

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 498  
(Draft 2)

ORDINANCE NO. 88 50

AN ORDINANCE AMENDING SECTION 25-95F (KAWAIHAE-PUAKO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-15) AND OPEN (O) TO SINGLE FAMILY RESIDENTIAL (RS-5a) AT OULI, SOUTH KOHALA, HAWAII COVERED BY TAX MAP KEY 6-2-02:5.

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

SECTION 1. Section 25-95F, 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 Ouli, South Kohala, Hawaii, shall be Single Family Residential (RS-5a):

Beginning at the Southeasterly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUAKO" being 12,711.75 feet North and 2,696.50 feet East and running by azimuths measured clockwise from true South:

Thence, for the next five (5) courses following along Parcel D:

- 1. 133° 30' 77.82 feet to a point;

Thence, following on a curve to the left with a radius of 105.00 feet, the chord azimuth and distance being:

- 2. 108° 00' 90.41 feet to a point;
- 3. 82° 30' 116.00 feet to a point;
- 4. 93° 37' 552.11 feet to a point;

5. 103° 50' 274.54 feet to a point;

Thence, for the next three (3) courses following along the seashore with all its windings, the direct azimuths and distances being:

6. 161° 04' 30" 54.62 feet to a point;

7. 266° 15' 30" 159.00 feet to a point;

8. 200° 41' 30" 421.90 feet to a point;

9. 223° 00' 340.00 feet along the remainder of Parcel E and along the existing RS-15 zoned area to a point;

Thence, running along the centerline of Waiulaula Gulch with all its windings the direct azimuth and distance being:

10. 303° 21' 20" 865.05 feet to a point;

Thence, for the next three (3) courses following along the Westerly side of the Old Kawaihae-Puako Road:

11. 8° 36' 30" 29.08 feet to a point;

12. 17° 31' 102.48 feet to a point;

13. 26° 25' 30" 301.61 feet to the point of beginning and containing an area of 13.27 acres, more or less.

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

SECTION 2. This change in district classification is conditioned upon the following: (A) the applicant, successors or assigns shall comply with all of 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; (C) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (D) all other applicable laws, rules, regulations and requirements be complied with; (E) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the zone change. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required; and (F) an initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; and 4) 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 5) 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 Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may at the developer's election, be satisfied by performance in accordance with the requirements of the Unified 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.

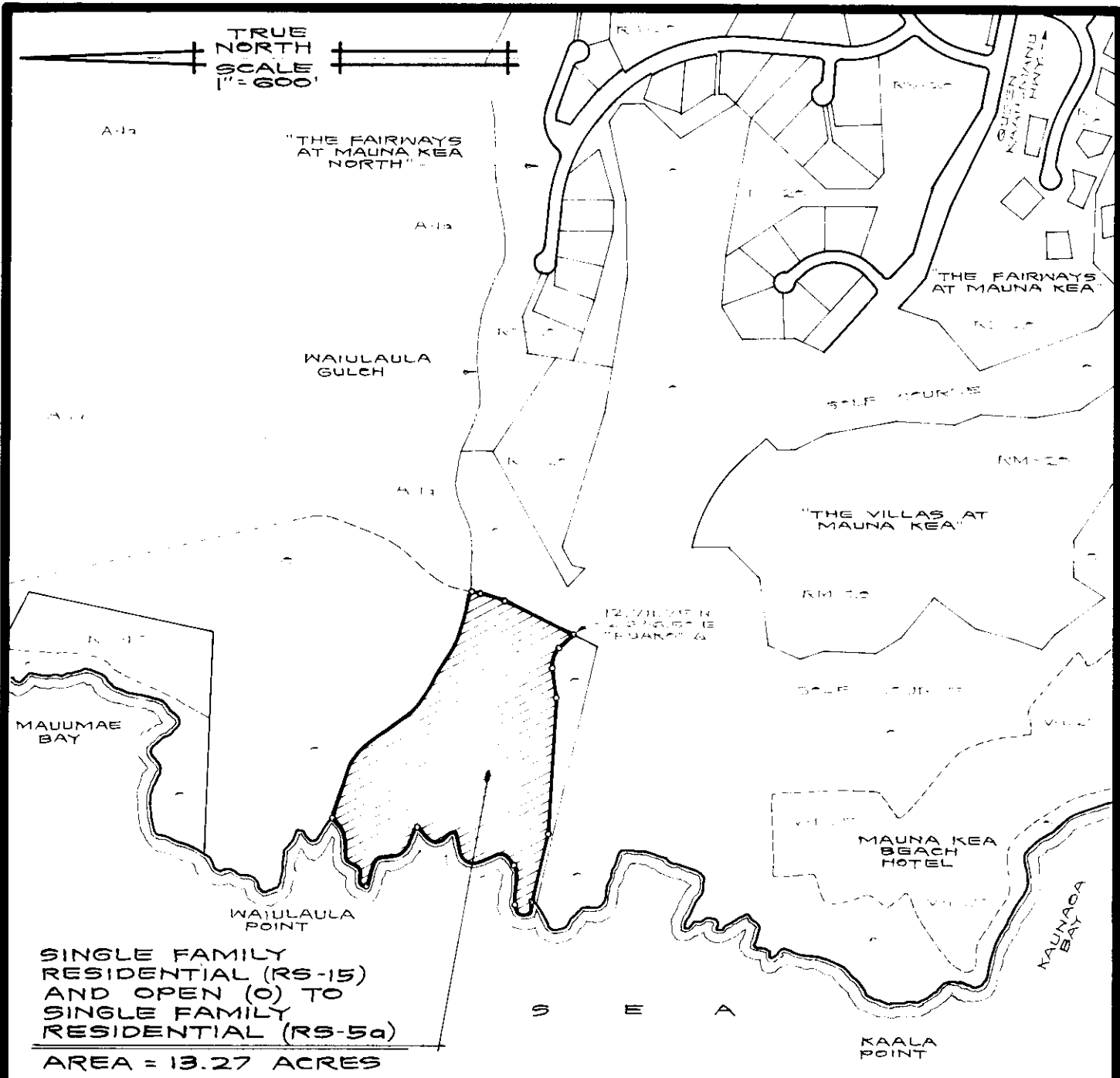
INTRODUCED BY:

*Israemi Domingo*

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 6, 1988  
Date of 1st Reading: April 6, 1988  
Date of 2nd Reading: April 20, 1988  
Effective Date: May 2, 1988



## AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95F (KAWAIHAE - PUAKO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-15) AND OPEN (O) TO SINGLE FAMILY RESIDENTIAL (RS-5a) AT OULI, SOUTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 6-2-02:5

JAN. 7, 1988