

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 666

AN ORDINANCE AMENDING SECTION 7.02 (THE NORTH KONA ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT HOLUALOA 1ST AND 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-6-13:PORTION OF 11.

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

SECTION 1. Section 7.02, Article 2, Chapter 8, (Zoning Code), of the Hawaii County Code, as amended, is further amended to add a new subsection, to read as follows:

"7.02 (zz). The district classification of the following area situated at Holualoa 1st and 2nd, North Kona, Hawaii, shall be Single Family Residential (RS-7.5):

Beginning at the Southernmost corner of this parcel of land, being also the Westernmost corner of Grant 1855 to Leleo and on the Northeasterly side of an existing 50-ft. Road Reserve, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO" being 4,459.69 feet South and 3,626.34 feet East and running by azimuths measured clockwise from True South:

1. 148° 08' 185.76 feet along the Northerly side of an existing 50-ft. Road Reserve to a point;
2. 239° 59' 1,382.74 feet along the remainder of Lot H of the Holualoa 1st and 2nd Hui Partition-Beach Section and along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 43 to Victoria Kamamalu to a point;
3. 341° 06' 154.80 feet along an existing 15-ft. Road Reserve to a point;
4. 334° 44' 30" 20.16 feet along an existing 15-ft. Road Reserve to a point;
5. 59° 59' 1,231.36 feet along Parcel 6 and along Grant 1855 to Leleo to a point;
6. 53° 08' 114.68 feet along Grant 1855 to Leleo to the point of beginning and containing an area of 5.400 Acres.

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

This subsection is conditioned upon the following:

(A) that prior to development of this area, the petitioner or his authorized representative shall apply for and secure a Special Management Area (SMA) Use Permit from the Planning Commission;

(B) that prior to the granting of final subdivision approval for the proposed development, there shall be legal and financial assurances, meeting with the approval of the Chief Engineer, and Corporation Counsel that the drainage improvements--as required herein--shall be completed within one (1) year of the date of receipt of final subdivision approval.

These drainage improvements shall be designed to handle 100-year frequency flood waters, meeting with the approval of the Chief Engineer, and shall be installed following the Shimabukuro Master Plan on file with the Department of Public Works, except as may be modified to fulfill other statutes and/or regulations. These improvements shall extend from the mauka boundary of the subject property to the shoreline or to an area deemed acceptable by the Chief Engineer. In lieu of the above, the petitioner and/or his representative may initiate proceedings for the required drainage and related improvements by assessment pursuant to Chapter 16, Hawaii County Code and Chapter 67, HRS; provided that an agreement is executed prior to the issuance of final subdivision approval for the development between the petitioner and/or his representative and the County of Hawaii through the Chief Engineer, Planning Director, and Corporation Counsel with the following provisions: (1) an acceptable improvement district petition for the required drainage and related improvements is submitted

to the County Council for its appropriate action prior to the issuance of final subdivision approval; (2) an adequate and acceptable surety bond, certified check or other security acceptable to the Chief Engineer and approved by the Corporation Counsel in the sum equal to the estimated costs of the required improvements, including related land acquisition, design, and administrative costs shall be submitted to the County together with the improvement district proposal. The Chief Engineer shall determine the amount of the required security prior to the Planning Director's issuance of final subdivision approval of the proposed development; (3) in the event the improvement district proposal is rejected or not acted upon by the County Council prior to the issuance of final subdivision approval for the development or within one (1) year from the date of submittal, whichever is later, the County shall be empowered to use the bond or other security which accompanies this agreement to initiate and complete the required drainage improvements; (4) in the event the County Council accepts the improvement district proposal, the bond or other security shall be retained until the improvements are completed or other security to assure the completion of the required improvements is accepted by the Chief Engineer and approved by the Corporation Counsel; (5) the bond and other security may be adjusted, at the mutual agreement of both parties, to reflect a reduction of the estimated cost of improvements by the inclusion of other parties within the improvement district or an overestimate of the costs; provided, however, the County may increase the bond or other security prior to the issuance of a building permit and/or after the disposition of the improvement district proposal by the

County Council to reflect a more accurate cost estimate of the required improvements; and (6) that the agreement shall indemnify and hold the County forever harmless against loss from any and all future claims, actions, contributions, and any damages arising from (a) any flooding on or adjacent to the subject area; and (b) any errors, omissions, or negligent acts of the applicant, its officers, agents, employees, or subcontractors in connection with the construction of the flood drainage improvements; whichever may occur during the period between the granting of final subdivision approval and completion of the flood drainage improvements; (C) that a maximum of ninety-one (91) residential lots be allowed on the total land area of the affected parcel (22.9 acres); (D) that the petitioner or his authorized representative shall submit a subdivision plan 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; (E) that access to the proposed subdivision shall meet with the approval of the Department of Public Works; (F) that the requirements of the Department of Water Supply be complied with; (G) that curbs, gutters, and sidewalks be constructed within the proposed subdivision; and (H) that all other applicable rules, regulations, and requirements be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate zoning designation may be initiated."

SECTION 2. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:



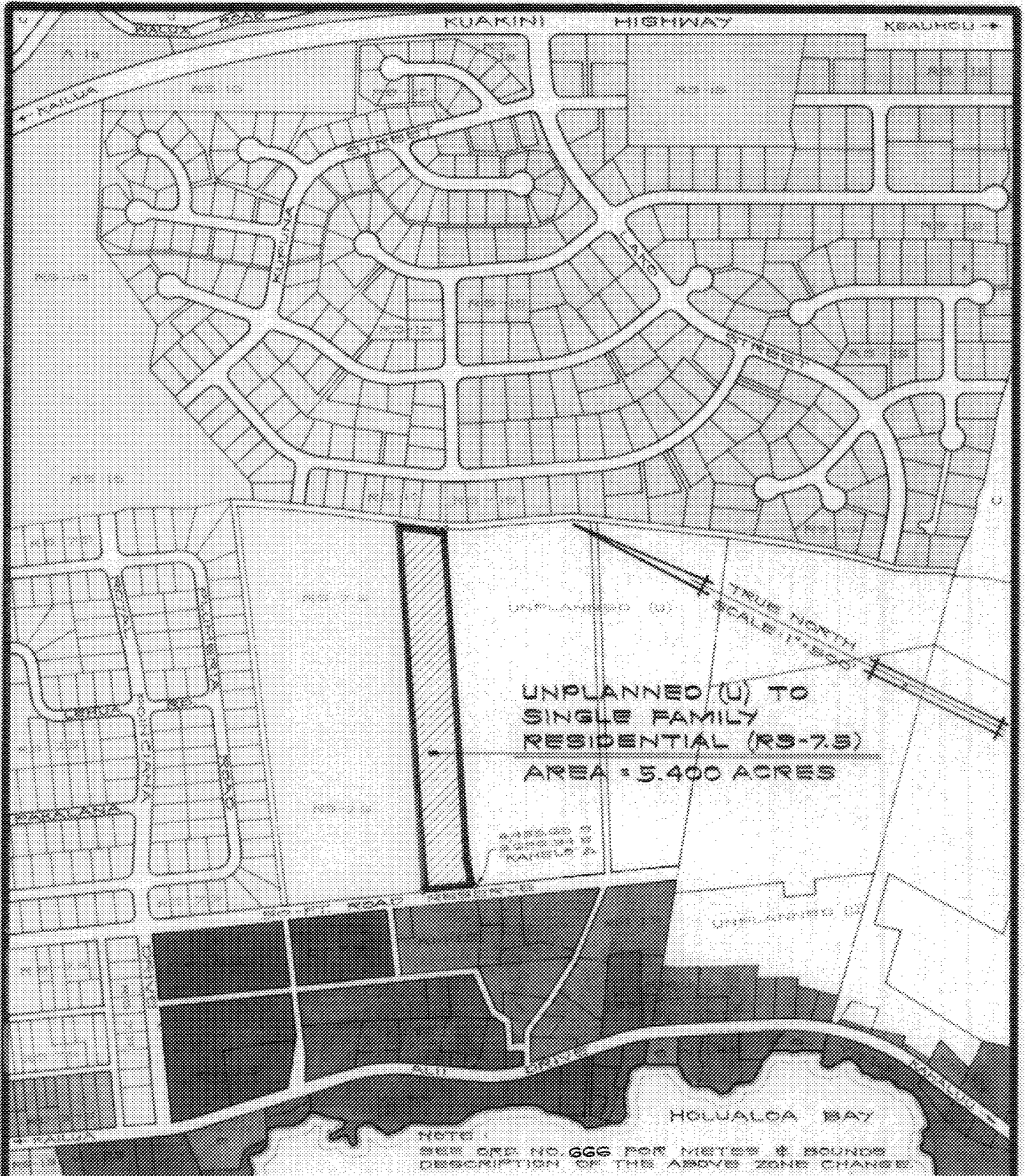
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: January 20, 1981

Date of Adoption: February 4, 1981

Effective Date: February 10, 1981



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 52 TO SECTION 702 (THE NORTH KONA ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT HOLUALOA 1ST AND 2ND, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING: AUG. 21, 1980
EFFECTIVE DATE: FEB. 10, 1981
ORDINANCE NUMBER: 666
PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

Hilo, Hawaii
Date: January 20, 1981

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo	X		
Fujii	X		
Hale	X		
Kawahara	X		
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	9	0	0

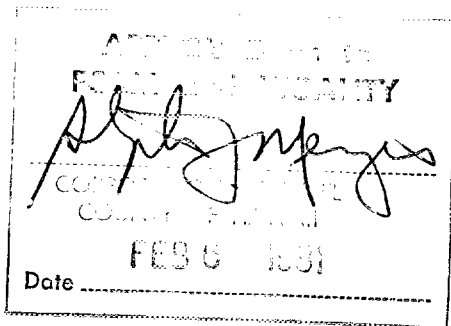
Publication Date: JAN 25 1981

Hilo, Hawaii
Date: February 4, 1981

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo	X		
Fujii	X		
Hale	X		
Kawahara	X		
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	9	0	0

Publication Date: FEB 15 1981

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



Paul Goumal

Council Chairman

R. B. Leggett

County Clerk

Approved/~~Disapproved~~ this 10th day of February, 1981.

Megumi Kaw

Mayor, County of Hawaii

Bill No. 705
Reference: C-8/PC-1
M.B. No. _____
Ord. No. 666