

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 154
(DRAFT 2)

ORDINANCE NO. 86 69

AN ORDINANCE AMENDING SECTION 25-91 (NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO SINGLE FAMILY RESIDENTIAL (RS-10), MULTIPLE FAMILY RESIDENTIAL (RM-4) AND VILLAGE COMMERCIAL (CV-10) AT AINAKEA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-3-06:18 & 21 (PORTION).

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

SECTION 1. Section 25-91, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of properties described hereinafter as follows:

The district classification of the following area situated at Ainakea, North Kohala, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the southeast corner of this parcel of land on the north side of Akoni Pule Highway (Exclusion 2 of Land Court Application 1116), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUHOLA" being 6,042.99 feet south and 7,042.03 feet west and running by azimuths measured clockwise from True South:

Following along the north side of Akoni Pule Highway (Exclusion 2 of Land Court Application 1116) for the next five (5) courses, the azimuths and distances being:

- 1. 98° 35' 403.69 feet;
- 2. 97° 33' 158.98 feet;
- 3. 96° 23' 231.58 feet;
- 4. 97° 57' 363.21 feet;

5. 97° 00' 89.67 feet;

Thence along Parcel B for the next four (4) courses, the azimuths and distances being:

6. 187° 00' 245.00 feet;

7. Thence along a curve to the right with a radius of 580.00 feet, the chord azimuth and distance being:

200° 30' 270.80 feet;

8. 124° 00' 207.70 feet;

9. 107° 00' 259.71 feet;

10. 204° 54' 279.30 feet along Grant 1547 to Naihe;

11. 101° 36' 351.40 feet along Grant 1547 to Naihe;

Thence along the remainder of Lot 24 (Map 5) of Land Court Application 1116 for the next fifteen (15) courses, the azimuths and distances being:

12. 232° 00' 204.13 feet;

13. 204° 00' 115.00 feet;

14. 216° 55' 162.80 feet;

15. 223° 20' 155.60 feet;

16. 216° 45' 168.60 feet;

17. 196° 10' 132.30 feet;

18. 234° 15' 113.20 feet;

19. 248° 00' 215.93 feet;

20. 294° 25' 1,046.95 feet;

21. 281° 20' 344.34 feet;

22. 344° 05' 462.45 feet;

23. 55° 45' 276.11 feet;

- 24. 47° 09' 72.20 feet;
- 25. 11° 13' 61.20 feet;
- 26. 326° 20' 146.40 feet;
- 27. 1° 20' 80.00 feet along the remainders of Lot 24 (Map 5) and Lot 19-D (Map 11) of Land Court Application 1116;

Thence along the remainder of Lot 19-D (Map 11) of Land Court Application 1116 for the next ten (10) courses, the azimuths and distances being:

- 28. 21° 00' 75.00 feet;
- 29. 358° 33' 42.00 feet;
- 30. 335° 23' 113.20 feet;
- 31. 355° 42' 68.20 feet;
- 32. 37° 28' 65.60 feet;
- 33. 74° 23' 205.50 feet;
- 34. 93° 13' 52.10 feet;
- 35. 50° 00' 71.70 feet;
- 36. 5° 57' 85.50 feet;
- 37. 343° 40' 139.81 feet to the point of beginning and containing an area of 66.637 Acres. (Refer to Parcel "A" as shown on Exhibit "A").

The district classification of the following area situated at Ainakea, North Kohala, Hawaii, shall be Multiple Family Residential (RM-4):

Beginning at the southwest corner of this parcel of land, also being the south corner of Parcel C on the north side of Akoni Pule Highway (Exclusion 2 of Land Court Application 1116), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUHOLA" being 5,833.26 feet south and 8,617.14 feet west and running by azimuths measured clockwise from True South:

1. 187° 00' 364.47 feet along Parcel C;
2. 97° 00' 141.85 feet along Parcel C;
3. 206° 22' 159.84 feet along Lot 19-C (Map 11)
of Land Court Application
1116;
4. 211° 48' 83.00 feet along Grant 1547 to
Naihe;
5. 204° 54' 60.00 feet along Grant 1547 to
Naihe;

Thence along Parcel A for the next four (4) courses,
the azimuths and distances being:

6. 287° 00' 259.71 feet;
7. 304° 00' 207.70 feet;
8. Thence along a curve to the left with a radius of
580.00 feet, the chord azimuth and distance being:
 - 20° 30' 270.80 feet;
9. 7° 00' 245.00 feet;
10. 97° 00' 342.02 feet along the north side of
Akoni Pule Highway
(Exclusion 2 of Land Court
Application 1116) to the
point of beginning and
containing an area of 5.470
Acres. (Refer to Parcel "B"
as shown on Exhibit "A").

The district classification of the following area
situated at Ainakea, North Kohala, Hawaii, shall be
Village Commercial (CV-10):

Beginning at the south corner of this parcel of land, also
being the southwest corner of Parcel B on the north side
of Akoni Pule Highway (Exclusion 2 of Land Court
Application 1116), the coordinates of said point of
beginning referred to Government Survey Triangulation
Station "KAUHOLA" being 5,833.26 feet south and
8,617.14 feet west and running by azimuths measured
clockwise from True South:

1. Following along Lot 19-B (Map 11) of Land Court Application 1116 on a curve to the right with a radius of 100.00 feet, the chord azimuth and distance being:

120° 50' 80.81 feet;

2. 144° 40' 71.50 feet along Lot 19-B (Map 11) of Land Court Application 1116;

3. Thence along Lot 19-B (Map 11) of Land Court Application 1116 on a curve to the right with a radius of 180.00 feet, the chord azimuth and distance being:

163° 23' 115.52 feet;

4. 182° 06' 138.66 feet along Lot 19-B (Map 11) of Land Court Application 1116;

5. 234° 38' 51.89 feet along Lot 19-C (Map 11) of Land Court Application 1116;

6. 277° 00' 141.85 feet along Parcel B;

7. 7° 00' 364.47 feet along Parcel B to the point of beginning and containing an area of 1.209 Acres. (Refer to Parcel "C" as shown on Exhibit "A").

The district classification of the following area situated at Ainakea, North Kohala, Hawaii, shall be Village Commercial (CV-10):

Beginning at the southwest corner of this parcel of land, also being the southeast corner of Grant 1547 to Naihe on the north side of Akoni Pule Highway (Exclusion 2 of Land Court Application 1116), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUHOLA" being 5,800.03 feet south and 8,887.77 feet west and running by azimuths measured clockwise from True South:

1. 171° 12' 202.52 feet along Grant 1547 to Naihe;
2. 234° 38' 149.40 feet along Lot 19-C (Map 11) of Land Court Application 1116;
3. 2° 06' 108.01 feet along Lot 19-B (Map 11) of Land Court Application 1116;
4. Thence along Lot 19-B (Map 11) of Land Court Application 1116 on a curve to the left with a radius of 220.00 feet, the chord azimuth and distance being:
343° 23' 141.19 feet;
5. Thence along Lot 19-B (Map 11) of Land Court Application 1116 on a curve to the right with a radius of 35.00 feet, the chord azimuth and distance being:
30° 50' 64.03 feet;
6. 97° 00' 95.16 feet along the north side of Akoni Pule Highway (Exclusion 2 of Land Court Application 1116) to the point of beginning and containing an area of 29,999 Square Feet. (Refer to Parcel "D" as shown on Exhibit "A").

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

SECTION 2. These changes in district classification are conditioned upon the following: (A) the petitioner, successors or its assigns shall be responsible for complying with all of the stated conditions of approval; (B) the Single Family Residential-10,000 square foot (RS-10) zoned area shall be developed in two increments. The first increment shall consist

of a maximum of forty contiguous acres, and the second increment, the remaining area. The effective date of zoning for the second increment shall be after development had occurred in the first increment as determined by the Planning Director. "Development" means that building permits have been issued for 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 lots proposed for the first increment. In lieu of actual construction, the petitioner may enter into an agreement with the Hawaii County Housing Agency and the Planning Department 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 Corporation Counsel, the Hawaii County Housing Agency and the Planning Department. Upon final execution of such agreement and filing of the security with the County, the zoning of the second increment may be deemed by the Planning Director to be effective prior to the actual construction of the dwellings in the first increment;

(C) petitioner shall provide housing opportunities for low and moderate income Hawaii residents in any one or combination of the following manners as mutually agreed to by the Hawaii County Housing Agency, the Planning Department and the petitioner prior to assigning or transferring (except by way of mortgage or assignment as security) its interest in the subject


property: (1) to offer for sale, on a preferential basis, on its own or in cooperation with the County of Hawaii and/or the Hawaii Housing Authority, a number of lots equal to ten percent (10%) of the single family improved lots and/or units to be developed on Parcel A of Exhibit A, to residents of the State of Hawaii of low and moderate family income as determined by the County of Hawaii and/or Hawaii Housing Authority. The lots shall be built according to specifications and offered for sale at prices that enable such purchasers to qualify for and obtain state and county assisted financing (e.g., Act 105) or federally assisted financing (e.g., FmHA) intended to encourage home ownership by low and moderate income families; or (2) dedicate a 5.47-acre parcel identified as Parcel B of Exhibit A, to the County of Hawaii for the development of an elderly, multi-family housing project; (D) the Village Commercial-10,000 square foot (CV-10) zoned area and Multiple Residential-4,000 square foot (RM-4) zoned area, if it is not dedicated to the County, shall also be developed as part of the first increment; (E) subdivision plans for the first increment, including the CV-10 zoned area and RM-4 zoned area, if it is not dedicated to the County, shall be submitted within one year from the effective date of approval of the zone change; (F) a drainage system shall be installed meeting with the requirements of the Department of Public Works; (G) the method

of sewage disposal shall meet with the approval of the appropriate governmental agencies; (H) access to the property shall meet with the approval of the State Department of Transportation, Highways Division. Further, no direct access from the Hawi-Niulii Road shall be allowed for any of the proposed lots; (I) all roadways within the proposed subdivision shall be improved as shown on the attached roadway section identified as Exhibit B; and, (J) all other applicable rules, regulations and requirements, including those of the Department of Water Supply, shall be complied with. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the 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.

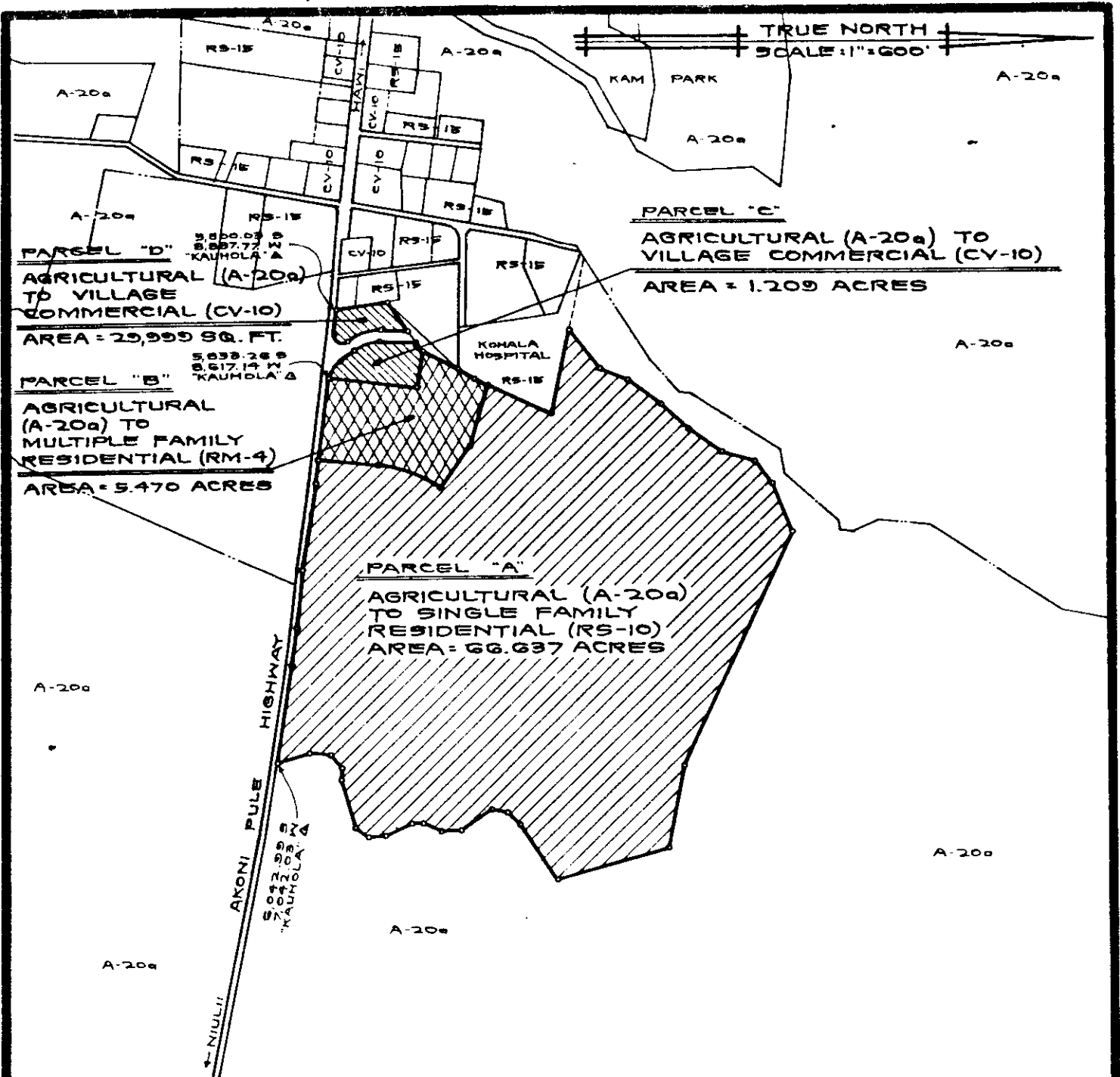
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	June 4, 1986
Date of 1st Reading:	June 4, 1986
Date of 2nd Reading:	June 17, 1986
Effective Date:	June 25, 1986



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-91 (NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO SINGLE FAMILY RESIDENTIAL (RS-10), MULTIPLE FAMILY RESIDENTIAL (RM-4) AND VILLAGE COMMERCIAL (CV-10) AT AINAKEA, NORTH KOHALA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 5-3-06: 18 & 21 (PORTION)

DEC. 26, 1985

EXHIBIT "A"