

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 865

AN ORDINANCE AMENDING SECTION 7.06 (THE NORTH AND SOUTH KOHALA DISTRICTS 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 AGRICULTURAL (A-10a) AND AGRICULTURAL (A-3a) AT MAHUKONA 2ND AND PUUOKUMAU, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-4-01:10, 11 AND 5-7-02:13.

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

SECTION 1. Section 7.06, Article 2, Chapter 8 (Zoning Code), of the Hawaii County Code, as amended, is further amended to add new subsections, to read as follows:

"7.06 ( x-1). The district classification of the following area situated at Puuokumau, North Kohala, Hawaii, shall be Agricultural (A-10a):

Beginning at the northwest corner of this parcel of land, on the southerly boundary of R.P. 7669, Mahele Award 37, Apana 1 to Kamakahonu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-0-NALE" being 2,266.33 feet South and 4,639.46 feet East, thence running by azimuths measured clockwise from True South:

1. 264° 29' 30" 304.56 feet along R.P. 7669, Mahele Award 37, Apana 1 to Kamakahonu;
2. 306° 59' 30" 1292.76 feet along R.P. 7669, Mahele Award 37, Apana 1 to Kamakahonu;
3. 344° 34' 2497.46 feet along R.P. 7669, Mahele Award 37, Apana 1 to Kamakahonu;
4. 356° 50' 647.68 feet along R.P. 7669, Mahele Award 37, Apana 1 to Kamakahonu;
5. 42° 12' 97.15 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northwest side of Kehena Ditch Right-Of-Way;

6. 120° 52' 64.62 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
7. 104° 25' 70.71 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi along the north side of Kehena Ditch Right-Of-Way;
8. 132° 08' 40.16 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
9. 192° 07' 159.74 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;
10. 220° 30' 90.23 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southeast side of Kehena Ditch Right-Of-Way;
11. 182° 20' 43.39 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;
12. 152° 28' 119.87 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
13. 123° 15' 238.80 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
14. 141° 39' 88.01 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;

15. 122° 00' 68.31 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
16. 90° 00' 148.92 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the north side of Kehena Ditch Right-Of-Way;
17. 135° 31' 64.39 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
18. 157° 04' 165.27 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;
19. 95° 38' 105.04 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the north side of Kehena Ditch Right-Of-Way;
20. 58° 06' 103.87 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northwest side of Kehena Ditch Right-Of-Way;
21. 97° 57' 121.11 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the north side of Kehena Ditch Right-Of-Way;
22. 134° 57' 132.69 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
23. 96° 32' 114.28 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the north side of Kehena Ditch Right-Of-Way;

24.	125°	11'	140.81	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
25.	99°	31'	206.20	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the north side of Kehena Ditch Right-Of-Way;
26.	135°	48'	102.19	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
27.	165°	26'	126.97	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;
28.	197°	39'	143.27	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southeast side of Kehena Ditch Right-Of-Way;
29.	137°	46'	143.96	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
30.	152°	23'	79.61	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;
31.	138°	21'	89.42	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
32.	154°	17'	102.98	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;

33. 113° 59' 92.89 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
34. 178° 44' 24.32 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
35. 211° 57' 71.87 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southeast side of Kehena Ditch Right-Of-Way;
36. 173° 15' 44.89 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;
37. 148° 22' 105.91 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;
38. 172° 37' 77.60 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;
39. 139° 33' 87.07 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northeast side of Kehena Ditch Right-Of-Way;
40. 176° 03' 177.11 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;
41. 200° 37' 67.37 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southeast side of Kehena Ditch Right-Of-Way;

42.	175° 55'	48.90 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;
43.	195° 10'	174.65 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southeast side of Kehena Ditch Right-Of-Way;
44.	218° 39'	212.02 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southeast side of Kehena Ditch Right-Of-Way;
45.	182° 14'	149.97 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the east side of Kehena Ditch Right-Of-Way;
46.	186° 11'	133.95 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi along Puuokumau Reservoir;
47.	181° 55'	128.02 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
48.	195° 15'	62.96 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
49.	172° 27'	114.23 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
50.	217° 03'	140.10 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
51.	237° 02'	206.79 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;

52. 129° 36' 30" 407.96 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
53. 103° 40' 133.73 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir to the point of beginning and containing an area of 90.896 acres.

"7.06 ( x-2). The district classification of the following area situated at Puuokumau, North Kohala, Hawaii, shall be Agricultural (A-10a):

PARCEL 2-B:

Beginning at the northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-0-NALE" being 3,352.73 feet South and 3,080.47 feet West and running by azimuths measured clockwise from true South:

1. 250° 17' 336.28 feet along the remainder of L. C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
2. 253° 34' 145.48 feet along the remainder of L. C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
3. 255° 57' 30" 89.11 feet along remainder of L. C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
4. 259° 48' 99.14 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
5. 291° 02' 442.09 feet along the remainder of L. C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
6. 262° 23' 395.68 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;

7.	260° 20'	263.72	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
8.	2° 14'	139.18	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;
9.	38° 39'	209.60	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northwest side of Kehena Ditch Right-Of-Way;
10.	15° 10'	182.18	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northwest side of Kehena Ditch Right-Of-Way;
11.	355° 55'	47.91	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;
12.	20° 37'	67.34	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northwest side of Kehena Ditch Right-Of-Way;
13.	356° 03'	188.05	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;
14.	319° 33'	87.72	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;
15.	352° 37'	75.96	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;



16.	328° 22'	105.80	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;
17.	353° 15'	33.46	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;
18.	31° 57'	70.82	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northwest side of Kehena Ditch Right-Of-Way;
19.	358° 44'	42.97	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;
20.	293° 59'	98.23	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;
21.	334° 17'	98.44	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;
22.	318° 21'	89.76	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;
23.	332° 23'	79.72	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;
24.	317° 46'	135.01	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;

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| 25. | 17° 39'      | 137.53   | feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side fo Kehena Ditch Right-Of-Way;                        |
| 26. | 345° 26'     | 110.84   | feet along the remainder of L.C. Award 11216, Apana 30 to M. Kakauonohi, along the west side of Kehena Ditch Right-Of-Way;                        |
| 27. | 53° 02' 30"  | 399.62   | feet along Parcel 2-C, remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi;  |
| 28. | 139° 27' 20" | 2,445.73 | feet along Parcel 2-A, remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi to the point of beginning and containing an AREA OF 41.448 ACRES. |

PARCEL 2-C:

Beginning at the northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-0-NALE" being 5,211.24 feet South and 4,670.29 feet East and running by azimuths measured clockwise from true South:

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|----|--------------|--------|---|
| 1. | 233° 02' 30" | 399.62 | feet along Parcel 2-B, remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi;  |
| 2. | 345° 26'     | 27.20  | feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;  |
| 3. | 315° 48'     | 114.03 | feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the south side of Kehena Ditch Right-Of-Way; |
| 4. | 279° 31'     | 208.19 | feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the south side of Kehena Ditch Right-Of-Way; |

5.	305° 11'	141.35	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;
6.	276° 32'	112.39	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the south side of Kehena Ditch Right-Of-Way;
7.	314° 57'	132.41	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;
8.	277° 57'	135.16	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the south side of Kehena Ditch Right-Of-Way;
9.	238° 06'	104.32	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southeast side of Kehena Ditch Right-Of-Way;
10.	275° 38'	86.36	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the south side of Kehena Ditch Right-Of-Way;
11.	337° 04'	157.20	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;
12.	315° 31'	76.59	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;
13.	270° 00'	151.58	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the south side of Kehena Ditch Right-Of-Way;

14.	302° 00'	59.12	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;
15.	321° 39'	87.79	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;
16.	303° 15'	236.83	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;
17.	332° 28'	109.33	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;
18.	2° 20'	31.14	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;
19.	40° 30'	88.37	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the northwest side of Kehena Ditch Right-Of-Way;
20.	12° 07'	176.34	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the west side of Kehena Ditch Right-Of-Way;
21.	312° 08'	56.63	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;
22.	284° 25'	72.75	feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the south side of Kehena Ditch Right-Of-Way;

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| 23. | 300° 52'     | 78.12    | feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southwest side of Kehena Ditch Right-Of-Way;                   |
| 24. | 222° 12'     | 93.79    | feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along the southeast side of Kehena Ditch Right-Of-Way;                   |
| 25. | 356° 50'     | 1,279.34 | feet along R.P. 7669, Mahele Award 37, Apana 1 to Kamakahonu;   |
| 26. | 136° 09' 30" | 2,999.27 | feet along Parcel 2-A, remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi to the point of beginning and containing an AREA OF 42.158 ACRES. |

"7.06 ( x-3). The district classification of the following area situated at Mahukona 2nd, North Kohala, Hawaii, shall be Agricultural (A-3a):

Beginning at the northwest corner of this parcel of land, on the northeast side of Waimea-Kohala Government Main Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-0-NALE" being 2,192.81 feet South and 1,230.53 feet East and running by azimuths measured clockwise from True South:

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|----|----------|--------|---|
| 1. | 276° 38' | 288.08 | feet along remainder of Grant 3791 to W.G. Irwin;   |
| 2. | 280° 17' | 257.11 | feet along remainder of Grant 3791 to W.G. Irwin;   |
| 3. | 286° 32' | 305.45 | feet along remainder of Grant 3791 to W.G. Irwin;   |
| 4. | 319° 02' | 144.58 | feet along remainder of Grant 3791 to W.G. Irwin;   |
| 5. | 70° 00'  | 763.36 | feet along L.C. Award 11216, Apana 30 to M. Kekauonohi to the northeast side of Waimea-Kohala Government Main Road; |

6. 158° 40' 20" 575.79 feet along the northeast side of Waimea-Kohala Government Main Road, to the point of beginning and containing an area of 6.232 acres.

"7.06 ( x-4). The district classification of the following area situated at Puuokumau, North Kohala, Hawaii shall be Agricultural (A-3a):

Beginning at the northwest corner of this parcel of land, on the west side of Waimea-Kohala Government Main Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-NALE" being 2,742.61 feet South and 1,402.07 feet East, thence running by azimuths measured clockwise from True South:

1. 250° 27' 40.20 feet over and across Waimea-Kohala Government Main Road;
2. 250° 00' 763.36 feet along Grant 3791 to W.G. Irwin;
3. 319° 02' 27.75 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
4. 302° 27' 404.29 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
5. 325° 27' 601.07 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
6. 304° 14' 269.68 feet along the remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi, along Puuokumau Reservoir;
7. 319° 27' 20" 2,445.73 feet along Parcel 2-B, remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi;
8. 316° 09' 30" 2,999.27 feet along Parcel 2-C, remainder of L.C. Award 11216, Apana 30 to M. Kekauonohi;

9.	4° 05'	650.15	feet along R.P. 7669, Mahele Award 37, Apana 1 to Kamakahonu;
10	95° 19'	709.99	feet along Grant 2725, Part I to G.W. Macy and W. Beadle;
11.	76° 27'	869.05	feet along Grant 2725, Part I to G. W. Macy and W. Beadle;
12.	140° 44' 40"	2,423.45	feet along Grant 2054 to Luhiau and over and across Waimea-Kohala Government Main Road;
13.	143° 02' 30"	2,447.19	feet along Government Lands of Koaeae, Koea and Puukole;
14.	155° 29'	847.34	feet along Government Lands of Koaeae, Koea and Puukole;
15.	154° 22'	904.21	feet along Grant 3791 to W. G. Irwin to the point of beginning and containing a GROSS AREA of 224.945 ACRES AND A NET AREA OF 220.087 ACRES after excluding therefrom portion of Waimea-Kohala Government Main Road (4.858 Acres) and more particularly described as follows:

PORTION OF WAIMEA-KOHALA GOVERNMENT MAIN ROAD:

Beginning at the northwest corner of this parcel of land, on the west side of Waimea-Kohala Government Main Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-NALE" being 2,742.61 feet South and 1,402.07 feet East, thence running by azimuths measured clockwise from True South:

1.	250° 27'	40.20	feet over and across Waimea-Kohala Government Main Road;
2.	338° 40' 20"	124.68	feet; thence on a curve to the left with a radius of 2010.00 feet, the chord azimuth and distance being:
3.	335° 10' 47.5"	244.88	feet;

4.	331°	41'	15"	1431.05 feet; thence on a curve to the left with a radius of 2680.00 feet, the chord azimuth and distance being:
5.	328°	04'	30"	337.72 feet;
6.	324°	27'	45"	1771.94 feet; thence on a curve to the left with a radius of 1230.00 feet, the chord azimuth and distance being:
7.	321°	18'	07.05"	135.62 feet;
8.	318°	08'	30"	542.46 feet; thence on a curve to the right with a radius of 2620.00 feet, the chord azimuth and distance being:
9.	320°	18'	52.5"	198.68 feet;
10.	322°	29'	15"	725.86 feet; thence on a curve to the right with a radius of 420.00 feet, the chord azimuth and distance being:
11.	333°	56'	51"	166.89 feet;
12.	140°	44'	40"	224.90 feet along Grant 2054 to Luhiau and over and across Waimea-Kohala Government Main Road;
13.	142°	29'	15"	664.63 feet; thence on a curve to the left with a radius of 2580.00 feet, the chord azimuth and distance being:
14.	140°	18'	52.5"	195.64 feet;
15.	138°	08'	30"	412.84 feet;
16.	140°	44'	40"	0.98 of a foot along Grant 2054 to Luhiau;
17.	143°	02'	30"	884.30 feet along Government Land;
18.	144°	27'	45"	1155.58 feet; thence on a curve to the right with a radius of 2720.00 feet, the chord azimuth and distance being:



- |     |              |   |
|-----|--------------|---|
| 19. | 148° 04' 30" | 342.76 feet;  |
| 20. | 151° 41' 15" | 1156.82 feet;   |
| 21. | 154° 22'     | 649.24 feet along Grant 3791 to<br>W.G. Irwin to the point<br>of beginning and<br>containing an area of<br>4.858 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 petitioner, successors or assigns shall be responsible for complying with the stated conditions of approval; (B) that the property shall be developed in three increments. The first increment shall consist of 115<sub>+</sub> contiguous acres in three-acre parcels and 132<sub>+</sub> acres in ten-acre parcels. The second increment shall consist of 110<sub>+</sub> acres in three-acre parcels. The third increment shall consist of 80<sub>+</sub> acres in ten-acre parcels; (C) that the zoning for the second increment shall be effective upon the establishment of appropriate agricultural activity on fifty percent of the three-acre lots in the first increment. The zoning for the third increment shall be effective upon the establishment of appropriate agricultural activity on fifty percent of the ten-acre lots in the first increment. 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 or personal use. An agricultural activity will be considered appropriate

(1) if such activity is implementing a conservation program for the affected property(ies), as approved by the applicable soil and water conservation district directors and filed with the Soil Conservation Service; or (2) if it provides a major source of income to the person(s) who reside on the property; or (3) if the property is dedicated for agriculture uses in accordance with applicable Tax Department procedures and that such agriculture dedication shall be made a deed covenant duly recorded with the Planning Department and Bureau of Conveyances; or (4) if the property is purchased in whole or in part through an agricultural or farm loan obtained from a federal, state or private institution; (D) that the subdivision plan for the first increment shall be submitted within one year from the effective date of approval of the change of zone. Final subdivision plans shall be submitted within one year after the date of tentative subdivision plan approval; (E) that a water system meeting the standards and requirements of the Department of Water Supply's Rules and Regulations shall be provided prior to final subdivision approval of the first increment; (F) that a drainage system meeting with the approval of the Department of Public Works shall be installed; (G) that the petitioner shall receive proper approval from the State Department of Transportation, Highways Division and the Department of Public Works, complying with all County and State regulations as it relates to roadway within the proposed subdivision and access to the public highway. Further, access to all lots shall be restricted to an interior roadway meeting with

the approval of the Department of Public Works; (H) that a copy of the final executed dedication deed to the State of Hawaii relating to that portion of the existing Waimea-Kohala Government Main Road right-of-way occupying property identified as TMK 5-4-01:11 and containing an area of 4.858 acres shall be submitted to the Planning Department prior to final subdivision approval; (I) that roadways are planned and constructed within the proposed subdivision to tie-in with the abutting properties; (J) 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 agricultural use provisions as defined in Condition C as well as provision to protect Kehena Ditch from contamination by lot owners; (K) that performance reports shall be submitted to the Planning Director and forwarded to the Council prior to the Director's determination that appropriate agricultural activity has been established as stated in Condition C. The report shall contain information including but not limited to verifying compliance of Conditions C and J; and (L) that all applicable rules, regulations and requirements 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

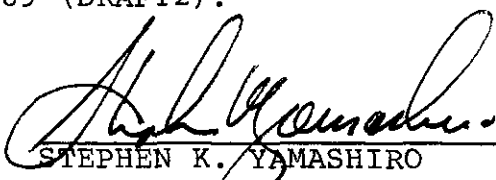
Hilo, Hawaii

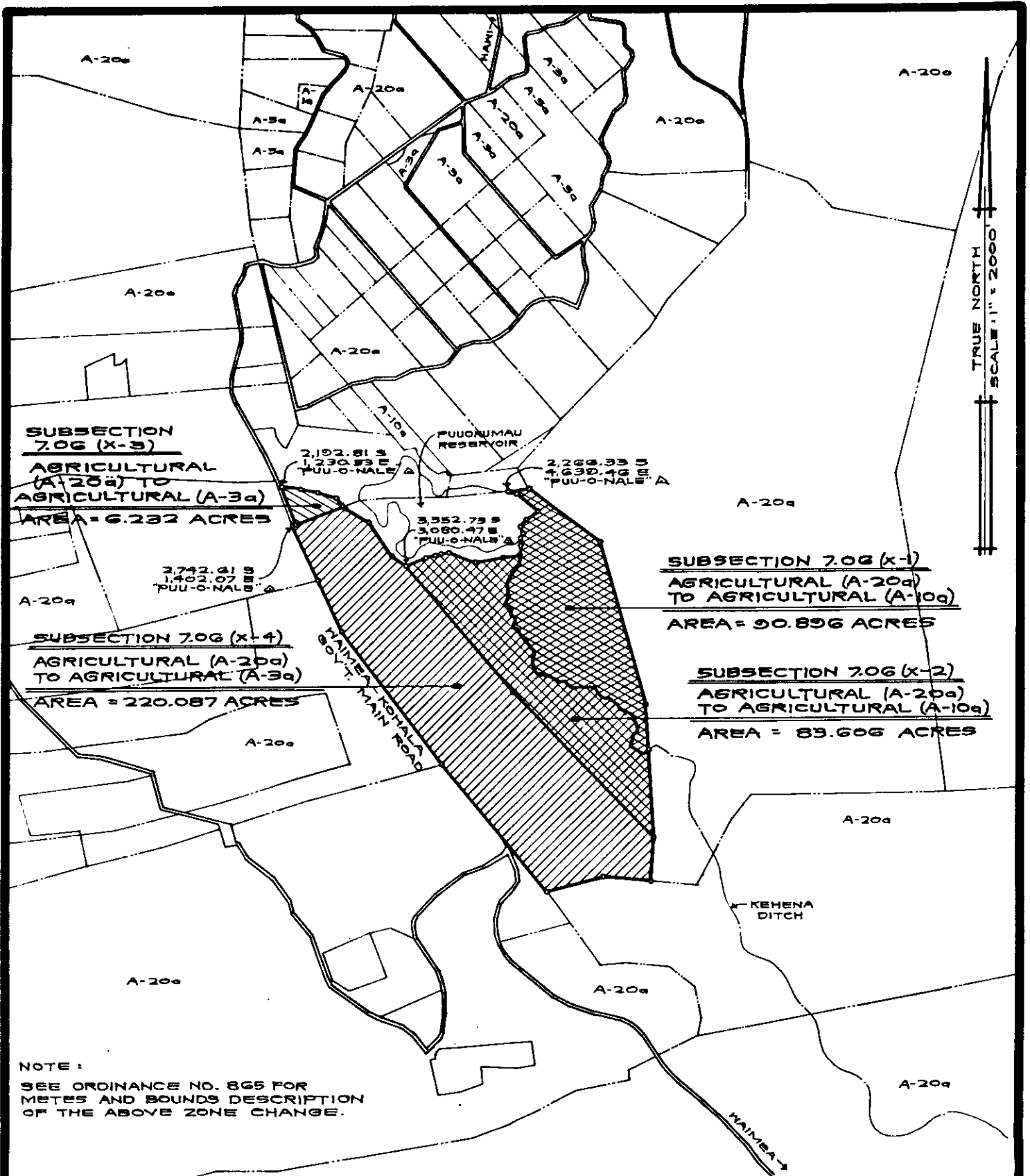
Date of Introduction: January 5, 1983

Date of Adoption: March 2, 1983

Effective Date: March 24, 1983

THIS WILL VERIFY THAT TWO-THIRDS OF THE MEMBERSHIP OF THE HAWAII COUNTY COUNCIL VOTED TO OVERRIDE THE MAYOR'S VETO ON BILL NO. 889 (DRAFT2).

  
STEPHEN K. YAMASHIRO  
COUNCIL CHAIRMAN



# AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 24 TO SECTION 7.06 (THE NORTH AND SOUTH KOHALA DISTRICTS 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 AGRICULTURAL (A-3a) AND AGRICULTURAL (A-10a) AT MAHUKONA 2ND AND PUUOKUMAU, NORTH KOHALA, HAWAII.

DATE OF PUBLIC HEARINGS: JUNE 2, JULY 14 & AUG. 17, 1982  
 EFFECTIVE DATE: MARCH 24, 1983  
 ORDINANCE NUMBER: 865  
 PREPARED BY: PLANNING DEPARTMENT  
 COUNTY OF HAWAII

REVISED:  
 MARCH 4, 1983  
 SEPT. 14, 1982

TMK: 5-4-01:10,11 & 5-7-02:13

EXHIBIT "A"

Hilo, Hawaii  
Date: January 5, 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		
	8	0	1

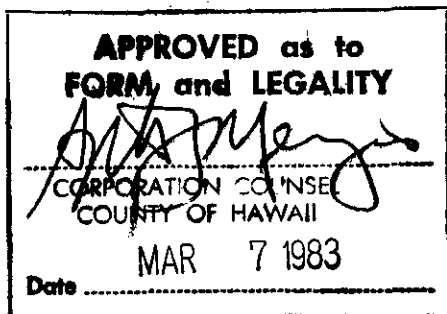
Publication Date: \_\_\_\_\_

Hilo, Hawaii  
Date: March 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		
	6	1	2

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

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



*Chris Yamashiro*  
Council Chairman

*R. M. Legaspi*  
County Clerk

Approved/Disapproved this 11<sup>th</sup> day of March, 1983.

83 MAR 12 11:18 AM

*John H. Matayoshi*  
Mayor, County of Hawaii

Bill No. 889  
Reference: C-962/PC-166  
M.B. No. \_\_\_\_\_  
Ord. No. \_\_\_\_\_