

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 370

AN ORDINANCE AMENDING SECTION 7.02, THE NORTH KONA ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT AUHAUKEAE 1ST AND 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-10:PORTIONS OF 8 & 9.

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

SECTION 1. Section 7.02 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.02(ss). The district classification of the following area situated at Auhauekeae 1st and 2nd, North Kona, Hawaii, shall be Single Family Residential (RS-15):

Beginning at the southeast corner of this parcel of land on the southwesterly side of Hienaloli-Kahuilui Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO" being 6,332.13 feet North and 6,731.21 feet East, thence running by azimuths measured clockwise from True South:

1. 64° 31' 20" 781.81 feet along Royal Patent 7845, Land Commission Award 7715, Apana 13 to Lota Kamehameha;
2. 66° 41' 30" 512.07 feet along same;
3. 80° 18' 787.56 feet along same;
4. 83° 05' 431.33 feet along same;
5. 83° 43' 30" 645.60 feet along same;
6. 83° 09' 20" 1,169.29 feet along same;
7. 154° 11' 40.8" 269.62 feet along the remainder of Grant 1746 to James Kole;
8. Thence along the remainders of Grant 1746 to James Kole and Royal Patent 7580, Land Commission Award 11,216, Apana 37 to M. Kekauonohi on a curve to the left with a radius of 5,829.58 feet, the chord azimuth and distance being: 150° 36' 20" 729.87 feet;

Thence following along Grant 1752 to H. Kawelo (Kona Heights, Increment I, File Plan 1075) for the next fifteen (15) courses, the azimuths and distances being:

9.	253°	00'	215.53 feet;
10.	257°	10'	118.80 feet;
11.	256°	49'	245.30 feet;
12.	264°	47'	139.40 feet;
13.	278°	24'	45.20 feet;
14.	242°	59'	71.10 feet;
15.	256°	50'	77.50 feet;
16.	265°	26'	49.80 feet;
17.	242°	53'	37.60 feet;
18.	254°	10'	38.70 feet;
19.	263°	09'	59.00 feet;
20.	265°	27'	127.90 feet;
21.	255°	51'	204.60 feet;
22.	285°	11'	26.90 feet;
23.	263°	09'	241.50 feet;
24.	262°	20'	297.30 feet along Grant 1752 to H. Kawelo (Kona Heights, Increments I and II, File Plans 1075 and 1077);

Thence following along Grant 1752 to H. Kawelo (Kona Heights, Increment II, File Plan 1077) for the next nineteen (19) courses, the azimuths and distances being:

25.	256°	13'	198.40 feet;
26.	263°	34'	132.90 feet;
27.	254°	08'	86.50 feet;
28.	247°	16'	101.90 feet;
29.	252°	13'	62.80 feet;

- | | | | | |
|-----|--|-----|-----|--|
| 30. | 281° | 14' | | 20.60 feet; |
| 31. | 248° | 10' | | 237.10 feet; |
| 32. | 249° | 12' | | 55.70 feet; |
| 33. | 246° | 01' | | 100.00 feet; |
| 34. | 257° | 43' | 30" | 127.00 feet; |
| 35. | 273° | 04' | | 23.70 feet; |
| 36. | 253° | 39' | | 195.40 feet; |
| 37. | 273° | 04' | | 23.20 feet; |
| 38. | 253° | 00' | | 298.50 feet; |
| 39. | 254° | 36' | 30" | 130.50 feet; |
| 40. | 249° | 39' | | 99.20 feet; |
| 41. | 251° | 04' | | 51.10 feet; |
| 42. | 245° | 02' | | 142.90 feet; |
| 43. | 253° | 35' | | 253.24 feet; |
| 44. | 338° | 03' | | 450.86 feet along the southwesterly side of Hienaloli-Kahuilui Road; |
| 45. | 340° | 08' | | 283.41 feet along same; |
| 46. | Thence along same on a curve to the left with a radius of 560.00 feet, the chord azimuth and distance being: 328° 09' 232.54 feet; | | | |
| 47. | 316° | 10' | | 135.73 feet along the southwesterly side of Hienaloli-Kahuilui Road to the point of beginning and containing an area of 107.863 Acres. |

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

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that (A) the area be zoned in three (3) increments. The first increment shall consist of a maximum of fifty (50) contiguous acres; the second, a maximum of thirty (30)

contiguous acres; and the third increment, the remaining area. The effective date of zoning for subsequent increments shall be after development has occurred in the previous increment or combination of increments. Development is defined as building permits issued for single family residential dwelling units and construction partially completed - partially completed in the sense of having roofs on a minimum of twenty-five (25) percent of the units for the previous increment or combination of increments. In lieu of the actual construction of the dwellings, the petitioner or its authorized representative may enter into an agreement with the Planning Department which would bond and assure the County that the dwellings will be constructed within a given period. Such agreement shall meet with the approval of the Corporation Counsel and the Planning Director. In doing so, developments of the subsequent increment(s) may proceed prior to the actual construction of the dwellings in the previous increment(s); (B) the petitioner/representative submit a subdivision plan for the first increment and secure tentative approval within one (1) year from the effective date of the change of zone. The petitioner/representative shall also be responsible for securing final subdivision approval for the first increment. The petitioner/representative shall also be responsible for obtaining final subdivision approval for the subsequent increments. All other concerns, such as drainage and roadway and access requirements, shall be considered at the time of subdivision review and approval; (C) a hydrologic/drainage study be prepared by the petitioner/representative and be submitted with the subdivision plans for the first increment to the Planning Department and the Chief Engineer; (D) the method of sewage disposal shall conform to the rules, regulations, and requirements of the State Department of Health; (E) the rules, regulations and requirements of the County Department

of Water Supply shall be complied with; (F) all proposed work shall not interfere with any known historical sites. In the event that unanticipated historical sites or archaeological remains are found, the petitioner shall contact the State Historic Preservation Officer and the Planning Department; (G) a channelized intersection with a left turn storage lane on Hualalai Road into the subdivision access road be provided meeting the approval of the Chief Engineer concurrently with the development of the first zoning increment; (H) all other applicable rules and regulations be complied with; and (I) the proposed 60 foot access leading to the subject area shall be constructed prior to or immediately upon granting of preliminary subdivision approval of the first zoning increment and shall be used to accommodate traffic associated with the construction of improvements within the proposed subdivision and that the use of Aloha Kona Drive for the construction of improvements to service the proposed subdivision shall be limited to the construction of the water line, water storage tanks, and other water development activities. Should any of the foregoing conditions not be met, rezoning of the area to its original zoning designation may be initiated.

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:

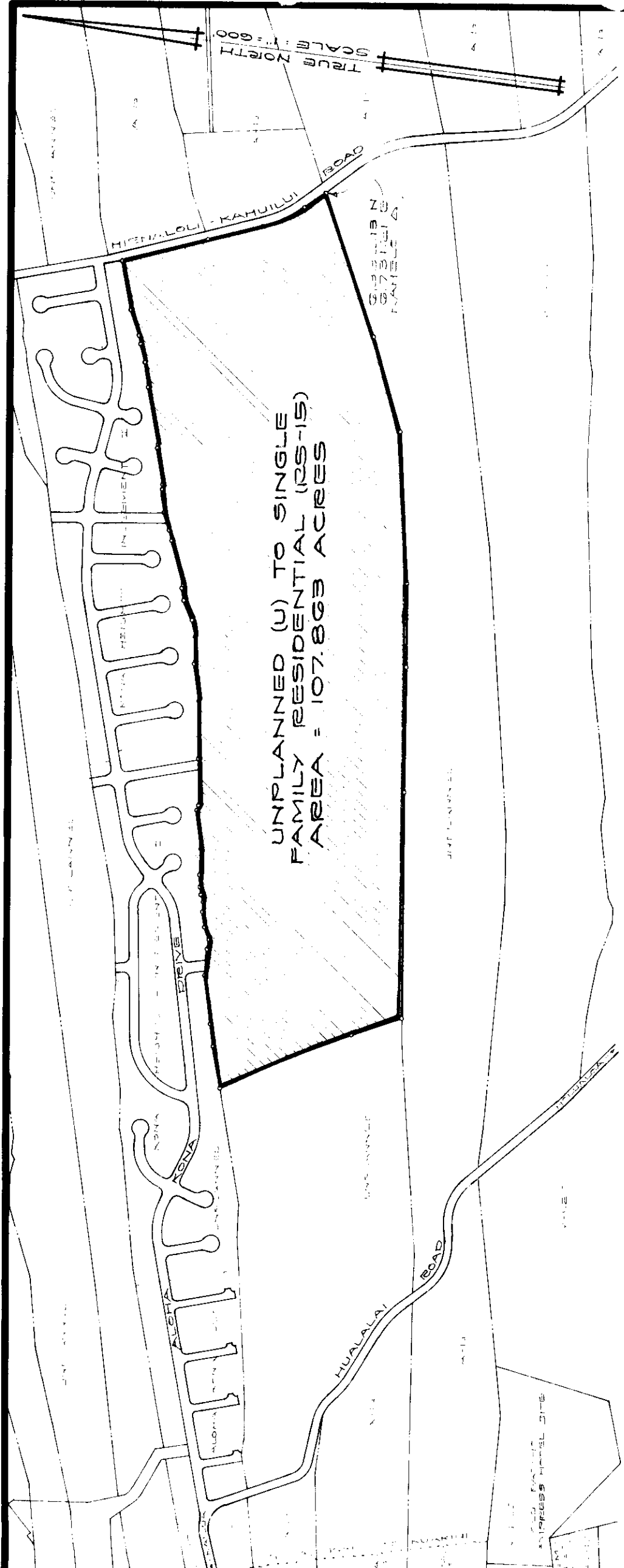

COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 3, 1978

Date of Adoption: June 17, 1978

Effective Date: June 30, 1978



UNPLANNED (U) TO SINGLE
 FAMILY RESIDENTIAL (RS-15)
 AREA = 107.863 ACRES

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 45 TO SECTION 702, THE NORTH KONA ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT AUHAUKEAE 1ST AND 2ND, NORTH KONA, HAWAII.

NOTE:
 SEE ORDINANCE NO. 370 FOR METES AND BOUNDS DESCRIPTION OF THE ABOVE ZONE CHANGE

DATE OF PUBLIC HEARING: MARCH 8, 1978
 EFFECTIVE DATE: JUNE 30, 1978
 ORDINANCE NO. 370
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

Hilo, Hawaii

Date: June 3, 1978

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara	X		
Lai	X		
Sameshima	X		
Tajiri	X		
Chr. Yamashiro	X		
	9	0	0

JUN 11 1978

Publication Date: _____

Hilo, Hawaii

Date: June 17, 1978

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara	X		
Lai	X		
Sameshima	X		
Tajiri	X		
Chr. Yamashiro	X		
	9	0	0

JUL 7 1978

Publication Date: _____

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to
FORM and LEGALITY

[Signature]

JUN 26 1978

[Signature]
Council Chairman

[Signature]
County Clerk

Approved/~~Disapproved~~ this 30th day of
June, 1978

[Signature]
Mayor, County of Hawaii

Bill No. 401
Reference: C-807/PC-32
M.B. No. _____
Ord. No. 370