

COUNTY OF HAWAII      STATE OF HAWAII

BILL NO. 65

ORDINANCE NO. 97 65

AN ORDINANCE AMENDING ORDINANCE NO. 92-123 WHICH CHANGED 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. Ordinance No. 92-123 is amended as follows:

"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 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] effective date of this ordinance; (C) the applicant shall provide channelization improvements at the intersection of the Hawaii Belt Road and 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; (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; (E) access to the subject property shall meet with the approval of the Departments of Transportation and Public Works; (F) 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; (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; (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:

  
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COUNCIL MEMBER, COUNTY OF HAWAII  
(BR)

Hilo, Hawaii

Date of Introduction: April 23, 1997  
Date of 1st Reading: April 23, 1997  
Date of 2nd Reading: May 7, 1997  
Effective Date: May 14, 1997

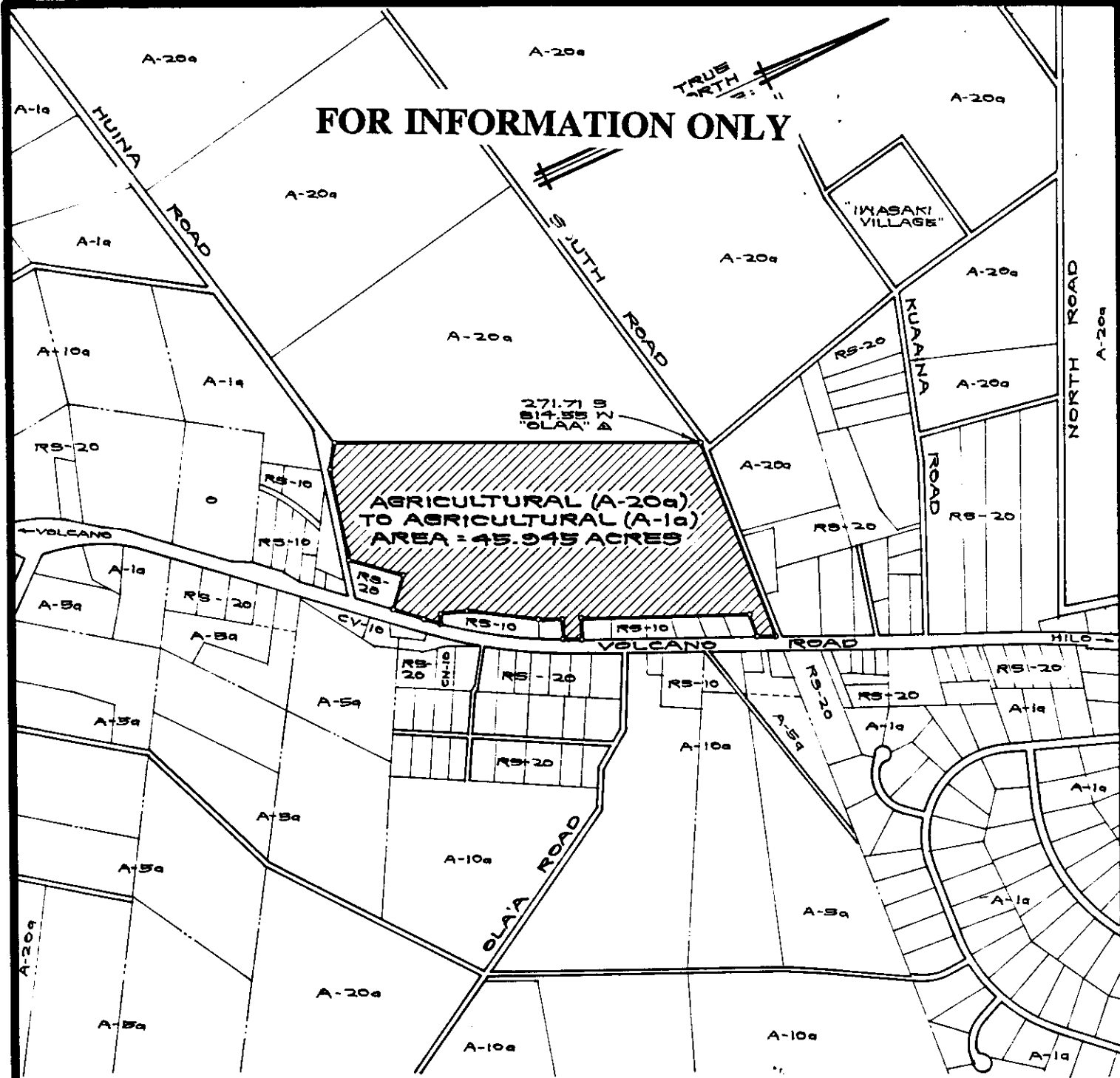
REFERENCE: Comm. 217

APPROVED AS TO FORM AND LEGALITY

Patricia K. O'Toole  
**DEPUTY** CORPORATION COUNSEL

DATED: MAY 12 1997.

FOR INFORMATION ONLY



**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"

(KAPONO PROPERTIES)

OFFICE OF THE COUNTY CLERK  
 County of Hawaii  
Hilo, Hawaii

RECEIVED

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced: April 23, 1997  
 First Reading: April 23, 1997  
 Published: N/A

REMARKS:

Second Reading: May 7, 1997  
 To Mayor: May 8, 1997  
 Returned: May 14, 1997  
 Effective: May 14, 1997  
 Published: May 23, 1997

REMARKS:

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

**FORM AND LEGALITY:**

Patricia K. O'Toole

DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date MAY 12 1997

Approved/Disapproved this 14 day  
 of May, 1997

Steph J. Yamahiro  
 MAYOR, COUNTY OF HAWAII

'97 MAY 14 PM 1 57  
 ROLL CALL VOTE

	COAYES COUNTY OF	NOES HAWAII	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

ROLL CALL VOTE

	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

James Akaka  
 COUNCIL CHAIRMAN

Donald Blanda  
 COUNTY CLERK

Bill No.: 65  
 Reference: C-217/PC-39  
 Ord. No.: 97 65