

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 308

ORDINANCE NO. 98 125

AN ORDINANCE AMENDING SECTION 25-8-24 (KURTISTOWN ZONE MAP), ARTICLE 8, 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 1-7-13:8.

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

SECTION 1. Section 25-8-24, Article 8, 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 a spike (set) at the southwesterly corner of this parcel of land, being also the southeasterly corner of a 30-ft. wide Road and a point on the northerly side of Volcano Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 13,127.52 feet South and 12,502.29 feet West and running by azimuths measured clockwise from True South:

1. 150° 20' 1,305.26 feet along the easterly side of a 30-ft. wide Road;
2. Thence, following along a portion of Grant 4697 to Yamamoto Hanji (Lot 43) on a curve to the left having a radius of 5,714.60 feet, the chord azimuth and distance being:  
207° 22' 58" 189.38 feet;
3. 206° 26' 752.51 feet along a portion of Grant 4697 to Yamamoto Hanji (Lot 43);

4. 330° 00' 552.80 feet along the remainder of the Hawaii Consolidated Railway Right of Way and along the remainder of Grant 4697 to Yamamoto Hanji (Lot 43);
5. 240° 00' 45.12 feet along the remainder of Grant 4697 to Yamamoto Hanji (Lot 43);
6. 330° 00' 1,361.21 feet along the remainder of Grant 4138 to Kenichiro Hoshina (Lot 43);
7. 66° 13' 30" 741.48 feet along the northerly side of Volcano Road (F.A.P. No. F-2[4]);
8. Thence, following along the northerly side of Volcano Road (F.A.P. No. F-2[4]) on a curve to the left having a radius of 5,769.58 feet, the chord azimuth and distance being:  
65° 42' 55" 102.66 feet to the point of beginning and containing an area of 30.511 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 of the stated conditions of approval.
- B. The effective date of the zoning shall be when the required water commitment payment is submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy."
- C. The applicants, successors or assigns shall be responsible for complying with all requirements of Chapter 205, Hawaii Revised Statutes, relating to permissible uses within the State Land Use Agricultural District.

- D. Final Subdivision Approval of the proposed subdivision within the subject property shall be secured from the Planning Director within five (5) years from the effective date of compliance with Condition B. Final Subdivision Plans shall delineate a 20-foot wide setback and no vehicular access planting screen easement along the State Highway (Volcano Road) right-of-way for future roadway improvements.
  
- E. In conjunction with Final Subdivision Approval, applicant shall widen the pavement width to 20-feet with 5-foot grass shoulders along the subject property's Enos Road frontage meeting with the approval of the Department of Public Works.
  
- F. In conjunction with final subdivision approval, the applicant shall subdivide a 10-foot future road widening strip along the entire subject property's frontage along Enos Road. The 10-foot future road widening strip shall be dedicated to the County of Hawaii upon its request.
  
- G. Access(es) to the proposed development within the subject property from Enos Road shall meet with the approval of the Department of Public Works. No access shall be permitted from Volcano Road.
  
- H. Drainage improvements, if required, shall be constructed in a manner meeting with the Department of Public Works in conjunction with Final Subdivision Approval.
  
- I. All new wastewater systems for each proposed lot within the subject property shall comply with the State Department of Health.

- J. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the State Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
  
- K. 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 shall be credited towards the requirements of the Unified Impact Fees Ordinance.
  
- L. Comply with all other applicable laws, rules and regulations and requirements of the affected agencies for the development of the subject property.
  
- M. 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 applicants, its successors or assigns, and that are not the result of their fault or negligence.
  
  - 2. Granting 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 reason for the granting of the change of zone.

4. The time extension granted shall be for a period of 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).

N. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject property 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

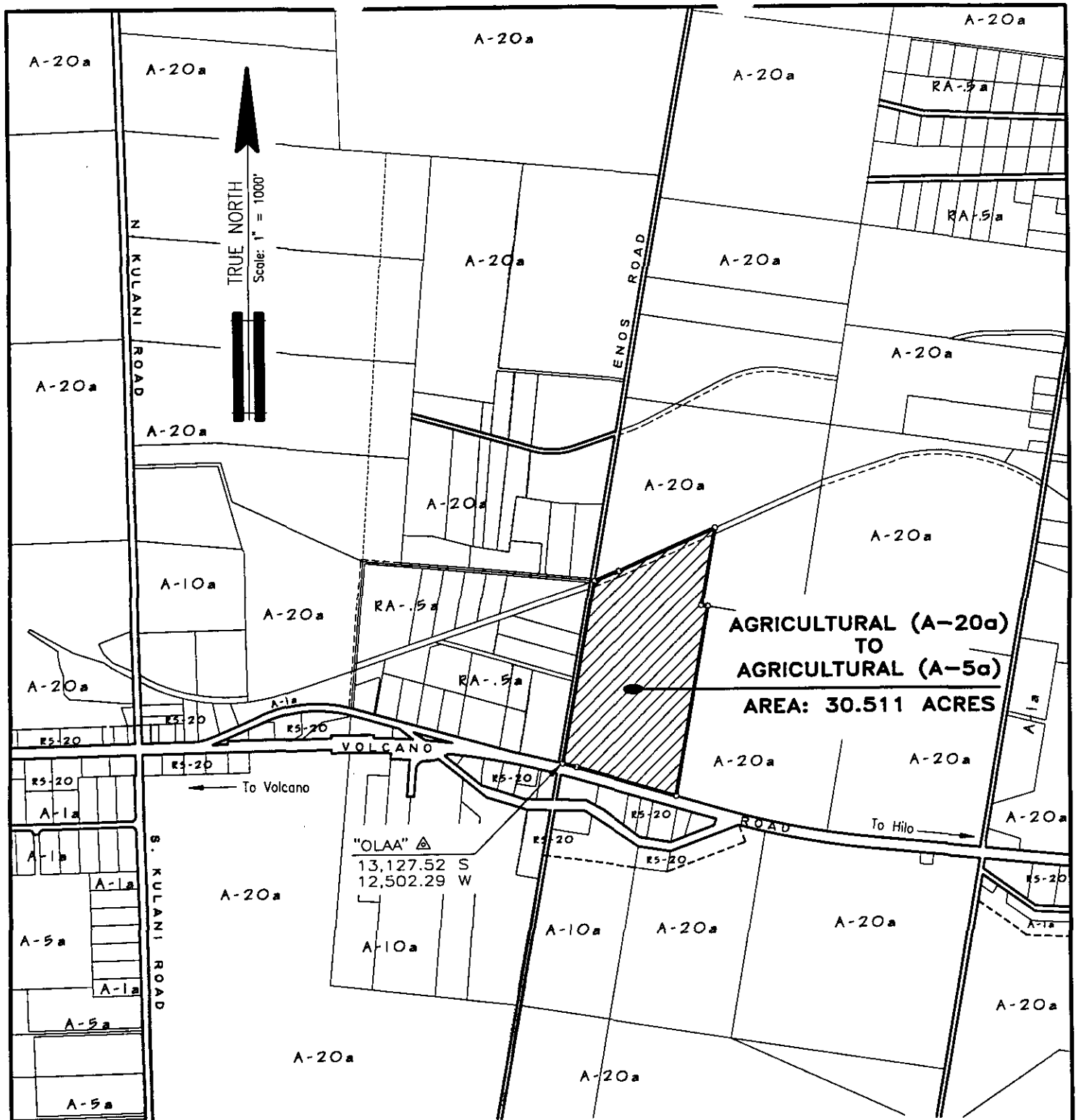
Date of Introduction: November 6, 1998  
Date of 1st Reading: November 6, 1998  
Date of 2nd Reading: November 18, 1998  
Effective Date: December 7, 1998

REFERENCE: Comm. 1011

APPROVED AS TO FORM AND LEGALITY

  
CORPORATION COUNSEL

DATED: 11/25/98



# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-24 (KURTISTOWN ZONE MAP) ARTICLE 8, 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

OFFICE OF THE COUNTY CLERK  
County of Hawaii  
Hilo, Hawaii

Introduced By: Bobby-Jean Leithead-Todd  
Date Introduced: November 6, 1998  
First Reading: November 6, 1998  
Published: N/A

REMARKS:

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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			
	8	0	1	0

Second Reading: November 18, 1998  
To Mayor: November 24, 1998  
Returned: December 7, 1998  
Effective: December 7, 1998  
Published: December 21, 1998

REMARKS:

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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	
	7	0	2	0

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:

DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII  
Date 11/25/98

Approved/Disapproved this 7 day  
of December, 19 98.

MAYOR, COUNTY OF HAWAII

COUNCIL CHAIRMAN  
  
COUNTY CLERK

Bill No.: 308  
Reference: C-1011/PC-152  
Ord. No.: 98 125