

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 581

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 OPEN (0) TO AGRICULTURAL (A-5a) AT KALAOA 1ST - 4TH AND OOMA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-10:PORTION OF 33.

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 hereby further amended by adding thereto the following subsections:

"7.02 (x-1). The district classification of the following area situated at Kalaoa 1st-4th and Ooma 1st, North Kona, Hawaii, shall be Agricultural (A-5a):

Beginning at the northwesterly corner of this tract of land being also the southwesterly corner of Kona Palisade Access Road, the coordinates of said point of beginning referred to a Government Survey Triangulation Station "AKAHIPUU" being 9,674.23 feet South and 21,186.77 feet West, thence running by azimuths measured clockwise from true South:

1. 279° 19' 55" 389.64 feet along the southerly side of Kona Palisade Access Road;

Thence along same on a curve to the left with a radius of 1909.99 feet, the chord azimuth and distance being:

2. 269° 12' 25" 671.54 feet;

3. 259° 04' 55" 473.12 feet along same;

Thence along same on a curve to the right with a radius of 2200.00 feet, the chord azimuth and distance being:

4. 262° 50' 23" 288.36 feet;

Thence along the remainder of Lot 9-B of Tract 4, Kukio-Ooma Government Tract, Kalaoa-Ooma Homestead Section, on a curve to the left with a radius of 25.00 feet, the chord azimuth and distance being:

5. 40° 52' 22" 35.80 feet;
6. 355° 08' 55" 12.34 feet along same;
 Thence along same on a curve to the right with a radius of 480.00 feet, the chord azimuth and distance being:
7. 2° 14' 25" 118.52 feet;
8. 9° 19' 55" 563.58 feet along same;
9. 279° 19' 55" 659.98 feet along same and the remainder of Lot 11-A of Tract 4, Kukio-Ooma Government Tract, Kalaoa-Ooma Homestead Section;
10. 9° 19' 55" 1324.00 feet along the remainders of Lots 11-A, 9-B, 10-A and Homestead Road of Tract 4, Kukio-Ooma Government Tract, Kalaoa-Ooma Homestead Section:
11. 99° 19' 55" 2430.00 feet along the remainders of Lots 10-A, 8-B, 9-A, 5-B and Homestead Road of Tract 4, Kukio-Ooma Government Tract, Kalaoa-Ooma Homestead Section:
12. 189° 19' 55" 1684.00 feet along the easterly side of Queen Kaahumanu Highway to the point of beginning and containing an area of 93.148 acres.

7.02 (xx-2). The district classification of the following area situated at Kalaoa 1st-4th and Ooma 1st, North Kona, Hawaii, shall be Agricultural (A-5a):

Beginning at the southwesterly corner of this parcel of land on the easterly side of Queen Kaahumanu Highway, being also the northwesterly corner of Kona Palisade Access Road, the coordinates of said point of beginning referred to a Government Survey Triangulation Station "AKAHIPUU" being 9,615.02 feet South and 21,177.04 feet West, thence running by azimuths measured clockwise from true South:

1. 189° 19' 55" 2446.10 feet along the easterly side of Queen Kaahumanu Highway;
2. 279° 19' 55" 44.00 feet along same;
3. 189° 19' 55" 240.48 feet along same;
4. 279° 19' 55" 155.03 feet along the remainder of Tract 3, Kukio-Ooma Government Tract, Kalaoa 1st to 4th Section;

5. 9° 19' 55" 150.02 feet along same;
6. 279° 19' 55" 150.00 feet along same;
7. 9° 19' 55" 501.94 feet along same;
8. 279° 19' 55" 801.00 feet along same;
9. 189° 19' 55" 331.37 feet along the remainder of Tract 3, Kukio-Ooma Government Tract, Kalaoa 1st to 4th Section;
10. 293° 13' 1665.01 feet along same;
11. 9° 19' 55" 1447.64 feet along same and the remainder of Lot 11-A of Tract 4, Kukio-Ooma Government Tract, Kalaoa-Ooma Homestead Section;
12. 99° 19' 55" 580.00 feet along the remainder of Lots 11-A and 9-B of Tract 4, Kukio-Ooma Government Tract, Kalaoa-Ooma Homestead Section;
13. 9° 19' 55" 139.46 feet along same and the remainder of Lot 9-B of Tract 4, Kukio-Ooma Government Tract, Kalaoa-Ooma Homestead Section;
- Thence along the remainder of Lot 9-B of Tract 4, Kukio-Ooma Homestead Section on a curve to the left with a radius of 470.00 feet, the chord azimuth and distance being:
14. 2° 14' 25" 116.05 feet;
15. 355° 08' 55" 4.46 feet along same;
- Thence along same on a curve to the left with a radius of 25.00 feet, the chord azimuth and distance being:
16. 310° 50' 17.5" 34.93 feet;
- Thence along the northerly side of Kona Palisade Access Road on a curve to the left with a radius of 2260.00 feet, the chord azimuth and distance being:
17. 82° 48' 18" 293.49 feet;
18. 79° 04' 55" 473.12 feet along same;
- Thence along same on a curve to the right with a radius of

1849.99 feet, the chord azimuth and distance being:

19. 89° 12' 25" 650.44 feet;
20. 99° 19' 55" 389.64 feet along same to the point of beginning and containing an area of 103.654 acres.

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

Subsections 7.02 (-1) and 7.02 (-2) shall take effect upon the conditions that (A) the area be zoned in two (2) increments. The first increment shall consist of a maximum of 100 contiguous acres, and the second, the remaining area. The zoning of the second increment shall become effective upon subdivision of the previous increment, and it shall be demonstrated to the satisfaction of the Planning Director that substantial agricultural activity is being or will be conducted on the land. For the purpose of this condition "agriculture" shall be defined as the cultivation of crops, including but not limited to flowers, vegetables, foliage, fruits, forage and timber; game propagation; raising of livestock, including but not limited to poultry, bees, fish or other animal or aquatic life that are propagated for economic use. An agricultural activity will be considered "substantial" if such activity is implementing a conservation program for the affected property(ies) as approved by the applicable soil and water conservation district directors filed with the Soil Conservation Service; if it provides a major source of income to the person(s) to reside on the property; or if the property is dedicated for agriculture uses in accordance with applicable Tax Department procedures and that such agriculture dedication shall be made a deeded covenant and duly recorded with the


Bureau of Conveyances and filed with the Planning Department. The execution of a Farm Dwelling Agreement may also suffice in lieu of the above requirements. The execution of the agricultural leases, such as that of the Pahoia Agricultural Park, may also suffice in lieu of the above requirements. A copy of the lease agreement shall be filed with the Planning Department. Each lot in the first increment must comply with one (1) or more of the above requirements prior to the effective zoning of the successive increment; (B) the petitioner or its authorized representative shall submit plans for and secure tentative subdivision approval for the first increment within one (1) year from the effective date of the change of zone. The petitioner/representative shall also secure final subdivision approval within one (1) year thereafter; (C) the petitioner or its authorized representative shall also submit the plans for and secure final subdivision approval for the second increment; (D) the rules, regulations, and requirements of the Department of Water Supply shall be complied with; (E) all lot access(es) shall be from the interior subdivision roadways, and no direct access(es) to the proposed lots shall be allowed from the Queen Kaahumanu Highway; (F) for those proposed lots fronting the Queen Kaahumanu Highway, the petitioner shall incorporate into the agricultural lease agreements that a landscaping buffer strip, meeting with the approval of the Planning Department, be provided along the road frontage. The landscaping plan for each of the affected lots shall be submitted prior to any construction activities taking place; (G) an archaeological survey shall be conducted for the subject area and its results (Report) submitted to the

Planning Department and the State Historic Preservation Office at the time of subdivision review for the first increment. No construction, including the grading or grubbing, shall commence until the appropriate reports are submitted. Furthermore, should any unanticipated historic sites or archaeological remains be uncovered during the course of land preparation, work shall immediately cease and the Planning Department notified. Work shall not resume until clearance is received from the Planning Department; and (H) 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 the previous 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

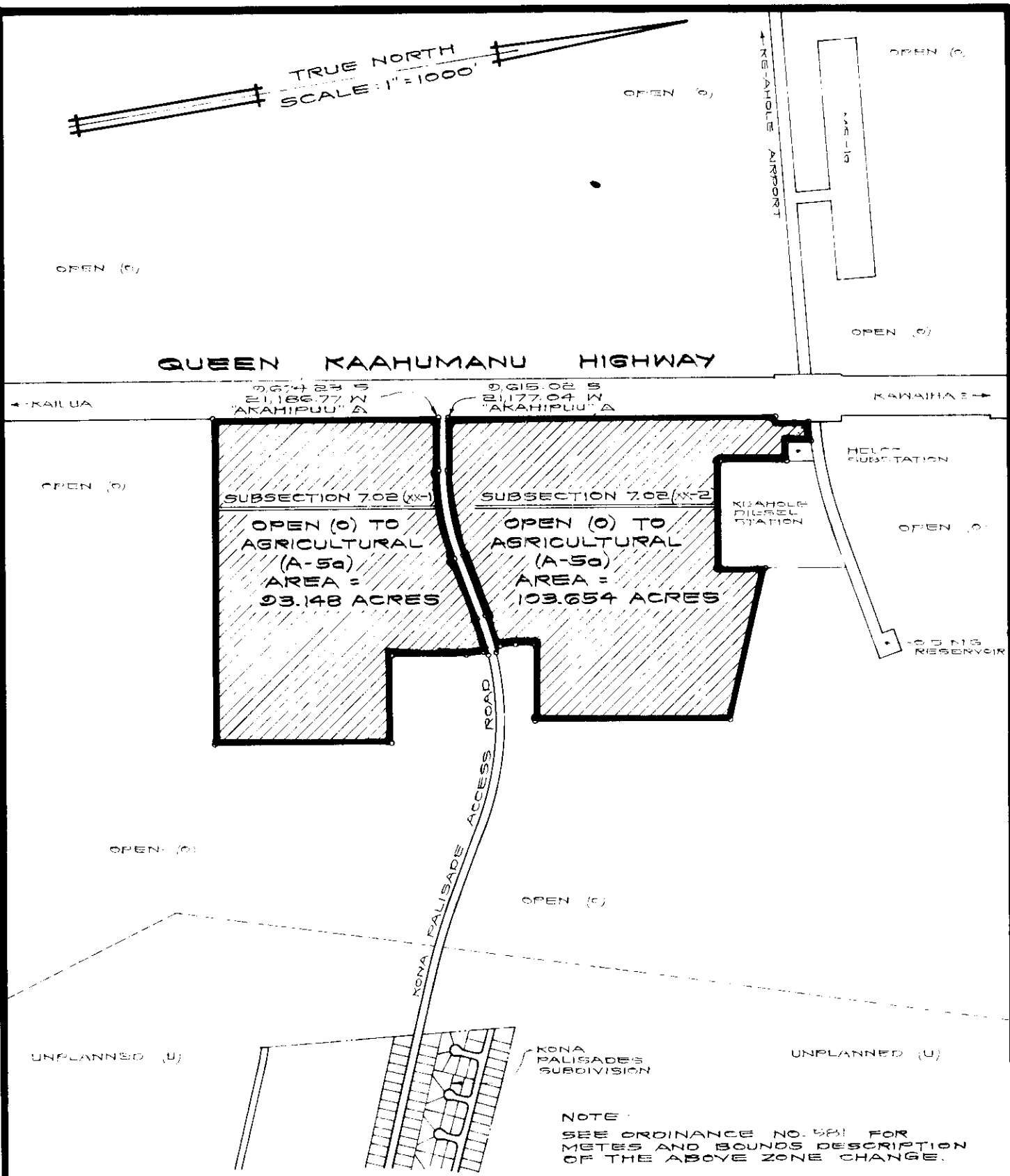
Hilo, Hawaii

Date of Introduction: May 7, 1980

Date of Adoption: May 21, 1980

Effective Date: June 3, 1980

TRUE NORTH
SCALE: 1"=1000'



NOTE:
SEE ORDINANCE NO. 521 FOR METES AND BOUNDS DESCRIPTION OF THE ABOVE ZONE CHANGE.

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 50 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 OPEN (O) TO AGRICULTURAL (A-5a) AT KALAOA 1ST - 4TH AND OOMA 1ST, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING: FEB. 13, 1980
EFFECTIVE DATE: JUNE 3, 1980
ORDINANCE NUMBER: 521
PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

← KAILUA

9,674.23 S
21,186.77 W
"AKAHIPUU" Δ

9,615.02 S
21,177.04 W
"AKAHIPUU" Δ

KAWAIIHAIE →

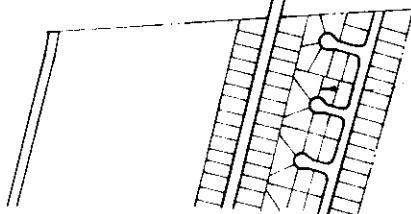
SUBSECTION 7.02 (X-1)

SUBSECTION 7.02 (X-2)

OPEN (O) TO
AGRICULTURAL
(A-5a)
AREA =
93.148 ACRES

OPEN (O) TO
AGRICULTURAL
(A-5a)
AREA =
103.654 ACRES

UNPLANNED (U)



KONA
PALISADES
SUBDIVISION

UNPLANNED (U)

NOTE:
SEE ORDINANCE NO. 581 FOR
METES AND BOUNDS DESCRIPTION
OF THE ABOVE ZONE CHANGE.

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 50 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 OPEN (O) TO AGRICULTURAL (A-5a) AT KALAOA 1ST - 4TH AND OOMA 1ST, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING: FEB. 13, 1980
EFFECTIVE DATE: JUNE 3, 1980
ORDINANCE NUMBER: 581
PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-3-10: 33 (POR.)

MARCH 6, 1980

EXHIBIT "A"

← KAILUA

9,674.23 S
21,186.77 W
"AKAHIPUU" Δ

9,615.02 S
21,177.04 W
"AKAHIPUU" Δ

KAWAIIAE →

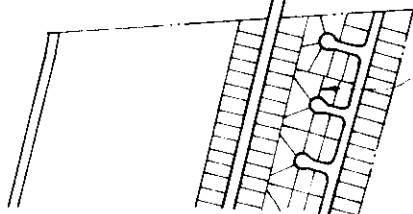
SUBSECTION 7.02 (XX-1)

SUBSECTION 7.02 (XX-2)

OPEN (O) TO
AGRICULTURAL
(A-5a)
AREA =
93.148 ACRES

OPEN (O) TO
AGRICULTURAL
(A-5a)
AREA =
103.654 ACRES

UNPLANNED (U)



KONA
PALISADES
SUBDIVISION

UNPLANNED (U)

NOTE:
SEE ORDINANCE NO. 581 FOR
METES AND BOUNDS DESCRIPTION
OF THE ABOVE ZONE CHANGE.

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 50 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 OPEN (O) TO AGRICULTURAL (A-5a) AT KALAOA 1ST - 4TH AND OOMA 1ST, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING: FEB. 13, 1980
EFFECTIVE DATE: JUNE 3, 1980
ORDINANCE NUMBER: 581
PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-3-10:33 (POR.)

MARCH 6, 1980

EXHIBIT "A"

Hilo, Hawaii
 Date: May 7, 1980

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		
	9	0	0

MAY 14 1980

Publication Date: _____

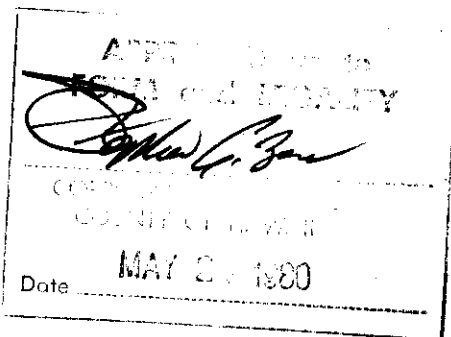
Hilo, Hawaii
 Date: May 21, 1980

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		
	9	0	0

JUN 10 1980

Publication Date: _____

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



Stephen Kuyama
 Council Chairman

R. B. Leysapi
 County Clerk

Approved/Disapproved this 3rd day of June, 1980

John A. Burns
 Mayor, County of Hawaii

Bill No. 618
 Reference: C-1530/PC-161
 M.B. No. _____
 Ord. No. 581

Bill No. 618 - 1980

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 OPEN (O) TO AGRICULTURAL (A-5a) AT KALAOA 1ST - 4TH AND OOMA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-10:PORTION OF 33.

This Bill amends the North Kona Zone Map by changing the district classification from Open (O) to Agricultural (A-5a) at Kalaoa 1st - 4th and Ooma 1st, N. Kona.

Date Introduced: May 7, 1980

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 May 7, 1980, by the following aye and no vote:

AYES: Councilmen Dahlberg, Domingo, Fujii, Garcia, Kawahara, Lai, Sameshima, Tajiri and Chairman Yamashiro - 9.

NOES: None.

R. B. Lopez
COUNTY CLERK
COUNTY OF HAWAII

THE HAWAII COUNTY CLERK'S OFFICE
COUNTY OF HAWAII
14, 1980

ORDINANCE NO. 581
(Bill No. 618-1980)

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 OPEN (O) TO AGRICULTURAL (A-5a) AT KALAOA 1ST - 4TH AND OOMA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-10:PORTION OF 33.

Date Approved: May 21, 1980
Date Effective: June 3, 1980

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 May 21, 1980, by the following aye and no vote:

AYES: Councilmen Dahlberg, Domingo, Fujii, Garcia, Kawahara, Lai, Sameshima, Tajiri and Chairman Yamashiro - 9.

NOES: None

Yasuki Arakaki
YASUKI ARAKAKI
DEPUTY COUNTY CLERK
COUNTY OF HAWAII

AS AMENDED BY 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 OPEN (O) TO AGRICULTURAL (A-5a) AT KALAOA 1ST-4TH AND OOMA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-10:PORTION OF 33.

Date Approved: May 21, 1980
Date Effective: June 3, 1980
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 May 21, 1980, by the following aye and no vote:

AYES: Councilmen Dahlberg, Domingo, Fujii, Garcia, Kawahara, Lai, Sameshima, Tajiri and Chairman Yamashiro - 9.

NOES: None
YASUKI ARAKAKI
Deputy County Clerk
County of Hawaii

R.B. LEGASPI
County Clerk



YASUKI ARAKAKI
Deputy County Clerk

HARRY A. TAKAHASHI
Legislative Auditor

OFFICE OF THE COUNTY CLERK

COUNTY OF HAWAII
HILO, HAWAII 96720

May 21, 1980

Honorable Mayor Herbert T. Matayoshi
County of Hawaii
Hilo, Hawaii 96720

I hereby transmit Ordinance Bill No. 618
passed by the County Council on second and final
reading.

R. B. Legaspi
COUNTY CLERK

Encl.

Dated: May 21, 1980