

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 680
(Draft 2)

ORDINANCE NO. 89 30

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 UNPLANNED (U) TO AGRICULTURAL (A-1a) AT KALAOA 4TH, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-05:85 (PORTION).

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 Kalaoa 4th, North Kona, Hawaii, shall be Agricultural (A-1a):

Beginning at the northeast corner of this parcel of land, the northwest corner of Lot 5-E and on the south side of Lot 4 of Kona Coastview Subdivision, Unit IV, File Plan 975, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 6,150.19 feet South and 10,689.83 feet West and running by azimuths measured clockwise from True South:

1. 332° 18' 38" 692.98 feet along Lot 5-E;
2. 93° 46' 288.62 feet along Lot B-2, Subdivision of grant 1607 to Nawahie;
3. 97° 09' 30" 656.53 feet along Lot B-2, subdivision of Grant 1607 to Nawahie, along Ke'oke'o Street and along Lot B-3, Subdivision of Grant 1607 to Nawahie;

4. 97° 39' 96.13 feet along Lot B-3, Subdivision of Grant 1607 to Nawahie;
5. 180° 52' 488.10 feet along Lot 5-B;
6. 270° 52' 194.98 feet along Lot 5-B;
7. 272° 24' 25.84 feet along Lot 5-B;
8. Thence along Lot 5-B, along a curve to the right having a radius of 325.00 feet, the chord azimuth and distance being:
176° 09' 50" 20.12 feet;
9. 272° 24' 289.86 feet along Lot 69, Kona Coastview Subdivision, Unit IV, File Plan 975, Holu Street, Lots 8, 7 and 6 of Kona Coastview Subdivision, Unit IV, File Plan 975;
10. 267° 38' 196.41 feet along Lots 6, 5 and 4 of Kona coastview Subdivision, Unit IV, File Plan 975 to the point of beginning and containing an area of 10.970 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 its assigns shall be responsible for complying 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. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval; (C) A drainage

system shall be installed in accordance with the requirements of the Department of Public Works; (D) Access to the proposed development shall meet with the approval of the Department of Public Works. Further, the Holu Street extension shall be constructed to County dedicable standards meeting with the requirements of the Department of Public Works. Also, a temporary traffic barricade shall be installed at the southern end of Holu Street, thereby prohibiting through traffic. The barricade shall be removed as soon as a connector road, between Mamalahoa Highway and Queen Kaahumanu Highway, is constructed; (E) Comply with all applicable laws, rules, regulations and requirements; (F) 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; (G) 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, (H) 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.

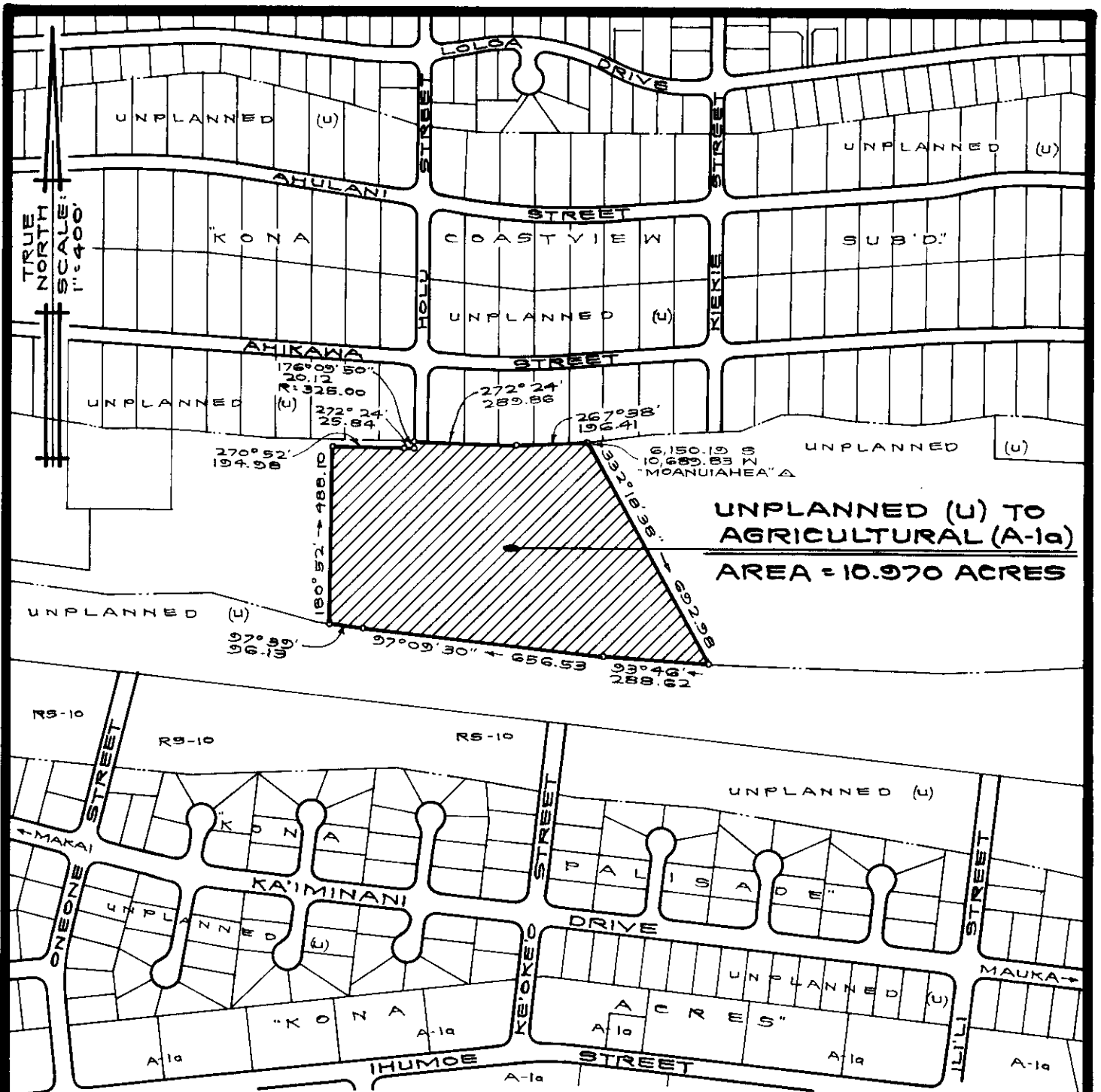
SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

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

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii
Date of Introduction: February 1, 1989
Date of 1st Reading: February 1, 1989
Date of 2nd Reading: February 15, 1989
Effective Date: February 23, 1989



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 UNPLANNED (U) TO AGRICULTURAL (A-1a) AT KALAOA 4TH, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK = 7-3-05 : 85 (PORTION)

OCT. 14, 1988