

COUNTY OF HAWAII

STATE OF HAWAII

BILL NO. 326
(Draft 5)

ORDINANCE NO. 96 136

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-10) AT KALAOA 4th, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-5:85.

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 property described hereinafter as follows:

The district classification of the following area situated at Kalaoa 4th, North Kona, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the Southeasterly corner of this parcel of land, being also the Southwesterly corner of Lot 4 and being a point on the Northerly boundary of Lot B-1, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 6,755.53 feet South and 9,063.16 feet West and running by azimuths measured clockwise from True South:

Thence, for the next six (6) courses following along Grant 1606 to Kanehailua:

1. 86° 53' 30" 433.50 feet along Lot B-1 and along Grant 1607 to Nawahie to a point;
2. 87° 56' 30" 50.46 feet along Lot B-1, along Grant 1607 to Nawahie and along the Northerly end of 'Ili'Ili Street to a point;

Thence, for the next eight (8) courses following along Lot 5-E and along the remainder of 1608 to Kekeleaukai:

3. 177° 56' 30" 25.00 feet to a point;

4. 87° 56' 30" 162.92 feet to a point;
5. 92° 09' 111.83 feet to a point;
6. 91° 33' 30" 178.68 feet to a point;

Thence, following on a curve to the left with a radius of 300.00 feet, the chord azimuth and distance being:

7. 160° 34' 40" 237.59 feet to a point;
8. 137° 15' 264.21 feet to a point;

Thence, following on a curve to the right with a radius of 300.00 feet, the chord azimuth and distance being:

9. 158° 50' 30" 220.79 feet to a point;
10. 180° 26' 11.03 feet to a point;
11. 267° 20' 30" 74.65 feet along the Southerly end of Kiekie Street and along Lot 13 of Kona Coastview Subdivision, Unit II (File Plan 915) to a point;
12. 246° 49' 30" 122.46 feet along Lots 13 and 12 of Kona Coastview Subdivision, Unit II (File Plan 915) to a point;
13. 268° 46' 67.63 feet along Lots 12 and 11 of Kona Coastview Subdivision, Unit II (File Plan 915) to a point;
14. 278° 14' 119.55 feet along Lots 11 and 10 of Kona Coastview Subdivision, Unit II (File Plan 915) to a point;
15. 273° 44' 174.40 feet along Lots 10, 9 and 8 of Kona Coastview Subdivision, Unit II (File Plan 915) to a point;

16. 267° 02' 29.00 feet along Lot 8 of Kona Coastview Subdivision, Unit II (File Plan 915) to a point;

Thence, for the next seven (7) courses following along Lot 2-A and along the remainder of Grant 1608 to Kekeleaukai:

17. 6° 49' 40" 321.40 feet to a point;

18. 1° 02' 239.63 feet to a point;

19. 270° 32' 20" 247.33 feet to a point;

20. 254° 48' 45" 230.99 feet to a point;

21. 233° 24' 30" 82.04 feet to a point;

22. 198° 35' 40" 126.09 feet to a point;

23. 269° 22' 122.61 feet to a point;

24. 352° 40' 30" 336.01 feet along Lots 3 and 4 and along the remainder of Grant 1608 to Kekeleaukai to the point of beginning and containing an area of 8.943 Acres.

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. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance.

- C. In any subdivision or re-subdivision of the subject property, each lot granted final subdivision approval, except for road lots, shall have not less than one unit of water available and committed to it by the Department of Water Supply. No waiver shall be granted from this provision.

- D. Final Subdivision Approval for a portion or all of the subject property shall be secured from the Planning Director within five (5) years from the effective date of this ordinance.

- E. Restrictive covenant in the deeds of all the proposed residential lots shall prohibit the construction of an ohana dwelling or a second dwelling unit on each lot of the subject property. A copy of the covenant with this requirement shall be submitted to the Planning Director 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 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 Director upon its receipt from the Bureau of Conveyances.

- F. In conjunction with final subdivision approval for any portion of the subject property, 'Ili'ili Street shall be extended to its northern boundary and constructed to dedicable standards meeting with the approval of the Department of Public Works and shall be dedicated to the County of Hawaii upon completion.

- G. Access to all the lots within the proposed subdivision shall meet with the approval of the Department of Public Works. Improvements within the proposed subdivision shall include underground utilities.

- H. In conjunction with Final Subdivision Approval for any portion of the subject property which establishes a lot west (makai) of the 'Ili'ili Street extension, Kiekie Street shall be extended to connect with 'Ili'ili Street either within the subject property and/or through abutting lands according to an alignment and design approved by the Department of Public Works. The extensions of Kiekie Street and 'Ili'ili Street and any roadways connecting such streets shall be constructed to dedicable standards, meeting with the approval of the Department of Public Works and shall be dedicated to the County of Hawaii upon completion.
- I. Drainage improvements, if required, shall be constructed in a manner meeting with the approval of the Department of Public Works in conjunction with Final Subdivision Approval for any portion of the subject property.
- J. To ensure that the goals and policies of the Housing Element of the General Plan are implemented, the applicant shall secure the concurrence of the Office of Housing and Community Development that the applicant's affordable housing requirements, if any, have been mutually agreed to prior to Final Subdivision Approval for any portion of the subject property.
- K. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- L. The applicant shall make its fair share contribution to mitigate the potential regional impacts of the subject property with respect to parks and recreation, fire, police, solid waste disposal facilities, and roads. The amount of the fair share

contribution shall be the sum which is the product of multiplying the number of residential lots proposed to be subdivided by the amounts allocated hereinbelow for each such lot, and shall become due and payable prior to final subdivision approval for any portion of the subject property or its increments. If the subject property is subdivided in two or more increments, the amount of the fair share contribution due and payable prior to final subdivision approval of each increment shall be a sum calculated in the same manner according to the number of additional proposed residential lots in each such increment. The fair share contribution may be in a form of cash, land, facilities, or any combination thereof acceptable to the director in consultation with the affected agencies. The fair share contribution shall have a maximum combined value of **\$7,239.16 per lot**. Based upon the applicant's representation of intent to subdivide and develop up to thirty (30) residential lots, the indicated total fair share contribution is **\$217,174.80**, however, the total amount shall be increased or reduced in proportion with the actual number of subdivided lots according to the calculation and payment provisions set forth in this Condition L. The fair share contribution shall be allocated as follows:

1. \$3,490.85 per lot, for an indicated total of **\$104,725.50** to the County to support park and recreational improvements and facilities;
2. \$168.40 per lot, for an indicated total of **\$5,052.00** to the County to support police facilities;
3. \$332.61 per lot, for an indicated total of **\$9,978.30** to the County to support fire facilities;

4. \$145.62 per lot, for an indicated total of **\$4,368.60** to the County to support solid waste facilities;
5. \$3,101.68 per lot, for an indicated total of **\$93,050.40** to the State or County to support road and traffic improvements.

The fair share contributions described above shall be adjusted annually beginning three years after the effective date of the change of zone, based on the percentage change in the Honolulu Consumer Price Index (HCPI). In lieu of paying the fair share contribution, the applicant may construct and contribute improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities, and roads within the region impacted by the proposed development, subject to the approval of the director. The cost of providing and constructing the segment of roadway which establishes a roadway connection between Kiekie and 'Ili'ili Streets (exclusive of interior subdivision roads), as set forth in Conditions H, shall be credited against the sum specified in Condition L(5) for road and traffic improvements. For purposes of administering Condition L, the fair market value of land contributed for such roadway segment and the cost of constructing its improvements shall be subject to the review and approval of the director, upon consultation with the appropriate agencies.

- M. 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 Fee Ordinance.
- N. 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).
- O. 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 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

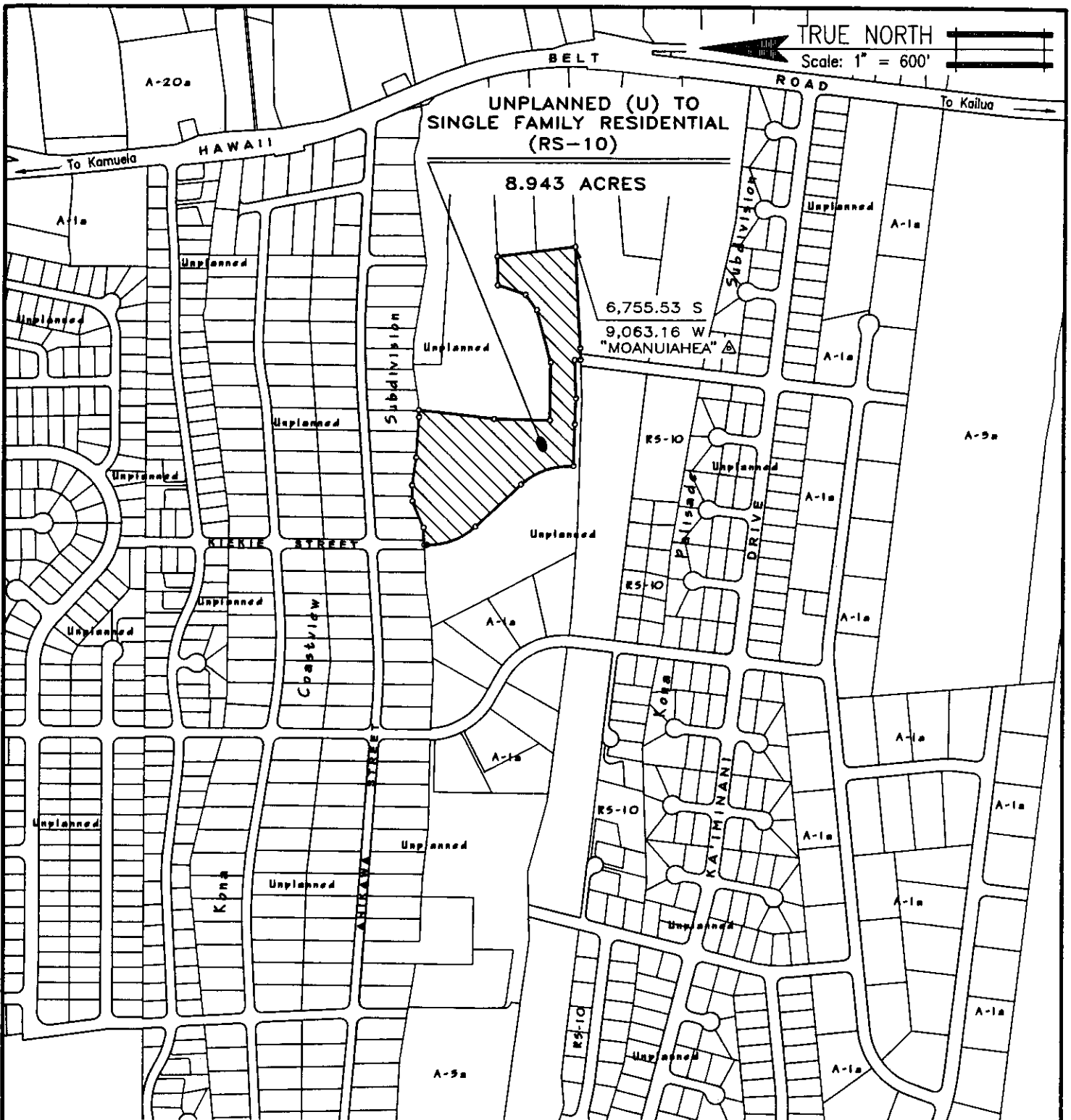
Date of Introduction: October 2, 1996
Date of 1st Reading: October 2, 1996
Date of 2nd Reading: October 16, 1996
Effective Date: October 23, 1996

APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL

DEPUTY

DATED: 10/2/1996



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-10) AT KALAOA 4th, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 4) 3 02

Introduced By: Takashi Domingo
 Date Introduced: October 2, 1996
 First Reading: October 2, 1996
 Published: October 9, 1996

REMARKS:

ROLL CALL VOTE				
OFFICE	AYES	NOES	ABS	EX
Arakaki	X			
Easley	X			
Childs	X			
De Lima		X		
Domingo		X		
Osorio	X			
Van De Car		X		
Ray	X			
Smith		X		
	5	4	0	0

Second Reading: October 16, 1996
 To Mayor: October 17, 1996
 Returned: October 23, 1996
 Effective: October 23, 1996
 Published: November 8, 1996

REMARKS:

(DRAFT 5)

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Easley			X	
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Van De Car		X		
Ray	X			
Smith	X			
	7	1	1	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved/Disapproved this 23 day
 of October, 1996.


 MAYOR, COUNTY OF HAWAII

Bill No.: 326 (Draft 5)
 Reference: C-1354/PC-156
 Ord. No.: 96 136