

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 535
(Draft 2)

ORDINANCE NO. 88 70

AN ORDINANCE AMENDING SECTION 25-95G (PUAKO-ANAEHOOMALU ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-3) TO OPEN (O) AND FROM OPEN (O) TO MULTIPLE FAMILY RESIDENTIAL (RM-3) AND TO RESORT-HOTEL (V-1.25) AT KALAHUIPUAA AND ANAEHOOMALU, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-8-22: PORTIONS OF 13,15, 27, 28, 36, AND 37.

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

SECTION 1. Section 25-95G, 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 Kalahuipuaa, South Kohala, Hawaii, shall be Multiple Family Residential (RM-3):

PARCEL A:

Beginning at the Southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 12,713.73 feet North and 32,300.16 feet West, thence running by azimuths measured clockwise from True South:

1. 48° 00' 22" 70.39 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
2. Thence along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama, on a curve to the right with a radius of 600.00 feet, the chord azimuth and distance being:
157° 51' 37" 294.06 feet;

3. 72° 20' 121.00 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
4. 112° 35' 68.18 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
5. 176° 44' 476.06 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
6. 187° 30' 40" 91.76 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
7. 158° 10' 53.89 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
8. 173° 30' 142.00 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
9. 196° 10' 225.22 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
10. 149° 40' 431.42 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
11. 310° 15' 10" 216.48 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
12. 323° 30' 218.11 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
13. Thence along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama, on a curve to the left with a radius of 82.00 feet, the chord azimuth and distance being:
323° 26' 27" 124.13 feet;

14. Thence along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama, on a curve to the right with a radius of 57.00 feet, the chord azimuth and distance being:
299° 52' 27" 49.30 feet;
15. Thence along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama, on a curve to the right with a radius of 670.00 feet, the chord azimuth and distance being:
352° 35' 610.08 feet;
16. 19° 40' 31.47 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
17. Thence along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama, on a curve to the left with a radius of 530.00 feet, the chord azimuth and distance being:
352° 02' 51" 491.41 feet;
to the point of beginning and containing an Area of 7.630 Acres, more or less. (Refer to Parcel A as shown on Exhibit "A".)

The district classification of the following area situated at Kalahuipuaa and Anaehoomalu, South Kohala, Hawaii, shall be Open (O):

PARCEL B:

Beginning at the North corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 14,013.63 feet North and 32,864.57 feet West, thence running by azimuths measured clockwise from True South:

1. 338° 10' 505.11 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;

2. 356° 44' 141.22 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
3. 7° 30' 40" 195.63 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
4. 27° 11' 20" 163.31 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
5. 334° 00' 116.00 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
6. 292° 35' 82.82 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
7. 356° 44' 35.00 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
8. 80° 00' 257.88 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
9. 135° 50' 189.75 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;
10. 79° 40' 110.00 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama and R.P. 7523, L.C. Aw. 4452, Apana 4 to H. Kalama;
11. 19° 55' 285.53 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 4 to H. Kalama;
12. 89° 15' 40.06 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 4 to H. Kalama;
13. 206° 40' 594.00 feet along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 4 to H. Kalama, and R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama;

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| 14. | 195° 20' | 119.00 feet | along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama; |
| 15. | 169° 30' | 504.00 feet | along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama; |
| 16. | 228° 40' | 267.00 feet | along the remainder of R.P. 7522, L.C. Aw. 4452, Apana 3 to H. Kalama to the point of beginning and containing an Area of 7.655 Acres, more or less. (Refer to Parcel B as shown on Exhibit "A".) |

The district classification of the following area situated at Kalahuipuaa, South Kohala, Hawaii, shall be Resort-Hotel (V-1.25):

PARCEL C:

Beginning at the West corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 16,643.28 feet North and 30,404.82 feet West, thence running by azimuths measured clockwise from True South:

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| 1. | 221° 18' 11" | 150.00 feet | along the remainder of Land Court Application 1785; |
| 2. | 324° 50' | 372.55 feet | along the remainder of Land Court Application 1785; |
| 3. | 18° 00' | 91.04 feet | along the remainder of Land Court Application 1785; |
| 4. | 144° 30' | 156.32 feet | along the remainder of Land Court Application 1785; |
| 5. | 127° 50' | 246.48 feet | along the remainder of Land Court Application 1785 to the point of beginning and containing an Area of 0.870 Acre, more or less. (Refer to Parcel C 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 comply with all of the conditions outlined in the previously approved change of zone ordinance numbers 380, 607, 908, 85 7, and 87 73; B) consolidation and resubdivision plans shall be submitted to the Planning Department within one year from the effective date of the change of zone ordinance; (C) plans for the bungalows shall be submitted to the Planning Department for plan approval review within one year from the date of receipt of final subdivision approval; (D) construction shall commence within one year from the date of receipt of final plan approval and shall be completed within two years thereafter; (E) comply with all other applicable laws, rules, regulations and requirements be complied with; 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.

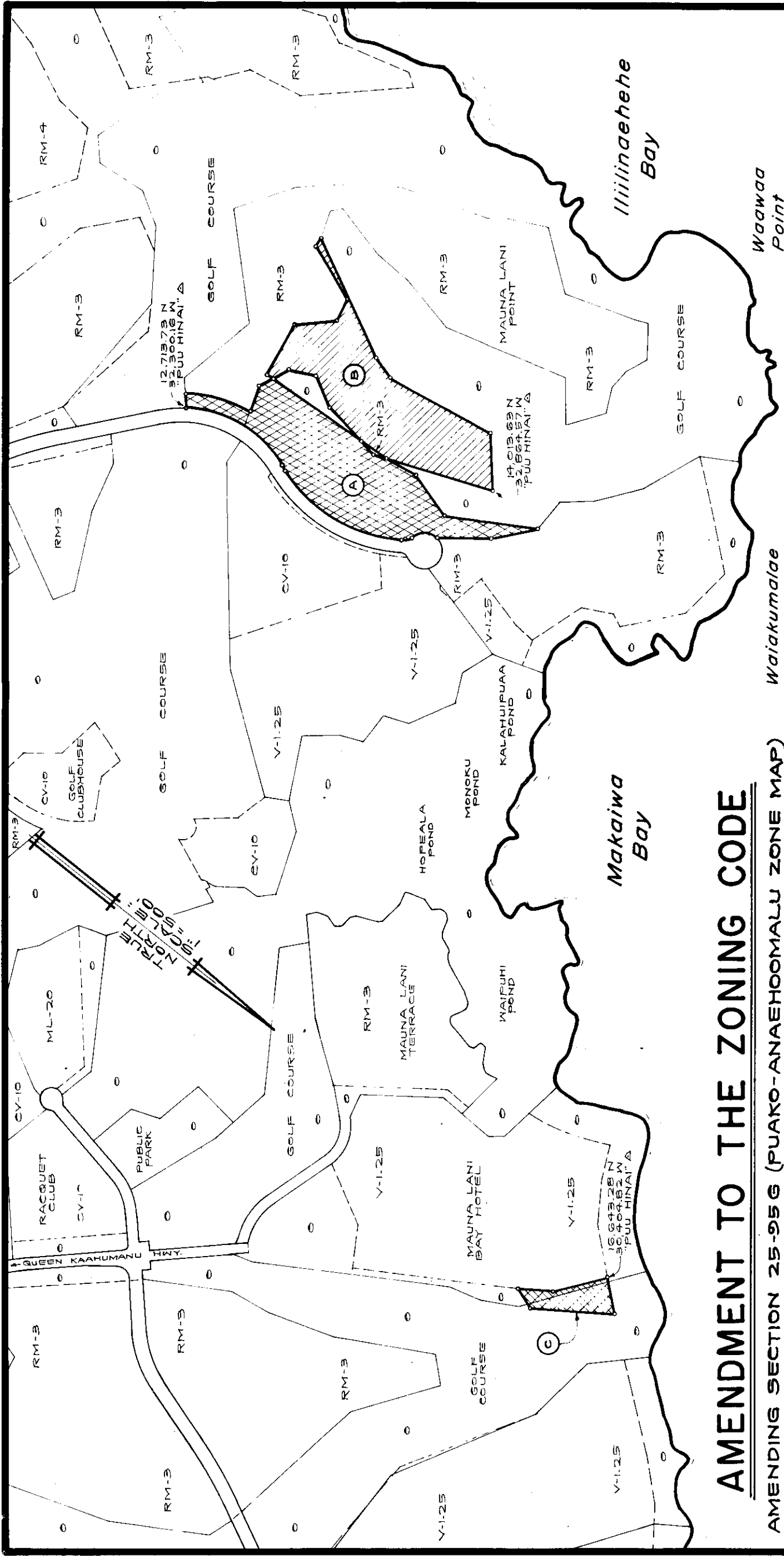
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: May 4, 1988
Date of 1st Reading: May 4, 1988
Date of 2nd Reading: May 18, 1988
Effective Date: May 31, 1988



AMENDING SECTION 25-956 (PUAKO-ANAEHOOMALU ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-3) TO OPEN (O) AND FROM OPEN (O) TO MULTIPLE FAMILY RESIDENTIAL (RM-3) AND RESORT-HOTEL (V-1.25) AT KALAHUIPUAA AND ANAEHOOMALU, SOUTH KOHALA, HAWAII.

- (A) PARCEL A**
OPEN (O) TO MULTIPLE FAMILY RESIDENTIAL (RM-3)
AREA = 7.630 ACRES
- (B) PARCEL B**
MULTIPLE FAMILY RESIDENTIAL (RM-3) TO OPEN (O)
AREA = 7.655 ACRES
- (C) PARCEL C**
OPEN (O) TO RESORT-HOTEL (V-1.25)
AREA = 0.870 ACRES

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 6-8-22 : PORTIONS OF 13, 15, 27, 28, 36 AND 37.

MARCH 10, 1988