

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 62 (Draft 3)

ORDINANCE NO. 90 99

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) AND AGRICULTURAL (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT PAHOEHOE 4TH, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-7-07:5.

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 Pahoehoe 4th, North Kona, Hawaii, shall be Single Family Residential (RS-10):

Parcel 1

Beginning at the Westernmost corner of this parcel of land, being also a point on the Easterly side of Walua Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 16,781.90 feet South and 12,699.50 feet East and running by azimuths measured clockwise from True South:

Thence, for the next seven (7) courses following along Grant 1749 to Kipapa:

- 1. 258° 25' 114.85 feet to a point;
2. 249° 40' 101.58 feet to a point;

- 3. 239° 32' 441.70 feet to a point;
- 4. 248° 21' 523.39 feet to a point;
- 5. 246° 25' 227.76 feet to a point;
- 6. 255° 48' 264.40 feet to a point;
- 7. 258° 06' 63.26 feet to a point;

Thence, for the next three (3) courses following along the remainders of Grant 1748 to Kapahu and Grant 1869 to Kekamakahi:

- 8. 327° 30' 55.00 feet to a point;
- 9. 338° 00' 86.00 feet to a point;
- 10. 340° 33' 80.74 feet to a point;

Thence, for the next fourteen (14) courses following along Land Commission Award 7716, Apana 4, to R. Keelikolani:

- 11. 66° 10' 44.26 feet to a point;
- 12. 73° 05' 100.95 feet to a point;
- 13. 87° 00' 70.67 feet to a point;
- 14. 73° 23' 66.35 feet to a point;
- 15. 73° 42' 30" 141.03 feet to a point;
- 16. 78° 19' 89.39 feet to a point;
- 17. 68° 48' 35.63 feet to a point;
- 18. 65° 51' 30" 58.57 feet to a point;
- 19. 76° 36' 30" 46.42 feet to a point;
- 20. 62° 54' 81.63 feet to a point;
- 21. 55° 39' 37.16 feet to a point;

- 22. 63° 57' 30" 189.75 feet to a point;
- 23. 69° 11' 30" 31.17 feet to a point;
- 24. 47° 16' 31.25 feet to a point;

Thence, for the next seven (7) courses following along Lot 8 of Kuakini Heights Subdivision, Unit II:

- 25. 41° 34' 30" 4.35 feet to a point;
- 26. 52° 39' 45" 18.40 feet to a point;
- 27. 45° 27' 40" 28.97 feet to a point;
- 28. 32° 38' 25.09 feet to a point;
- 29. 44° 12' 25.15 feet to a point;
- 30. 70° 35' 10" 49.07 feet to a point;
- 31. 76° 52' 15" 20.52 feet to a point;
- 32. 67° 56' 48.39 feet along Lots 8 and 7 of Kuakini Heights Subdivision, Unit II to a point;
- 33. 80° 22' 30" 21.53 feet along Lot 7 of Kuakini Heights Subdivision, Unit II to a point;
- 34. 74° 36' 20" 25.28 feet along Lot 7 of Kuakini Heights Subdivision, Unit II to a point;
- 35. 64° 17' 45.26 feet along Lots 7 and 6 of Kuakini Heights Subdivision, Unit II to a point;
- 36. 65° 42' 20" 40.88 feet along Lot 6 of Kuakini Heights Subdivision, Unit II to a point;
- 37. 54° 23' 15" 13.34 feet along Lot 6 of Kuakini Heights Subdivision, Unit II to a point;

- 38. 60° 06' 15" 114.64 feet along Lots 6 and 5 of Kuakini Subdivision, Unit II to a point;
- 39. 63° 59' 50" 69.68 feet along Lots 5 and 4 of Kuakini Heights Subdivision, Unit II to a point;
- 40. 58° 55' 40" 29.20 feet along Lots 4 and 1 of Kuakini Heights Subdivision, Unit II to a point;

Thence, for the next four (4) courses following along Lot 1 of Kuakini Heights Subdivision, Unit II:

- 41. 62° 04' 20" 104.05 feet to a point;
- 42. 57° 10' 50" 25.04 feet to a point;
- 43. 52° 08' 20" 11.10 feet to a point;
- 44. 97° 12' 30" 9.98 feet to a point;

Thence, for the next six (6) courses following along the Easterly Side of Walua Road:

- 45. 103° 17' 16.41 feet to a point;
- 46. 175° 11' 30" 75.95 feet to a point;
- 47. 168° 34' 65.77 feet to a point;
- 48. 163° 21' 47.62 feet to a point;
- 49. 143° 36' 18.91 feet to a point;
- 50. 130° 15' 30" 58.06 feet to the point of beginning and containing an area of 8.758 Acres, more or less. (Refer to Parcel 1 as shown on Exhibit "A")

The district classification of the following area situated at Pahoehoe 4th, North Kona, Hawaii, shall be Single Family Residential (RS-10):

Parcel 2

Beginning at the Northwesterly corner of this parcel of land, being also a point on the Southerly boundary of Grant 1749 to Kipapa, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 16,137.46 feet South and 14,301.40 feet East and running by azimuths measured clockwise from True South:

1. 258° 06' 110.00 feet along Grant 1749 to Kipapa to a point;
2. 233° 21' 170.23 feet along Grant 1749 to Kipapa to a point;
3. 4° 20' 12" 295.91 feet along the remainders of Grant 1748 to Kapahu and Grant 1869 to Kekamakahi and along Grant 1743 to Kumukahi to a point;

Thence, for the next four (4) courses following along Land Commission Award 7716, Apana 4, to R. Keelikolani:

4. 74° 18' 30" 54.18 feet to a point;
5. 76° 16' 27.30 feet to a point;
6. 82° 04' 45.79 feet to a point;
7. 66° 10' 10.00 feet to a point;

Thence, for the next three (3) courses following along the remainder of Grant 1748 to Kapahu and Grant 1869 to Kekamakahi:

8. 160° 33' 80.74 feet to a point;
9. 158° 00' 86.00 feet to a point;
10. 147° 30' 55.00 feet to the point of beginning and containing an area of 1.025 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 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) 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: 7-7-07:30; 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. Additional right-of-way shall be provided along the frontage of the property for a future 50-foot width and as required to provide the roadway improvements; 6) The subdivision roadways shall be constructed with curbs, gutters and sidewalks; (E) A drainage system meeting with the approval of the Department of Public Works shall be installed; (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 shall be submitted to the Planning Department prior to final subdivision approval. A copy of the 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 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) An archaeological reconnaissance survey shall be conducted and a report of the findings submitted to the Planning Department at the same time plans are submitted for subdivision approval or prior to any land preparation activity (grubbing or grading), whichever occurs first; (I) Should any unanticipated archaeological sites or features of importance be uncovered during land preparation activity, 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; (J) All other applicable laws, rules, regulations and requirements shall be complied with; (K) 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; (L) 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, (M) 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. Should any of the foregoing 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 the ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

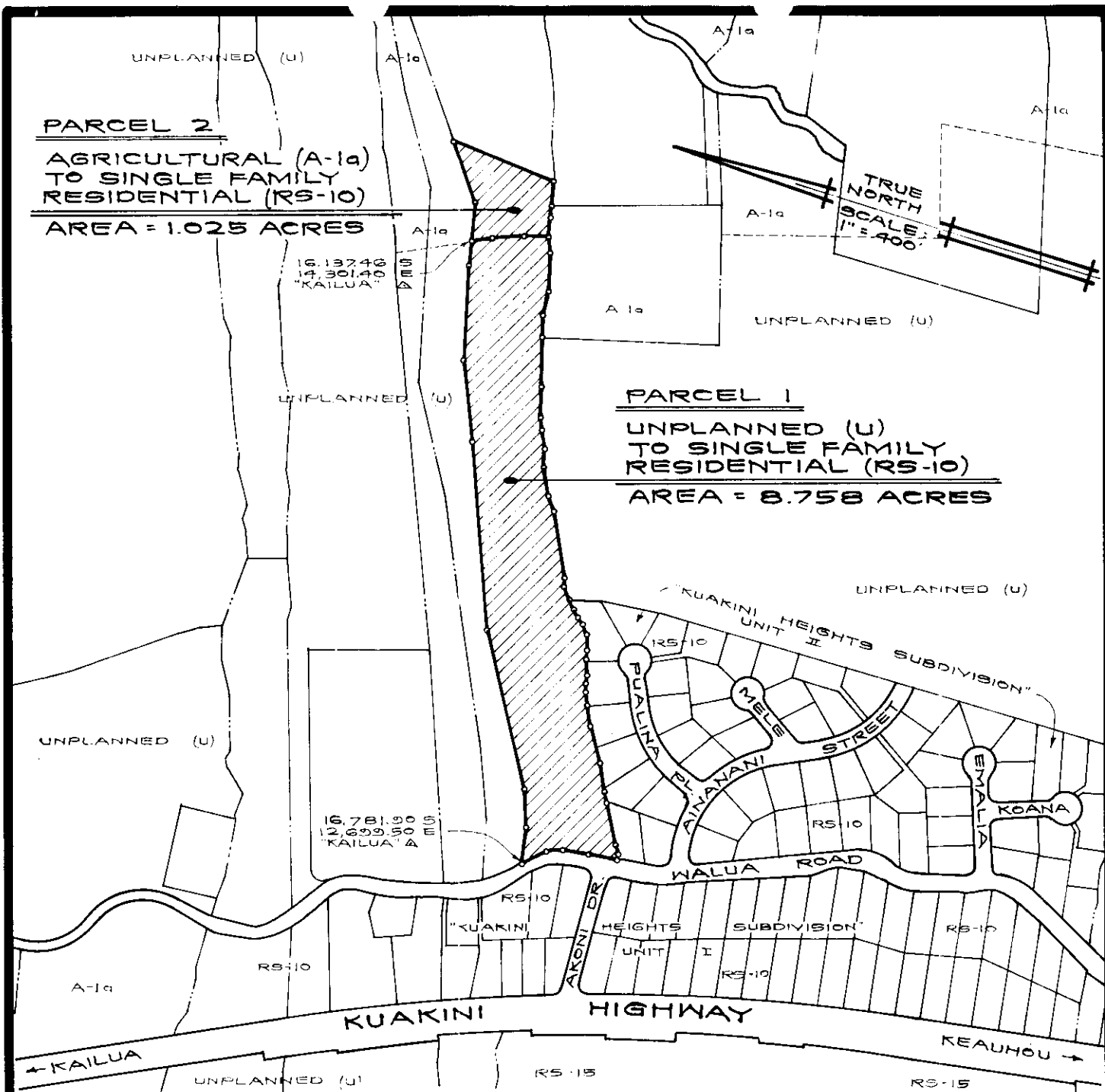
SECTION 4. This ordinance shall take effect upon its approval.

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) AND AGRICULTURAL (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT PAHOEHOE 4TH, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 7-7-07 : 5

AUG. 23, 1988

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

ROLL CALL VOTE

Introduced By: Takashi Domingo
 Date Introduced: May 2, 1990
 First Reading: May 2, 1990
 Published: _____

	AYES	NOES	ABS	EX
DOMINGO	X			
HALE	X			
INOUE	X			
KOKUBUN	X			
LAI	X			
MAKUAKANE	X			
RUDDLE	X			
SCHUTTE	X			
YAMASHIRO	X			
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REMARKS:

Approve & adopt Bill on 1st reading & refer back to PC - 5/2/90

(DRAFT 3)

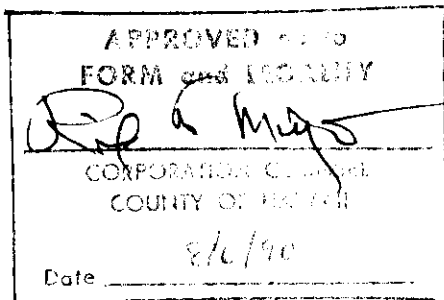
ROLL CALL VOTE

Second Reading: August 1, 1990
 To Mayor: August 1, 1990
 Returned: August 14, 1990
 Effective: August 14, 1990
 Published: August 28, 1990

	AYES	NOES	ABS	EX
DOMINGO	X			
HALE	X			
INOUE				
KOKUBUN	X			
LAI	X			
MAKUAKANE	X			
RUDDLE	X			
SCHUTTE			X	
YAMASHIRO				
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REMARKS:

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.



Russell S. Kohub
 COUNCIL CHAIRMAN

John D. Wagner
 COUNTY CLERK

Approved / Disapproved this 14th day
 of August, 19 90

Fred A. Mays
 MAYOR, COUNTY OF HAWAII

Bill No.: 62 (Draft 3)
 Reference: PC-127
 Ord. No.: 90 99