

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 583

92 39
ORDINANCE NO.

AN ORDINANCE AMENDING THE METES AND BOUNDS DESCRIPTION OF ORDINANCE NO. 89-143, WHICH AMENDED SECTION 25-88 (SOUTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AND (RS-15) AT KEEKEE 1ST AND 2ND, SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 8-1-03:7, AND PORTIONS OF 20 and 60.

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

SECTION 1. Ordinance No. 89-143 is amended as follows:

"SECTION 1. Section 25-88, 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 Keekee 1st, South Kona, Hawaii, shall be Single Family Residential (RS-10):

Parcel 1

[Beginning at the Southeasterly corner of this parcel of land, being also the Westernmost corner of Lot 26 and the Southernmost corner of Lot A-6-A-13, of Land Court Application 1609, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU", being 1,019.13 feet North and 9,904.73 feet East and running by azimuths measured clockwise from True South:

- 1. 69° 11' 329.34 feet along Royal Patent 6322, Land Commission Award 7036, Apana 1 to Kahue to a point;
2. 69° 26' 327.42 feet along Royal Patent 6322, Land Commission Award 7036, to Kahue to a point;
3. 166° 48' 30" 195.55 feet along the remainders of Royal Patent 3864, Land Commission Award 7210,

Apana 1 to Kini and Royal
Patent 3866, Land Commission
Award 8157, Apana 1 to
Kuapehu to a point;

4. 256° 48' 30" 100.46 feet along Lot A-4-F of Land Court Application 1609 to a point;
5. 251° 18' 86.76 feet along Lot A-4-F of Land Court Application 1609 and along the Southerly end of Alalani Street to a point;
6. 240° 32' 30" 70.77 feet along the Southerly end of Alalani Street and along Lot A-4-G of Land Court Application 1609 to a point;
7. 236° 30' 30" 64.12 feet along Lot A-4-G of Land Court Application 1609 to a point;

Thence, for the next six (6) courses following along Lot A-6-A-15 of Land Court Application 1609:

8. 341° 57' 30" 153.22 feet to a point;
9. 249° 34' 30" 23.04 feet to a point;
10. 239° 40' 70.28 feet to a point;
11. 230° 08' 40.08 feet to a point;
12. 235° 00' 50.00 feet to a point;
13. 253° 40' 43.00 feet to a point;
14. 244° 40' 60.37 feet along Lot A-6-A-15 of Land Court Application 1609 and along the Southerly end of Kihapai Street to a point;
15. 316° 08' 30" 96.24 feet along Lot A-6-A-13 of Land Court Application 1609 to the point of beginning and containing an area of 1.906 Acres. (Refer to Parcel 1 as shown on Exhibit "A").]

Beginning at the Northeasterly corner of this parcel of land, being also an angle point on the Westerly boundary of Lot A-6-A-13 of Land Court Application 1609 and being

the Southeasterly corner of Kihapai Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 1,089.90 feet North and 9,837.20 feet East and running by azimuths measured clockwise from True South:

1. 316° 08' 30" 96.24 feet along Lot A-6-A-13 of Land Court Application 1609 to a point;
2. 45° 44' 13.40 feet along Royal Patent 6322, Land Commission Award 7036 to Kahue to a point;
3. 57° 18' 16.10 feet along middle of stonewall and along Royal Patent 6322, Land Commission Award 7036 to Kahue to a point;
4. 68° 55' 11.30 feet along middle of stonewall and along Royal Patent 6322, Land Commission Award 7036 to Kahue to a point;
5. 79° 30' 30.70 feet along Royal Patent 6322, Land Commission Award 7036 to Kahue to a point;

Thence, for the next fifteen (15) courses following along middle of stonewall and along Royal Patent 6322, Land Commission Award 7036 to Kahue:

6. 76° 06' 16.30 feet to a point;
7. 87° 40' 18.20 feet to a point;
8. 71° 55' 67.10 feet to a point;
9. 79° 58' 15.40 feet to a point;
10. 60° 58' 33.40 feet to a point;
11. 54° 57' 44.00 feet to a point;
12. 65° 00' 51.50 feet to a point;
13. 73° 25' 47.90 feet to a point;
14. 66° 30' 43.70 feet to a point;
15. 63° 41' 30.60 feet to a point;
16. 59° 22' 41.10 feet to a point;

<u>17.</u>	<u>72°</u>	<u>18'</u>		<u>47.10 feet to a point;</u>
<u>18.</u>	<u>74°</u>	<u>56'</u>		<u>53.70 feet to a point;</u>
<u>19.</u>	<u>71°</u>	<u>33'</u>		<u>59.20 feet to a point;</u>
<u>20</u>	<u>82°</u>	<u>28'</u>		<u>23.56 feet to a point;</u>
<u>21.</u>	<u>166°</u>	<u>48'</u>	<u>30"</u>	<u>198.39 feet along the remainders of Royal Patent 3864, Land Commission Award 7210, Apana 1 to Kini and Royal Patent 3866, Land Commission Award 8157, Apana 1 to Kuapehu to a point;</u>
<u>22.</u>	<u>256°</u>	<u>48'</u>	<u>30"</u>	<u>100.46 feet along Lot A-4-F of Land Court Application 1609 to a point;</u>
<u>23.</u>	<u>251°</u>	<u>18'</u>		<u>86.76 feet along Lot A-4-F of Land Court Application 1609 and along the Southerly end of Alalani Street to a point;</u>
<u>24.</u>	<u>240°</u>	<u>32'</u>	<u>30"</u>	<u>70.77 feet along the Southerly end of Alalani Street and along Lot A-4-G of Land Court Application 1609 to a point;</u>
<u>25.</u>	<u>236°</u>	<u>30'</u>	<u>30"</u>	<u>64.12 feet along Lot A-4-G of Land Court Application 1609 to a point;</u>

Thence, for the next six (6) courses following along Lot A-6-A-15 of Land Court Application 1609:

<u>26.</u>	<u>341°</u>	<u>57'</u>	<u>30"</u>	<u>153.22 feet to a point;</u>
<u>27.</u>	<u>249°</u>	<u>34'</u>	<u>30"</u>	<u>23.04 feet to a point;</u>
<u>28.</u>	<u>239°</u>	<u>40'</u>		<u>70.28 feet to a point;</u>
<u>29.</u>	<u>230°</u>	<u>08'</u>		<u>40.08 feet to a point;</u>
<u>30.</u>	<u>235°</u>	<u>00'</u>		<u>50.00 feet to a point;</u>
<u>31.</u>	<u>253°</u>	<u>40'</u>		<u>43.00 feet to a point;</u>
<u>32.</u>	<u>244°</u>	<u>40'</u>		<u>60.37 feet along Lot A-6-A-15 of Land Court Application 1609 and along the Southerly end of Kihapai Street to the point of beginning and</u>

containing an area of 1.988 Acres. (Refer to Parcel 1 as shown on Exhibit "A").

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

Parcel 2

[Beginning at the Northeasterly corner of this parcel of land, being also the Southeasterly corner of Lot 21 of Kona Scenic Subdivision, Unit I (File Plan 1456), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 1,327.11 feet North and 9,073.37 feet East and running by azimuths measured clockwise from True South:

1. 350° 50' 33.98 feet along Lot A-3 of Land Court Application 1609 to a point;
2. 354° 32' 184.00 feet along Lot A-3 and Lot A-4-D of Land Court Application 1609 to a point;
3. 355° 03' 165.24 feet along Lot A-4-D and A-4-E of Land Court Application 1609 to a point;
4. 256° 48' 30" 138.80 feet along Lot A-4-E of Land Court Application 1609 to a point;
5. 346° 48' 30" 195.55 feet along the remainders of Royal Patent 3866, Land Commission Award 8157, Apana 1 to Kuapehu and Royal Patent 3864, Land Commission Award 7210, Apana 1 to Kini to a point;

Thence, for the next eight (8) courses following along Royal Patent 6322, Land Commission Award 7036 to Kahue:

6. 69° 26' 88.36 feet to a point;
7. 82° 24' 40" 313.42 feet to a point;
8. 342° 17' 30" 67.96 feet to a point;

9.	259°	03'	64.59 feet to a point;
10.	258°	09' 30"	154.40 feet to a point;
11.	262°	01'	83.99 feet to a point;
12.	268°	21'	49.09 feet to a point;
13.	258°	09'	102.71 feet to a point;
14.	357°	07' 30"	82.06 feet along Royal Patent 3883, Land Commission Award 9753-B, Apana 1 to Paiwa to a point;
15.	346°	29'	50.09 feet along Royal Patent 3833, Land Commission Award 9753-B, Apana 1 to Paiwa to a point;
16.	78°	52'	251.26 feet along Royal Patent 4034, Land Commission Award 8455-E, Apana 1 to Pauope to a point;
17.	75°	02' 30"	104.16 feet along the remainder of Grant 866 to Kapule to a point;
18.	155°	48' 15"	125.45 feet along the remainders of Grant 866 to Kapule and Grant 977 to Panaunau to a point;
19.	79°	03'	108.05 feet along the remainder of Grant 977 to Panaunau to a point;
20.	5°	00'	26.47 feet along the remainder of Grant 977 to Panaunau to a point;

Thence, for the next four (4) courses following along
Grant 866 to Kapule:

21.	76°	57'	101.26 feet to a point;
22.	81°	34'	85.63 feet to a point;
23.	89°	07'	133.23 feet to a point;
24.	79°	56' 30"	152.48 feet to a point;

Thence, for the next five (5) courses following along the remainder of Grant 977 to Panaunau:

25. 175° 54' 30" 333.18 feet to a point;
26. 271° 17' 30" 56.46 feet to a point;
27. 187° 45' 30" 174.98 feet to a point;
28. 197° 24' 30" 102.93 feet to a point;
29. 184° 59' 157.50 feet to a point;
30. 268° 54' 30" 194.80 feet along Government Land (County of Hawaii) to a point;
31. 258° 46' 30" 73.41 feet along Government Land (County of Hawaii) to a point;
32. 271° 04' 30" 165.08 feet along Lot 22 of Kona Scenic Subdivision and along the Southerly end of Muli Street to a point;
33. 258° 28' 136.49 feet along the Southerly end of Muli Street and along Lot 21 of Kona Scenic Subdivision, Unit I (File Plan 1456) to the point of beginning and containing an area of 12.387 Acres. (Refer to Parcel 2 as shown on Exhibit "A").]

Beginning at the Northeasterly corner of this parcel of land, being also the Southeasterly corner of Lot 21 of Kona Scenic Subdivision, Unit 1 (File Plan 1456) and being a point on the Westerly boundary of Lot A-3 of Land Court Application 1609, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 1,328.49 feet North and 9072.52 feet East and running by azimuths measured clockwise from True South:

1. 350° 50' 33.98 feet along Lot A-3 of Land Court Application 1609 to a point;
2. 354° 32' 184.00 feet along Lots A-3 and A-4-D of Land Court Application 1609 to a point;

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| 3. | <u>355° 03'</u> | <u>165.24 feet along Lots A-4-D and A-4-E of Land Court Application 1609 to a point;</u> |
| 4. | <u>256° 48' 30"</u> | <u>138.80 feet along Lot A-4-E of Land Court Application 1609 to a point;</u> |
| 5. | <u>346° 48' 30"</u> | <u>198.39 feet along the remainders of Royal Patent 3866, Land Commission Award 8157, Apana 1 to Kuapehu and Royal Patent 3864, Land Commission Award 7210, Apana 1 to Kini to a point;</u> |

Thence, for the next ten (10) courses following along middle of stonewall and along Royal Patent 6322, Land Commission Award 7036 to Kahue:

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| 6. | <u>82° 28'</u> | <u>24.24 feet to a point;</u> |
| 7. | <u>79° 22'</u> | <u>42.00 feet to a point;</u> |
| 8. | <u>84° 27'</u> | <u>52.50 feet to a point;</u> |
| 9. | <u>81° 23'</u> | <u>46.80 feet to a point;</u> |
| 10. | <u>78° 20'</u> | <u>50.70 feet to a point;</u> |
| 11. | <u>80° 19'</u> | <u>113.90 feet to a point;</u> |
| 12. | <u>75° 50'</u> | <u>70.43 feet to a point;</u> |
| 13. | <u>342° 11'</u> | <u>45.40 feet to a point;</u> |
| 14. | <u>338° 32'</u> | <u>15.00 feet to a point;</u> |
| 15. | <u>310° 10'</u> | <u>8.50 feet to a point;</u> |
| 16. | <u>259° 48'</u> | <u>60.20 feet partly along middle of stonewall and along Royal Patent 6322, Land Commission Award 7036 to Kahue to a point;</u> |

Thence, for the next nine (9) courses following along middle of stonewall and along Royal Patent 6322, Land Commission Award 7036 to Kahue:

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|-----|-----------------|-------------------------------|
| 17. | <u>257° 32'</u> | <u>43.00 feet to a point;</u> |
| 18. | <u>259° 02'</u> | <u>56.10 feet to a point;</u> |
| 19. | <u>258° 03'</u> | <u>48.70 feet to a point;</u> |

20.	<u>347°</u>	<u>36'</u>	<u>7.40 feet to a point;</u>
21.	<u>260°</u>	<u>02'</u>	<u>45.90 feet to a point;</u>
22.	<u>261°</u>	<u>21'</u>	<u>84.90 feet to a point;</u>
23.	<u>259°</u>	<u>17'</u>	<u>64.60 feet to a point;</u>
24.	<u>257°</u>	<u>20'</u>	<u>21.00 feet to a point;</u>
25.	<u>260°</u>	<u>52'</u>	<u>24.20 feet to a point;</u>

Thence, for the next three (3) courses following along middle of stonewall and along Royal Patent 3883, Land Commission Award 9753-B, Apana 1 to Paiwa;

26.	<u>358°</u>	<u>52'</u>	<u>47.30 feet to a point;</u>
27.	<u>355°</u>	<u>20'</u>	<u>34.70 feet to a point;</u>
28.	<u>345°</u>	<u>50'</u>	<u>49.00 feet to a point;</u>

Thence, for the next seven (7) courses following along middle of stonewall and along Royal Patent 4034, Land Commission Award 8455-E, Apana 1 to Pauole;

29.	<u>77°</u>	<u>11'</u>	<u>82.70 feet to a point;</u>	
30.	<u>80°</u>	<u>13'</u>	<u>30.50 feet to a point;</u>	
31.	<u>79°</u>	<u>37'</u>	<u>41.90 feet to a point;</u>	
32.	<u>75°</u>	<u>51'</u>	<u>71.40 feet to a point;</u>	
33.	<u>91°</u>	<u>09'</u>	<u>25.40 feet to a point;</u>	
34.	<u>74°</u>	<u>12'</u>	<u>47.30 feet to a point;</u>	
35.	<u>75°</u>	<u>29'</u>	<u>57.32 feet to a point;</u>	
36.	<u>155°</u>	<u>48'</u>	<u>20"</u>	<u>128.52 feet along the remainders of Lot 2 and Grant 866 to Kapule and along the remainders of Lot 4 and Grant 977 to Panaunau to a point;</u>
37.	<u>80°</u>	<u>46'</u>	<u>98.04 feet along the remainders of Lot 4 and Grant 977 to Panaunau to a point;</u>	
38.	<u>8°</u>	<u>00'</u>	<u>32.52 feet along the remainders of Lot 4 and Grant 977 to Panaunau to a point;</u>	

Thence, for the next eleven (11) courses following along middle of stonewall, along Lot 2 and along Grant 866 to Kapule:

39.	<u>75°</u>	<u>05'</u>	<u>28.79 feet to a point;</u>
40.	<u>78°</u>	<u>22'</u>	<u>51.00 feet to a point;</u>
41.	<u>75°</u>	<u>08'</u>	<u>27.50 feet to a point;</u>
42.	<u>78°</u>	<u>21'</u>	<u>45.70 feet to a point;</u>
43.	<u>83°</u>	<u>20'</u>	<u>30.90 feet to a point;</u>
44.	<u>90°</u>	<u>09'</u>	<u>72.50 feet to a point;</u>
45.	<u>87°</u>	<u>08'</u>	<u>36.10 feet to a point;</u>
46.	<u>89°</u>	<u>52'</u>	<u>34.00 feet to a point;</u>
47.	<u>84°</u>	<u>10'</u>	<u>26.50 feet to a point;</u>
48.	<u>79°</u>	<u>44'</u>	<u>79.00 feet to a point;</u>
49.	<u>77°</u>	<u>57'</u>	<u>47.12 feet to a point;</u>
50.	<u>185°</u>	<u>52'</u>	<u>9.00 feet along the remainder of Grant 977 to Panaunau;</u>

Thence, for the next seventeen (17) courses following along middle of stonewall and along the remainder of Grant 977 to Panaunau:

51.	<u>177°</u>	<u>20'</u>	<u>68.20 feet to a point;</u>
52.	<u>176°</u>	<u>48'</u>	<u>44.50 feet to a point;</u>
53.	<u>178°</u>	<u>10'</u>	<u>49.50 feet to a point;</u>
54.	<u>173°</u>	<u>19'</u>	<u>76.80 feet to a point;</u>
55.	<u>175°</u>	<u>23'</u>	<u>65.80 feet to a point;</u>
56.	<u>177°</u>	<u>27'</u>	<u>19.80 feet to a point;</u>
57.	<u>271°</u>	<u>18'</u>	<u>54.30 feet to a point;</u>
58.	<u>186°</u>	<u>25'</u>	<u>37.50 feet to a point;</u>
59.	<u>190°</u>	<u>17'</u>	<u>67.50 feet to a point;</u>
60.	<u>184°</u>	<u>25'</u>	<u>51.20 feet to a point;</u>
61.	<u>192°</u>	<u>54'</u>	<u>31.80 feet to a point;</u>
62.	<u>199°</u>	<u>20'</u>	<u>42.50 feet to a point;</u>

<u>63.</u>	<u>195°</u>	<u>44'</u>		<u>27.70 feet to a point;</u>
<u>64.</u>	<u>187°</u>	<u>08'</u>		<u>33.20 feet to a point;</u>
<u>65.</u>	<u>187°</u>	<u>55'</u>		<u>51.60 feet to a point;</u>
<u>66.</u>	<u>185°</u>	<u>11'</u>		<u>56.30 feet to a point;</u>
<u>67.</u>	<u>184°</u>	<u>24'</u>		<u>35.63 feet to a point;</u>
<u>68.</u>	<u>268°</u>	<u>54'</u>	<u>30"</u>	<u>194.80 feet along Lot 3 of Government Land (County of Hawaii) to a point;</u>
<u>69.</u>	<u>258°</u>	<u>46'</u>	<u>30"</u>	<u>73.41 feet along Lot 3 of Government Land (County of Hawaii) to a point;</u>
<u>70.</u>	<u>271°</u>	<u>04'</u>	<u>30"</u>	<u>165.08 feet along Lot 22 of Kona Scenic Subdivision, Unit I (File Plan 1456), along Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions and along the Southerly end of Muli Street to a point;</u>
<u>71.</u>	<u>258°</u>	<u>28'</u>		<u>136.49 feet along the Southerly end of Muli street, along Lot 21 of Kona Scenic Subdivision, Unit 1 (File Plan 1456) and along Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions to the point of beginning and containing an area of 12.262 Acres. (Refer to Parcel 2 as shown on Exhibit "A").</u>

All as shown on the map attached hereto, marked Exhibit "A" (Revised) and by reference made a part hereof.

SECTION 2. This change in district classification is conditioned upon the following: (A) The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval; (B) [Subdivision]Revised

subdivision plans shall be submitted for tentative approval within one year from the effective date of [the change of zone] this amendment. Revised final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval; (C) 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; (D) The roadways within the RS-15 zoned area shall be constructed with curbs, gutters, and sidewalks meeting with the approval of the Department of Public Works prior to receipt of final subdivision approval; (E) That an archaeological data recovery plan be submitted at the time of subdivision review to the Department of Land and Natural Resources, Historic Sites Section, and the Planning Department for review and acceptance. The archaeological data recovery in conformance with the accepted plan shall be completed prior to any land alteration; (F) Should any unanticipated archaeological/historic sites or features of importance be uncovered during land preparation activities, work in the affected area shall not resume until such time that clearance is obtained from the Planning Director; (G) As agreed to by the applicant, the applicant shall include restrictive covenants in the deeds to prohibit the construction of ohana units on any of the lots in the proposed subdivision; (H) All other

applicable laws, rules, regulations, and requirements be complied with; (I) 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; (J) 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, (K) 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 shall initiate rezoning of the area to its original or more appropriate designation."

SECTION 2. Material to be deleted is bracketed. New material is underscored.

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 adoption.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 01, 1992
Date of 1st Reading: April 01, 1992
Date of 2nd Reading: April 15, 1992
Effective Date: April 24, 1992

APPROVED AS TO FORM AND LEGALITY:

DEPUTY


CORPORATION COUNSEL

DATE: FEB 26 1992

