

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 148

AN ORDINANCE AMENDING SECTION 7.06, THE NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT OULI, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-2-01:10 and 68.

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

SECTION 1. Section 7.06 of Chapter 8 (Zoning Code) Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.06(n). The district classification of the following area situated at Ouli, South Kohala, Hawaii, shall be Single Family Residential (RS-15):
Beginning at the East corner of this parcel of land and on the North side of Kawaihae Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 13, 903.67 feet North and 3247.55 feet West, thence running by azimuths measured clockwise from True South:

Along the North side of Kawaihae Road, on a curve to the left with a radius of 1940.00 feet, the azimuth and distance of the chord being:

- 1. 82° 00' 35" 455.38 feet;
- 2. 75° 16' 10" 2,234.30 feet along same;

Thence along same, on a curve to the right with a radius of 1402.50 feet, the azimuth and distance of the chord being:

- 3. 81° 24' 10" 299.69 feet;
- 4. 87° 32' 10" 436.04 feet along same;

Thence along same, on a curve to the left with a radius of 1940.00 feet, the azimuth and distance of the chord being:

- 5. 77° 38' 10" 667.08 feet;
- 6. 67° 44' 10" 351.41 feet along same;
- 7. 235° 47' 50" 2,984.83 feet along the Government Lands of Pauahi and Momoualooa;
- 8. 283° 11' 20" 1,056.50 feet along the Government Land of Momoualooa;
- 9. 299° 30' 946.02 feet along the remainder of Royal Patent 2237, Land Commission Award 8518-B, Apana 1 to James Young Kanehoa to the point of beginning and containing an Area of 57.495 Acres.

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

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that: (A) the area be zoned in two (2) increments. The first increment shall consist of thirty-eight (38) acres and the second, the remaining area. The effective date of zoning for the second increment shall be after development has occurred on the first increment. Development is defined as building permit issued for residential dwelling units and construction partially completed in the sense of having roofs on a minimum of twenty-five (25) percent of the units for the entire area of fifty-seven (57) acres; (B) the applicant, James R. Kuwaye, submit a subdivision plan for the first increment and secure tentative approval within one (1) year from the date of approval of the change of zone and also assume responsibility for securing final subdivision of the first increment. The applicant shall also be responsible for submitting and securing final subdivision approval of the second increment; (C) the applicant be responsible to provide a water system in accordance with the with the County of Hawaii Department of Water Supply standards. The system shall be constructed and made available prior to sale of lots within the first increment; (D) the method of sewage disposal shall meet with the rules and regulations of the State of Hawaii Department of Health; (E) a maximum of two (2) road connections be made to the Kawaihae Road. Such road connections and traffic patterns shall be determined at the time of subdivision review of the first increment. However, the access near the curved portion of the Kawaihae Road (as indicated on the preliminary subdivision plan) between Lots 1 and 117 shall not be allowed. Access to all lots shall be from the interior subdivision roads. No direct access shall be permitted from the lots onto Kawaihae Road; and (F) a minimum area of three (3) acres be set aside within the subject area for park and recreational purposes. The exact location shall be determined at the time of subdivision approval of first increment. The park area shall be made available prior to granting tentative subdivision approval of the second increment. Said area

shall be kept in private ownership and maintenance and the type of improvements shall include a minimum of lot grading and grass planting, meeting the approval of the Parks and Recreation Director. There shall also be adequate assurance, as determined by the Corporation Counsel, for the maintenance of the private park by recorded covenant running with the land which shall include the following: (A) obligate the subdividers, purchasers, occupants or association in the subdivision to maintain the private park in perpetuity; and (B) empower the County, through the Parks and Recreation Director, to enforce the covenants to maintain the private park, authorizing the performance of maintenance work by the County in the event of failure by the subdividers, purchasers, occupants or association in the subdivision to perform such work and permit the subjecting of the land and properties in the subdivision to a lien until the cost of work performed by the County has been reimbursed. Should any of the foregoing conditions not be met, rezoning of the property to its original zoning designation may be initiated.

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

James W. King

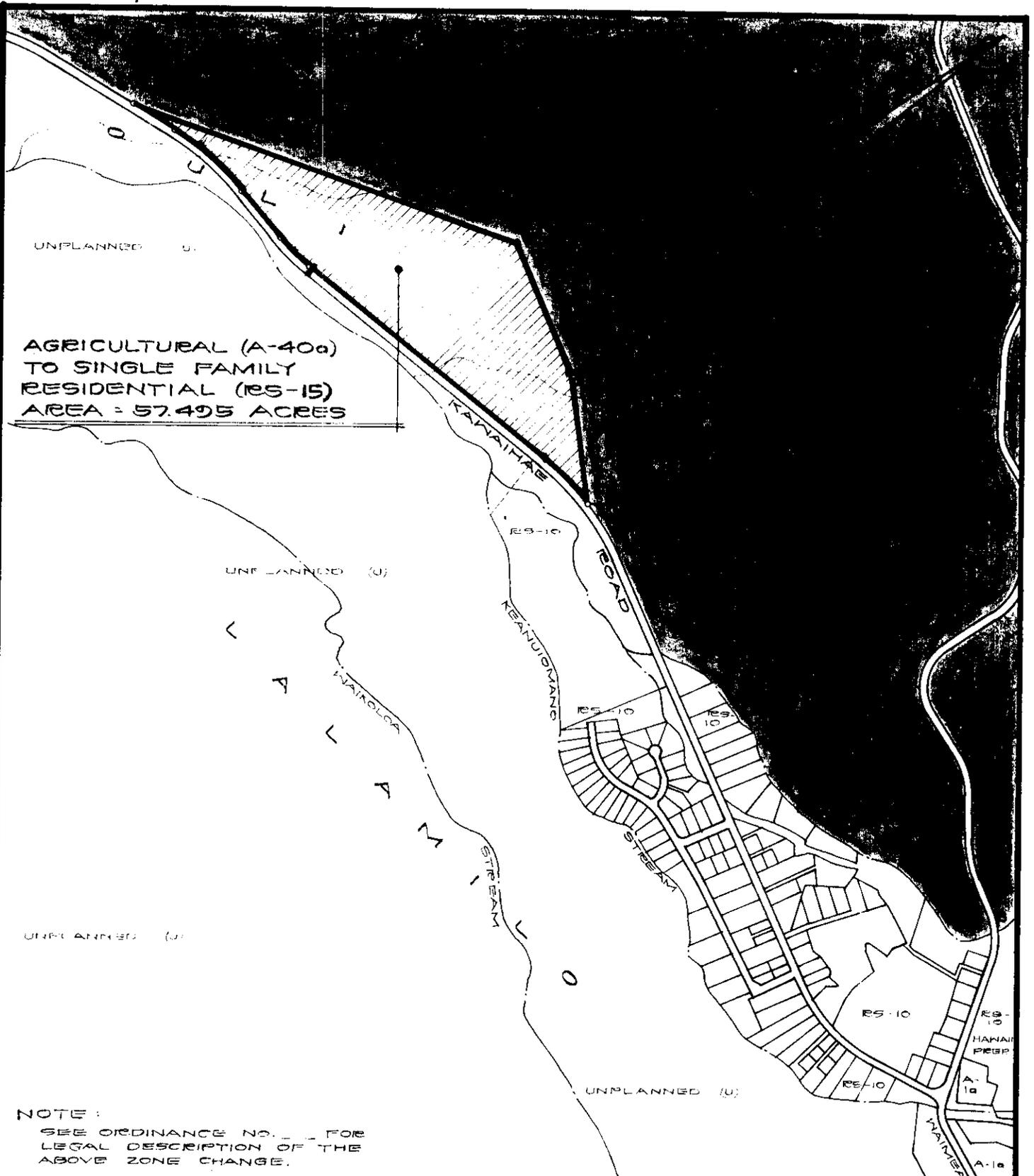
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: September 10, 1975

Date of Adoption: September 24, 1975

Effective Date: October 1, 1975



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 12 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.06, THE NORTH & SOUTH KOHALA DISTRICTS ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT OULI, SOUTH KOHALA, HAWAII.

DATE OF PUBLIC HEARING : JUNE 26, 1975
 DATE OF APPROVAL :
 ORDINANCE NO.
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

REZONING: JAMES KUWAYE

The applicant, James Kuwaye, is requesting a change of zone for 57 acres of land from an Agriculture 40-acre (A-40a) to a Single Family Residential - 15,000 square foot (RS-15) zoned district. The area in question is situated approximately 150 feet makai of the Lalamilo House Lots Subdivision and also about one (1) mile makai of the Kawaihae-Kohala Road junction, ⁰⁰¹⁻¹ ~~Waimea~~, ~~South Kohala~~ (Area 6 2-1-1973) (5)

In request of the change of zone, the applicant intends to create a 128-lot subdivision ranging in 15,000 square feet to 51,700 square feet in sizes. According to the applicant, dwellings will be built upon twenty-five percent (25%) of the lots. The approximate price range for a house and lot package will be \$60,000.00. The lots will be sold to individuals and contractors to provide a variety of housing and attain a diversity of socio-economic housing mix.

For the Commission's information, the preliminary subdivision plans as submitted may not necessarily be the final map, as it has been approved by the Planning Department.
The General Plan land use pattern allocation guide map designates portion of the area for Low Density Urban Development which would allow single family residential uses at a maximum density of four (4) units per acre. The remaining area is designated as Intensive Agriculture and Alternate Urban Expansion.

In January of 1973, the State Land Use Commission reclassified the property from an Agricultural to an Urban District. The County Planning Commission went on record supporting the urban reclassification.

The land is of the Waimea series which consists of well drained very fine sandy loams that form in volcanic ash. The surface layer

is about 17 inches thick and the subsoil is about 25 inches. It is underlain by weathering, hard basalt bedrock at a depth of about 42 inches. In places, the surface is extremely stony. Permeability is moderately rapid, runoff is slow, and the erosion hazard is slight. The slope of the area is between 6 to 12 percent, and the rainfall is between 25 to 45 inches annually.

The area in question was formerly used for pastoral purposes, however, it is presently vacant. Surrounding land uses include grazing lands and the Lalamilo House Lots Subdivision which is zoned RS-10.

There are no historical features or sites on the property. The Ouli and Mamaena gulches running through the area are the only distinct visible land forms attributed to the property. However, the land has not been designated as being within a flood inundation area. *There are also no known history of flooding.*

Upon review of the request, the Department of Water Supply had the following comments to offer:

(Read Department of Water Supply memo)

The applicant, however, indicated that he will comply with the water requirements. *The fire Commissioner's information, Tank site No. 1 is located along Kawaihae Road approximately 9,700 feet inside of the property.*
The Department of Public Works, Police Department and the State Department of Transportation, Highways Division, expressed concerns regarding the access off the Kawaihae Road. *(These concerns, however, can be resolved as a condition of approval or at the time of subdivision review.)*

The Department of Education had the following comments to offer:

(READ DOE COMMENTS)

The Department of Parks and Recreation stated the following:

"A park site should be provided for within the development and its size dependent upon the number of residential lots. If the intent is to dedicate the park, their minimum improvements should include grading and grassing."

The Mauna Kea Soil and Water Conservation District had the following items of consideration:

- "1. The Ouli gulch comes in from mauka. This intermittent
2 stream should not be obstructed.
- "2. Severe wind erosion may occur if the entire area is stripped of existing groundcover. The minimum area necessary and practical should be disturbed at any one time.
- "3. Runoff of rainfall will increase considerably from roads, drives and homes. Adequate provisions for handling this increased runoff should be given.
- "4. This soil type has a high corrosivity rating for uncoated steep pipes.
- "5. Road locations on steep slopes may be highly erodible and unstable. There are small areas within the subdivision on steep slopes exceeding 12 percent."

All other cooperating agencies, including the Department of Agriculture, had no comments on or objections to the subject request.

The following letters were received from the Waimea-Kawaihae

Community Association and the Puako Community Association:

(READ BOTH LETTERS)

PLANNING DEPARTMENT

County of Hawaii

APPLICATION FOR CHANGE OF ZONE

Name of Applicant: JAMES R. KUWAYE
(print or type)

(I) (We) hereby request an amendment of zoning to change the present classification in a(n) A-40 district into a(n) RS-15 district in accordance with provisions of Section 38, Ordinance No. 63 of the County of Hawaii for the following reasons:

Submittals: Petitioner shall submit sixteen (16) copies of the application and location/site plan drawn to scale, and one (1) copy of the questionnaire.

Petitioner's interest in subject property: (State if owner or lessee*)

*must be for 5 years or more

Petitioner's reason(s) for requesting a change of zone:

NOTE: a. Please explain how the requested change of zone would be consistent with the goals, policies, and course of action (if applicable) of the General Plan document. Please, also, specifically indicate which goals, policies, and courses of action are involved. (Copies of the General Plan document are available at all public libraries and at the Hawaii County Planning Department.)

SEE ATTACHMENT

b. Please state any other reason(s) for your request.

The application shall be accompanied with a deposit of \$100.00 to cover publication and administrative costs.

Signature James R. Kuwaye
Name Title

Address 160 Keea St, Hilo, HI 96720

Telephone 961 3455

Mr. James R. Kuwaye
P. O. Box 703
Hilo, Hawaii 96720

Re: Application for Change in Zoning of Tax Map Parcels
6-2-1-68 and 10

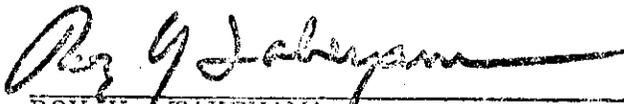
Dear Mr. Kuwaye:

In consideration of the fact that James R. Kuwaye, whose post office address is Kamuela, Hawaii (hereinafter referred to as "Kuwaye"), has engaged in negotiations with the undersigned beneficial owner of the above-referenced tax map parcels 6-2-1-68 and 10 for the purchase of the property by Kuwaye, the undersigned hereby authorize Kuwaye to engage in any and all acts deemed necessary for the reclassification of said property under the Zoning Laws of the County of Hawaii from the present classification of A-40 to an RS-15 district in accordance with the provisions of Section 38, Ordinance No. 63 of the County of Hawaii.

To that end, Kuwaye is hereby authorized to file an application for a change of zone with the Planning Department of the County of Hawaii and is further authorized to act as representative for the undersigned in any proceedings before the Planning Department of the County of Hawaii relating to the reclassification of the above property.

Very truly yours,

KAMUELA ASSOCIATES



ROY Y. TAKEYAMA



ROY E. TAKUSHI



LARRY K. MATSUO



STANLEY Y. MURAI

General Partners of Kamuela
Associates, a Hawaii limited
partnership.

PLANNING DEPARTMENT
COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

If your request is approved, do you intend to subdivide the subject land in accordance with the approved change of zone?

Yes

If yes, please answer the rest of question 1 and then to question 3.

a. How many acres of the requested area do you intend to subdivide?

57 Ac.

b. Into what lot sizes?

15,000 Sq. Ft.

c. If your request is approved, approximately how long after the date of approval do you expect to submit your subdivision plans to the Planning Department for preliminary approval?

9 months

d. Do you intend to build houses on the newly created lots?

Yes & No

If yes, please answer the following questions:

On how many of those lots?

25%

At what approximate price range? House

\$35,000

Lot

\$25,000

Total

\$60,000

Approximately how long, after approval of the subdivision, would the first house be available for occupancy?

1 year

If you intend to subdivide, please submit a preliminary schematic subdivision plan together with your change of zone application form.

2. If you have no firm plans of subdividing the subject area, do you intend to:

a. Sell or lease the land to someone who has firm plans? _____

b. Sell or lease the land to someone who has tentative plans? _____

c. Sell or lease the land to someone who has no plans? _____

d. Keep it? _____

e. Other (please state)

Sell lots to individuals and contractors to provide a variety of housing and attain a diversity of socio-economic housing mix

f. If you intend to do either a, b, or c, please elaborate on the kind of plans the other party has. Please, also, include in your answer approximately how soon after approval of your rezoning do you expect to transfer the subject land to another party.

3. Do you think that your request and your further plans for the land will alleviate the local housing situation?

Yes

How? By providing safe, sanitary, secure and comfortable housing with pride of home ownership and providing a development of a wide variety of housing to attain a diversity of socio-economic housing mix.

4. Are there any buildings on the subject area?
If so, what kind?

No

What do you intend to do with those buildings if your request is approved?

5. Is the subject land currently being used for any agricultural activity?

No

If so, please list the kinds of products grown and on how many square feet or acres of land per product.

6. To your knowledge, has there been any flooding and/or drainage problem on the subject area?

No

If so, please describe the problem.

7. Do you think that the roads leading to the subject area needs improvement?

No

If so, what kind?

Is the road adequate for the proposed traffic volume or load?

Yes

8. What sort of governmental assistance and/or improvements do you feel will be needed in the subject area when developed?

	<u>Yes</u>	<u>No</u>
a. Schools	_____	_____
b. Roads	_____	_____
c. Sewer	_____	_____
d. Drainage	_____	_____
e. Police Protection	_____	_____
f. Fire Protection	_____	_____
g. Recreational Facilities	_____	_____
h. Public Utilities	_____	_____
i. Other	_____	_____

For those checked "yes", please elaborate what type or kinds of improvements and/or assistance are needed.

Signature: James C. Kennedy

Address: 160 Koa St. Hilo, HI 96720

Telephone: 961-3455

Date: February 24, 1975

Bill No. 155 - 1975

AN ORDINANCE AMENDING SECTION 7.06, THE NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT OULI, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-2-01:10 and 68.

This Bill amends the North and South Kohala Districts Zone Map of the Zoning Code.

Date Introduced: September 10, 1975

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on September 10, 1975, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: Councilman Levin - 1.



COUNTY CLERK
COUNTY OF HAWAII



155, THE NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT OULI, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-2-01:10 and 68.

This Bill amends the North and South Kohala Districts Zone Map of the Zoning Code.

Date introduced: September 10, 1975
Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on September 10, 1975, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: Councilman Levin - 1.

TED SUZUKI
COUNTY CLERK
COUNTY OF HAWAII

ORDINANCE NO. 148
(Bill No. 155-1975)

AN ORDINANCE AMENDING SECTION 7.06, THE NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT OULI, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-2-01:10 and 68.

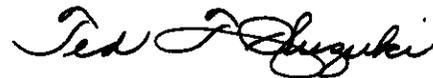
Date Approved: September 24, 1975
Date Effective: October 1, 1975

Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on September 24, 1975, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: Councilman Levin - 1.



COUNTY CLERK
COUNTY OF HAWAII



Hilo, Hawaii
Date: September 10, 1975

FIRST READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin		X	
Yadao	X		
Yamada	X		
	8	1	

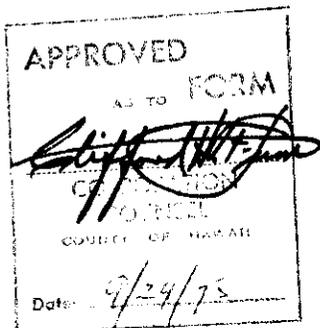
Publication Date: Sept. 15, 1975

Hilo, Hawaii
Date: September 24, 1975

SECOND & FINAL READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin		X	
Yadao	X		
Yamada	X		
	8	1	

Publication Date: OCT 3 1975

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.



Robert M. Yamada
Council Chairman

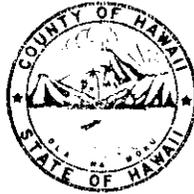
Ted J. Suzuki
County Clerk

Approved/Disapproved this 1st day of October, 1975

Sube Matayoshi
Mayor, County of Hawaii

Bill No. 155
Reference: C-1508/PRDLC-57
M.B. No. _____
Ord. No. 115

Ted T. Suzuki
COUNTY CLERK



Robert Shioji
DEPUTY COUNTY CLERK

OFFICE OF THE COUNTY CLERK

COUNTY OF HAWAII
HILO, HAWAII 96720

Mayor Herbert T. Matayoshi
County of Hawaii
Hilo, Hawaii

I hereby transmit Ordinance Bill No. 155
passed by the County Council on second and final
reading.

Ted T. Suzuki
COUNTY CLERK

Encl.

Dated: Sept. 26, 1975