

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 227
(Draft 2)

ORDINANCE NO. 94 53

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 OPEN (O) TO MULTIPLE FAMILY RESIDENTIAL (RM-1.5) AT OULI, WAIMEA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-2-02:PORTION OF 13.

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 property described hereinafter as follows:

The district classification of the following area situated at Ouli, Waimea, South Kohala, Hawaii, shall be Multiple Family Residential (RM-1.5):

Beginning at the Southwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUAKO" being 7,310.44 feet North and 1,711.44 feet east, thence running by azimuths measured clockwise from True South:

- 1. 188° 50' 235.00 feet along the remainder of R.P. 2237, L.C. 8518-B Apana 1 to Kanehoa (Certificate of Boundaries No. 63);
- 2. 172° 55' 125.00 feet along same;
- 3. 191° 50' 123.00 feet along same;
- 4. 201° 35' 205.68 feet along same;
- 5. 138° 00' 188.96 feet along same;
- 6. 297° 54' 30" 142.48 feet along same;

7. 282° 10' 20" 104.39 feet along same;
8. 16° 34' 42" 6.47 feet along same;
9. Thence along same, on a curve to the left with a radius of 45.00 feet, the chord azimuth and distance being:
8° 02' 02" 81.43 feet;
10. Thence along same, on a curve to the right with a radius of 25.00 feet, the chord azimuth and distance being:
322° 20' 42" 16.37 feet;
11. 341° 27' 06" 308.73 feet along same;
12. Thence along same, on a curve to the left with a radius of 630.00 feet, the chord azimuth and distance being:
336° 03' 58" 118.26 feet;
13. 330° 40' 50" 247.05 feet along same;
14. 89° 34' 487.05 feet along same to the point of beginning and containing an area of 4.592 acres, more or less.

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 be responsible for complying with all of the stated conditions of approval;
- (B) the applicant shall comply with applicable conditions of SMA Use Permit No. 231 regarding the development of the Bluffs;
- (C) A drainage system shall be installed in accordance with the requirement of the Department of Public Works;

- (D) Access(es) shall meet with the approval of the Department of Public Works;
- (E) Method of sewage disposal shall meet with the approval of the appropriate governmental agencies;
- (F) That a Solid Waste Management Plan meeting with the approval of the Department of Public Works shall be submitted prior to Final Subdivision Approval of the proposed development;
- (G) The applicant shall comply with all other applicable laws, rules, regulations and requirements of the affected agencies;
- (H) Should any unidentified sites or remains, such as lava tubes, artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken;
- (I) Should the Council adopt a Unified Impact-Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance;
- (J) An annual report shall be submitted prior to the anniversary date of the effective date of the change of zone and 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 and the Planning Director acknowledges that further reports are not required;

(K) 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 addition 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 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

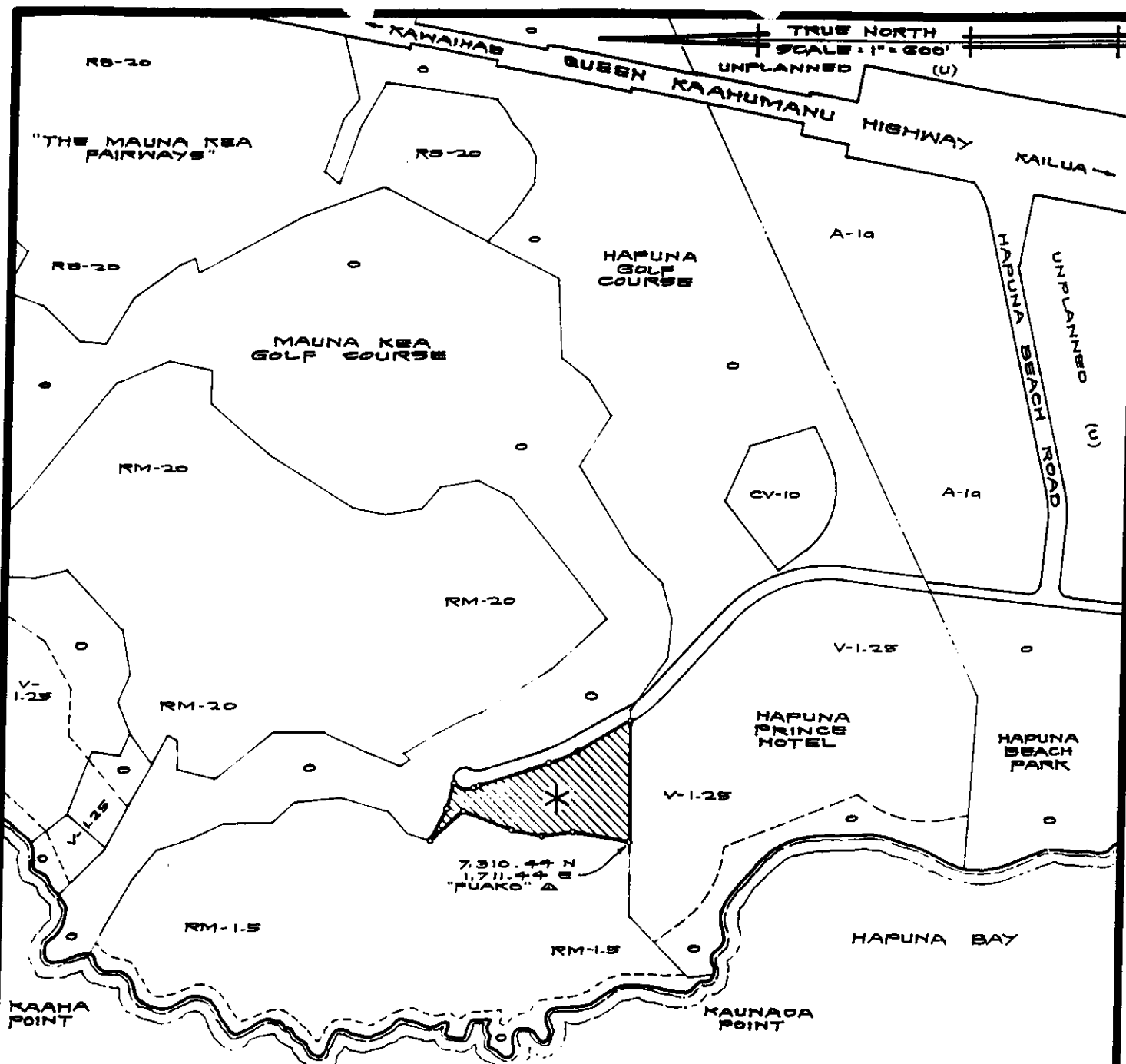
Hilo, Hawaii

Date of Introduction: April 27, 1994
Date of 1st Reading: April 27, 1994
Date of 2nd Reading: May 11, 1994
Effective Date: May 18, 1994

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

DATE: MAY 17 1994



OPEN (O) TO MULTIPLE
 * FAMILY RESIDENTIAL (RM-1.5)
 AREA = 4.502 ACRES

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95 F (KAWAIHAE-PUAKO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO MULTIPLE FAMILY RESIDENTIAL (RM-1.5) AT OULI, WAIMEA, SOUTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK : 6-2-02 : PORTION OF 13

FEB. 4, 1994

EXHIBIT "A"

(MAUNA KEA PROPERTIES, INC.)

OFFICE OF THE COUNTY CLERK
 County of Hawaii
 Hilo, Hawaii

RECEIVED

'94 MAY 18 PM 1 28

OFFICE OF COUNTY CLERK
 COUNTY OF HAWAII
 (Draft 2)

Introduced By: Takashi Domingo
 Date Introduced: April 27, 1994
 First Reading: April 27, 1994
 Published: _____

REMARKS:


ROLL CALL VOTE				
	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON		X		
CHILDS	X			
DE LIMA	X			
DOMINGO	X			
HALE		X		
RATH	X			
ROSEHILL	X			
SCHUTTE	X			
	7	2	0	0


Second Reading: May 11, 1994
 To Mayor: May 12, 1994
 Returned: May 18, 1994
 Effective: May 18, 1994
 Published: May 25, 1994

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON		X		
CHILDS	X			
DE LIMA	X			
DOMINGO	X			
HALE		X		
RATH	X			
ROSEHILL	X			
SCHUTTE	X			
	7	2	0	0

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

 COUNSEL
 COUNTY OF HAWAII
 MAY 17 1994


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved/Disapproved this 18 day
 of May, 1994


 MAYOR, COUNTY OF HAWAII

Bill No.: 227 (Draft 2)
 Reference: Comm 950/PC-104
 Ord. No.: 94 53