

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 423 (DRAFT 3)

ORDINANCE NO. 94 98

AN ORDINANCE AMENDING SECTION 25-109 (KA'U DISTRICT ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) AND OPEN (O) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT KEAUKOU, KA'U, HAWAII, COVERED BY TAX MAP KEY 9-9-06:8(PORTION).

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

SECTION 1. Section 25-109, 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 Keauhou, Ka'u, Hawaii, shall be Single Family Residential (RS-15):

PARCEL 1:

Beginning at a point at the northeast corner of this parcel of land and on the westerly side of Piimauna Drive, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Uwekahuna" being 7,109.82 feet North and 2,665.53 feet East and running by azimuths measured clockwise from true South:

- 1. 350° 04' 99.46 feet along the westerly side of Piimauna Drive; thence along the westerly side of Piimauna Drive along a curve to the left having a radius of 530.00 feet, the chord azimuth and distance being:
2. 345° 17' 15" 88.31 feet;

- | | | |
|-----|--------------|--|
| 3. | 340° 30' 30" | 315.37 feet along the westerly side of Piimauna Drive; thence along the westerly side of Piimauna Drive along a curve to the right having a radius of 470.00 feet the chord azimuth and distance being: |
| 4. | 345° 24' 15" | 80.22 feet; |
| 5. | 350° 18' | 126.01 feet along the westerly side of Piimauna Drive along a curve to the left having a radius of 300.00 feet, the chord azimuth and distance being: |
| 6. | 342° 50' 30" | 77.88 feet; |
| 7. | 335° 23' | 119.37 feet along the westerly side of Piimauna Drive; |
| 8. | 57° 43' | 438.36 feet; |
| 9. | 152° 56' 30" | 950.00 feet; |
| 10. | 245° 00' | 600.00 feet along Volcano Golf and Country Club Subdivision Unit III (F. P. 1748) Park G, Lots 137, 136, 135, 134 and Park F to the point of beginning and containing an area of 10.7421 Acres. (Refer to Parcel 1 as shown on Exhibit "A".) |

The district classification of the following area situated at Keauhou, Ka'u, Hawaii, shall be Single Family Residential (RS-15):

PARCEL 2:

Beginning at a point at the southeast corner of this parcel of land and on the westerly side of Piimauna Drive the coordinates of said point of beginning referred to Government Survey Triangulation Station "Uwekahuna" being 6,060.07 feet North and 3,000.65 feet East and running by azimuths measured clockwise from true South:

thence along the remainder of R. P. 4475, L. C. Aw. 7713, Apana 11 to V. Kamamalu for the next six (6) courses the direct azimuths and distances being:

1. 65° 24' 420.89 feet;
2. 118° 46' 280.25 feet;
3. 169° 00' 355.00 feet;
4. 117° 50' 335.00 feet;
5. 169° 00' 65.00 feet;
6. 117° 34' 22" 582.69 feet;
7. 282° 20' 450.44 feet along Volcano Golf and Country Club Subdivision Unit III (F. P. 1748) Park G;
8. 245° 00' 223.20 feet along Volcano Golf and Country Club Subdivision Unit III (F. P. 1748) Park G;
9. 332° 56' 30" 950.00 feet;
10. 237° 43' 438.36 feet to a point at the westerly side of Piimauna Drive;
11. 335° 23' 124.72 feet along the westerly side of Piimauna Drive; thence along the westerly side of Piimauna Drive along a curve to the left having a radius of 370.00 feet, the chord azimuth and distance being:
12. 340° 41' 07.5" 68.38 feet;
13. 345° 59' 15" 6.58 feet along the westerly side of Piimauna Drive to the point of beginning and containing an acre of 6.0392 Acres. (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. 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 plans shall be submitted within one year from the effective date of the change of zone. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval;
- (C) restrictive covenants in the deeds of all of the proposed residential lots within the subject properties shall be submitted to the Planning Department for review and approval prior to final subdivision approval. A copy of the approved covenant shall be recited in an instrument executed by the applicant and the county and recorded with the Bureau of Conveyances likewise prior to final subdivision approval. The restrictive covenants in the deeds of all the proposed residential lots of the subject properties shall require that each lot:
 - 1. shall be provided with a water catchment system and storage capacity, meeting with the requirements of the Planning Department, the Fire Department, the Department of Water Supply and the State Department of Health based on a formula using median annual rainfall and daily usage of gallons per day per dwelling as determined by the Planning Department in consultation with the appropriate agencies;

2. shall construct water storage tank(s) in an accessible location for fire equipment with easy fire department hose hook-up for unrestricted use of the water storage in the case of fire emergency;
 3. shall provide disclosure and waiver provisions relating to the lack of a private or municipal water system meeting with the requirements of the Department of Water Supply, and which shall also include that the County of Hawaii shall not be responsible to provide water, at any time, to the subdivided residential lots of the subject property, regardless of the situation; and
 4. shall prohibit the construction of an ohana dwelling or a second dwelling unit.
- (D) A wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health and/or the Department of Public Works, whichever is applicable;
- (E) A solid waste management plan shall be prepared meeting with the approval of the Department of Public Works prior to submitting plans for subdivision review. The Plan shall include, but not be limited to, the management of construction solid waste as well as operating and domestic solid waste generated by the subject property. Approved recommendations and mitigation measures shall be implemented at a time and in a manner meeting with the approval of the Department of Public Works;
- (F) 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, which shall be consistent with the interim affordable housing policy of the County as contained in the Hawaii County Housing Agency Resolution No. 65. This housing plan shall be approved by the County Housing Agency prior to final subdivision approval of the development provided that the applicant shall notify the County Housing Agency of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the property prior to visible commencement of construction on the property; provided, however, that the applicant may transfer ownership in the property to an affiliate or in a manner consistent with prior representations to the County Housing Agency;

- (G) a drainage system shall be installed meeting with the requirements of the Department of Public Works;
- (H) access to the subject property from Mamalahoa Highway via Piimauna Drive shall be improved meeting with the requirements of the Department of Public Works and the State Department of Transportation prior to Final Subdivision Approval of the subject properties. These improvements shall include stabilizing the roadway crossing the "Great Crack" and the grading of shoulders;
- (I) should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken;

- (J) comply with all other applicable laws, rules, regulations and requirements of the affected agencies, including those of the Departments of Health, Education, Water Supply, Public Works and Fire Department;
- (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 shall be credited towards 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 change of zone. 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 and the Planning Director acknowledges that further reports are not required; and,
- (M) 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 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 permit;

- 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 applicants should request an additional extension of time, the Planning Director shall submit the applicants' 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:

Isabeli Domingo

 COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: August 24, 1994
 Date of 1st Reading: August 24, 1994
 Date of 2nd Reading: September 7, 1994
 Effective Date: September 13, 1994

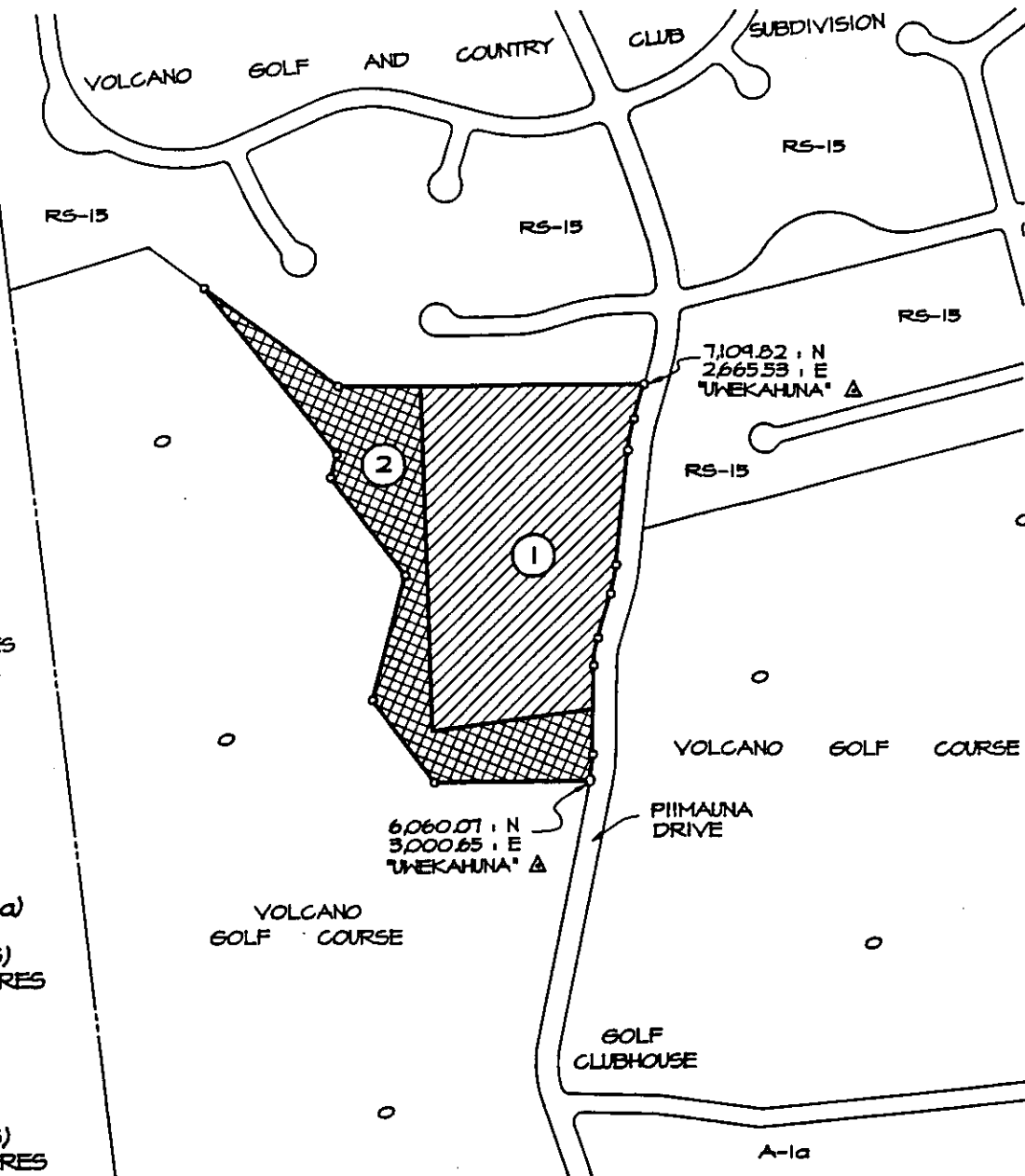
APPROVED AS TO FORM AND LEGALITY:

Fredrick Hansen

 DEPUTY CORPORATION COUNSEL

DATED: 9/9/94

TRUE NORTH
Scale: 1" = 500'



HAWAII VOLCANOES NATIONAL PARK

① PARCEL 1
AGRICULTURAL (A-1a)
TO SINGLE FAMILY
RESIDENTIAL (RS-15)
AREA = 10.7421 ACRES

② PARCEL 2
OPEN (O) TO
SINGLE FAMILY
RESIDENTIAL (RS-15)
AREA = 6.0392 ACRES

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-109 (KAU DISTRICT ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) AND OPEN (O) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT KEAUHOU, KAU, HAWAII.

OFFICE OF THE COUNTY CLERK
 County of Hawaii
 Hilo, Hawaii

RECEIVED

'94 SEP 13 AM 10 12

(DRAFT OFFICE OF COUNTY CLERK

Introduced By: Takashi Domingo
 Date Introduced: August 24, 1994
 First Reading: August 24, 1994
 Published: N/A

COUNTY OF HAWAII 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

REMARKS:


(DRAFT 3)


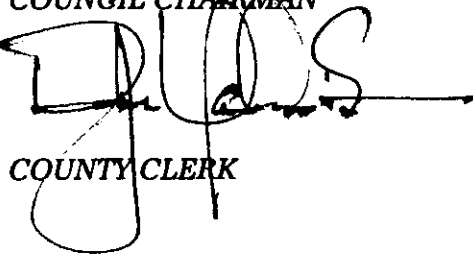
Second Reading: September 7, 1994
 To Mayor: September 7, 1994
 Returned: September 13, 1994
 Effective: September 13, 1994
 Published: September 19, 1994

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

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 9/12/94


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved/Disapproved this 13 day
 of September, 1994


 MAYOR, COUNTY OF HAWAII

Bill No.: 423 (Dr. 3)
 Reference: C-2456/1991/PC-131
 Ord. No.: 94 98