

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 35  
(Draft 3)

ORDINANCE NO. 90 96

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-15) AND AGRICULTURAL (A-1a) AT LAALOA 1ST & 2ND AND KAPALAALAEA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-7-07:30 (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 properties described hereinafter as follows:

The district classification of the following area situated at Laaloa 1st & 2nd and Kapalaalaea 1st, North Kona, Hawaii shall be Single Family Residential (RS-15):

Parcel 1

Beginning at the Southwesterly corner of this parcel of land, being also the Southeasterly corner of Lot 52 of Kuakini Heights Subdivision, Unit II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 18,224.13 feet South and 13,495.78 feet East and running by azimuths measured clockwise from True South:

1. 179° 13' 1,301.21 feet along Lots 52, 51, 50, 48, 47, 26, Ainanani Street, Lots 25, 24, 20, 19, 11, 10 and 9 of the Kuakini Heights Subdivision, Unit II, to a point;

2. 173° 52' 30" 158.23 feet along Lot 9 of Kuakini Heights Subdivision, Unit II to a point;
3. 165° 40' 40" 84.78 feet along Lot 8 of Kuakini Heights Subdivision, Unit II to a point;

Thence, for the next nine (9) courses following along Grant 1869 to Kekamakahi:

4. 227° 16' 31.25 feet to a point;
5. 249° 11' 30" 31.17 feet to a point;
6. 243° 57' 30" 189.75 feet to a point;
7. 235° 39' 37.16 feet to a point;
8. 242° 54' 81.63 feet to a point;
9. 256° 36' 30" 46.42 feet to a point;
10. 245° 51' 30" 58.57 feet to a point;
11. 248° 43' 35.63 feet to a point;
12. 258° 19' 60.00 feet to a point;

Thence, for the next twelve (12) courses following along the remainders of Land Commission Award 7716, Apana 4 to R. Keelikolani, Grant 1757 to Kanewa, and Land Commission Award 4452, Apana 2 to Kalama:

13. 345° 23' 87.71 feet to a point;
14. 69° 15' 176.50 feet to a point;
15. 16° 37' 176.12 feet to a point;
16. 344° 07' 265.61 feet to a point;
17. 9° 50' 177.82 feet to a point;
18. 333° 07' 177.32 feet to a point;
19. 352° 24' 177.18 feet to a point;

- 20. 339° 37' 48.46 feet to a point;
- 21. 352° 18' 191.18 feet to a point;
- 22. 345° 56' 173.09 feet to a point;
- 23. 12° 03' 110.55 feet to a point;
- 24. 335° 49' 70.76 feet to a point;

Thence, for the next thirteen (13) courses following along Grant 3019 to Kaaipulu:

- 25. 79° 28' 45" 59.15 feet to a point;
- 26. 74° 38' 30" 25.30 feet to a point;
- 27. 84° 21' 30" 29.58 feet to a point;
- 28. 69° 59' 38.62 feet to a point;
- 29. 79° 01' 30" 73.99 feet to a point;
- 30. 62° 30' 25.56 feet to a point;
- 31. 52° 53' 28.61 feet to a point;
- 32. 73° 30' 50" 75.44 feet to a point;
- 33. 96° 43' 17.60 feet to a point;
- 34. 84° 12' 32.46 feet to a point;
- 35. 91° 09' 30" 32.88 feet to a point;
- 36. 77° 28' 30" 39.75 feet to a point;
- 37. 76° 21' 50" 45.13 feet to the point of beginning and containing an area of 14.999 Acres. (Refer to Parcel 1 as shown on Exhibit "A").

The district classification of the following area situated at Laaloa 1st & 2nd and Kapalaalaea 1st, North Kona, Hawaii shall be Agricultural (A-1a):

Parcel 2

Beginning at the Northeasterly corner of this parcel of land, being also the Northwesterly corner of Parcel 24 of TMK: 7-7-07, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 16,404.53 feet South and 14,120.77 feet East and running by azimuths measured clockwise from True South:

1. 345° 13' 30" 202.08 feet along the remainder of Land Commission Award 7716, Apana 4 to R. Keelikolani to a point;
2. 344° 53' 281.47 feet along Land Commission Award 7716, Apana 4 to R. Keelikolani to a point;
3. 253° 41' 300.00 feet along Land Commission Award 7716, Apana 4 to R. Keelikolani to a point;
4. 343° 41' 302.16 feet along the remainder of Grant 1751 to Kanewa;
5. 78° 35' 05" 48.01 feet along the remainder of Grant 1757 to Kanewa;
6. 359° 05' 30" 225.03 feet along the remainder of Grant 1757 to Kanewa;
7. 359° 22' 50" 153.05 feet along the remainder of Grant 1757 to Kanewa and along the remainder of Land Commission Award 4452, Apana 2 to Kalama to a point;

Thence, along the next three (3) courses following along the remainder of Land Commission Award 4452, Apana 2 to Kalama:

8. 359° 14' 20" 201.24 feet to a point;
9. 254° 58' 50" 469.00 feet to a point;
10. 354° 00' 217.95 feet to a point;

Thence, for the next nineteen (19) courses following along Grant 3019 to Kaaipulu:

11.	77°	34'	64.68 feet to a point;
12.	66°	59'	49.87 feet to a point;
13.	74°	21' 10"	69.30 feet to a point;
14.	64°	10'	49.60 feet to a point;
15.	82°	56' 30"	52.06 feet to a point;
16.	74°	34' 30"	63.63 feet to a point;
17.	84°	30'	41.32 feet to a point;
18.	78°	20' 50"	67.51 feet to a point;
19.	68°	54' 30"	31.85 feet to a point;
20.	57°	46'	23.84 feet to a point;
21.	68°	29' 30"	82.09 feet to a point;
22.	74°	44' 30"	39.55 feet to a point;
23.	66°	03' 50"	168.06 feet to a point;
24.	67°	55' 30"	98.93 feet to a point;
25.	73°	18' 30"	79.85 feet to a point;
26.	61°	27' 30"	23.11 feet to a point;
27.	78°	01'	33.37 feet to a point;
28.	68°	02' 30"	25.48 feet to a point;
29.	79°	28' 45"	52.80 feet to a point;

Thence, for the next twelve (12) courses following along the remainders of Land Commission Award 4452, Apana 2 to Kalama, Grant 1757 to Kanewa, and Land Commission Award 7716, Apana 4 to R. Keelikolani, the azimuths and distances being:

30.	155°	49'	70.76 feet to a point;
31.	192°	03'	110.55 feet to a point;
32.	165°	56'	173.09 feet to a point;

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|-----|------|---------|--|
| 33. | 172° | 18'     | 191.18 feet to a point;  |
| 34. | 159° | 37'     | 48.46 feet to a point;   |
| 35. | 172° | 24'     | 177.18 feet to a point;  |
| 36. | 153° | 07'     | 177.32 feet to a point;  |
| 37. | 189° | 50'     | 177.82 feet to a point;  |
| 38. | 164° | 07'     | 265.61 feet to a point;  |
| 39. | 196° | 37'     | 176.12 feet to a point;  |
| 40. | 249° | 15'     | 176.50 feet to a point;  |
| 41. | 165° | 23'     | 87.71 feet to a point;   |
| 42. | 258° | 19'     | 29.39 feet along Grant 1869 to<br>Kekamakahi to a point;   |
| 43. | 253° | 42' 30" | 141.03 feet along Grant 1869 to<br>Kekamakahi to the point of<br>beginning and containing<br>an area of 24.155 Acres.<br>(Refer to Parcel 2 as<br>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 applicant shall submit the required water commitment payment 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. The zoning of the property shall not be in effect until the payment is accepted by the Department of

Water Supply and a water commitment is formally issued;

(C) Subdivision plans shall be submitted for tentative approval within one year from the effective date of the change of zone as noted in Condition B. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval;

(D) A drainage system meeting with the approval of the Department of Public Works shall be installed;

(E) Prior to receipt of final subdivision approval, the developer shall:

- 1) Construct a new road within a 50-foot right-of-way north of Akoni Drive, between Kuakini Highway and Walua Road. The roadway shall be designed and constructed to County dedicable standard;
- 2) Secure approval from the State Department of Transportation, Highways Division, as to the exact location of the new roadway and its point of intersection with Kuakini Highway;
- 3) Complete all improvements as may be required by the Department of Transportation, Highways Division, relating to the Kuakini Highway Intersection which will be created by the new roadway;
- 4) Construct a County dedicable north-south road between the subject property and the adjoining property identified by TMK: 7-7-07:5; and
- 5) Construct improvements to Walua Road between the new access road and the proposed road within TMK: 7-7-07:5 meeting with the approval of the Department of Public Works;

(F) 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. Written assurance for implementation of this condition, which has met with the approval of the Planning Department prior to final subdivision approval. A copy of a typically recorded covenant shall be filed with the Planning Department within one year from the date of final subdivision approval; (G) 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's addresses the affordable housing needs of the community. This housing plan shall be approved by the County Housing Agency prior to granting of Final Subdivision Approval; (H) 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; (I) All other applicable laws, rules, regulations and requirements be complied with; (J) 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; (K) 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; (L) 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; 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; and, (M) 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.

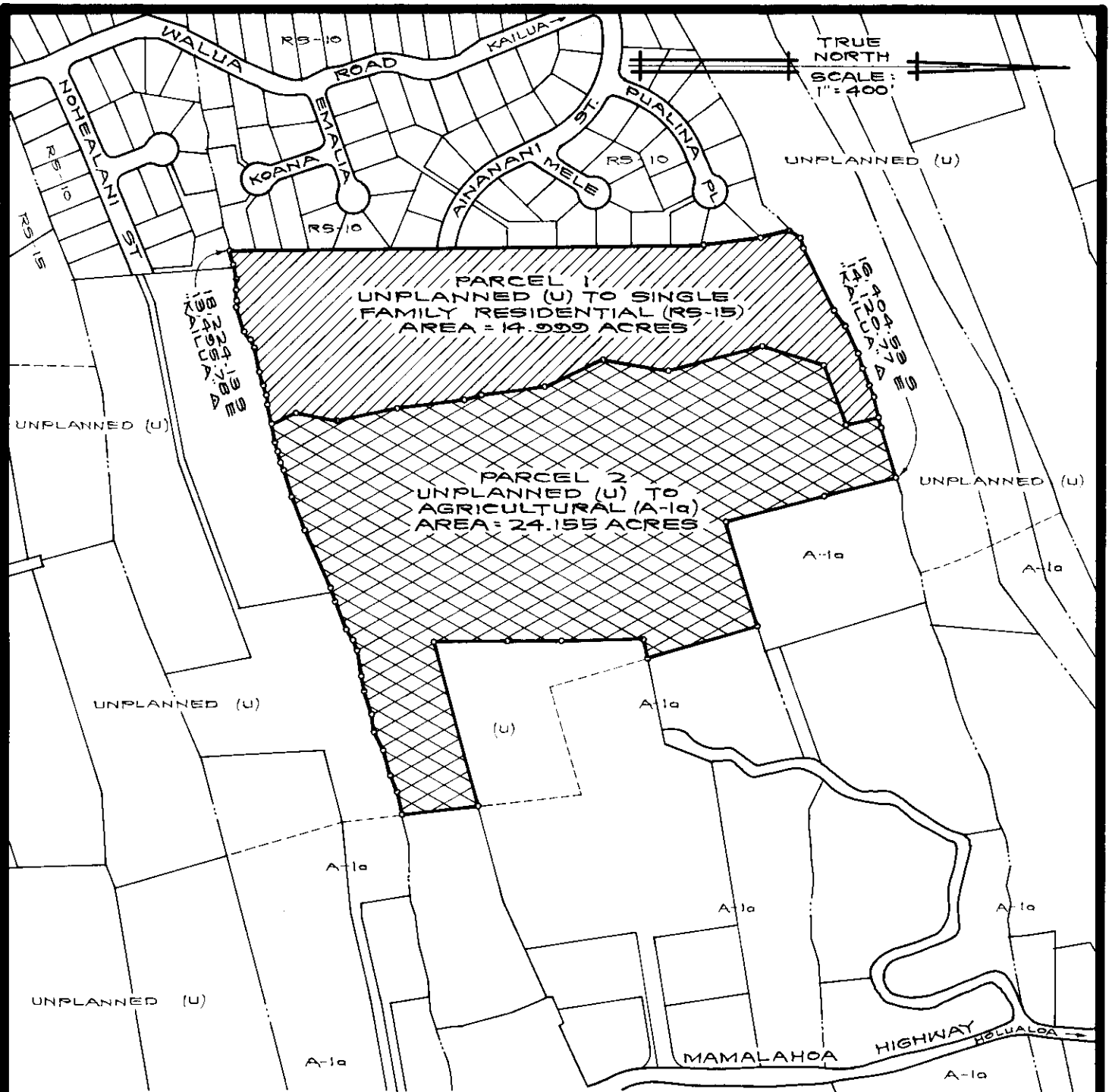
SECTION 4. This ordinance shall take effect upon its approval.

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: August 1, 1990  
Effective Date: August 14, 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-15) AND AGRICULTURAL (A-1a) AT LAALOA 1ST & 2ND AND KAPALAALAEA 1ST, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 7-7-07:30 (PORTION)

AUG. 25, 1988