

OFFICE INFORMATION ONLY

Meeting: September 17, 1986

Action: Bill 242 was filed; (Memo from Corporation Counsel dated September 4, 1986 stated correction of the typographical error (the addition of brackets) will be done when they codify the ordinance.

Re: Bill 242



PLANNING COMMISSION

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

August 22, 1986

Honorable Stephen K. Yamashiro, Chairman
and Members of the County Council
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Chairman Yamashiro and Members:

Amendment to Condition F of Change of Zone Ordinance No. 416
Kamuela Development Corporation
Tax Map Key 6-2-01:10 & 68

The Planning Commission, after a duly held public hearing on August 13, 1986 voted to recommend for your approval an amendment to Condition F (Park requirement) of Change of Zone Ordinance No. 416 to correct a typographical oversight. Ordinance No. 416 which amended Ordinance No. 148 rezoned 57 acres of land from an Agricultural 40-acre (A-40a) to a Single Family Residential - 15,000 square foot (RS-15) zoned district at Kamuela View Estates Subdivision, Ouli, South Kohala, Hawaii.

The Commission concurs with the Planning Director's reasons for initiating the change of zone amendment.

For your favorable consideration, an amendment to Section 25-95E, the Lalamilo-Puukapu Zone Map, of the County Zoning Code is transmitted.

We are enclosing a copy of the Planning Director's background information regarding the proposed changes.

Sincerely,

Barbara A. Koi
Chairperson, Planning Commission

Enclosures Bill 2-2

cc: Kamuela Development Corporation

Marc Duncan

Karen Jeffrey

Department of Public Works

Department of Water Supply

Hawaii County Services, Deputy Managing Director's Office

APPROVED:

DANTE K. CARPENTER, MAYOR

COMM. NO. 740

To: PC

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 242

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-95E (LALAMILO-PUUKAPU ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO THE CONDITIONS IMPOSED UPON THE SINGLE FAMILY RESIDENTIAL ZONE (RS-15) AT OULI, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEYS 6-2-01:10 and 68.

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

SECTION 1. Section 25-95E, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code is hereby further amended to read as follows:

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 3,247.55 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 1,940.00 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 1,402.50 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 1,940.00 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 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 area be zoned in two (2) increments. The first increment shall consist of thirty-eight (38) contiguous 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. In lieu of the actual construction of

the dwellings, the petitioner may enter into an agreement with the Planning Department which would bond and assure the County that the dwellings will be constructed within a given period. Such agreement shall meet with the approval of the Corporation Counsel and the Planning Director. In doing so, development of the second increment may proceed prior to the actual construction of the dwellings in the first increment; (B) the applicant Kamuela Development Corporation, or its authorized representative, shall 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 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 three (3) road connections be made to the Kawaihae Road as approved by the Department of Public Works and the State Highway Engineer. Such road connections and traffic pattern shall be determined at the time of subdivision review of the first increment. 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 the 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.] A payment in the sum of \$25,000.00 be assessed for park and recreational

purposes at the time of submittal of subdivision plans for the second increment. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate zoning designation may be initiated.

SECTION 3. Material to be repealed is bracketed.

SECTION 4. In the event that any portion of the ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: September 17, 1986
Date of 1st Reading: September 17, 1986
Date of 2nd Reading:
Effective Date:

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

ROLL CALL VOTE

Introduced By: Takashi Domingo
 Date Introduced: September 17, 1986
 First Reading: September 17, 1986
 Published: _____

	AYES	NOES	ABS	EX
DAHLBERG				
DE LUZ				
DOMINGO				
HERKES				
JITCHAKU-INOUE				
KOKUBUN				
LAI				
SCHUTTE				
YAMASHIRO				

REMARKS:

ROLL CALL VOTE

Second Reading: _____
 To Mayor: _____
 Returned: _____
 Effective: _____
 Published: _____

	AYES	NOES	ABS	EX
DAHLBERG				
DE LUZ				
DOMINGO				
HERKES				
JITCHAKU-INOUE				
KOKUBUN				
LAI				
SCHUTTE				
YAMASHIRO				

REMARKS:

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 _____ day
 of _____, 19 _____

MAYOR, COUNTY OF HAWAII

Bill No.: 242
 Reference: C-740/PC-150
 Ord. No.: _____

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 416

AN ORDINANCE AMENDING SECTION 7.06, THE NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP, ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, RELATING TO THE CONDITIONS IMPOSED UPON THE SINGLE FAMILY RESIDENTIAL ZONE (RS-15) AT OULI, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEYS 6-2-01:10 AND 68.

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

SECTION 1. Section 7.06(n), Article 2, Chapter 8 of the Hawaii County Code, as amended, is hereby further amended to read as follows:

"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 3,247.55 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" 455.33 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" 299.63 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" 667.03 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 Momoualoa;
8. 283° 11' 20" 1,056.50 feet along the Government Land of Momoualoa;
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 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) contiguous 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. In lieu of the actual construction of the dwellings, the petitioner may enter into an agreement with the Planning Department which would bond and assure the County that the dwellings will be constructed within a given period. Such agreement shall meet with the approval of the Corporation Counsel and the Planning Director. In doing so, development of the second increment may proceed prior to the actual construction of the dwellings in the first increment; (B) the applicant [James R. Kuwaye,] Kamuela Development Corporation, or its authorized representative, shall 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 assure 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 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 three (3) road connections be made to the Kawaihae Road as approved by the Department of Public Works and the State Highway Engineer. 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 subdivisior 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 the 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. A payment in the sum of \$25,000.00 be assessed for park and recreational purposes at the time of submittal of subdivision plans for the second increment. Should any of the foregoing conditions not be met, rezoning of the property to its original zoning designation may be initiated.

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, the brackets, bracketed material and underscoring need not be included.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 22, 1979

Date of Adoption: March 7, 1979

Effective Date: March 15, 1979

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 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 the perpetuity; and (B) empower the County, through the Parks and Recreation Director, to enforce the covenants to maintain

Hilo, Hawaii
 Date: February 22, 1979

FIRST READING			
	AYES	NOES	A/E
Dahlberg			X
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara			X
Lai			X
Sameshima	X		
Tajiri	X		
Chr. Yamashiro	X		
	6	0	3

Publication Date: FEB 27 1979

Hilo, Hawaii
 Date: March 7, 1979

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo			X
Fujii	X		
Garcia	X		
Kawahara			X
Lai	X		
Sameshima	X		
Tajiri	X		
Chr. Yamashiro	X		
	7	0	2

Publication Date: MAR 23 1979

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

APPROVED as to
 DEPUTY
Sandra E. Pelt
 DEPUTY
 MAR 1979

Haruki Yamashiro
 Council Chairman

R. B. Legaspi
 County Clerk

Approved/Disapproved this 15th day of
March, 1979

Hubert K. ...
 Mayor, County of Hawaii

Bill No. 449 (Revised)
 Reference: C-1034/PC-67
 M.B. No. _____
 Ord. No. 416