



COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 88

ORDINANCE NO. 05 102

AN ORDINANCE AMENDING SECTION 25-8-13 (PUAKO-ANAEHOOMALU ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-3) AND MULTIPLE FAMILY RESIDENTIAL (RM-4) TO SINGLE FAMILY RESIDENTIAL (RS-20) AT ANAEHOOMALU, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-8-33:1-6, 8-14, 16-18, 20-49.

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

SECTION 1. Section 25-8-13, Article 8, 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 Anaehoomalu, South Kohala, Hawaii, shall be Single Family Residential (RS-20):

PARCEL "A"

Beginning at the Southwesterly corner of this parcel of land, being also the Southwesterly corner of Lot 1 of 49 Black Sand Beach Subdivision (File Plan 2249) and an angle point on the boundary of Lot B of Mauna Lani Resort South Course Subdivision (File Plan 2199), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 11,277.19 feet North and 35,757.32 feet West and running by azimuths measured clockwise from True South:

Thence for the next six (6) courses following along Lot B of Mauna Lani Resort South Course Subdivision (File Plan 2199) and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama:

- 1. 163° 49' 108.26 feet to a point;
- 2. 249° 15' 64.00 feet to a point;
- 3. 222° 03' 77.00 feet to a point;

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|-----|----------|--------|--|
| 4. | 199° 29' | 63.00 | feet to a point; |
| 5. | 175° 50' | 50.00 | feet to a point; |
| 6. | 165° 27' | 45.88 | feet to a point; |
| 7. | 266° 10' | 170.75 | feet along the Open Zoned remainder of Lot 2 and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama to a point; |
| 8. | 334° 37' | 155.15 | feet along the Open Zoned remainder of Lot 2 and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama to a point; |
| 9. | 38° 02' | 162.62 | feet along the Open Zoned remainders of Lots 2 and 1 and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama to a point; |
| 10. | 70° 11' | 237.87 | feet along the Open Zoned remainder of Lot 1 and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama to the point of beginning and containing an area of 1.531 Acres. |

The district classification of the following area situated at Anaehoomalu, South Kohala, Hawai'i, shall be Single Family Residential (RS-20):

PARCEL "B"

Beginning at the Southeasterly corner of this parcel of land, being also the Southeasterly corner of Lot 6 and the Southwesterly corner of Lot 7 and being a point on the Northerly side of Honokaope Place, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 11,106.66 feet North and 34,509.65 feet West and running by azimuths measured clockwise from True South:

Thence, for the next three (3) courses following along the Northerly side of Honokaope Place:

1. 92° 00' 334.92 feet to a point;

Thence, following on a curve to the right with a radius of 375.00 feet, the chord azimuth and distance being:

2. 105° 47' 30" 178.79 feet to a point;

3. 119° 35' 56.09 feet to a point;

4. 173° 00' 271.83 feet along Lot 51 to 49 Black Sand Beach Subdivision (File Plan 2246) and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama to a point;

Thence, for the next eight (8) courses following along highwater mark at seashore as of June 4, 1980 as shown on File Plans 2199, the direct azimuths and distances being:

5. 274° 15' 225.66 feet to a point;

6. 226° 09' 50" 19.86 feet to a point;

7. 221° 15' 199.51 feet to a point;

8. 246° 07' 35" 61.92 feet to a point;

9. 340° 05' 133.38 feet to a point;

10. 312° 28' 02" 17.38 feet to a point;

11. 270° 23' 50" 90.70 feet to a point;

12. 250° 20' 12.93 feet to a point;

13. 0° 00' 396.51 feet along Lot 7 of 49 Black Sand Beach Subdivision (File Plan 2246) and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H.

Kalama to the point of beginning and containing an area of 5.169 Acres, more or less.

The district classification of the following area situated at Anaehoomalu, South Kohala, Hawai'i, shall be Single Family Residential (RS-20):

PARCEL "C"

Beginning at the Southwesterly corner of this parcel of land, being also the Southwesterly corner of Lot 8 and the Southeasterly corner of Lot 7 and being a point on the Northerly side of Honokaope Place, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 11,101.16 feet North and 34,352.06 feet West and running by azimuths measured clockwise from True South:

1. 172° 00' 442.08 feet along Lot 7 of 49 Black Sand Beach Subdivision (File Plan 2246) and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama to a point;

Thence, for the next seven (7) courses following along highwater mark at seashore as of June 4, 1980 as shown on File Plans 2199, the direct azimuths and distances being:

2. 243° 35' 91.33 feet to a point;
3. 231° 54' 09" 57.63 feet to a point;
4. 212° 35' 59.40 feet to a point;
5. 196° 45' 129.48 feet to a point;
6. 223° 43' 10' 80.82 feet to a point;
7. 295° 15' 67.45 feet to a point;
8. 243° 15' 25" 52.49 feet to a point;

Thence, for the next five (5) courses following along the Open Zoning designation and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama:

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|-----|----------|--------|---|
| 9. | 251° 00' | 89.24 | feet along the remainder of Lot 13 to a point; |
| 10. | 156° 20' | 174.00 | feet along the remainders of Lot 13 and 14-A to a point; |
| 11. | 196° 58' | 151.00 | feet along the remainders of Lots 14-A and 16-A to a point; |
| 12. | 164° 53' | 384.00 | feet along the remainders of Lots 16-A, 17 and 18 to a point; |
| 13. | 219° 15' | 81.69 | feet along the remainder of Lot 18 to a point; |
| 14. | 317° 21' | 399.70 | following along Lot 1 of Mauna Lani Resort South Course Subdivision (File Plan 2199) and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama to a point; |

Thence, for the next ten (10) courses following along the Northerly and Northwesterly side of Honokaope Court:

Thence, from a tangent azimuth of 137° 21' following on a curve to the left with a radius of 58.00 feet, the chord azimuth and distance being:

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|-----|-------------|-------|------------------|
| 15. | 84° 40' 02" | 92.25 | feet to a point; |
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Thence, from a tangent azimuth of 31° 59' 04" following on a curve to the left with a radius of 58.00 feet, the chord azimuth and distance being:

- | | | | |
|-----|--------------|-------|------------------|
| 16. | 344° 02' 10" | 86.13 | feet to a point; |
|-----|--------------|-------|------------------|

Thence, from a tangent azimuth of 296° 05' 16" following on a curve to the right with a radius of 25.00 feet, the chord azimuth and distance being:

- | | | | |
|-----|--------------|-------|------------------|
| 17. | 333° 02' 38" | 30.06 | feet to a point; |
|-----|--------------|-------|------------------|

18. 10° 00' 105.33 feet to a point;

Thence, following on a curve to the left with a radius of 375.00 feet, the chord azimuth and distance being:

19. 353° 00' 219.28 feet to a point;

20. 336° 00' 50.22 feet to a point;

Thence, following on a curve to the right with a radius of 350.00 feet, the chord azimuth and distance being:

21. 25° 30' 532.28 feet to a point;

22. 75° 00' 55.76 feet to a point;

Thence, following on a curve to the left with a radius of 225.00 feet, the chord azimuth and distance being:

23. 38° 30' 267.67 feet to a point;

Thence, from a tangent azimuth of 2° 00' following on a curve to the right with a radius of 27.94 feet, the chord azimuth and distance being:

24. 47° 00' 39.51 feet to a point;

25. 92° 00' 75.43 feet along the Northerly side of Honokaope Place to the point of beginning and containing an area of 9.429 Acres.

The district classification of the following area situated at Anaahoomalu, South Kohala, Hawai'i, shall be Single Family Residential (RS-20):

PARCEL "D"

Beginning at the Northwesterly corner of this parcel of land, being also the Northwesterly corner of Lot 20 and the Southwesterly corner of Lot 19 of 49 Black Sand Beach Subdivision (File Plan 2246) and being a point on the Easterly side of Honokaope Court, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 11,859.32 feet North and 33,756.53 feet West and running by azimuths measured clockwise from True South:

Thence, for the next three (3) courses following along Lot 19 of 49 Black Sand Beach Subdivision (File Plan 2246) and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama:

1. 273° 00' 71.99 feet to a point;
2. 183° 00' 120.55 feet to a point;
3. 273° 00' 30.00 feet to a point;

Thence, for the next eleven (11) courses following along Lot 1 of Mauna Lani Resort South Course Subdivision (File Plan 2199):

4. 308° 02' 156.52 feet to a point;
5. 333° 10' 23.49 feet to a point;
6. 312° 00' 233.00 feet to a point;
7. 290° 28' 358.62 feet to a point;
8. 243° 05' 115.00 feet to a point;
9. 202° 04' 94.42 feet to a point;
10. 158° 17' 181.29 feet to a point;
11. 173° 40' 59.16 feet to a point;
12. 189° 24' 65.00 feet to a point;
13. 234° 18' 369.00 feet to a point;
14. 277° 11' 315.96 feet to a point;

Thence, for the next five (5) courses following along the Northwesterly side of Honokaope Place:

15. 321° 38' 51" 45.32 feet to a point;
16. 41° 59' 856.06 feet to a point;

Thence, following on a curve to the right with a radius of 415.00 feet, the chord azimuth and distance being:

- 17. 69° 59' 30" 389.77 feet to a point;
- 18. 98° 00' 197.05 feet to a point;

Thence, following on a curve to the left with a radius of 425.00 feet, the chord azimuth and distance being:

- 19. 78° 41' 23" 281.08 feet to a point;

Thence, for the next three (3) courses following along the Northeasterly side of Honokaope Way:

Thence, from a tangent azimuth of 59° 22' 46" following on a curve to the right with a radius of 25.00 feet, the chord azimuth and distance being:

- 20. 101° 11' 23" 33.33 feet to a point;
- 21. 143° 00' 94.09 feet to a point;

Thence, following on a curve to the right with a radius of 25.00 feet, the chord azimuth and distance being:

- 22. 178° 48' 05" 29.25 feet to a point;

Thence, from a tangent azimuth of 214° 36' 10" following along the Easterly side of Honokaope Court on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being:

- 23. 185° 18' 05" 391.52 feet to a point;
- 24. 156° 00' 10.02 feet along the Easterly side of Honokaope Court to the point of beginning and containing an area of 11.777 Acres.

The district classification of the following area situated at Anaehoomalu, South Kohala, Hawai'i, shall be Single Family Residential (RS-20):

PARCEL "E"

Beginning at the Northwesterly corner of this parcel of land, being also the Northwesterly corner of Lot 49 and the Northeasterly corner of Lot 50 of 49 Black Sand Beach Subdivision (File Plan 2246) and being a point on the Southerly side of Honokaope Place, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAP" being 11,123.53 feet North and 35,041.09 feet West and running by azimuths measured clockwise from True South:

Thence, for the next seven (7) courses following along the Southerly side of Honokaope Place:

Thence, from a tangent azimuth of $299^{\circ} 35'$ following on a curve to the left with a radius of 425.00 feet, the chord azimuth and distance being:

1. $285^{\circ} 47' 30''$ 202.63 feet to a point;
2. $272^{\circ} 00'$ 594.52 feet to a point;

Thence, following on a curve to the left with a radius of 625.00 feet, the chord azimuth and distance being:

3. $252^{\circ} 30'$ 417.26 feet to a point;
4. $233^{\circ} 00'$ 182.94 feet to a point;

Thence, following on a curve to the right with a radius of 375.00 feet, the chord azimuth and distance being:

5. $255^{\circ} 30'$ 287.01 feet to a point;
6. $278^{\circ} 00'$ 197.05 feet to a point;

Thence, following on a curve to the left with a radius of 465.00 feet, the chord azimuth and distance being:

7. $260^{\circ} 10'$ 284.81 feet to a point;

Thence, for the next fourteen (14) courses following along Lot B of Mauna Lani Resort South Course Subdivision (File Plan 2199) and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama:

8.	62° 20'	354.76	feet to a point;
9.	50° 18'	447.73	feet to a point;
10.	9° 25'	88.00	feet to a point;
11.	54° 44'	131.00	feet to a point;
12.	100° 41'	112.00	feet to a point;
13.	83° 28'	133.23	feet to a point;
14.	93° 10'	530.00	feet to a point;
15.	68° 51'	89.00	feet to a point;
16.	39° 17'	114.00	feet to a point;
17.	115° 22'	125.00	feet to a point;
18.	177° 35'	34.00	feet to a point;
19.	145° 32'	99.00	feet to a point;
20.	94° 44'	214.00	feet to a point;
21.	138° 09'	178.78	feet to a point;
22.	194° 48'	135.03	feet along the Open Zoned remainder of Lot 49 of 49 Black Sand Beach Subdivision (File Plan 2246) and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama to a point;
23.	273° 00'	88.60	feet along Lot 50 of 49 Black Sand Beach Subdivision (File Plan 2246) and along the remainder of Royal Patent 7523, Land Commission Award 4452, Apana 4 to H. Kalama to the point of beginning and containing an area of 13.438 Acres.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

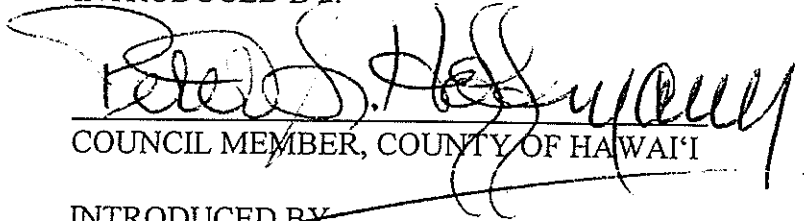
SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code, the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
 - (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.
- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. 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 – State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- C. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

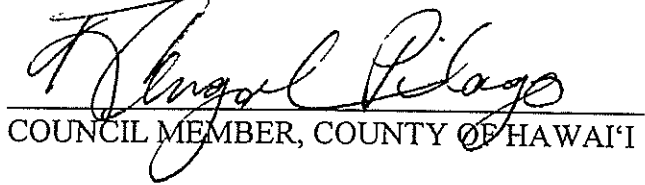
SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

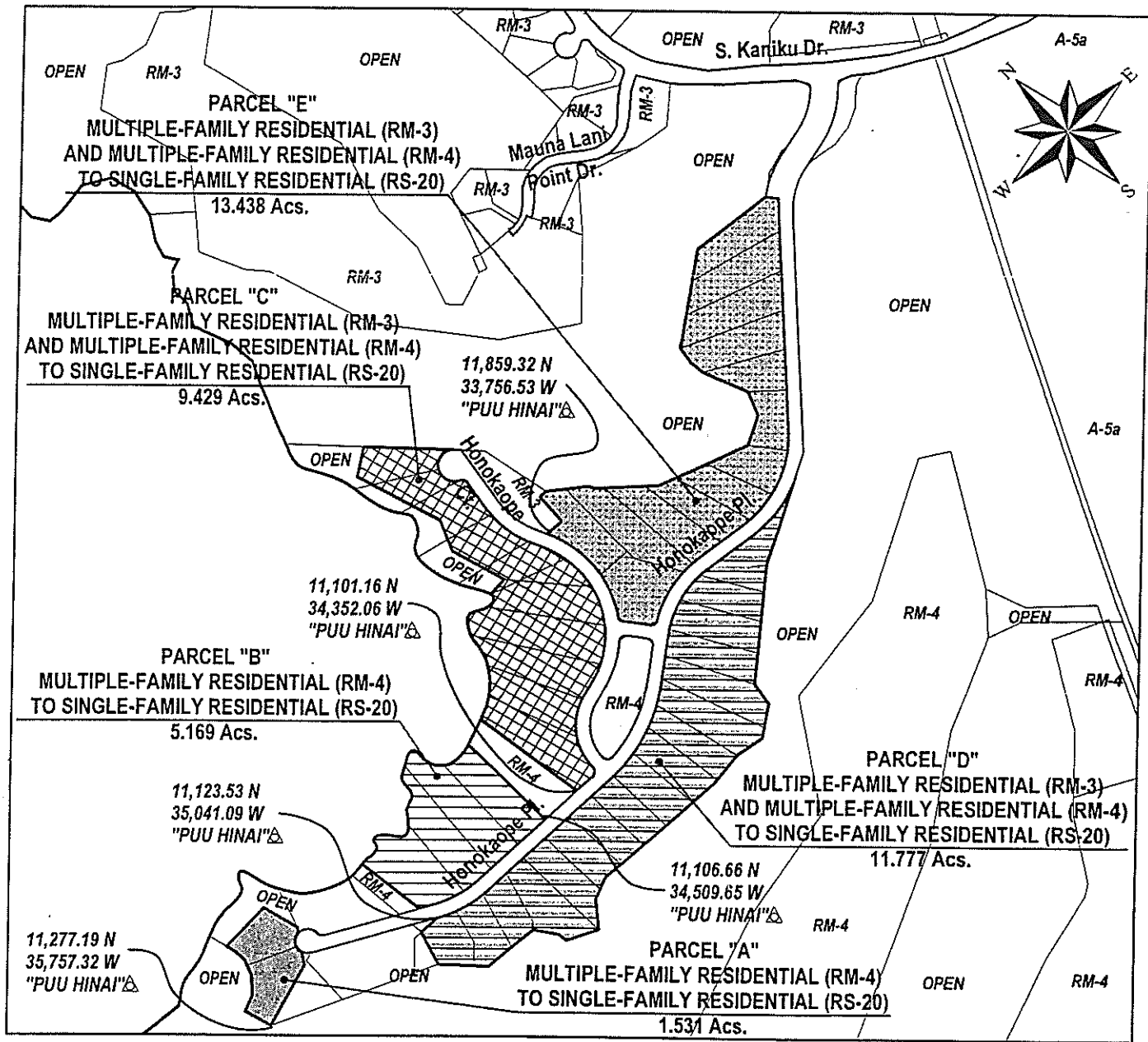
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

Kona, Hawai'i

Date of Introduction: June 1, 2005
Date of 1st Reading: June 1, 2005
Date of 2nd Reading: June 15, 2005
Effective Date: June 17, 2005

REFERENCE: Comm. 229



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-13 (PUAKO-ANAEHOOMALU ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE-FAMILY RESIDENTIAL (RM-3) AND MULTIPLE-FAMILY RESIDENTIAL (RM-4) TO SINGLE-FAMILY RESIDENTIAL (RS-20) AT ANAEHOOMALU, SOUTH KOHALA, HAWAII

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Kona, Hawai'i

Introduced By: Pete Hoffmann/K. Angel Pilago
Date Introduced: June 1, 2005
First Reading: June 1, 2005
Published: N/A

REMARKS: _____

Second Reading: June 15, 2005
To Mayor: June 16, 2005
Returned: June 17, 2005
Effective: June 17, 2005
Published: June 23, 2005

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson	X			
Pilago	X			
Safarik	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson	X			
Pilago	X			
Safarik			X	
	8	0	1	0

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

APPROVED AS TO
FORM AND LEGALITY:

Jack Okun
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII
Date JUN 16 2005

Angel Pilago
COUNCIL CHAIRMAN

Constantine R. Kirin
COUNTY CLERK

Bill No.: 88
Reference: C-229/PC-19
Ord No.: 05 102

Disapproved this 17th day
of June, 2005
Harry Kim
MAYOR, COUNTY OF HAWAII