

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 425
(Draft 2)

ORDINANCE NO. 91 49

AN ORDINANCE AMENDING SECTION 25-95F (KAWAIHAE-PUAKO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-20) TO OPEN (O) AND FROM OPEN (O) TO SINGLE FAMILY RESIDENTIAL (RS-20) AT OULI, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-2-02:PORTION OF 12.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 25-95F, 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 Ouli, South Kohala, Hawaii, shall be Open (O):

PARCEL A:

Beginning at the Northeast corner of this parcel of land, on the Westerly side of Queen Kaahumanu Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUAKO" being 8,511.02 feet North and 4,974.32 feet East, thence running by azimuths measured clockwise from True South:

- 1. 11° 15' 257.50 feet along the Westerly side of Queen Kaahumanu Highway;

2. 281° 15' 15.00 feet along the Westerly side of Queen Kaahumanu Highway;
3. 11° 15' 50.00 feet along the Westerly side of Queen Kaahumanu Highway;
4. Thence along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63), on a curve to the right with a radius of 120.00 feet, the chord azimuth and distance being: 56° 15' 169.71 feet;
5. 101° 15' 5.00 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
6. Thence along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63), on a curve to the left with a radius of 330.00 feet, the chord azimuth and distance being: 97° 46' 40.10 feet;
7. 188° 50' 235.83 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
8. 119° 20' 195.10 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);

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|-----|--------------|--------|--|
| 9. | 108° 53' | 240.81 | feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63); |
| 10. | 219° 25' 50" | 74.76 | feet along Lot 10 of The Revised Second Increment of the Mauna Kea Fairways, Unit 1 Planned Unit Development (File Plan 1512); |
| 11. | 288° 53' | 225.00 | feet along Lot 10 of The Revised Second Increment of the Mauna Kea Fairways, Unit 1 Planned Unit Development (File Plan 1512); |
| 12. | 305° 50' | 105.00 | feet along Lot 10 of The Revised Second Increment of the Mauna Kea Fairways, Unit 1 Planned Unit Development (File Plan 1512); |
| 13. | 255° 50' | 255.00 | feet along Lot 10 of The Revised Second Increment of the Mauna Kea Fairways, Unit 1 Planned Unit Development (File Plan 1512) to the point of beginning and containing an Area of 2.078 Acres. (Refer to Parcel A as shown on Exhibit "A".); |

The district classification of the following area situated at Ouli, South Kohala, Hawaii, shall be Single Family Residential (RS-20):

PARCEL B:

Beginning at the West corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUAKO" being 7,950.55 feet North and 4,141.24 feet East, thence running by azimuths measured clockwise from True South:

1. 207° 27' 30" 45.04 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
2. 312° 40' 257.90 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
3. 274° 05' 37.93 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
4. Thence along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63), on a curve to the right with a radius of 330.00 feet, the chord azimuth and distance being: 229° 11' 467.50 feet;
5. 8° 50' 208.41 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
6. 51° 00' 64.30 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
7. 60° 45' 58.00 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);

8. 48° 00' 79.00 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
9. 65° 40' 70.00 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
10. 94° 10' 116.00 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
11. 121° 40' 142.00 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
12. 133° 40' 157.62 feet along the remainder of R.P. 2237, Land Commission Award 8518-B, Apana 1 to Kanehoa (Certificate of Boundaries No. 63) to the point of beginning and containing an Area of 2.106 Acres. (Refer to Parcel B 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 its assigns shall comply with Conditions A through I of Change of Zone Ordinance No. 86 46; (B) the applicant,

successors, or assigns shall comply with all conditions of Special Management Area Use Permit No. 232 (85-17); (C) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (D) all other applicable laws, rules, regulations and requirements shall be complied with; (E) 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, (F) 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 applicant, successors or assigns, and that are not the result of their fault or negligence;
- 2) the 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. 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 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

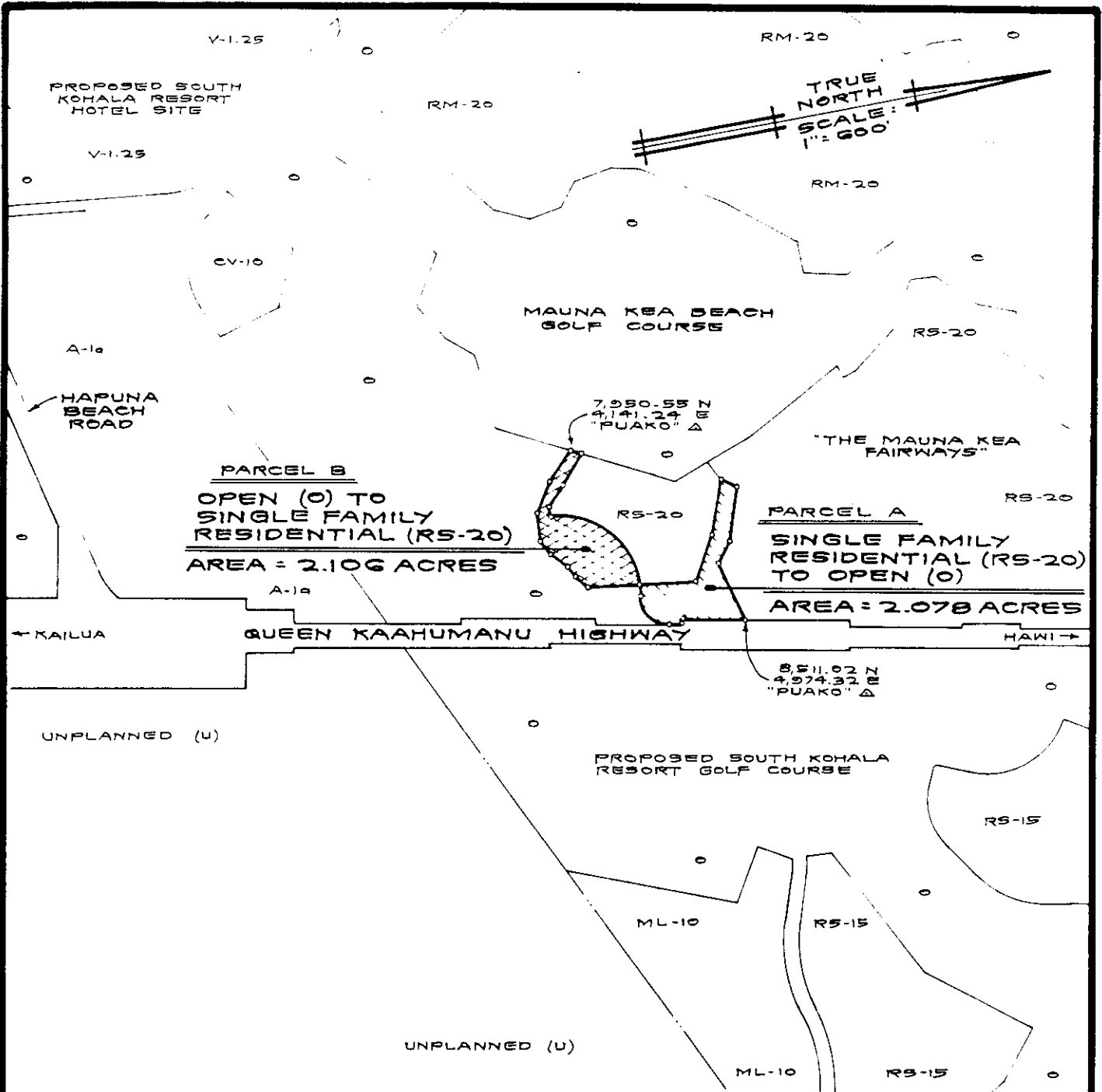
Hilo, Hawaii

Date of Introduction: May 1, 1991
Date of 1st Reading: May 1, 1991
Date of 2nd Reading: May 15, 1991
Effective Date: May 22, 1991

APPROVED AS TO FORM AND LEGALITY:

CORPORATION COUNSEL

DATED: _____



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95F (KAWAIHAE - PUAKO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-20) TO OPEN (O) AND FROM OPEN (O) TO SINGLE FAMILY RESIDENTIAL (RS-20) AT OULI, SOUTH KOHALA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 6-2-02: PORTION OF 12

MARCH 1, 1991

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

(DRAFT 2)

ROLL CALL VOTE

Introduced By: Takashi Domingo
 Date Introduced: May 1, 1991
 First Reading: May 1, 1991
 Published: _____

| | AYES | NOES | ABS | EX |
|-----------|------|------|-----|----|
| ARAKAKI | X | | | |
| DE LIMA | X | | | |
| DOMINGO | X | | | |
| HALE | X | | | |
| KOKUBUN | X | | | |
| LAI | X | | | |
| MAKUAKANE | X | | | |
| RUDDLE | X | | | |
| SCHUTTE | X | | | |
| | 9 | 0 | 0 | 0 |

REMARKS:

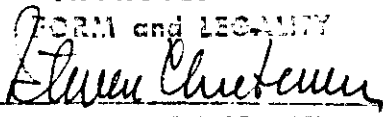
Second Reading: May 15, 1991
 To Mayor: May 16, 1991
 Returned: May 23, 1991
 Effective: May 22, 1991
 Published: May 28, 1991

ROLL CALL VOTE

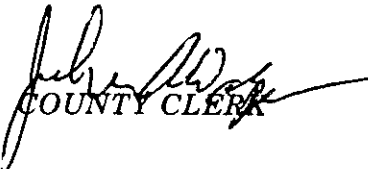
| | AYES | NOES | ABS | EX |
|-----------|------|------|-----|----|
| ARAKAKI | X | | | |
| DE LIMA | X | | | |
| DOMINGO | X | | | |
| HALE | X | | | |
| KOKUBUN | X | | | |
| LAI | X | | | |
| MAKUAKANE | X | | | |
| RUDDLE | X | | | |
| SCHUTTE | | | X | |
| | 8 | 0 | 1 | 0 |

REMARKS:

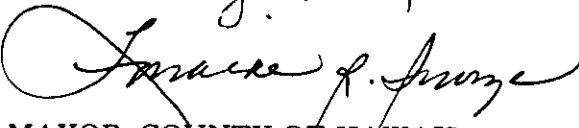
I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to
 FORM and LEGALITY

 ASSISTANT CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date MAY 20 1991


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved/Disapproved this 22nd day
 of May, 19 91


 MAYOR, COUNTY OF HAWAII

Bill No.: 425 (Draft 2)
 Reference: _____
 Ord. No.: 91 49