

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 850

AN ORDINANCE AMENDING SECTION 7.02 (THE NORTH KONA ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO AGRICULTURAL (A-3a) AT KA'U, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-2-05:PORTION OF 1.

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(iii). The district classification of the following area situated at Ka'u, North Kona, Hawaii, shall be Agricultural (A-3a):

Beginning at the Northeast corner of this parcel of land, on the westerly side of Hawaii Belt, Road, F. A. P. No. F-10 (5), the coordinates of which referred to Government Survey Triangulation Station "AKAHIPUU" being 5,574.46 feet South and 2,650.51 feet West and running by azimuths measured clockwise from True South:

1. 11° 08' 1,630.12 feet along the westerly side of Hawaii Belt Road, F. A. P. No. F-10 (5);
2. 91° 30' 25.16 feet along Government Land;
3. 103° 19' 117.11 feet along Lot 1 of Makaula Subdivision, Unit 1;
4. 105° 29' 45" 154.26 feet along Lot 3 of Makaula Subdivision, Unit 1;
5. 97° 42' 38" 190.95 feet along Lots 3 and 7-A of Makaula Subdivision, Unit 1;
6. 2° 00' 65.18 feet along Lot 7-A of Makaula Subdivision, Unit 1;
7. 93° 42' 20" 2,828.95 feet along Grant 3741 to W. H. Kailiino to a "+" cut on ahu;
8. 98° 06' 2,069.50 feet along Government Land of Makaula to a "+" cut on ahu;

9. 100° 15' 30" 2,018.50 feet along Government Land of Makaula to a " " cut on stone;
10. 115° 04' 5,166.71 feet along Government Land of Makaula;
11. 198° 10' 2,312.70 feet along remainder of L. P. 8265, Mahele Award 13-B to Paalua (Certificate of Boundaries No. 191);
12. 291° 46' 30" 800.00 feet along Government Land of Puukala to a "+" cut on rock with ahu named "Kekuakawahie";
13. 280° 26' 30" 2,814.00 feet along Government Land of Puukala to a " " cut on rock on ahu;
14. 290° 58' 30" 5,603.00 feet along Government Land of Puukala to a "+" cut in Pahoehoe;
15. 286° 08' 20" 844.61 feet along Grant 3968 to P. M. Pahukula to a pipe in concrete;
16. 286° 19' 30" 1,522.38 feet along Lots 78, 73, 69, 65, 61, 57, 53, 49, 45, 39, 31 and 25 of Kona Ocean View Properties (File Plan 637) to a pipe in concrete;
17. 286° 21' 621.96 feet along Grant 3968 to P. M. Pahukula to the point of beginning and containing an area of 727.8 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) that the petitioners, or their authorized representative, shall be responsible for complying with all of the stated conditions of approval; (B) that a drainage system in accordance with the standards of the Department of Public Works shall be installed; (C) that the property shall be developed on an incremental basis. There shall be

no more than five (5) increments of which the first three (3) shall consist of 49 lots each; (D) that the zoning for Increment I shall not become effective unless and until there are legal and financial assurances satisfactory to the Department of Water Supply that water for domestic and agricultural use for Increment I will be available; provided, however, that the zoning for Increments II through V shall not become effective until adequate water for domestic and agricultural use meeting with the approval of the Department of Water Supply is available at the property line of that increment[;]. Should the legal and financial assurances described above fail, the Council shall take action to rezone the property back to its original zoning; (E) that the zoning for the second and successive increments shall be effective upon the establishment of agricultural use on fifty (50) percent of the lots in the preceding increment. Agricultural use is defined as the planting of crops on a minimum of two (2) acres of the respective lot; (f) that the zoning for the second and successive increments shall be effective upon the Council approval of performance reports containing information on the status of compliance of conditions (D) and (E). The performance reports shall be submitted by the petitioner to the County Council; ~~[(F)]~~ (G) that the proposed 80-foot wide right-of-way and its improvements shall be extended to the Queen Kaahumanu Highway if and when any development occurs within the existing Conservation District portion of the parcel identified as TMK: 7-2-5:1; ~~[(G)]~~ (H) that final subdivision approval of the first increment shall be secured by December 1983 and that subsequent increments shall be completed within one

(1) year of the completion of the preceding increment.
"Completion" as used herein includes securance of Final Subdivision Approval and the establishment of agricultural use; ~~[(H)]~~ (I) that restrictive deed covenants for each lot shall be recorded with the Bureau of Conveyances together with any recordation of final subdivision plat maps. The covenants shall include mandatory participation by each lot owner in the agricultural co-op; and that the co-op shall have the authority and responsibility for the cultivation, harvesting and marketing of all crops planted in conjunction with the development of the subdivision. Other documentation as deemed necessary by the Corporation Counsel shall be recorded or filed to meet the intent of establishing an agricultural cooperative with the full responsibility and control over the proposed agricultural park; and ~~[(I)]~~ (J) that all other applicable rules, regulations and requirements shall be complied with. Should any of the foregoing conditions not be met, the rezoning of the subject property 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.

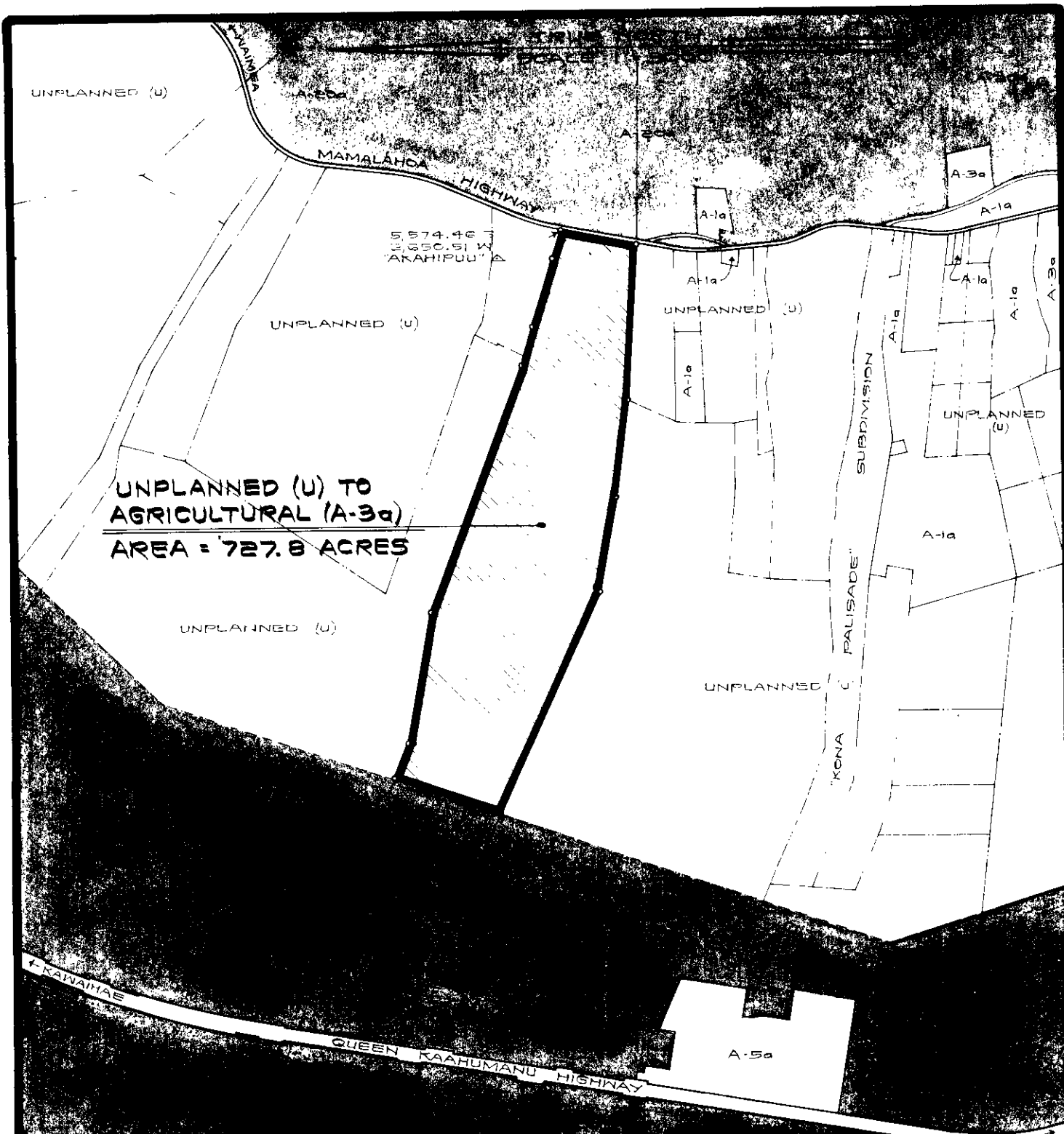
SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: August 4, 1982
Date of Adoption: February 2, 1983
Effective Date: February 15, 1983



NOTE:
SEE ORDINANCE NUMBER 850 FOR METES AND BOUNDS DESCRIPTION OF THE ABOVE ZONE CHANGE.

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 61 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 AGRICULTURAL (A-3a) AT KAU, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING: DEC. 3, 1981 & JAN. 14, 1982
 EFFECTIVE DATE: FEB. 15, 1983
 ORDINANCE NUMBER: 850
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK: 7-2-05:1 (POR.)

MARCH 29, 1982

EXHIBIT "A"

Hilo, Hawaii
Date: August 4, 1982

| 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 | | |
| | 8 | 0 | 1 |

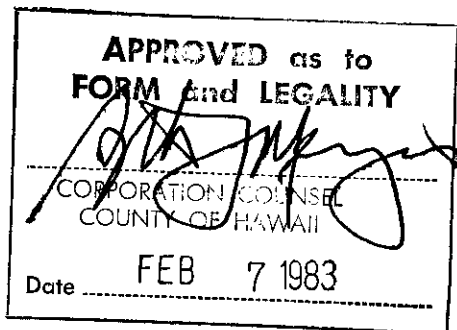
Publication Date: _____

Hilo, Hawaii
Date: February 2, 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 | | |
| | 8 | 0 | 1 |

Publication Date: FEB 25 1983

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



Council Chairman

R. M. Legaspi

County Clerk

Approved/~~Disapproved~~ this 15th day of February, 1983.

Robert H. ...

Mayor, County of Hawaii

Bill No. 847
Reference: C-778/PC-130
M.B. No. _____
Ord. No. 850