

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 177

ORDINANCE NO. 06 5

AN ORDINANCE AMENDING SECTION 25-8-12 (KAWAIHAE-PUAKO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE-FAMILY RESIDENTIAL (RM-15) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT OULI, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-2-16:1-19.

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

SECTION 1. Section 25-8-12, Article 8, Chapter 25 (Zoning Code) of the Hawaii County Code 1983 (2005 Edition), is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Ouli, South Kohala, Hawaii, shall be Single-Family Residential (RS-15):

Beginning at a pipe at the southwest corner of this parcel of land, on the northerly side of Road Lot C ('Amaui Drive) of South Kohala Resort (File Plan 2094), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUAKO" being 8,544.70 feet North and 6,109.26 feet East, thence running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 170° 26' | 144.00 | feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247); |
| 2. | 245° 55' | 40.00 | feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247); |
| 3. | 238° 01' | 40.00 | feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247); |

4.	236° 14'	380.63	feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);
5.	233° 24'	47.00	feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);
6.	225° 38'	49.00	feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);
7.	221° 40'	413.00	feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);
8.	271° 31'	177.00	feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);
9.	341° 05'	335.00	feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);
10.	346° 38'	77.00	feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);
11.	352° 10'	169.78	feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);
12.	354° 16'	45.00	feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);
13.	326° 58'	77.00	feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);
14.	295° 32'	55.65	feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);

15. 39° 53' 205.22 feet along Lot A of The Uplands at Mauna Kea, Part B, Subdivision No. 2 (File Plan 2247);
16. 109° 54' 93.30 feet along the northerly side of Road Lot C ('Amaui Drive) of South Kohala Resort (File Plan 2094);
17. Thence along the northerly side of Road Lot C ('Amaui Drive) of South Kohala Resort (File Plan 2094), on a curve to the left with a radius of 730.00 feet, the chord azimuth and distance being:
 93° 23' 415.07 feet;
18. 76° 52' 67.37 feet along the northerly side of Road Lot C ('Amaui Drive) of South Kohala Resort (File Plan 2094);
19. Thence along the northerly side of Road Lot C ('Amaui Drive) of South Kohala Resort (File Plan 2094), on a curve to the right with a radius of 620.00 feet, the chord azimuth and distance being:
 92° 12' 327.90 feet;
20. 107° 32' 127.38 feet along the northerly side of Road Lot C ('Amaui Drive) of South Kohala Resort (File Plan 2094) to the point of beginning and containing an Area of 13.028 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 1983 (2005 Edition), 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.

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. 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.
3. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

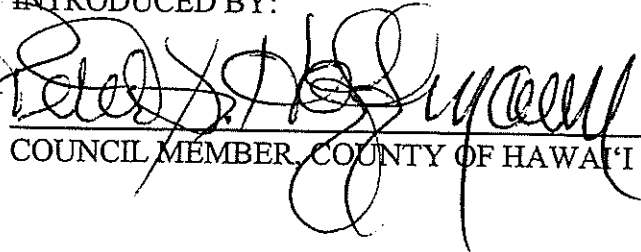
SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

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

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

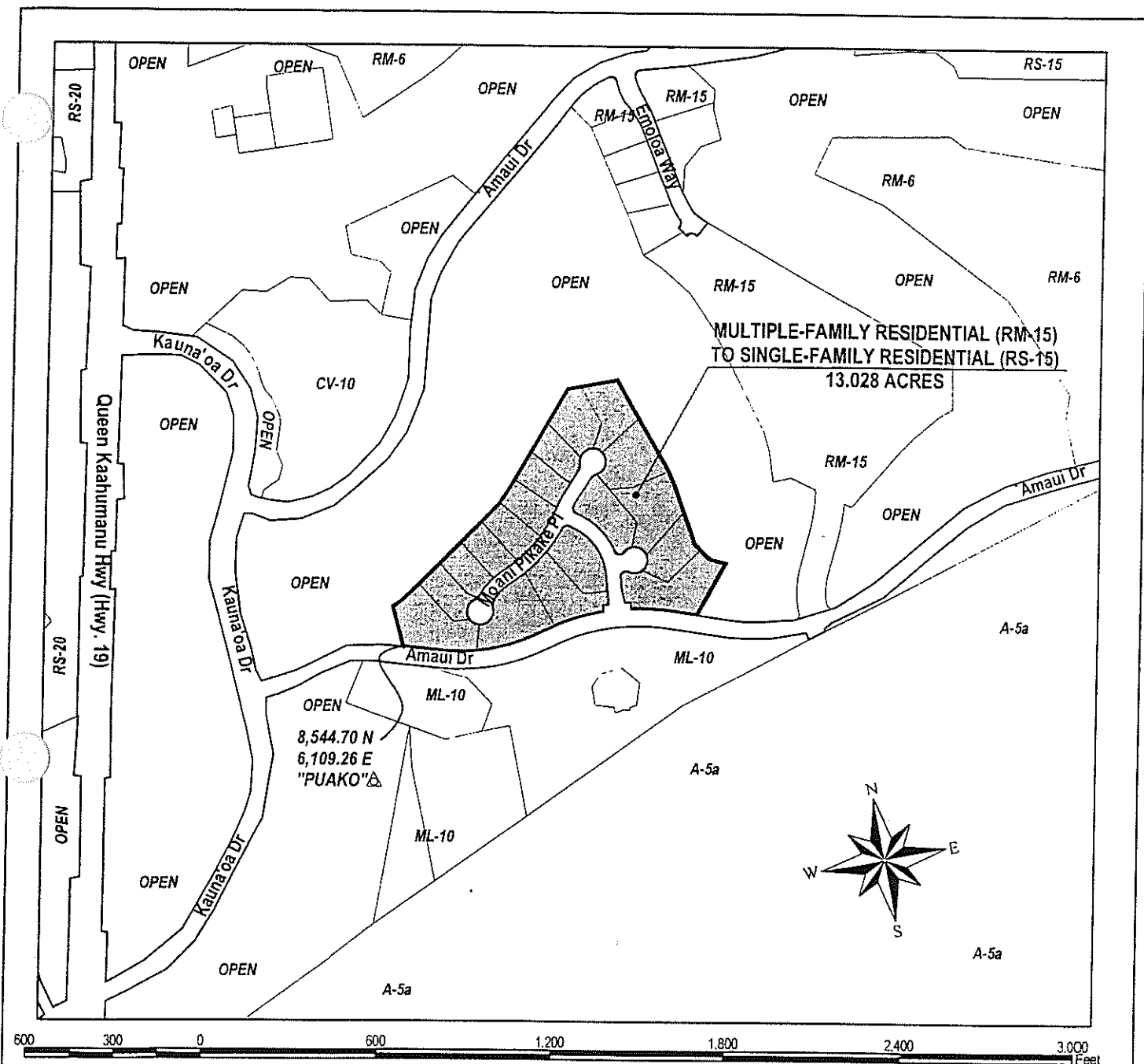
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i

Date of Introduction: December 21, 2005
Date of 1st Reading: December 21, 2005
Date of 2nd Reading: January 5, 2006
Effective Date: January 13, 2006

REFERENCE: Comm. 549



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-12 (KAWAIHAE-PUAKO ZONE MAP)
 ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE
 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION
 FROM MULTIPLE-FAMILY RESIDENTIAL (RM-15)
 TO SINGLE-FAMILY RESIDENTIAL (RS-15)
 AT OULI, SOUTH KOHALA, HAWAII

PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

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

Introduced By: K. Angel Pilago / Pete Hoffmann
Date Introduced: December 21, 2005
First Reading: December 21, 2005
Published: N/A

REMARKS: _____

Second Reading: January 5, 2006

To Mayor: January 6, 2006

Returned: January 17, 2006

Effective: January 13, 2006

Published: January 24, 2006

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			
	8	0	1	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	
	6	0	3	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:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 11 11 2006


COUNCIL CHAIRMAN


COUNTY CLERK

Approved/Disapproved this 13th day

of January, 2006


MAYOR, COUNTY OF HAWAII

Bill No.: 177

Reference: C-549/PC-48

Ord No.: 06 5

