

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE ~~NO.~~ 879

AN ORDINANCE AMENDING SECTION 7.02 (THE NORTH KONA ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT PUA A 3RD, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-10:18 & 20.

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

SECTION 1. Section 7.02, 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:

"7.02 ( 111). The district classification of the following area situated at Puaa 3rd, North Kona, Hawaii, shall be Single Family Residential (RS-15):

Beginning at the Southeasterly corner of this parcel of land, being also a point along the Northerly boundary of Royal Patent 1930 to Asa Thurston on a portion of Land Commission Award 387, Part 4, Section 2, No. 3 to the American Board of Commissioners for Foreign Missions and a point on the Westerly side of the Hienaloli-Kahului Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO" being 4,427.11 feet North and 7,726.25 feet East and running by azimuths measured clockwise from True South:

Thence, for the next seven (7) courses following along Royal Patent 1930 to Asa Thurston on a portion of Land Commission Award 387, Part 4, Section 2, No. 3 to the American Board of Commissioners for Foreign Missions:

- |    |             |                               |
|----|-------------|-------------------------------|
| 1. | 76° 05' 30" | 229.00 feet to a pipe;        |
| 2. | 82° 55'     | 924.00 feet to a "+" on rock; |
| 3. | 87° 14'     | 539.70 feet to a "+" on rock; |
| 4. | 84° 37'     | 283.80 feet to a "+" on rock; |
| 5. | 85° 49' 30" | 599.40 feet to a "+" on rock; |
| 6. | 81° 13'     | 297.00 feet to a "+" on rock; |
| 7. | 92° 00'     | 211.90 feet to a point;       |

Thence, for the next seven (7) courses following along stonewall and along Lot 3 (as shown on Map 1) of Land Court Application 1666:

8.	207°	03'	94.70 feet;
9.	198°	00'	58.00 feet;
10.	210°	18'	35.70 feet;
11.	235°	30'	80.15 feet;
12.	194°	53'	50.80 feet;
13.	187°	44' 30"	148.20 feet;
14.	203°	10'	161.60 feet;

Thence for the next six (6) courses following along Grant 1744 to Kahaunaele:

15.	261°	21' 30"	543.75 feet to a "+" on rock;
16.	265°	39' 30"	528.70 feet to a pipe;
17.	255°	33'	139.92 feet to a pipe;
18.	265°	30'	447.48 feet to a "+" on rock;
19.	258°	54' 30"	567.30 feet to a "+" on rock;
20.	257°	55' 30"	225.40 feet;

Thence, for the next five (5) courses following along the Westerly side of Hienaloli-Kahului Road:

21.	323°	50'	23.39 feet;
22.	308°	10'	301.07 feet;
23.	324°	50'	188.48 feet;
24.	345°	10'	197.79 feet;
25.	11°	10'	55.88 feet to the point of beginning and containing an area of 39.459 Acres.

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) the applicant or its authorized representative shall be responsible for complying with all of the stated conditions of approval; (B) plans for the

consolidation of parcels 18 and 20 of Tax Map Key 7-5-10 shall be submitted to the Planning Department within six months from the effective date of the zone change; (C) the area be zoned in two increments. The first increment shall consist of a maximum of twenty-five contiguous acres, and the second, the remaining area. The effective date of zoning for the second increment shall be after development has occurred in the first increment.

"Development" means that building permits have been issued for single family residential dwelling units and construction has been partially completed to the extent that roofs have been constructed on a minimum of twenty-five percent of the number of units proposed for the entire 39.5 acres. In lieu of actual construction, the applicant may enter into an agreement with the Hawaii County Housing Agency for a bond to 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 Hawaii County Housing Agency. Upon final execution of such agreement, development of the second increment may proceed prior to the actual construction of the dwellings in the first increment;

(D) in accordance with the conditions of the State Land Use Commission's approval of boundary amendment request relating to the subject property, the applicant shall provide housing opportunities for low and moderate income Hawaii residents in any one or combination of the following manners prior to assigning or transferring (except by way of mortgage or assignment as security) its interest in the subject property: (1) to offer for sale,


on a preferential basis, on its own or in cooperation with either or both the Hawaii Housing Authority or the Hawaii County Housing Agency, ten percent of the units to be developed on the subject property, to residents of the State of Hawaii of low and moderate family income as determined by the Hawaii Housing Authority or the Hawaii County Housing Agency from time to time. The units shall be offered for sale at prices not exceeding prices that enable such purchasers to qualify for and obtain state-assisted financing (e.g., Act 105 or Hula Mae) or federally-insured or assisted financing (e.g., FHA Section 245 program) intended to encourage home ownership by low and moderate income families; or (2) to pay to the Hawaii Housing Authority or the Hawaii County Housing Agency for use in a housing assistance fund or for the benefit of low and moderate income residents of the State of Hawaii, a sum determined by the Hawaii Housing Authority or the Hawaii County Housing Agency equal to the cost of acquiring land for developing and constructing a number of residential units equal to ten percent of the units to be offered for sale on the subject property; or (3) to construct, either on or off the subject property (on land to be acquired by the applicant), a number of residential units for sale to low and moderate income residents of the State of Hawaii at the prices not to exceed the limitation described in subparagraph (1) above, of a standard to be approved by the Hawaii Housing Authority or the Hawaii County Housing Agency equal to ten percent of the units to be offered for sale on the subject property;

(E) plans for the entire development shall be submitted for Plan Approval within one year from the effective date of the zone change; (F) construction of the proposed development within the first increment shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter. Construction of the proposed development within the second increment shall commence within one year from the date of completion of the first increment and be completed within two years thereafter; (G) improvements to Hienaloli - Kahului Road be constructed from the access of the property to Hualalai Road, meeting with the approval of the Department of Public Works. Such roadway improvements shall be completed prior to issuance of an occupancy permit for the proposed development; (H) a drainage system as required by the Department of Public Works shall be installed; (I) should any unanticipated archaeological sites or remains be uncovered during land preparation activity, work shall immediately cease and the Planning Department notified. Work shall not be resumed until clearance is obtained from the Planning Department; and (J) all other applicable rules, regulations and requirements, including those of the Department of Water Supply and the State Department of Health, be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate 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:

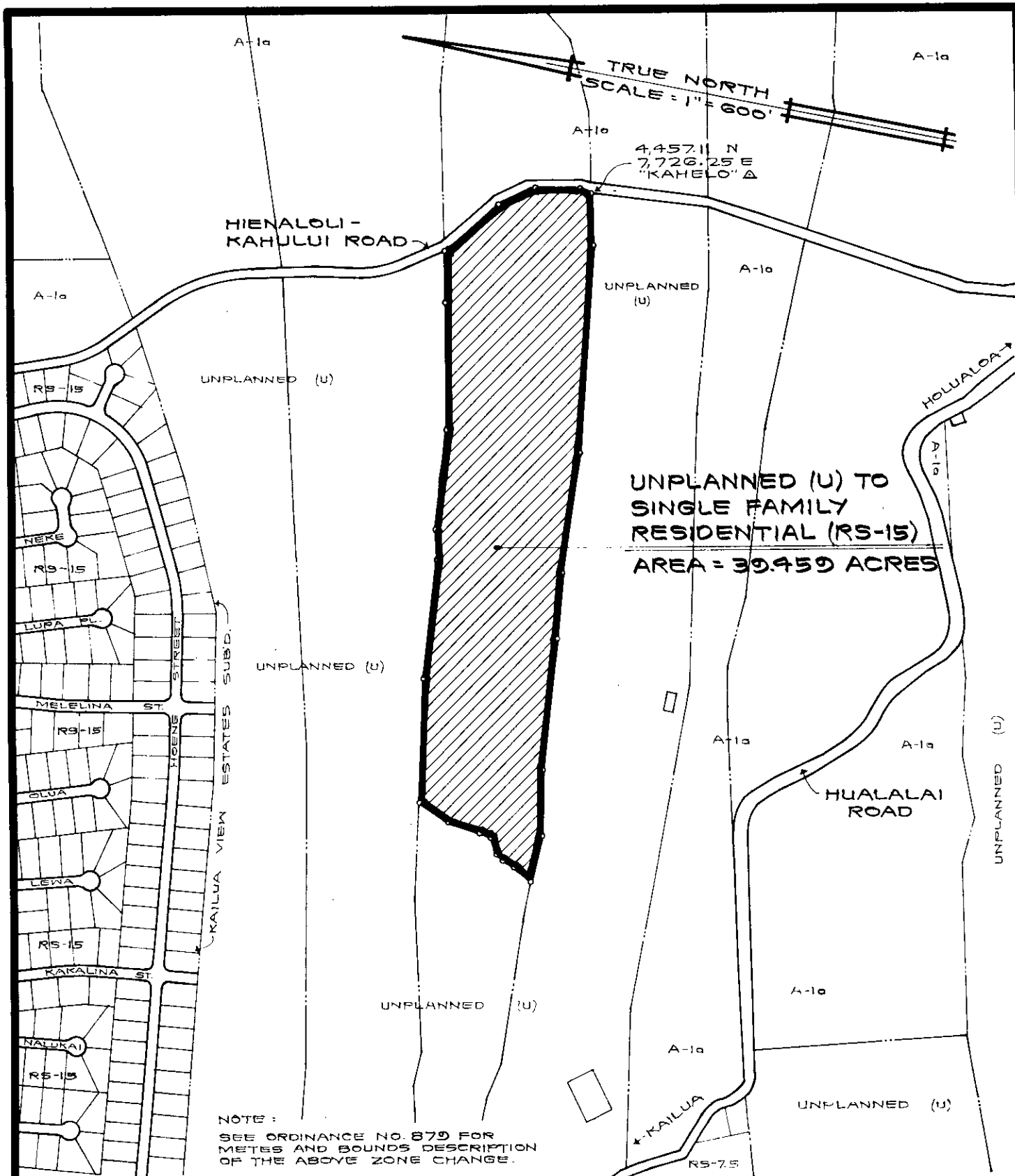
  
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COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 6, 1983

Date of Adoption: May 4, 1983

Effective Date: May 16, 1983



## AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 64 TO SECTION 7.02 (THE NORTH KONA ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT PUA A 3RD, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING : DEC. 15, 1982  
EFFECTIVE DATE : MAY 16, 1983  
ORDINANCE NUMBER : 879  
PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 7-5-10:18 # 20

JAN. 21, 1983

EXHIBIT "A"

Hilo, Hawaii  
Date: April 6, 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: May 4, 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		
	7	0	2

Publication Date: MAY 23 1983

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

APPROVED as to  
FORM and LEGALITY  
*Patricia K. O'Loe*  
ASSISTANT CORPORATE CLERK  
COUNTY OF HAWAII  
Date MAY 5 1983

*Hein Yamashiro*  
Council Chairman

*R. B. Lepore*  
County Clerk

Approved/Disapproved this 16<sup>th</sup> day of May, 1983.

*Hein Yamashiro*  
Mayor, County of Hawaii

Bill No. 930  
Reference: PC-216  
M.B. No. \_\_\_\_\_  
Ord. No. 879