

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 99  
(Draft 2)

ORDINANCE NO. 95 100

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-20) AT PUAPUAANUI, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-17:32.

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

SECTION 1. Section 25-87, 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 Puapuaanui, North Kona, Hawaii, shall be Single Family Residential (RS-20):

Beginning at the northernmost corner of this parcel of land, being also a point on the westerly side of Hualalai Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO" being 1,775.08 feet north and 7,869.60 feet east and running by azimuths measured clockwise from true South:

Thence, for the next twenty-one (21) courses following along the westerly side of Hualalai Road:

1. 348° 15' 20" 74.97 feet to a point;
2. 355° 19' 50" 67.56 feet to a point;
3. 0° 59' 15" 70.81 feet to a point;
4. 352° 08' 10" 37.49 feet to a point;
5. 336° 30' 45" 24.74 feet to a point;

- |     |      |     |     |                         |
|-----|------|-----|-----|-------------------------|
| 6.  | 327° | 54' |     | 87.28 feet to a point;  |
| 7.  | 331° | 47' | 15" | 41.06 feet to a point;  |
| 8.  | 325° | 09' |     | 28.49 feet to a point;  |
| 9.  | 316° | 07' | 40" | 47.77 feet to a point;  |
| 10. | 322° | 21' | 30" | 44.27 feet to a point;  |
| 11. | 328° | 52' | 30" | 42.37 feet to a point;  |
| 12. | 338° | 08' |     | 87.65 feet to a point;  |
| 13. | 355° | 36' |     | 47.03 feet to a point;  |
| 14. | 7°   | 42' | 30" | 20.07 feet to a point;  |
| 15. | 14°  | 43' | 20" | 47.14 feet to a point;  |
| 16. | 18°  | 39' | 15" | 26.70 feet to a point;  |
| 17. | 2°   | 53' | 45" | 10.02 feet to a point;  |
| 18. | 328° | 21' |     | 20.93 feet to a point;  |
| 19. | 335° | 36' | 10" | 133.42 feet to a point; |
| 20. | 327° | 04' |     | 14.52 feet to a point;  |
| 21. | 320° | 34' | 40" | 23.95 feet to a point;  |

Thence, for the next six (6) courses following along the remainder of Royal Patent 7819, Land Commission Award 8559-B, Apana 8 to William C. Lunalilo:

- |     |      |     |     |                                     |
|-----|------|-----|-----|-------------------------------------|
| 22. | 65°  | 22' | 40" | 321.43 feet along Lot 1 to a point; |
| 23. | 156° | 13' |     | 335.19 feet along Lot 1 to a point; |
| 24. | 190° | 26' | 30" | 167.32 feet to a point;             |
| 25. | 75°  | 41' | 30" | 33.04 feet to a point;              |
| 26. | 193° | 09' | 50" | 524.26 feet along Lot 4 to a point; |

27. 187° 34'

70.60 feet along Lot 4 to a point of beginning and containing an area of 5.000 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, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Final Subdivision Approval of the proposed development shall be secured within five (5) years from the effective date of this change of zone ordinance.
- C. The applicant shall make its fair share contribution to mitigate the potential regional impacts of the project with respect to parks and recreation, fire, police, solid waste disposal facilities, and roads. The fair share contribution shall be initially based on the representations contained within the change of zone application and shall be increased or reduced proportionally if the lot counts are adjusted. The total fair share contribution or its proportionate amount based upon incremental subdivision shall be due and payable prior to final subdivision approval of each increment of the subject property. The fair share contribution for each lot shall be based on a maximum density for each lot as determined by the zoning resulting from this change of zone. The fair share contribution in

the form of cash, land, facilities, or any combination thereof acceptable to the director, in consultation with the affected agencies shall have a maximum combined value of **\$28,956.64**. The fair share contribution shall be as follows:

- (1) **\$13,963.40** to the County to support park and recreation improvements and facilities;
- (2) **\$ 673.60** to the County to support police services and facilities;
- (3) **\$1,330.44** to the County to support fire services and facilities;
- (4) **\$ 582.48** to the County to support solid waste facilities; and
- (5) **\$12,406.72** to the State or County to support road and traffic improvements.

The fair share contribution described above shall be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). In lieu of paying the fair share contribution in cash, the applicant may construct such facilities related to parks and recreation, fire, police, solid waste disposal facilities, and roads. The cost of constructing the improvements required in Condition F shall be credited against the sum specified in Condition C(5) for road and traffic improvements. For purposes of administering

Condition C, the cost of any improvements required or made in lieu of the fair share contribution shall be such amount as approved by the planning director, upon consultation with the appropriate agencies. Any improvements constructed by the applicant to satisfy this condition shall be located within the region impacted by the proposed development.

- D. Restrictive covenant(s) in the deeds of all the proposed lots shall prohibit the construction of an ohana dwelling or a second dwelling unit on each lot. A copy of the covenants with this requirement shall be submitted to the Planning Department for review and approval and a copy of the approved covenants shall be recited in an instrument executed by the applicants and the County prior to final subdivision approval for any portion of the subject property. The Planning Director shall promptly deliver such document to the Bureau of Conveyances for recordation. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- E. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, 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.

- F. A county-dedicable road through the project site shall be constructed meeting with the approval of the Department of Public Works, including its connection with the Pualani Estates Subdivision mauka-makai roadway and with Hualalai Road.
- G. 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.
- H. 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.
  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).

G. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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:

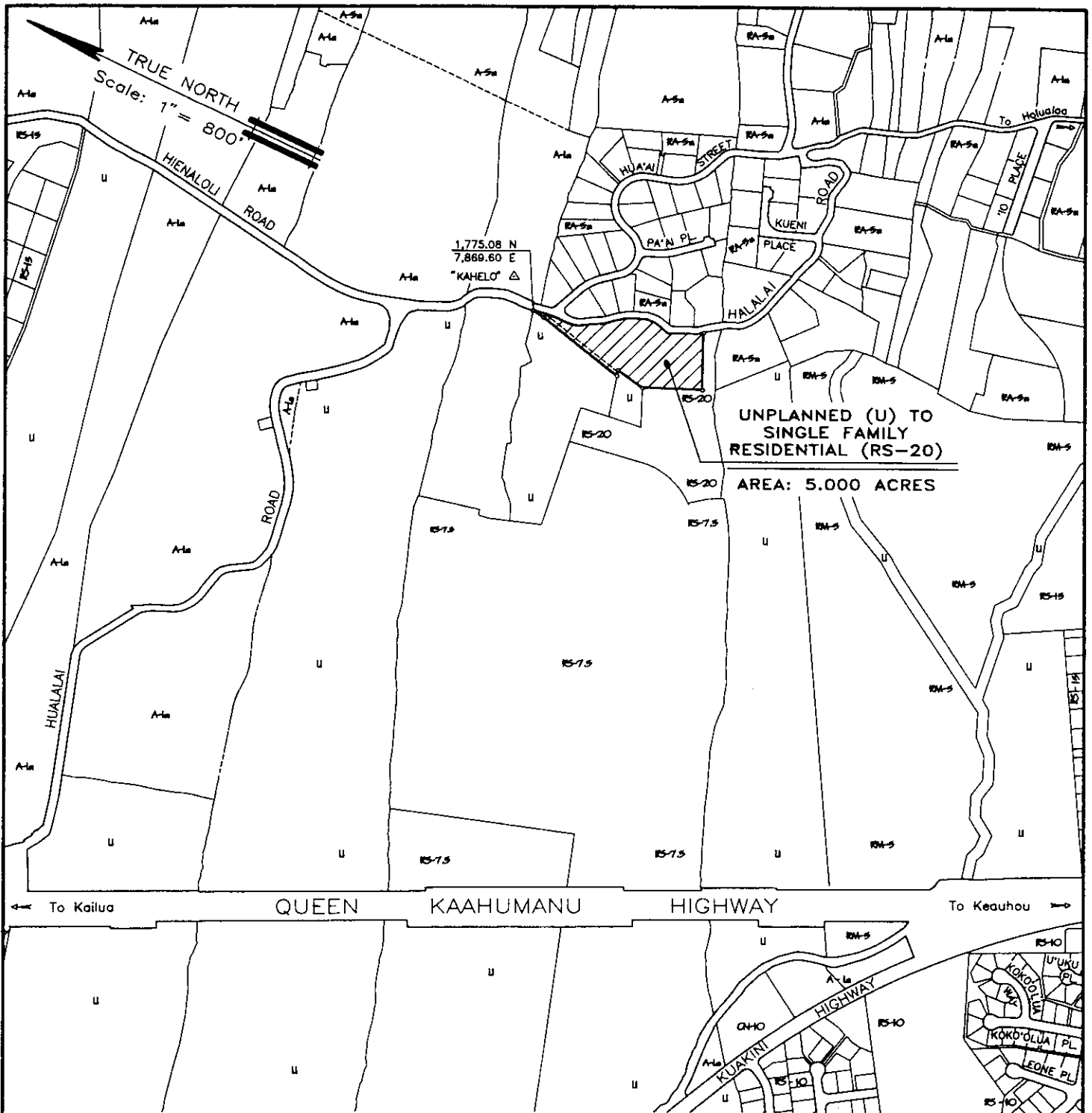
*Isabel Domingo*

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: August 2, 1995  
Date of 1st Reading: August 2, 1995  
Date of 2nd Reading: August 16, 1995  
Effective Date: August 23, 1995

APPROVED as to  
FORM and LEGALITY  
*Frederick Kamin*  
DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII  
Date 8/21/95



## AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-20) AT PUAPUAANUI, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

95 AUG 22 11:22 AM '95

(DRAFT 2)

Introduced By: Takashi Domingo  
 Date Introduced: August 2, 1995  
 First Reading: August 2, 1995  
 Published: N/A

REMARKS:

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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			
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Second Reading: August 16, 1995  
 To Mayor: August 17, 1995  
 Returned: August 23, 1995  
 Effective: August 23, 1995  
 Published: August 31, 1995

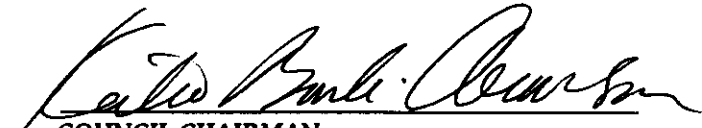
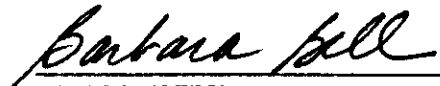
REMARKS:

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De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
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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 AUG 22 1995

  
 COUNCIL CHAIRMAN  
  
 COUNTY CLERK

Approved/Disapproved this 23 day  
 of August, 1995.

  
 MAYOR, COUNTY OF HAWAII

Bill No.: 99 (Draft 2)  
 Reference: C-457/PC-57  
 Ord. No.: 95 100