

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 133  
(Draft 3)

ORDINANCE NO. 95 124

AMENDING SECTION 25-104 (VOLCANO-MT. VIEW ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-20) TO VILLAGE COMMERCIAL (CV-20) AT OLAA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-9-04:PORTION OF 14.

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

SECTION 1. Section 25-104, 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 Village Commercial (CV-20):

PARCEL 1:

Beginning at a spike in tree (found) at the South corner of this piece of land, being also the East corner of Lot 3 (Grant 5643 to R.W. Filler) and on the Northerly side of Volcano Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KULANI", being 33,199.18 feet South and 22,632.86 feet East and running by azimuths measured clockwise from true South:

1. 149° 31' 415.16 feet along Lot 3 of Olaa Summer Lots, (Grant 5643 to R.W. Filler);
2. 239° 31' 154.15 feet along Lot 4-B, being the remainder of Lot 4 Olaa Summer Lots;
3. 329° 31' 400.00 feet along Lot 5, of Olaa Summer Lots (Grant 5683 to A.M. Cabrinha);

4. 53° 54' 154.89 feet along the Northerly side of Volcano Road to the point of beginning and containing an area of 1.442 acres, more or less.

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. Access to the project shall be restricted to the Old Volcano Road, meeting with the requirements of the County Department of Public Works.
- C. Restrictive covenants in the deed for the subject property shall require that the subject property:
  - (1) Provide a water catchment system and storage capacity, meeting with the requirements of the Planning Department, the Fire Department, the Department of Water Supply, and the State Department of Health based on a formula using median annual rainfall and daily usage of gallons per day per unit as determined by the Planning Department in consultation with the appropriate agencies;
  - (2) Provide easy fire department hose hook-up in an accessible location for fire equipment for unrestricted use of the water storage in case of fire emergency;

- (3) Provide disclosure and waiver provisions relating to the lack of a private or municipal water system meeting with the requirements of the Department of Water Supply, and which shall also include that the County of Hawaii shall not be responsible to provide water, at any time, to the development of the subject property, regardless of the situation.

A copy of the covenants with the above requirements shall be submitted to the Planning Department for review and approval and a copy of the approved covenants shall be recited in an instrument executed by the applicants and the County prior to final plan approval for any portion of the subject property. The Planning Director shall promptly deliver such document to the Bureau of Conveyances for recordation. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.

- D. For the purpose of maintaining the rural character of the area and respectful of adjoining residences, the applicant in consultation with the Volcano Community Association, shall submit plans to the Planning Director for Plan Approval for the proposed development of the subject area. Such plans shall include but not be limited to, identification of all existing and proposed structures, access, landscaping, architectural building controls (appearance, siting, heights, building materials, signs, etc.), loading and unloading docks, setbacks from property lines and buildings, and parking associated with the proposed use. Through the plan

approval process, the Planning Director shall impose reasonable conditions to fulfill the objectives of maintaining the rural character of the area and being respectful of adjoining residences. Further, should a community-generated plan such as the draft Volcano Vision 2020 Plan be adopted by the County Council, any changes in use and construction within the subject area shall meet with the provisions of the adopted Plan.

- E. An overall landscaping master plan incorporating native plant species, shall include a 10-foot wide open landscaped buffer on the western (Kau) boundary property line of the subject area and a program for the maintenance of the landscaping master plan, to be submitted to the Planning Director for review and approval prior to the issuance of final plan approval. In addition, a fence or landscaping which effectively functions as a fence and in keeping with the rural character of the area shall be installed along the western boundary of the CV-20 zoned portion of the subject property. The requirements for a landscape buffer and boundary fence along the western boundary shall become void in the event that the lands adjoining such buffer and fence are reclassified to any zone district allowing commercial or industrial uses.
- F. Construction for the proposed development and related improvements shall be completed within five (5) years from the effective date of the Change of Zone ordinance.

- G. The existing shoulder, fronting the subject property, shall be improved, by pavement or similar compressed surface meeting with the approval of the Department of Public Works, to a width of 4 feet pavement and painted with a white edge of pavement marking, prior to the issuance of a certificate of occupancy for any use on the new project site.
- H. Should any unidentified sites or remains, such as lava tubes, 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. Should the Council adopt a Unified Impact-Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- J. 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 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).

K. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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

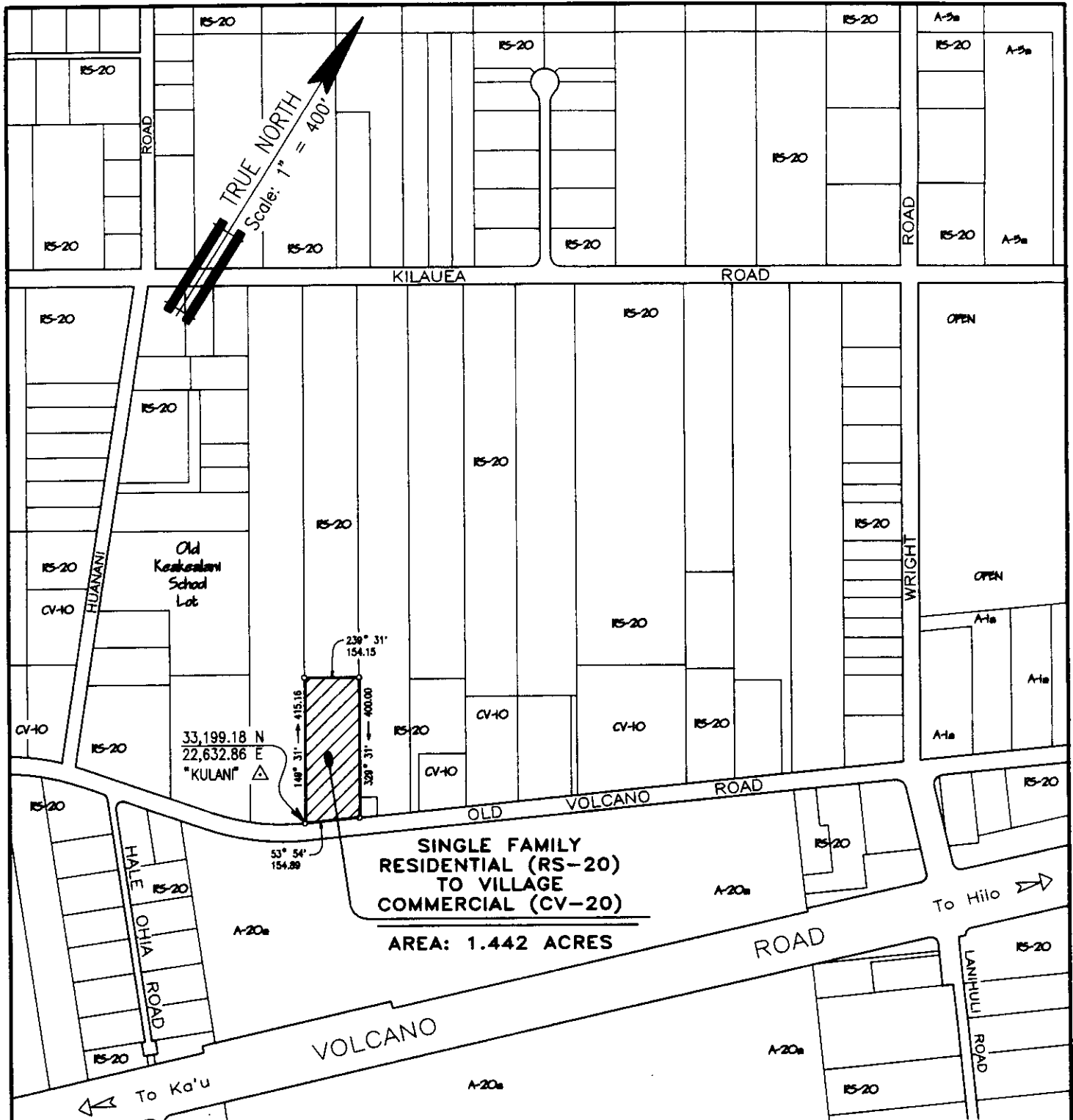
Hilo, Hawaii

Date of Introduction: October 4, 1995  
Date of 1st Reading: October 4, 1995  
Date of 2nd Reading: October 18, 1995  
Effective Date: October 25, 1995

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL

DATE: 10/20/95



# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-104 (VOLCANO - MT. VIEW ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-20) TO VILLAGE COMMERCIAL (CV-20) AT OLA, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII





OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT-3) 10 21

Introduced By: Takashi Domingo
Date Introduced: October 4, 1995
First Reading: October 4, 1995
Published: October 12, 1995

REMARKS:

[Blank lines for remarks]

ROLL CALL VOTE table with columns: AYES, NOES, ABS, EX. Rows include Arakaki, Bonk-Abramson, Childs, De Lima, Domingo, Osorio, Rath, Ray, Smith. Totals: 9 AYES, 0 NOES, 0 ABS, 0 EX.

Second Reading: October 18, 1995
To Mayor: October 19, 1995
Returned: October 26, 1995
Effective: October 25, 1995
Published: November 3, 1995

REMARKS:

[Blank lines for remarks]

ROLL CALL VOTE table with columns: AYES, NOES, ABS, EX. Rows include Arakaki, Bonk-Abramson, Childs, De Lima, Domingo, Osorio, Rath, Ray, Smith. Totals: 9 AYES, 0 NOES, 0 ABS, 0 EX.

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

[Signature of Keith Bonk-Abramson]
COUNCIL CHAIRMAN

[Signature of Barbara Bell]
COUNTY CLERK

Approved/Disapproved this 25 day of October, 1995.

[Signature of Mayor]
MAYOR, COUNTY OF HAWAII

Bill No.: Bill 133 (Draft 3)
Reference: C-620/PC-79
Ord. No.: 95 124