

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 33

ORDINANCE NO. 95 37

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) AND OPEN (O) TO OPEN (O) AND MULTIPLE FAMILY RESIDENTIAL (RM-4) AT WAIKOLOA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-8-01:54(POR.) AND 6-8-22:PORTIONS OF 10 & 35.

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 1:

Beginning at the northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" BEING 15,083.29 feet north and 26,364.96 feet west, thence running by azimuths measured clockwise from true south:

1. Along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Huevo, on a curve to the left with a radius of 460.00 feet, the chord azimuth and distance being:

265° 50' 26" 296.09 feet;

2. 67° 04' 37.19 feet along same;
3. Thence along same, on a curve to the right with a radius of 950.00 feet, the chord azimuth and distance being:
70° 14' 104.96 feet;
4. 73° 24' 135.44 feet along same;
5. Thence along same, on a curve to the left with a radius of 650.00 feet, the chord azimuth and distance being:
70° 08' 03" 74.06 feet;
6. 201° 55' 99.57 feet along same to the point of beginning and containing an area of 0.206 Acre. (Refer to Parcel 1 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 2:

Beginning at the south corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 15,083.29 feet north and 26,364.96 feet west, thence running by azimuths measured clockwise from true south:

1. Along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu, on a curve to the right with a radius of 460.00 feet, the chord azimuth and distance being:
106° 43' 25" 33.86 feet;

2. Thence along same, on a curve to the right with a radius of 40.00 feet, the chord azimuth and distance being:
153° 28' 23" 56.21 feet;
3. Thence along same, on a curve to the left with a radius of 1,130.00 feet, the chord azimuth and distance being:
182° 52' 14" 594.18 feet;
4. 257° 52' 159.92 feet along same;
5. Thence along same, on a curve to the right with a radius of 1,000.00 feet, the chord azimuth and distance being:
6° 44' 01" 523.81 feet;
6. 21° 55' 179.89 feet along same to the point of beginning and containing an area of 1.824 Acres. (Refer to Parcel 2 as shown on Exhibit "A".)

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Open (O):

PARCEL 3:

Beginning at the northeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 16,164.59 feet north and 25,502.36 feet west, thence running by azimuths measured clockwise from true south:

1. 48° 29' 246.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
2. 60° 33' 371.00 feet along same;

3. 77° 52' 231.95 feet along same;
4. Thence along same, on a curve to the left with a radius of 1,000.00 feet, the chord azimuth and distance being:
170° 46' 52.5" 26.85 feet;
5. 248° 45' 269.49 feet along same;
6. 241° 00' 557.00 feet along same to the point of beginning and containing an area of 0.845 Acre. (Refer to Parcel 3 as shown on Exhibit "A".)

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

Open (O):

PARCEL 4:

Beginning at the southwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 16,399.34 feet north and 25,313.96 feet west, thence running by azimuths measured clockwise from true south:

1. 218° 45' 78.99 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
2. 246° 45' 556.00 feet along same;
3. 232° 00' 584.00 feet along same;
4. 224° 45' 318.93 feet along same;
5. 25° 49' 223.01 feet along same;
6. 46° 30' 513.00 feet along same;
7. 60° 22' 602.00 feet along same;

8. 86° 28' 253.00 feet along same to the point of beginning and containing an area of 2.885 Acres. (Refer to Parcel 4 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 5:

Beginning at the south corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 16,653.56 feet north and 23,687.76 feet west, thence running by azimuths measured clockwise from true south:

1. 148° 00' 105.24 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
2. 172° 45' 558.00 feet along same;
3. 118° 10' 167.00 feet along same;
4. 261° 12' 224.00 feet along same;
5. 325° 38' 661.88 feet along same;
6. 54° 30' 78.19 feet along same;
7. Thence along same, on a curve to the right with a radius of 1,350.00 feet, the chord azimuth and distance being:

56° 15' 82.45 feet;
8. 58° 00' 223.29 feet along same to the point of beginning and containing an area of 4.188 Acres. (Refer to Parcel 5 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, its successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Final Subdivision Approval for the consolidation and resubdivision of the subject properties to conform with the approved zone district boundaries shall be secured within three (3) years from the effective date of the change of zone.
- C. The applicant shall comply with all applicable change of zone ordinances or Special Management Area Use Permits which affect the subject properties.
- D. 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.
- E. 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. 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.

F. 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: February 15, 1995
Date of 1st Reading: February 15, 1995
Date of 2nd Reading: March 1, 1995
Effective Date: March 7, 1995

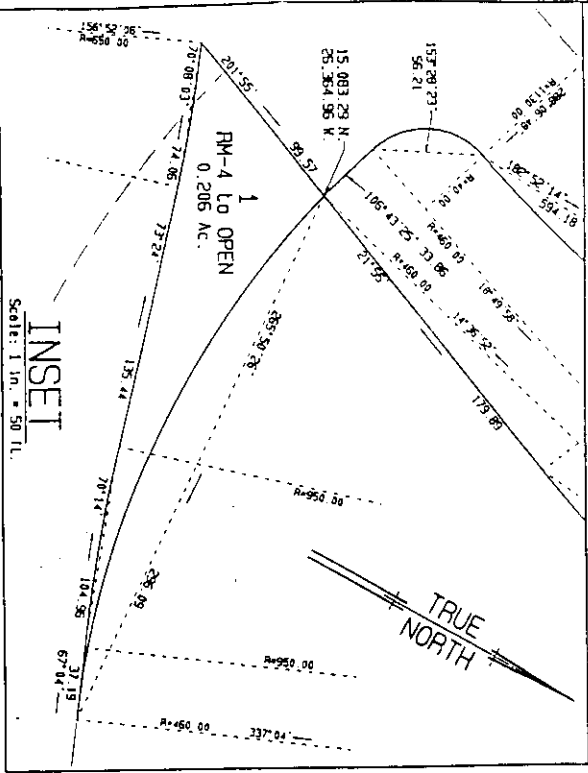
APPROVED AS TO FORM AND LEGALITY:


CORPORATION COUNSEL

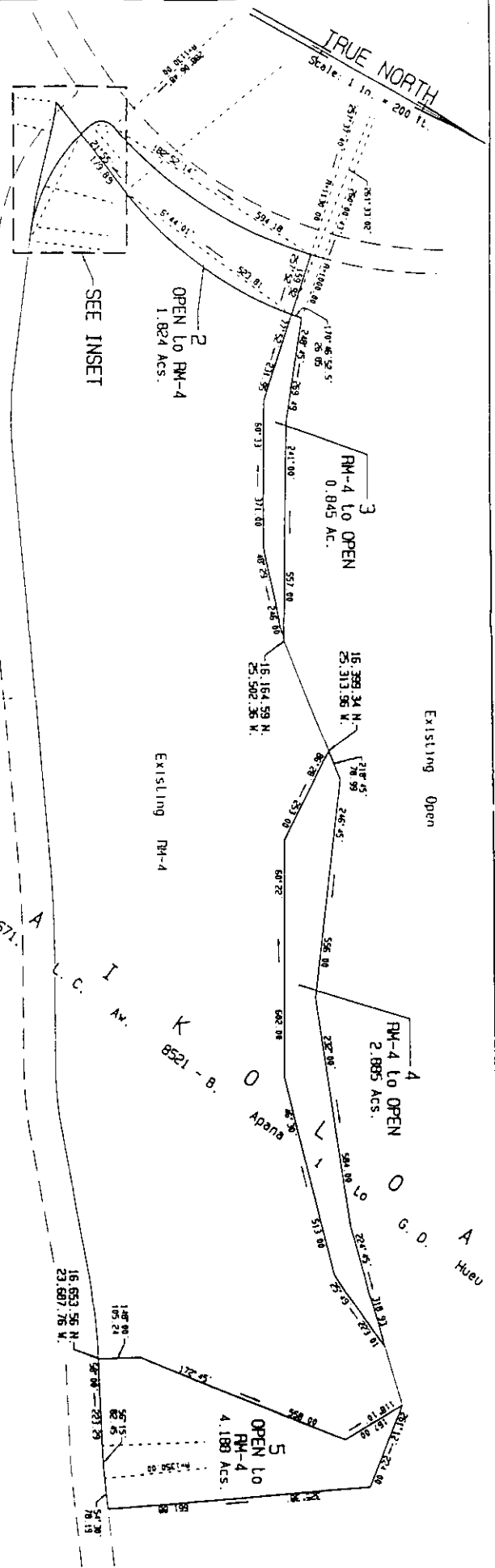
DEPUTY

DATED: 3/3/95

NOTE:
Coordinates referred to TAU HIKAI A



INSET
Scale: 1 in. = 50 ft.



PROPOSED ZONING CHANGES

MAP SHOWING
AT MAUNA LANI RESORT
MAIKOLOA, SOUTH KOHALA
ISLAND OF HAWAII, HAWAII

Tax Map Key 6-8-22, 10 C par. 35 and 6-8-01 par. 5-9

Owner:
MAUNA LANI RESORT, INC.
Prepared by:
BELLI COLLINS HAWAII
580 Ala Moana Boulevard
Honolulu, Hawaii 96813

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

1995 MAR 7 PM 3 49

Introduced By: Keola Childs
Date Introduced: February 15, 1995
First Reading: February 15, 1995
Published: N/A

REMARKS:

ROLL CALL VOTE table with columns: AYES, NOES, ABS, EX. Rows include Arakaki, Bonk-Abramson, Childs, De Lima, Domingo, Osorio, Rath, Ray, Smith. Totals: 9 AYES, 0 NOES, 0 ABS, 0 EX.

Second Reading: March 1, 1995
To Mayor: March 2, 1995
Returned: March 7, 1995
Effective: March 7, 1995
Published: March 15, 1995

REMARKS:

ROLL CALL VOTE table with columns: AYES, NOES, ABS, EX. Rows include Arakaki, Bonk-Abramson, Childs, De Lima, Domingo, Osorio, Rath, Ray, Smith. Totals: 8 AYES, 0 NOES, 1 ABS, 0 EX.

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
CORPORATION COUNSEL
COUNTY OF HAWAII
Date MAR 7 1995

Council Chairman signature
COUNCIL CHAIRMAN
County Clerk signature
COUNTY CLERK

Approved/Disapproved this 7th day of March, 1995

MAYOR, COUNTY OF HAWAII signature

Bill No.: 33
Reference: C-157/PC-24
Ord. No.: 95 37

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 35

ORDINANCE NO. 95 38

AN ORDINANCE AMENDING ORDINANCE NO. 94-70, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 1994 TO JUNE 30, 1995.

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

SECTION 1. Ordinance No. 94-70, As Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 1994 to June 30, 1995, is hereby amended by adding the following project:

PUBLIC WORKS
Kalaniana'ole Wastewater Collector System \$1,499,944
(110-699-5692.91-115)

SECTION 2. Funds for this project shall be provided from State Revolving Funds (SRF) \$1,499,944

SECTION 3. This ordinance shall take effect upon its approval.

Introduced By:

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 15, 1995
Date of 1st Reading: February 15, 1995
Date of 2nd Reading: March 1, 1995
Effective Date: March 7, 1995

OFFICE OF THE COUNTY CLERK
 County of Hawaii
Hilo, Hawaii

95 MAR 7 PM 3 49

Introduced By: Jim Rath
 Date Introduced: February 15, 1995
 First Reading: February 15, 1995
 Published: February 21, 1995

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	9	0	0	0


REMARKS:

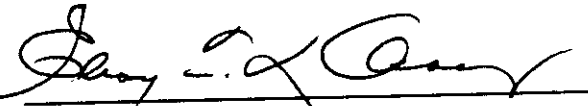
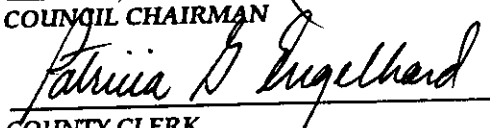
Second Reading: March 1, 1995
 To Mayor: March 2, 1995
 Returned: March 7, 1995
 Effective: March 7, 1995
 Published: March 15, 1995

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo			X	
Osorio	X			
Rath	X			
Ray	X			
Smith	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

 CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date MAR 7 1995


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved / Disapproved this _____ day
 of March, 1995


 MAYOR, COUNTY OF HAWAII

Bill No.: 35
 Reference: C-161/FC-25
 Ord. No.: 95 38