

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 503 (Draft 2)

ORDINANCE NO. 88 88

AN ORDINANCE 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 AGRICULTURAL (A-5a) TO RESIDENTIAL-AGRICULTURAL (RA-1a) AT KANAUEUE 1ST AND 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-9-12:18.

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 Kanaeue 1st and 2nd, North Kona, Hawaii, shall be Residential-Agricultural (RA-1a):

Beginning at a point along the Easterly boundary of this parcel of land, being also a point along the Westerly boundary of Lot 2 and a point on the Southerly side of the existing Road Reserve, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 3,016.67 feet North and 10,075.02 feet East and running by azimuths measured clockwise from True South:

Thence for the next six (6) courses following along Lot 3 and along the remainder of Grant 867 to J. Nakookoo:

- 1. 20° 16' 30" 62.67 feet to a pipe in concrete;
2. 10° 16' 59.70 feet to a pipe in concrete;
3. 18° 24' 30" 23.62 feet to a pipe in concrete;

- 4. 333° 03' 55.89 feet to a pipe in concrete;
- 5. 12° 12' 30" 44.03 feet to a pipe in concrete;
- 6. 8° 57' 60.21 feet to a pipe in concrete;

Thence for the next three (3) courses following along stonewall and along Lot C-2-B-4:

- 7. 90° 30' 30" 16.11 feet to a "+" on rock;
- 8. 88° 00' 71.33 feet to a pipe in concrete;
- 9. 84° 00' 82.50 feet along Mamao Street to a pipe in concrete;
- 10. 74° 36' 156.04 feet along stonewall and along Lots 56 and 55 of Kona Scenic Subdivision, Unit II, (File Plan 1591) to a pipe in concrete;
- 11. 169° 52' 188.39 feet along Lot 6 and along the remainder of Grant 865 to J. Nakookoo to a pipe in concrete;
- 12. 164° 15' 42" 52.09 feet along a 50-foot wide Road Reserve to a pipe in concrete;
- 13. 174° 03' 166.27 feet along Lot 5 and along the remainder of Grant 865 to J. Nakookoo to a pipe in concrete;
- 14. 173° 48' 267.01 feet along Lot 5 and along the remainder of Grant 865 to J. Nakookoo to a pipe in concrete;

Thence for the next five (5) courses following along stonewall and along Grant 992 to W. Whitmar:

- 15. 254° 50' 30" 44.38 feet to a pipe in concrete;
- 16. 266° 23' 30" 153.73 feet to a pipe in concrete;
- 17. 259° 06' 30" 180.93 feet to a pipe in concrete;

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| 18. | 251° 07' | 124.89 feet to a nail in concrete; |
| 19. | 254° 19' | 70.02 feet to a pipe in concrete; |
| 20. | 359° 35' 30" | 233.40 feet along Lot 2 and along the remainder of Grant 865 to J. Nakookoo to a pipe in concrete; |
| 21. | 350° 01' | 141.48 feet along Lot 2 and along the remainder of Grant 865 to J. Nakookoo and along Land Commission Award 9415, Apana 1 to Kaaloakauhi to a spike in concrete; |
| 22. | 84° 00' | 120.54 feet along an existing 50-foot wide Road Reserve to a pipe in concrete; |
| 23. | 20° 16' 30" | 55.76 feet along the Westerly end of the existing 50-foot wide Road Reserve to the point of beginning and containing an area of 7.099 Acres. |

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 be responsible for complying with all of the stated conditions of approval; B) subdivision plans shall be submitted for tentative approval within one year from the effective date of the change of zone. Final subdivision approval shall be secured within one year from the date of

receipt of tentative subdivision approval; C) a 50-foot right-of-way to allow for the eventual extension of Mamao Street to the northern boundary of the subject property shall be included at the time of subdivision approval; D) a drainage system meeting with the approval of the Department of Public Works shall be installed; E) should any unanticipated archaeological/historical sites or features of importance be uncovered during land preparation activities, work in the affected area shall cease immediately and the Planning Director shall be notified. Work in the affected area shall not resume until such time that clearance is obtained from the Planning Director; F) restrictive deed covenants for each lot shall be submitted to the Planning Department for review and approval prior to its submittal to the Bureau of Conveyances for recordation with final subdivision plat maps. These covenants shall include but not necessarily be limited to the following: 1) each developable parcel shall be subject to the agricultural use requirements of the County Zoning Code; 2) each developable parcel shall be restricted from any further subdivision. The restrictive covenants contained herein are encumbrances running with the land, and shall be binding on all parties and persons claiming under them until such time that the land is rezoned to an alternative use; G) appropriate building permits shall be

applied and secured for all structures that were illegally converted into residences prior to receiving final subdivision approval, and the applicant shall be responsible to abide by and adhere to appropriate penalties or fine imposed by the County for the illegal conversions; H) all other applicable rules, regulations and requirements shall be complied with, including those of the State Department of Health; and I) an initial 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; 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 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.

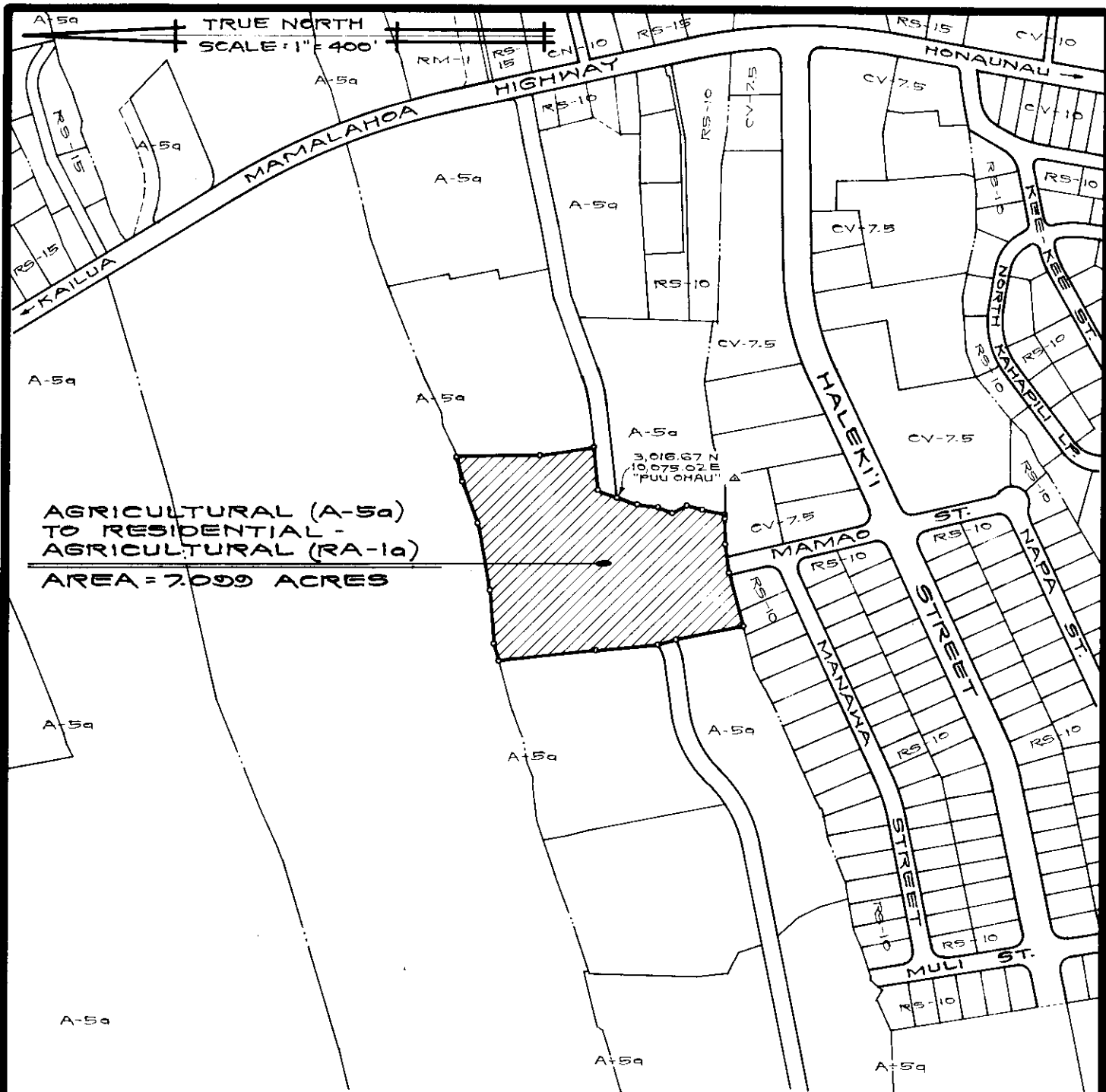
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 6, 1988
Date of 1st Reading: April 6, 1988
Date of 2nd Reading: June 15, 1988
Effective Date: June 30, 1988



AGRICULTURAL (A-5a)
 TO RESIDENTIAL -
 AGRICULTURAL (RA-1a)
 AREA = 7.099 ACRES

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 AGRICULTURAL (A-5a) TO RESIDENTIAL-AGRICULTURAL (RA-1a) AT KANAUEUE 1ST AND 2ND, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK: 7-9-12:18

NOV. 24, 1987