

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 688

ORDINANCE NO. 92 139

AN ORDINANCE AMENDING SECTION 25-95G (PUAKO-ANAEHOOMALU ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-4) TO OPEN (O) AND FROM OPEN (O) TO MULTIPLE FAMILY RESIDENTIAL (RM-4) AT WAIKOLOA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-8-01:PORTION OF 54 AND 6-8-22:PORTION OF 7.

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

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

PARCEL A:

Beginning at the South corner of this parcel of land, being also along Lot 1 of Mauna Lani Resort - Phase V, said point of beginning referred to Government Survey Triangulation Station "PUU HINAI", being 17,115.95 feet North and 26,305.53 feet West and thence running by azimuths measured clockwise from true South:

- 1. 155° 55' 400.00 feet along remainder of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu;
- 2. 178° 50' 402.00 feet along remainder of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu;

3. 347° 24' 14" 786.02 feet along Lot 1 of Mauna Lani Resort - Phase V, same being also a portion of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu to the point of beginning and containing an area of 0.719 Acre. (Refer to Parcel "A" as shown on Exhibit "A".)

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be

Open (O):

PARCEL B:

Beginning at the South corner of this parcel of land, being also along Lot 1 of Mauna Lani Resort - Phase V, said point of beginning referred to Government Survey Triangulation Station "PUU HINAI", being 17,439.44 feet North and 24,591.47 feet West and thence running by azimuths measured clockwise from true South:

1. 132° 34' 472.73 feet along Lot 1 of Mauna Lani Resort - Phase V, same being also a portion of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu;
2. 265° 50' 185.71 feet along remainder of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu;
3. 282° 45' 314.00 feet along remainder of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu;
4. 347° 43' 108.55 feet along remainder of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu;
5. 46° 30' 229.40 feet along remainder of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu to the point of beginning and containing an area of 2.02 Acres. (Refer to Parcel "B" as shown on Exhibit "A".)

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Multiple Family Residential (RM-4):

PARCEL C:

Beginning at the East corner of this parcel of land, being also along Lot 2 of Mauna Lani Resort - Phase V, said point of beginning referred to Government Survey Triangulation Station "PUU HINAI", being 17,439.44 feet North and 24,591.47 feet West and thence running by azimuths measured clockwise from true South:

1. 44° 30' 745.96 feet along Lot 2 of Mauna Lani Resort - Phase V, same being also a portion of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu;
2. 74° 00' 657.52 feet along Lot 2 of Mauna Lani Resort - Phase V, same being also a portion of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu;
3. 50° 13' 533.26 feet along Lot 2 of Mauna Lani Resort - Phase V, same being also a portion of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu;
4. 227° 15' 529.00 feet along remainder of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu;
5. 254° 00' 661.00 feet along remainder of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu;
6. 226° 30' 745.60 feet along remainder of R.P. 5671, L.C.Aw. 8521-B, Ap. 1 to G.D. Hueu to the point of beginning and containing an area of 0.739 Acre. (Refer to Parcel "C" 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. This change in district classification is conditioned upon the following: (A) the applicant, successors or assigns shall comply with all of the conditions outlined in the previously approved change of zone ordinances; (B) all other applicable laws, rules, regulations and requirements shall be complied with; (C) 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 the performance in accordance with the requirements of the Unified Impact Fees Ordinance; (D) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. 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, (E) 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 the 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.

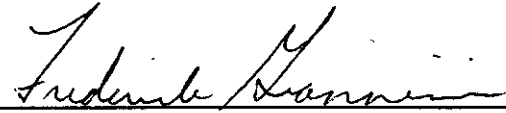
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

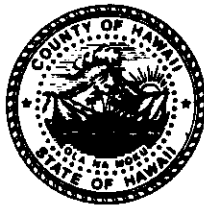
Date of Introduction: November 18, 1992
Date of 1st Reading: November 18, 1992
Date of 2nd Reading: December 2, 1992
Effective Date: December 4, 1992

APPROVED AS TO FORM AND LEGALITY:


CORPORATION COUNSEL

DATED: 10/13/92

ROBIN J. YAHIKU
County Clerk



ROBERT S. SHIOJI
Deputy County Clerk

HARRY A. TAKAHASHI
Legislative Auditor

OFFICE OF THE COUNTY CLERK

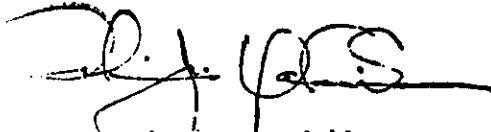
County of Hawaii
Hawaii County Building
25 Aupuni Street
Hilo, Hawaii 96720

NOTE

On Bill No. 688, Ordinance No. 92-139,
reference is made to a map attached hereto, marked
Exhibit " A ".

Said Exhibit is not part of the duplicate copies of
this Ordinance, due to its size, but is available for
viewing in the Office of the County Clerk.

If further information is needed, call 961-8255.


Robin J. Yahiku
COUNTY CLERK