

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 481
(Draft 2)

ORDINANCE NO. 88 30

AN ORDINANCE AMENDING SECTION 25-88 (SOUTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) AND AGRICULTURAL (A-5a) TO RESIDENTIAL-AGRICULTURAL (RA-2a) AT KEALAKEKUA AND KAAWALOA, SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 8-2-02:33 AND PORTION OF 2.

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

SECTION 1. Section 25-88, 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 Kealakekua and Kaawaloa, South Kona, Hawaii, shall be Residential-Agricultural (RA-2a):

Parcel 1

Beginning at the northeast corner of this parcel of land and on the southwesterly side of a Lower Government Main Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PALEMANO" being 11,204.46 feet North and 3,786.46 feet East thence running by azimuths measured clockwise from True South:

Along the Lower Government Main Road for the next twenty-six (26) courses, the direct azimuths and distances being:

- 1. 329° 47' 21.89 feet;
- 2. 338° 35' 55.33 feet;
- 3. 323° 51' 30" 136.42 feet;

4.	310°	30'	30"	126.04 feet;
5.	321°	38'		37.87 feet;
6.	337°	55'	30"	172.27 feet;
7.	325°	45'		136.57 feet;
8.	331°	58'		70.48 feet;
9.	341°	16'		43.54 feet;
10.	335°	25'		72.33 feet;
11.	323°	41'		65.93 feet;
12.	330°	43'	30"	163.02 feet;
13.	337°	56'		50.75 feet;
14.	356°	42'		70.71 feet;
15.	6°	31'		73.85 feet;
16.	18°	28'		65.59 feet;
17.	4°	56'	30"	40.41 feet;
18.	334°	48'		53.35 feet;
19.	325°	08'		61.54 feet;
20.	315°	11'		55.98 feet;
21.	319°	53'	30"	149.59 feet;
22.	337°	39'		40.71 feet;
23.	353°	24'		79.89 feet;
24.	12°	50'		71.01 feet;
25.	30°	47'	30"	107.39 feet;
26.	18°	07'		25.10 feet;
27.	137°	45'		104.95 feet along the remainder of Royal Patents 3607 and 7533, L.C. Aw. 8452:9 to A. Keohokalole (Lot 7);

28. Thence along same on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:
92° 45' 42.43 feet;
29. 47° 45' 232.23 feet along the remainder of Royal Patents 3607 and 7533, L.C. Aw. 8452:9 to A. Keohokalole (Lot 7);
30. 317° 45' 184.28 feet along the remainder of Royal Patents 3607 and 7533, L.C. Aw. 8452:9 to A. Keohokalole (Lot 7 and 6);
31. 325° 00' 140.00 feet along the remainder of Royal Patents 3607 and 7533, L.C. Aw. 8452:9 to A. Keohokalole (Lots 6 and 5);
32. 41° 20' 103.17 feet along the remainder of Royal Patents 3607 and 7533, L.C. Aw. 8452:9 to A. Keohokalole (Lot 4-A);
33. 28° 15' 407.85 feet along the remainder of Royal Patents 3607 and 7533, L.C. Aw. 8452:9 to A. Keohokalole (Lots 4-A and 3);
34. 113° 47' 38" 2,564.11 feet along the remainder of Royal Patents 3607 and 7533, L.C. Aw. 8452:9 to A. Keohokalole;

Thence along a stonewall along Boundary Certificate 134, Land Commission Award 8452:10 to A. Keohokalole for the next nine (9) courses, the direct azimuths and distances being:

35. 255° 09' 20.17 feet;
36. 256° 06' 30" 26.44 feet;

- 37. 246° 48' 30" 99.61 feet;
- 38. 234° 44' 316.94 feet;
- 39. 234° 40' 30" 161.22 feet;
- 40. 234° 45' 30" 132.01 feet;
- 41. 240° 05' 30" 38.43 feet;
- 42. 240° 10' 30" 306.44 feet;
- 43. 233° 25' 30" 179.95 feet;

Thence along a stonewall along the remainder of Boundary Certificate 134, Land Commission Award 8452:10 to A. Keohokalole for the next nine (9) courses, the direct azimuths and distances being:

- 44. 149° 01' 43.18 feet;
- 45. 228° 14' 94.26 feet;
- 46. 156° 38' 72.55 feet;
- 47. 245° 58' 47.39 feet;
- 48. 229° 01' 30" 161.95 feet;
- 49. 208° 34' 30" 60.40 feet;
- 50. 158° 57' 30" 32.91 feet;
- 51. 226° 26' 112.88 feet;
- 52. 239° 20' 729.45 feet to the point of beginning and containing an area of 80.375 Acres. (Refer to Parcel 1 as shown on Exhibit "A").

The district classification of the following area situated at Kealakekua, South Kona, Hawaii, shall be Residential-Agricultural (RA-2a):

Parcel 2

Beginning at the northeast corner of this parcel of land and on the southerly boundary of Boundary Certificate 134, L.C. Aw. 8452:10 to A. Keohokalole, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PALEMANO" being 9,697.02 feet North and 1,796.78 feet East thence running by azimuths measured clockwise from True South:

1. 293° 47' 38" 2,564.77 feet along the remainder of R.P. 3607 and 7533, L.C. Aw. 8452:9 to A. Keohokalole;
2. 28° 15' 374.17 feet along the remainder of R.P. 3607 and 7533, L.C. Aw. 8452:9 to A. Keohokalole (Lot 3);

Thence on the Land Use District Boundary (Urban-Conservation) as adopted and certified by the State Land Use Commission on March 11, 1982 for the next three (3) courses, the direct azimuth and distances being:

3. 111° 15' 1,138.86 feet along the remainder of Royal Patents 3607 and 7533, L.C. Aw. 8452:9 to A. Keohokalole;
4. 102° 10' 1,118.00 feet along same;
5. 120° 15' 720.04 feet along same;
6. 238° 43' 30" 353.40 feet along Boundary Certificate 134, L.C. Aw. 8452:10 to A. Keohokalole;
7. 240° 52' 348.70 feet along same to the point of beginning and containing an area of 31.366 Acres. (Refer to Parcel 2 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 applicant, successors or its assigns shall comply with the stated conditions of approval; (B) subdivision plans shall be submitted to the Planning Department within one year from the effective date of the zone change. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval; (C) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the change of zone. The progress report shall include, but not be limited to, the status of the development, the extent to which conditions have been complied, the number of lots sold, number of homes constructed, and the type of agricultural activity, if any, conducted on the properties; (D) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (E) either guardrails meeting the approval of the Department of Public Works or a minimum 100 foot structural setback along the Napoopoo Road boundary shall be provided for future road improvements. If a setback is provided, the appropriate deed restrictions shall be included for all proposed lots; (F) pursuant to Chapter 46-4(C)(2), HRS, ohana dwelling units may be permitted provided the Chief Engineer determines that the existing Mamalahoa Highway-Napoopoo Government Road intersection is adequate to service additional ohana dwelling

units which could be created by the proposed subdivision. Such a determination shall be based upon a traffic impact study which shall be submitted and approved by the Chief Engineer; (G) the developer's share of any intersection improvement costs at Mamalahoa Highway and Napoopoo Road shall be determined by the Planning Department on a pro rata basis; (H) all other applicable rules, regulations and requirements shall be complied with; and (I) an extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; and d) the time extension granted shall be for a period 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); and e) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for

appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. Should the council adopt A Uniform Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may be satisfied by performance in accordance with the requirements of the Uniform Impact Fees Ordinance.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

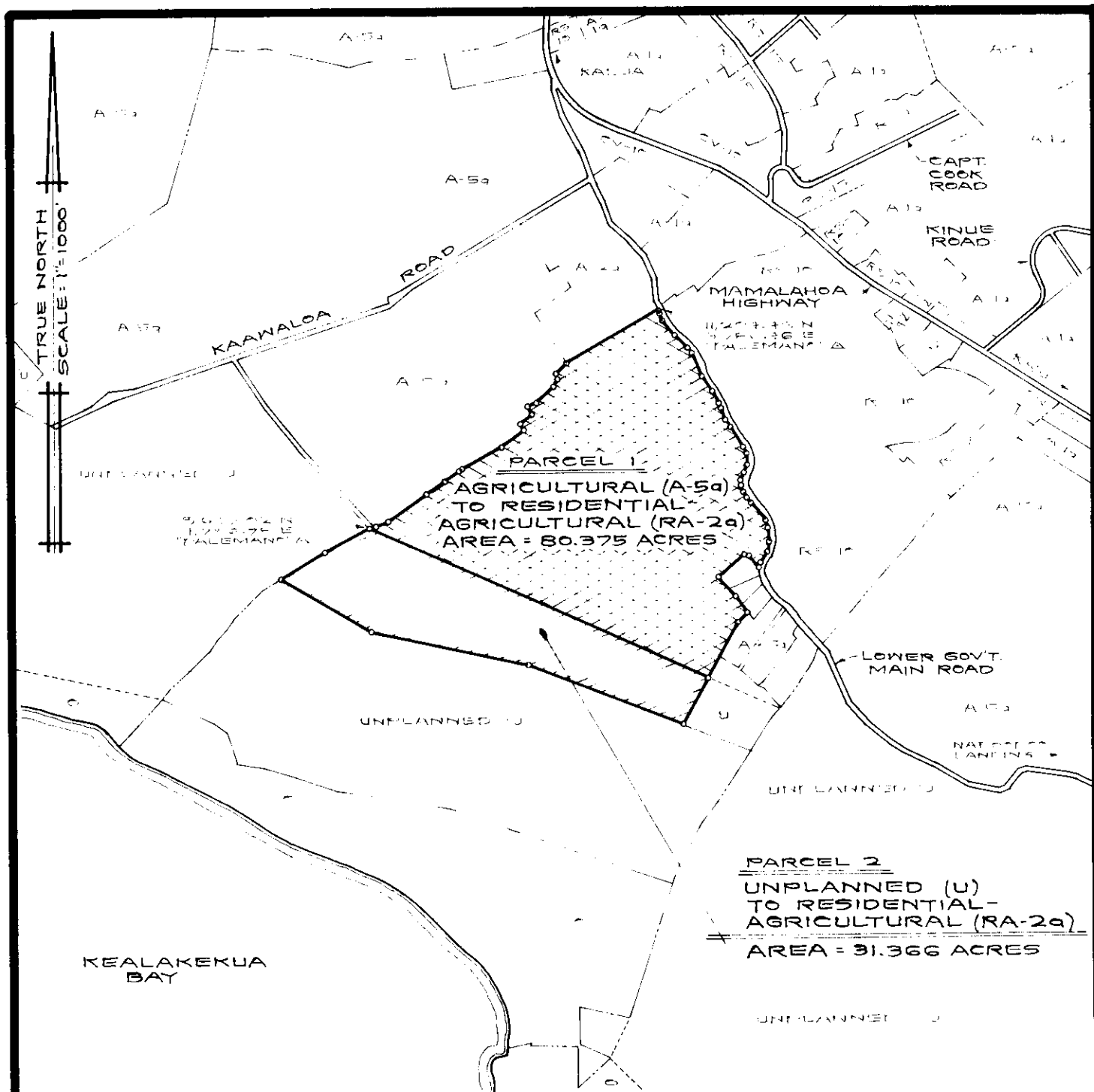
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 17, 1988
Date of 1st Reading: February 17, 1988
Date of 2nd Reading: March 2, 1988
Effective Date: March 7, 1988



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-88 (SOUTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25, (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) AND AGRICULTURAL (A-5a) TO RESIDENTIAL-AGRICULTURAL (RA-2a) AT KEALAKEKUA AND KAAWALOA, SOUTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII