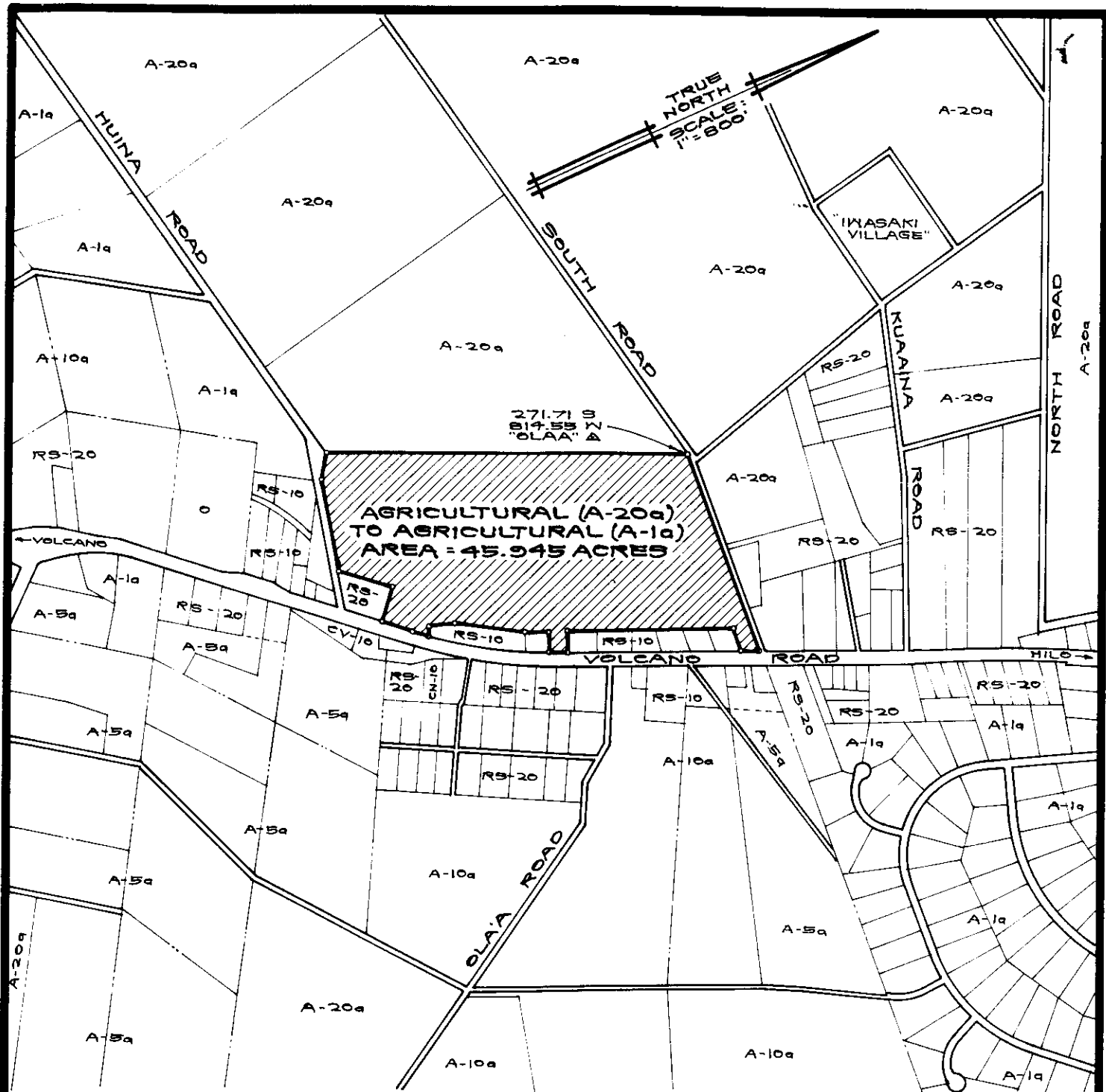
Hilo, Hawaii

Date of Introduction: October 21, 1992
Date of 1st Reading: October 21, 1992
Date of 2nd Reading: November 5, 1992
Effective Date: November 20, 1992

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

DATE: _____



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 = 1-7-17-3

JULY 1, 1992

EXHIBIT "A"

(KAPOHO PROPERTIES)