

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 252
(Draft 2)

ORDINANCE NO. 90 63

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 SINGLE FAMILY RESIDENTIAL (RS-7.5) AND (RS-20) AT PUAPUAAIKI AND PUAPUAANUI, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-17:28 AND 29.

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 properties described hereinafter as follows:

The district classification of the following area situated at Puapuaaiki and Puapuaanui, North Kona, Hawaii, shall be Single Family Residential (RS-7.5):

PARCEL 1:

Beginning at the Northwesterly corner of this parcel of land, being also a point on the Easterly side of the Hawaii Belt Road (Project No. F.A.S.P. 11A-03-69), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO" being 1,083.07 feet North and 4,585.29 feet East and running by azimuths measured clockwise from True South:

Thence, for the next thirty-two (32) courses following along the Southerly boundary of Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui and along the middle of an ancient stonewall, all angle points marked by galvanized nails driven in set-stones on top of wall unless noted otherwise herein:

- 1. 250° 24' 71.42 feet;
- 2. 244° 50' 49.86 feet;
- 3. 238° 04' 30" 88.39 feet;

4.	254°	35'	10"	50.44 feet;
5.	237°	19'	50"	61.99 feet;
6.	252°	38'	50"	32.91 feet;
7.	243°	16'	15"	47.62 feet;
8.	250°	16'	50"	63.34 feet;
9.	238°	19'	10"	39.58 feet;
10.	252°	21'	10"	44.13 feet;
11.	244°	37'	50"	63.05 feet;
12.	241°	43'		84.51 feet;
13.	252°	18'	40"	108.43 feet;
14.	249°	47'	10"	68.44 feet;
15.	246°	46'	10"	48.86 feet;
16.	249°	39'	50"	133.77 feet;
17.	246°	56'		79.55 feet;
18.	238°	51'	30"	62.56 feet;
19.	244°	32'	40"	53.09 feet;
20.	250°	04'		72.07 feet;
21.	242°	42'	20"	81.56 feet;
22.	256°	02'	15"	40.36 feet;
23.	236°	43'	30"	54.19 feet;
24.	247°	20'	45"	28.34 feet;
25.	260°	19'	10"	92.13 feet;
26.	250°	23'	30"	56.34 feet to a galvanized nail in a "+" cut in set-stone;
27.	248°	32'		54.28 feet;
28.	254°	46'		38.44 feet;

- 29. 251° 08' 40" 111.09 feet;
- 30. 250° 13' 10" 151.96 feet;
- 31. 252° 13' 138.54 feet;
- 32. 265° 56' 30' 65.91 feet to a pipe;

Thence, for the next five (5) courses following along the remainder of Royal Patent 6716, Land Commission Aware 4887, Apana 2 to Thomas Sams:

- 33. 346° 47' 30" 148.02 feet along Parcel 2 and also along the Westerly side of a stonewall to a pipe;
- 34. 347° 14' 30" 201.76 feet along Parcel 2 and also along the Westerly side of a stonewall to a pipe;
- 35. 72° 37' 32.30 feet along Parcel 2 and also along the Northerly side of a stonewall to a pipe;
- 36. 350° 59' 55.95 feet along Parcel 2 and also along the Westerly side of a stonewall to a pipe;
- 37. 341° 55' 109.94 feet along Parcel 2 and also along the Westerly side of a stonewall to a "+" cut on stone;

Thence, for the next seven (7) courses following along the remainder of Royal Patent 7819, Land Commission Award 8559-B, Apana 8 to William C. Lunalilo:

- 38. 341° 20' 185.49 feet along Parcel 4 to a pipe;
- 39. 262° 42' 494.33 feet along Parcel 4 to a pipe;

Thence, for the next five (5) courses following along the remainder of Lot 1:

40. 350° 30' 420.00 feet to a point;

Thence, following on a curve to the right with a
radius of 400.00 feet, the
chord azimuth and distance
being:

41. 16° 45' 353.83 feet to a point;

Thence, following on a curve to the right with a
radius of 10.00 feet, the
chord azimuth and distance
being:

42. 272° 45' 15.26 feet to a point;

43. 322° 30' 105.72 feet to a point;

44. 333° 30' 64.50 feet to a point;

Thence, for the next thirty-four (34) courses
following along the middle of an ancient stonewall
and also along the Northerly boundary of Royal Patent
4475, Land Commission Award 7713, Apana 43 to
V. Kamamalu, all angle points being marked with
galvanized nails driven in set-stones on top of the
stonewall:

45. 331° 30' 30" 20.18 feet;

46. 59° 26' 30" 14.13 feet;

47. 45° 54' 15" 12.32 feet;

48. 55° 55' 40" 114.99 feet;

49. 57° 30' 10" 23.08 feet;

50. 61° 52' 15" 113.83 feet;

51. 66° 38' 10" 140.03 feet;

52. 67° 14' 50" 123.03 feet;

53. 63° 08' 10" 91.13 feet;

54. 69° 25' 40" 56.10 feet;

55. 67° 51' 50" 105.82 feet;

56.	52°	59'	30"	40.69 feet;
57.	62°	12'	40"	22.63 feet;
58.	67°	12'		97.04 feet;
59.	58°	51'		24.92 feet;
60.	62°	50'		57.28 feet;
61.	73°	55'	10"	78.84 feet
62.	64°	53'	30"	34.57 feet;
63.	74°	57'	30"	18.72 feet;
64.	84°	23'	40"	20.20 feet;
65.	89°	29'	40"	32.58 feet;
66.	85°	26'	50"	75.75 feet;
67.	75°	41'	15"	135.87 feet;
68.	68°	13'	15"	150.48 feet;
69.	67°	52'		40.51 feet;
70.	70°	54'	40"	153.97 feet;
71.	67°	01'	50"	112.31 feet;
72.	69°	04'	15"	78.07 feet;
73.	66°	00'	10"	92.63 feet;
74.	70°	35'	15"	78.71 feet;
75.	47°	34'	40"	16.94 feet;
76.	70°	23'	50"	22.18 feet;
77.	62°	34'		19.27 feet;
78.	52°	38'	50"	23.61 feet;

Thence, for the next five (5) courses following along the Easterly side of the Hawaii Belt Road (Project No. F.A.S.P. 11A-03-69):

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|-----|------|-----|-----|---|
| 79. | 154° | 11' | 11" | 433.95 feet to a point; |
| 80. | 244° | 11' | 11" | 20.00 feet to a point; |
| 81. | 154° | 11' | 11" | 1,101.00 feet to a point; |
| 82. | 64° | 11' | 11" | 20.00 feet to a point; |
| 83. | 154° | 11' | 11" | 207.23 feet to the point of
beginning and containing
an area of 91.732 Acres,
more or less. (Refer to
Parcel 1 as shown on
Exhibit "A"). |

The district classification of the following area situated at Puapuaanui, North Kona, Hawaii, shall be Single Family Residential (RS-20):

PARCEL 2:

Beginning at a pipe at the Southeasterly corner of this parcel of land being also a point on the Westerly side of Hualalai Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO" being 788.83 feet North and 8,228.96 feet East and running by azimuths measured clockwise from True South:

Thence, following along the middle of an ancient stonewall and also along the Northerly boundary of Royal Patent 4475, Land Commission Award 7713, Apana 43 to V. Kamamalu for the next sixteen (16) courses, all angle points being marked with galvanized nails driven in set-stones on top of the stonewall:

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|----|-----|-----|-----|--------------|
| 1. | 63° | 21' | 15" | 13.07 feet; |
| 2. | 83° | 45' | | 18.12 feet; |
| 3. | 78° | 32' | 15" | 55.68 feet; |
| 4. | 76° | 58' | | 60.06 feet; |
| 5. | 63° | 04' | 10" | 163.64 feet; |
| 6. | 68° | 02' | | 61.69 feet; |
| 7. | 75° | 19' | 30" | 40.03 feet; |

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| 8. | 73° 16' | 34.02 feet; |
| 9. | 48° 04' 10" | 28.86 feet; |
| 10. | 54° 14' 20" | 12.65 feet; |
| 11. | 61° 05' 40" | 58.18 feet; |
| 12. | 52° 24' | 116.75 feet; |
| 13. | 52° 58' | 137.34 feet; |
| 14. | 62° 18' 40" | 18.06 feet; |
| 15. | 77° 26' 30" | 34.89 feet; |
| 16. | 70° 20' 20" | 112.79 feet; |

Thence, for the next eleven (11) courses following along the remainder of Royal Patent 7819, Land Commission Award 8559-B, Apana 8 to William C. Lunalilo:

Thence, for the next five (5) courses following along the remainder of Lot 1:

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| 17. | 153° 30' | 64.50 feet to a point; |
| 18. | 142° 30' | 105.72 feet to a point; |

Thence, following on a curve to the left with a radius of 10.00 feet, the chord azimuth and distance being:

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|-----|---------|------------------------|
| 19. | 92° 45' | 15.26 feet to a point; |
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Thence, following on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being:

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| 20. | 196° 45' | 353.83 feet to a point; |
| 21. | 170° 30' | 420.00 feet to a point; |
| 22. | 262° 42' | 200.00 feet along Parcel 4 to a pipe; |
| 23. | 352° 31' | 161.88 feet along Parcel 4 to a pipe; |

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|-----|--------------|--|
| 24. | 352° 31' | 189.92 feet along a House Lot owned by Julian F. Gouveia and wife to a pipe; |
| 25. | 246° 13' | 222.30 feet along a House Lot owned by Julian F. Gouveia and wife to a pipe; |
| 26. | 336° 13' | 335.19 feet along Lot 2 of this subdivision to a point; |
| 27. | 245° 22' 40" | 321.43 feet along Lot 2 of this subdivision to a point; |

Thence, for the next three (3) courses following along the Westerly side of Hualalai Road:

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|-----|--------------|--|
| 28. | 312° 25' | 8.34 feet to a pipe; |
| 29. | 321° 28' 10" | 33.88 feet to a pipe; |
| 30. | 324° 29' 30" | 54.62 feet to a pipe at a stonewall intersection at the Southeast corner of this tract of land and on the Northerly boundary of Royal Patent 4475, Land Commission Award 7713, Apana 43 to V. Kamamalu to the point of beginning and containing an area of 7.592 Acres, more or less. (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 assigns shall be responsible for complying with all of the stated conditions of approval; (B) the required water commitment payment shall be submitted to the Department of

Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the date of approval of the change of zone; (C) the area shall be subdivided in two increments. The first increment shall consist of a maximum of sixty contiguous acres, and the second increment, the remaining area. Subdivision plans may be submitted for the second increment after development has occurred in the first increment as determined by the Planning Director. "Development" means that building permits have been issued for dwelling units and construction has been partially completed to the extent that roofs have been constructed on a minimum of twenty-five percent of the number of lots proposed for the first increment. In lieu of actual construction, the applicant may enter into an agreement with the Planning Department to assure the County that the dwellings will be constructed within a given period. Such agreement shall be secured by a surety bond, certified check or other security acceptable to Corporation Counsel and the Planning Department. Upon final execution of such agreement and filing of the security with the County, subdivision plans for the second increment may be submitted prior to the actual construction of the dwellings in the first increment; (D) subdivision plans for the first increment shall be submitted 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. Plans for necessary infrastructural improvements, including sewage treatment plant, off-site roadway and an off-site water system, shall be submitted in conjunction with construction drawings for final subdivision approval of the first increment; (E) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (F) access(es) shall meet with the Departments of Transportation-Highways Division and Public Works. Further, Queen Kaahumanu Highway shall be improved with a fully channelized intersection, including deceleration, acceleration and left-turn lane(s), which meet with the requirements of the Department of Transportation. These improvements shall be provided prior to final subdivision approval or as otherwise provided by Chapter 23 (Subdivision Control). Traffic signals shall be installed by the applicant, successors or assigns at such time when warranted and deemed necessary by the State Department of Transportation-Highways Division; (G) the interior subdivision roads shall be provided with curbs, gutters and sidewalk improvements; that portion of a mauka-makai collector road within the subdivision shall be constructed in a manner which would lead toward eventual connection to Hualalai Road; and internal north-south roadways shall extend to the boundaries to provide future traffic

connection with adjacent properties. These improvements shall be provided prior to final subdivision of the first increment or as otherwise provided by Chapter 23 (Subdivision Control) meeting with the approval of the Department of Public Works;

(H) an archaeological data recovery and preservation plan shall be submitted to the Department of Land and Natural Resources, Historic Sites Section and the Planning Department for review and acceptance prior to preliminary plat map submittal of the first increment. The archaeological data recovery and preservation shall be in conformance with the accepted plan and shall be completed prior to any land alterations on the property;

(I) should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken;

(J) to ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the applicant shall work with the Office of Housing and Community Development and the Planning Department to formulate a housing plan for the development to assure it addresses the affordable housing needs of the community and the affordable housing condition imposed by the State Land Use Commission. This housing plan shall be approved by the County

Housing Agency prior to final subdivision approval of the first increment provided that the applicant shall notify the County Housing Agency of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property prior to visible commencement of construction on the Property; provided, however, that Petitioner may transfer ownership in the Property to an affiliate or in a manner consistent with prior representations to the County Housing Agency; (K) as represented by the applicant, a minimum five-acre recreational park shall be developed within the proposed subdivision and made available in conjunction with the completion of the subdivision's infrastructure for the first increment. The cost of developing and maintaining the park shall be borne by the applicant, successors or its assigns. Deed covenants restricting the site to park use shall be submitted to the Planning Department for review and approval prior to final subdivision approval of the first increment. Written assurance for implementation of this condition shall be submitted to the Planning Department prior to final subdivision approval of the first increment. At the minimum, access to the recreational park shall be gained from within the subdivision; (L) as agreed to by the applicant, restrictive covenants in the deeds of all the lots shall prohibit the construction of ohana dwelling units. A copy of the proposed covenant(s) shall be submitted to the Planning Department for review and approval prior to final subdivision approval of the first increment.

Written assurance for implementation of this condition, which has met with the approval of the Planning Department, shall be submitted to the Planning Department prior to final subdivision approval of the first increment. A copy of a typically recorded covenant shall be filed with the Planning Department within one year from the date of final subdivision approval of the first increment; (M) comply with conditions of the State Land Use Commission; (N) comply with all other applicable laws, rules, regulations and requirements, including those of the Departments of Health, Water Supply and Public Works; (O) 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; (P) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the change of zone. 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 and the Planning Director acknowledges that further reports are not required; and, (Q) an 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 applicant, 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 permit; 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 shall 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.

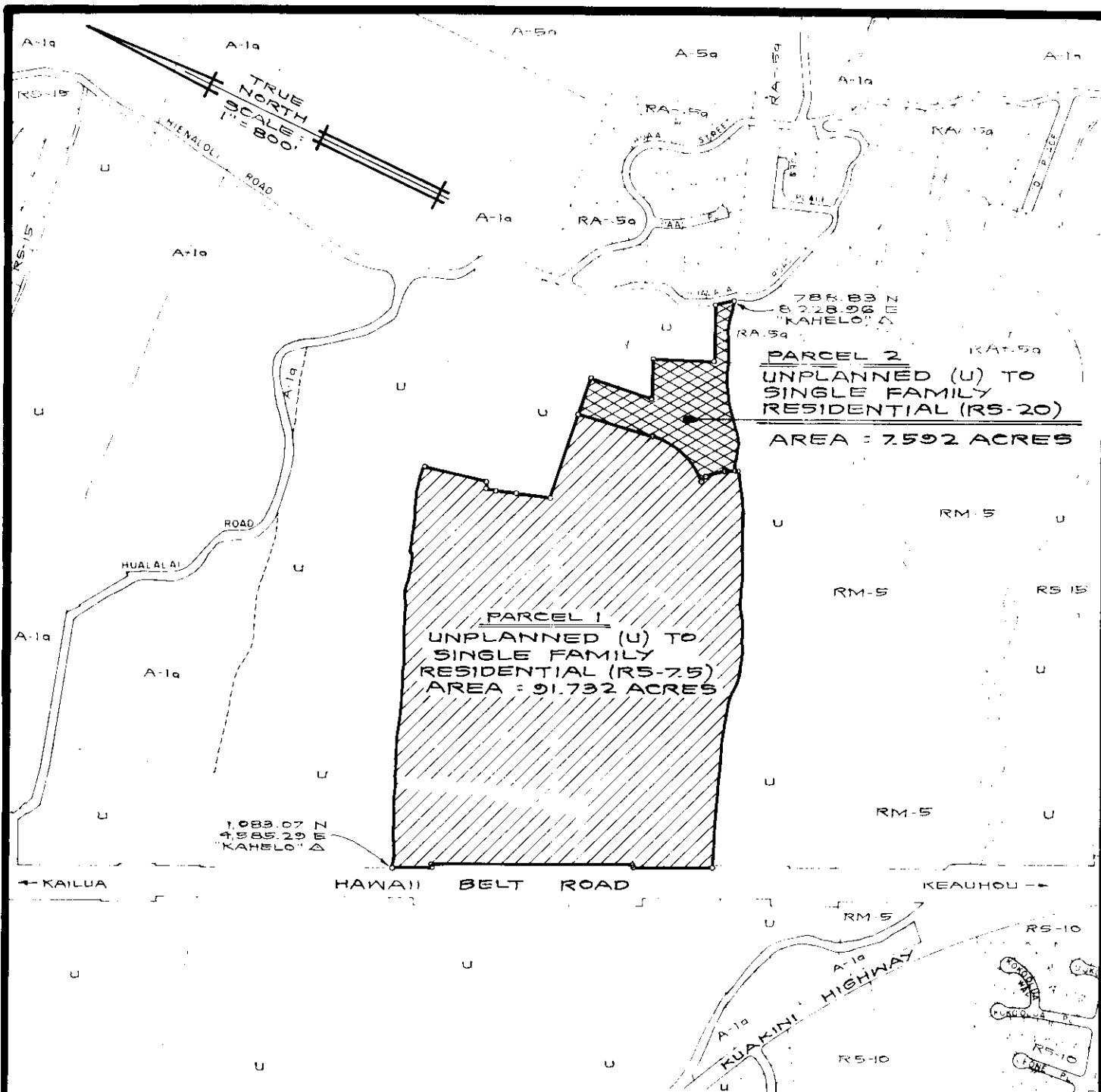
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: May 2, 1990
Date of 1st Reading: May 2, 1990
Date of 2nd Reading: May 16, 1990
Effective Date: May 27, 1990



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 SINGLE FAMILY RESIDENTIAL (RS-7.5) AND (RS-20) AT PUAPUAAIKI AND PUAPUAANUI, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 7-5-17 : 28 AND 29

DEC. 13, 1989