

COUNTY OF HAWAII  
ORDINANCE NO. 858

AN ORDINANCE AMENDING SECTION 7.24 (THE KA'U DISTRICT ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO SINGLE-FAMILY RESIDENTIAL (RS-15) AT PUNALUU, KA'U, HAWAII, COVERED BY TAX MAP KEY 9-6-02:PORTION OF 39.

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

SECTION 1. Section 7.24, Article 2, Chapter 8, (Zoning Code), of the Hawaii County Code, as amended, is further amended to add a new subsection, to read as follows:

"7.24 ( i ). The district classification of the following area situated at Punaluu, Ka'u, Hawaii, shall be Single Family Residential (RS-15):

Beginning at a pipe in concrete on the Northwesterly corner of this parcel of land, and on the Southeasterly side of Mamalahoa Highway, the coordinates of which referred to Government Survey Triangulation Station "HILL" (PUEHU) being 183.36 feet North and 314.59 feet West and running by azimuths measured clockwise from true South:

1. 210° 22' 10" 2,072.80 feet along the Southeasterly side of Mamalahoa Highway to a pipe in concrete;
2. 311° 21' 94.95 feet along the Southwesterly side of Punaluu Road to a pipe in concrete;
3. 299° 44' 174.34 feet along the Southwesterly side of Punaluu Road to a pipe in concrete;
4. 313° 03' 63.68 feet along the Southwesterly side of Punaluu Road to a pipe in concrete;
5. 333° 42' 1,817.00 feet along the Southwesterly side of Punaluu Road;
6. 100° 35' 305.00 feet along Lot 1-C;
7. 39° 47' 30" 203.00 feet along Lot 1-C;

- |     |      |         |   |
|-----|------|---------|---|
| 8.  | 129° | 34'     | 172.00 feet along Lot 1-C;  |
| 9.  | 56°  | 20'     | 958.00 feet along Lot 1-C;  |
| 10. | 40°  | 50'     | 153.00 feet along Lot 1-C;  |
| 11. | 351° | 21' 30" | 147.27 feet along Lot 1-C to a<br>3/4 inch pipe in concrete;  |
| 12. | 4°   | 17'     | 266.45 feet along Lot 2 to a 2 inch<br>pipe in concrete monument<br>marked "28";  |
| 13. | 135° | 40' 10" | 694.13 feet along Government Land<br>of Wailau to a pipe in<br>concrete;  |
| 14. | 162° | 55'     | 613.09 feet along Government Land<br>of Wailau to the point of<br>beginning and containing an<br>area of 64.123 acres, more<br>or less. |

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

This subsection is conditioned upon the following:

(A) that the petitioner, successors or assigns shall be responsible for complying with all stated conditions of approval; (B) that the single family residential (RS) zoned areas shall be developed in four (4) increments as specified and delineated on the petitioner's master development plan. Subdivision plans for the first increment shall be submitted within one (1) year from the effective date of change of zone. Development of each subsequent increment shall not commence until development has occurred in the prior increment. "Development" means the existence of building permits for single family residential units and the completion of construction of roofs on a minimum of twenty-five percent of the units. In lieu of the actual construction of the single family dwelling units, an agreement may be entered into with the Hawaii County Housing Agency which would require the posting of a bond

in favor of the County to ensure that the units will be constructed within a given period. Such agreement shall meet with the approval of the Corporation Counsel and the Hawaii County Housing Agency. In doing so, development of a subsequent increment may proceed prior to the actual construction of units in the prior increment; (C) that an intensive archaeological survey and salvage work shall be conducted and the report filed with the Planning Department and the State Department of Land and Natural Resources, Historic Sites Section. No development of the area shall be allowed until such a report has been filed. This report shall be submitted simultaneously with the subdivision plans for the first increment; (D) that should any unanticipated archaeological or historic features be uncovered during land preparation activities, work shall immediately cease and the Planning Department notified. Work shall not resume until clearance is obtained from the Planning Department; (E) that the method of sewage disposal shall meet with the approval of the appropriate governmental agencies; (F) that no direct accesses shall be allowed for the Single Family Residential (RS) area from the Hawaii Belt Highway; (G) that the requirements of the State Department of Transportation, Highways Division and the County Department of Public Works shall be complied with; (H) that Punaluu Road shall be improved to meet the minimum roadway improvement standards of the Department of Public Works, from the Hawaii Belt Highway to the southernmost portion of the area being rezoned. This shall include curb, gutter and sidewalk improvements, which shall also be provided for within the single family

residential development. These improvements shall meet with the approval of the Department of Public Works; and (I) that all other applicable rules, regulations and requirements, shall be complied with. 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 2. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 2, 1983  
Date of Adoption: March 16, 1983  
Effective Date: March 23, 1983



## AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 9 TO SECTION 7.24 (THE KA'U DISTRICT ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT PUNALUU, KA'U, HAWAII.

DATE OF PUBLIC HEARING : OCT. 14, 1982  
EFFECTIVE DATE : MARCH 23, 1983  
ORDINANCE NUMBER : 858  
PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 9-6-02 : 39 (POR.)

DEC. 1, 1982

EXHIBIT "A"

Hilo, Hawaii  
Date: March 2, 1983

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo			X
Fujii	X		
Hale	X		
Kawahara			X
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	7	0	2

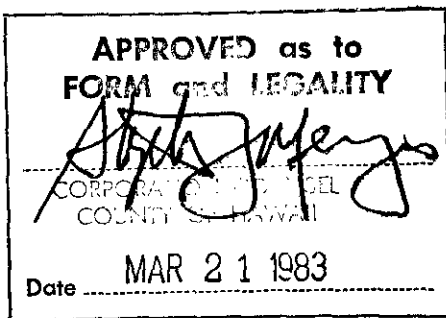
Publication Date: \_\_\_\_\_

Hilo, Hawaii  
Date: March 16, 1983

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo			X
Fujii	X		
Hale	X		
Kawahara			X
Lai	X		
Schutte	X		
Chr. Yamashiro			X
	6	0	3

Publication Date: APR 5 1983

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



*[Signature]*  
Council Chairman

*[Signature]*  
County Clerk

Approved/Disapproved this 23<sup>rd</sup> day of March, 1983.

*[Signature]*  
Mayor, County of Hawaii

Bill No. 915 (Draft 2)  
Reference: PC-189/C-1063  
M.B. No. \_\_\_\_\_  
Ord. No. 858