

COUNTY OF HAWAII → STATE OF HAWAII

ORDINANCE NO. 83 28

AN ORDINANCE AMENDING SECTION 25-87 (THE NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AND SINGLE FAMILY RESIDENTIAL (RS-15) AT PAHOEHOE 4TH, LAALOA 1ST AND 2ND AND KAPALAALAEA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-7-08:PORTION OF 11.

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

SECTION 1. Section 25-87, Article 3, 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 Pahoehoe 4th, Laaloa 1st and 2nd and Kapalaalaea 1st, North Kona, Hawaii, shall be Single Family Residential (RS-15):

(Parcel 1) Beginning at the northwest corner of this parcel of land and on the southerly boundary of Grant 1749 to Kipapa, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO", being 9,300.80 feet South and 6,150.06 feet East, thence running by azimuths measured clockwise from True South:

Following along Grant 1749 to Kipapa for the next forty (40) courses:

1. 269° 27' 522.04 feet;
2. 266° 35' 539.00 feet;
3. 266° 43' 387.00 feet;
4. 257° 31' 38.12 feet;
5. 266° 48' 30" 29.87 feet;
6. 259° 09' 30" 54.14 feet;
7. 254° 50' 34.09 feet;
8. 267° 04' 21.77 feet;
9. 238° 03' 15.67 feet;

10.	255°	25'	30"	47.51 feet;
11.	248°	37'	30"	37.67 feet;
12.	234°	34'	30"	28.10 feet;
13.	244°	00'	30"	38.61 feet;
14.	254°	54'		57.51 feet;
15.	244°	56'	30"	22.55 feet;
16.	241°	51'	30"	93.17 feet;
17.	254°	52'	30"	72.40 feet;
18.	236°	16'		22.00 feet;
19.	260°	56'		29.13 feet;
20.	250°	07'		45.97 feet;
21.	247°	34'	30"	51.08 feet;
22.	258°	38'		23.32 feet;
23.	242°	01'	30"	22.41 feet;
24.	265°	38'	30"	83.58 feet;
25.	250°	41'		48.22 feet;
26.	248°	29'	30"	97.62 feet;
27.	277°	57'	30"	17.86 feet;
28.	246°	42'		38.58 feet;
29.	263°	16'		50.46 feet;
30.	241°	21'		66.54 feet;
31.	262°	28'	30"	28.66 feet;
32.	245°	54'	30"	75.56 feet;
33.	250°	58'	30"	141.05 feet;
34.	262°	27'	30"	50.94 feet;
35.	252°	15'		19.88 feet;
36.	268°	56'	30"	21.03 feet;
37.	260°	45'	30"	84.70 feet;
38.	246°	46'	30"	28.96 feet;
39.	251°	50'		19.33 feet;
40.	273°	17'		40.88 feet;

41. Thence along Kuakini Highway on a curve to the right with a radius of 5,689.58 feet, the chord azimuth and distance being: 340° 39' 26" 80.49 feet;
42. 71° 03' 45" 10.00 feet along Kuakini Highway;
43. Thence along same on a curve to the right with a radius of 5,679.58 feet, the chord azimuth and distance being: 342° 03' 45" 198.25 feet;
44. 73° 03' 45" 10.00 feet along Kuakini Highway;
45. Thence along same on a curve to the right with a radius of 5,669.58 feet, the chord azimuth and distance being: 344° 03' 45" 197.90 feet;
46. 255° 03' 45" 20.00 feet along Kuakini Highway;
47. Thence along same on a curve to the right with a radius of 5,689.58 feet, the chord azimuth and distance being: 346° 11' 15" 223.42 feet;
48. 77° 18' 45" 15.00 feet along Kuakini Highway;
49. Thence along same on a curve to the right with a radius of 5,674.58 feet, the chord azimuth and distance being: 347° 56' 15" 123.80 feet;
50. 258° 33' 45" 5.00 feet along Kuakini Highway;
51. Thence along same on a curve to the right with a radius of 5,679.58 feet, the chord azimuth and distance being: 349° 54' 29" 266.74 feet;
52. 351° 15' 13" 464.04 feet along Kuakini Highway;
53. 74° 08' 35" 1,006.18 feet along Grant 3019 to Kaaipulu;
54. 68° 51' 15" 486.61 feet along same;
55. 73° 54' 40" 666.38 feet along same;
56. 61° 34' 30" 348.77 feet along same;
57. 69° 59' 10" 433.48 feet along same;

58. Thence along the remainders of Land Commission Award 4452:2 to H. Kalama, Grant 1757 to Kanewa, Land Commission Award 7716:4 to R. Keelikolani and Grant 1748 to Kapahu on a curve to the left with a radius of 7,050.00 feet, the chord azimuth and distance being: 162° 35' 21.09" 1,999.64 feet;
59. 154° 26' 10" 18.62 feet along the remainder of Grant 1748 to Kapahu to the point of beginning and containing an area of 112.844 Acres. (Refer to Parcel 1 as shown on Exhibit A.)

The district classification of the following area situated at Pahoehoe 4th, Laaloa 1st and 2nd and Kapalaalaea 1st, North Kona, Hawaii, shall be Single Family Residential (RS-7.5):

(Parcel 2) Beginning at the southwest corner of this parcel of land, being also the southeast corner of Lot 34, White Sands Beach Estates, Unit II (File Plan 1480), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO", being 11,636.37 feet South and 5,735.79 feet East, thence running by azimuths measured clockwise from True South:

1. 171° 02' 1,145.94 feet along White Sands Beach Estates, Unit II (File Plan 1480);
2. Thence along Laaloa Avenue on a curve to the left with a radius of 330.00 feet, the chord azimuth and distance being: 210° 36' 46" 161.89 feet;
3. 196° 24' 50" 96.40 feet along Laaloa Avenue;
4. 106° 24' 50" 229.44 feet along Laaloa Avenue and along Lot 21, White Sands Beach Estates, Unit II (File Plan 1480);
5. 216° 25' 40" 39.74 feet along the remainder of Land Commission Award 7716:4 to R. Keelikolani;
6. 210° 41' 40" 49.99 feet along same;
7. 166° 35' 15" 22.10 feet along same;
8. 207° 28' 30" 30.79 feet along same;

9.	216°	07'	20"	40.05 feet along same;
10.	207°	08'	20"	50.51 feet along same;
11.	206°	03'	40"	27.76 feet along same;
12.	213°	55'		37.31 feet along same;
13.	208°	46'		46.22 feet along same;
14.	225°	28'		70.43 feet along same;
15.	221°	34'	40"	55.49 feet along same;
16.	215°	29'	20"	87.32 feet along same;
17.	225°	05'		22.73 feet along same;
18.	234°	21'	40"	29.34 feet along same;
19.	226°	23'	40"	48.05 feet along the remainder of Land Commission Award 7716:4 to R. Keelikolani and along Princess Keelikolani Drive;
20.	233°	45'	30"	55.04 feet along White Sands Beach Estates, Unit III (File Plan 1102);
21.	238°	53'	30"	65.97 feet along same;
22.	243°	02'		42.89 feet along same;
23.	234°	54'	45"	81.51 feet along same;
24.	209°	21'	45"	49.91 feet along same;
25.	194°	02'		32.76 feet along same;
26.	179°	09'	40"	37.19 feet along same;
27.	190°	18'	30"	17.47 feet along same;
28.	175°	10'	30"	53.25 feet along same;
29.	178°	52'		13.05 feet along Grant 1927 to Kipapa;
30.	171°	57'		26.80 feet along Grant 1927 to Kipapa;
31.	334°	26'	10"	37.64 feet along the remainder of Grant 1748 to Kapahu;

32. Thence along the remainders of Grant 1748 to Kapahu, Land Commission Award 7716:4 to R. Keelikolani, Grant 1757 to Kanewa and Land Commission Award 4452:2 to H. Kalama on a curve to the right with a radius of 6,950.00 feet, the chord azimuth and distance being: 342° 40' 35.5" 1,992.25 feet;
33. 350° 55' 01" 9.41 feet along the remainder of Land Commission Award 4452:2 to H. Kalama;
34. 54° 10' 15" 214.14 feet along Grant 3019 to Kaaipulu;
35. 70° 11' 20" 455.64 feet along same;
36. 75° 22' 40" 335.38 feet along same to the point of beginning and containing an area of 37.290 Acres. (Refer to Parcel 2 as shown on Exhibit A.)

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

These changes in district classifications are conditioned upon the following: (A) the petitioner, successors, or assigns shall comply with all of the stated conditions of approval; (B) the Single Family Residential-15,000 square foot (RS-15) zoned area shall be developed in three increments. The first and second increments shall each consist of a maximum of 37 contiguous acres, and the third, the remaining area. The effective date of zoning for the subsequent increments shall be after development has occurred in the previous increment or combination of increments, as determined by the Planning Director. "Development" means that building permits have been issued for single family residential dwelling units and construction has been partially completed to the extent that roofs have been constructed

on a minimum of twenty-five percent of the number of units proposed for the previous increment or combination of increments within the RS-15 zoned lands. In lieu of actual construction, the petitioner may enter into an agreement with the Hawaii County Housing Agency to assure the County that the dwellings will be constructed within a given period. Such agreement shall be secured by a surety bond, certified check, or other security acceptable to the Hawaii County Housing Agency and the Corporation Counsel. Upon final execution of such agreement and filing of the security with the Hawaii County Housing Agency, development of the subsequent increment(s) may proceed prior to the actual construction of the dwellings in the previous increment(s); (C) the Single Family Residential-7,500 square foot (RS-7.5) zoned area shall be developed in three increments. The first and second increment shall each consist of a maximum of 12 contiguous acres, and the third, the remaining area. The effective date of zoning for the subsequent increment shall be after "development," as defined in condition "B," has occurred in the previous increment or combination of increments within the RS-7.5 zoned lands; (D) subdivision plans for the first increment of either the RS-15 or RS-7.5 zoned lands shall be submitted within one year from the effective date of the change of zone; (E) a 60-foot wide mauka-makai connecting road between Kuakini Highway and Alii Drive meeting with the approval of the Department of Public Works shall be constructed and completed prior to receipt of final subdivision approval of any of the proposed increments; (F) the Alii Highway right-of-way and

the associated easements within the property shall be dedicated to the County within six months of the date of final right-of-way determination by the Department of Public Works; (G) the section of the Alii Highway within the property shall be constructed in accordance with the requirements of the Department of Public Works. The improvements shall be constructed prior to issuance of final subdivision approval of the second zoning increment of either the RS-7.5 or the RS-15 zoned area, whichever occurs later, or upon the determination by the County for the construction of the roadway, whichever occurs first; (H) all accesses, including intersection improvements, from the Alii Highway shall meet with the approval of the Department of Public Works; (I) all roadways within the proposed development of the RS-7.5 zoned lands shall be constructed with curbs, gutters and sidewalks and underground utilities meeting with the approval of the Department of Public Works. Underground utilities shall also be required for the proposed development within the RS-15 zoned lands; (J) improvements to the intersection of Kuakini Highway shall be constructed meeting with the approval of the State Department of Transportation, Highways Division. The intersection improvement shall be constructed concurrently with the construction of the mauka-makai roadway; (K) a drainage system as required by the Department of Public Works shall be installed; (L) the method of sewage disposal including the provision of dry sewer lines shall meet with the requirements of the appropriate governmental agencies; (M) the three




archaeological sites recommended by the consulting archaeologist, including the Kuakini Wall, shall be set aside for preservation, and a cultural resources management plan shall be submitted for these sites. The management plan shall include provisions for buffer areas, structural setbacks and a maintenance program for the four sites and shall be submitted to the Historic Sites Section of the Department of Land and Natural Resources and the Planning Department for review and comment. Approval of the plan shall be secured from the Planning Director prior to final subdivision approval of the first increment of either the RS-7.5 or RS-15 zoned lands; (N) should any unanticipated sites, including subsurface remains such as burials or care shelters, be discovered during grading of the property, work within the affected area shall cease. The Planning Department shall be notified, and work shall not resume within the affected area until the Planning Director has approved the disposition of the site(s); (O) the requirements of the Department of Water Supply be complied with; and (P) 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 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:

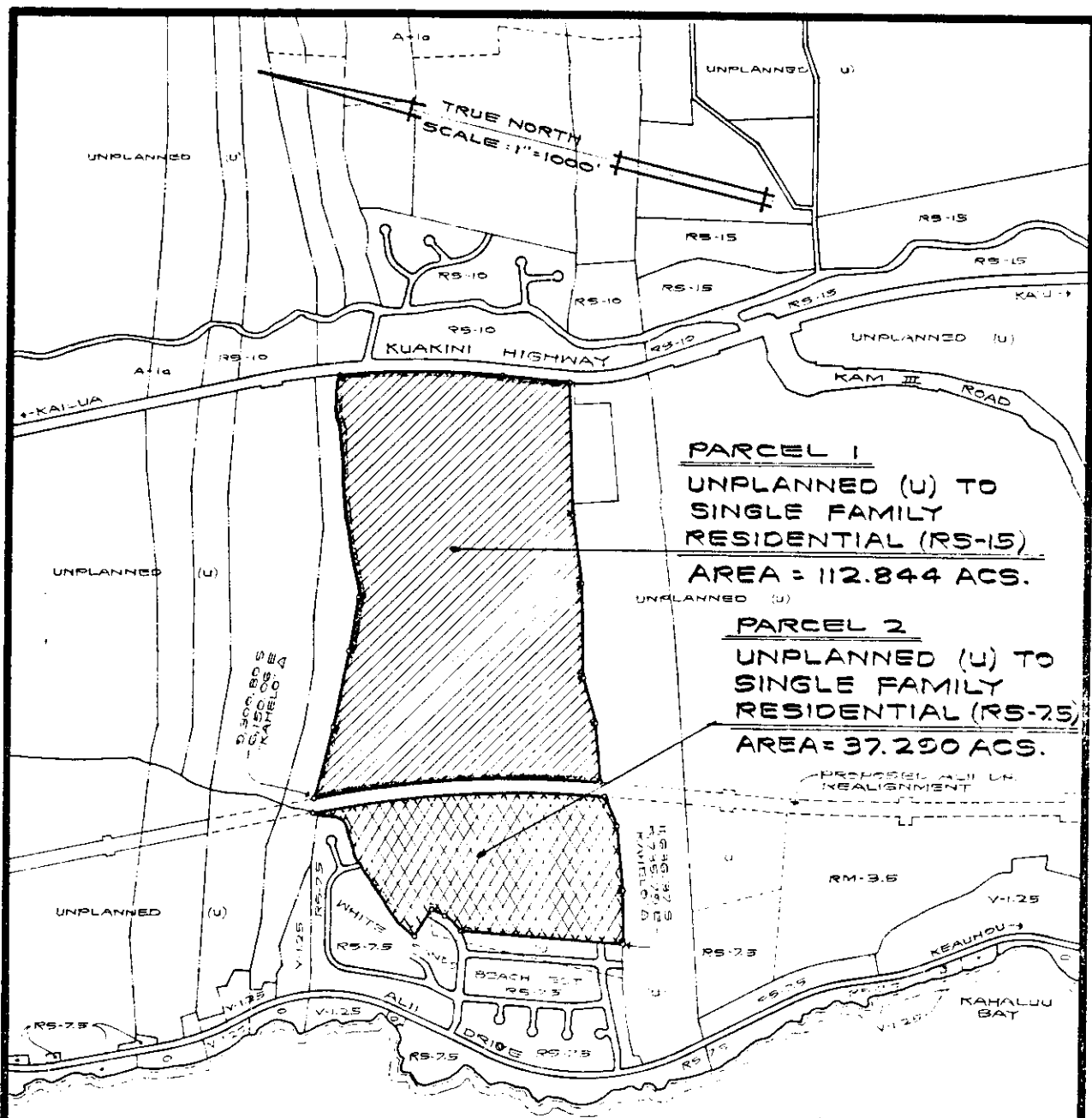
  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: September 21, 1983

Date of Adoption: October 5, 1983

Effective Date: October 13, 1983



## AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AND (RS-15) AT PAHOEHOE 4TH, LAALO A 1ST & 2ND AND KAPALAALAEA 1ST, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
 COUNTY OF HAWAII

TNRK : 7-7-08 : 11 (POR.)

MAY 5, 1983

EXHIBIT "A"

REVISED : JULY 21, 1983