

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 866

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), AGRICULTURAL (A-5a) AND AGRICULTURAL (A-3a) AT KAHUA 1ST, KAHUA AND WAIKA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-9-01:12, PORTIONS OF 10.

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

Beginning at the North corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PILI" being 2,029.62 feet South and 7,629.79 feet West, thence running by azimuths measured clockwise from True South:

1. 337° 55' 50" 204.88 feet along Government Road;
2. 329° 23' 40" 1,591.24 feet along Government Road;
3. 59° 00' 1,780.88 feet along Lot 1-A-2 of Land Court Consolidation 117;
4. 317° 58' 40" 1,566.80 feet along Lot 1-A-2 of Land Court Consolidation 117;
5. Thence along middle of Keanahalululu Gulch, along the land of Kawaihae 1st (Hawaiian Home Lands), for the next two (2) courses, the direct azimuths and distances between points being:
6. 70° 43' 28.4" 7,299.29 feet;

7.	56° 46'	4,959.58 feet;
8.	145° 58'	3,075.63 feet along Lot 76 as shown on Map 9 of Land Court Consolidation 117;
9.	274° 25'	271.00 feet along Lot 75 as shown on Map 9 of Land Court Consolidation 117;
10.	243° 20'	819.00 feet along Lot 75 as shown on Map 9 of Land Court Consolidation 117;
11.	199° 10'	1,009.00 feet along Lot 75 as shown on Map 9 of Land Court Consolidation 117;
12.	211° 25'	894.00 feet along Lot 75 as shown on Map 9 of Land Court Consolidation 117;
13.	204° 50'	369.00 feet along Lot 75 as shown on Map 9 of Land Court Consolidation 117;
14.	251° 15'	1,148.00 feet along Lot 75 as shown on Map 9 of Land Court Consolidation 117;
15.	271° 30'	914.05 feet along Lot 75 as shown on Map 9 and Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
16.	241° 15'	1,739.00 feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
17.	255° 00'	580.00 feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
18.	287° 50'	1,733.00 feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
19.	304° 15'	761.00 feet along lot 77-B as shown on Map 11 of Land Court Consolidation 117;
20.	223° 05'	148.00 feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
21.	254° 05'	437.00 feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;

22.	207°	55'	385.00	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
23.	234°	15'	308.00	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
24.	267°	25'	220.00	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
25.	230°	10'	781.00	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
26.	238°	10'	588.00	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
27.	200°	15'	490.00	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
28.	241°	35'	273.00	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
29.	185°	20'	321.00	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
30.	259°	05'	265.00	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
31.	194°	50'	352.00	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
32.	236°	40'	838.00	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
33.	246°	00'	296.67	feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117 to the point of beginning and containing an Area of 940.954 Acres, more or less.

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

Beginning at the North corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PILI" being 446.30 feet South and 17,867.27 feet West, thence running by azimuths measured clockwise from True South:

1. 343° 05' 10" 2,570.11 feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
2. 342° 02' 2,553.76 feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
3. 342° 17' 50" 173.54 feet along Lot 77-B as shown on Map 11 of Land Court Consolidation 117;
4. 91° 30' 660.05 feet along Lot 76 as shown on Map 9 of Land Court Consolidation 117;
5. 71° 15' 1,148.00 feet along Lot 76 as shown on Map 9 of Land Court Consolidation 117;
6. 24° 50' 369.00 feet along Lot 76 as shown on Map 9 of Land Court Consolidation 117;
7. 31° 25' 894.00 feet along Lot 76 as shown on Map 9 of Land Court Consolidation 117;
8. 19° 10' 1,009.00 feet along Lot 76 as shown on Map 9 of Land Court Consolidation 117;
9. 63° 20' 819.00 feet along Lot 76 as shown on Map 9 of Land Court Consolidation 117;
10. 94° 25' 271.00 feet along Lot 76 as shown on Map 9 of Land Court Consolidation 117;
11. 136° 10' 1,690.00 feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117;
12. 185° 04' 10" 573.67 feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117;
13. 167° 45' 990.00 feet along the reaminder of Lot 75 as shown on Map 9 of Land Court Consolidation 117;

- |     |          |  |
|-----|----------|--|
| 14. | 158° 55' | 1,085.00 feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117;   |
| 15. | 147° 35' | 805.00 feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117;   |
| 16. | 230° 35' | 2,867.40 feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117;   |
| 17. | 233° 13' | 2,558.86 feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117 to the point of beginning and containing an Area of 557.966 Acres, more or less. |

7.06 ( y-3). The district classification of the following area situated at Kahua and Waika, North Kohala, Hawaii, shall be Agricultural (A-5a):

Beginning at the North corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PILI" being 3,126.05 feet North and 21,293.49 feet West, thence running by azimuths measured clockwise from True South:

- |    |              |  |
|----|--------------|--|
| 1. | 316° 11' 46" | 4,949.82 feet along Lot 77-A as shown on Map 11 of Land Court Consolidation 117;               |
| 2. | 53° 13'      | 2,558.86 feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117; |
| 3. | 50° 35'      | 2,867.40 feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117; |
| 4. | 105° 25'     | 1,130.00 feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117; |
| 5. | 120° 30'     | 1,910.00 feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117; |

- |    |              |          |  |
|----|--------------|----------|--|
| 6. | 215° 12' 25" | 1,980.00 | feet along the land of Pahinahina;   |
| 7. | 205° 35' 09" | 3,934.83 | feet along the land of Pahinahina;   |
| 8. | 236° 17' 45" | 880.60   | feet along the land of Pahinahina to the point of beginning and containing an Area of 551.505 Acres, more or less. |

7.06 ( y-4). The district classification of the following area situated at Kahua 1st and Kahua, North Kohala, Hawaii, shall be Agricultural (A-3a):

Beginning at the North corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PILI" being 7,224.58 feet South and 28,405.77 feet West, thence running by azimuths measured clockwise from True South:

- |    |          |          |   |
|----|----------|----------|---|
| 1. | 318° 35' | 2,540.00 | feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117; |
| 2. | 260° 45' | 215.00   | feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117; |
| 3. | 290° 00' | 1,025.00 | feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117; |
| 4. | 20° 00'  | 1,120.00 | feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117; |

Thence along the middle of Keawewai Gulch, along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117 for the next four (4) courses, the direct azimuths and distances between points being:

- |    |         |        |       |
|----|---------|--------|-------|
| 5. | 88° 25' | 260.00 | feet; |
| 6. | 40° 00' | 415.00 | feet; |
| 7. | 0° 45'  | 395.00 | feet; |

8. 73° 50' 282.68 feet;

Thence along the middle of Keawewai Gulch, along Lot 45 as shown on Map 4 of Land Court Consolidation 117 for the next three (3) courses, the direct azimuths and distances between points being:

9. 62° 10' 33" 110.00 feet;

10. 349° 16' 51" 247.32 feet;

11. 31° 35' 338.46 feet;

Thence along the middle of Keawewai Gulch, along Lot 16 as shown on Map 3 of Land Court Consolidation 117 for the next four (4) courses, the direct azimuths and distances between points being:

12. 66° 25' 122.76 feet;

13. 65° 03' 149.91 feet;

14. 56° 07' 220.73 feet;

15. 27° 23' 124.09 feet;

Thence along the middle of Keawewai Gulch, along Lot 17 as shown on Map 3 of Land Court Consolidation 117 for the next seven (7) courses, the direct azimuths and distances between points being:

16. 18° 33' 105.13 feet;

17. 19° 02' 103.60 feet;

18. 52° 43' 30" 104.20 feet;

19. 105° 45' 65.62 feet;

20. 115° 27' 15" 113.55 feet;

21. 74° 12' 45" 113.03 feet;

22. 38° 02' 108.13 feet;

Thence along the middle of Keawewai Gulch, along  
Lot 18 as shown on  
Map 3 of Land Court  
Consolidation 117 for  
the next two (2)  
courses, the direct  
azimuths and distances  
between points being:

- 23. 68° 55' 435.12 feet;
- 24. 55° 03' 126.85 feet;

Thence along the middle of Keawewai Gulch, along  
Lot 19 as shown on  
Map 3 of Land Court  
Consolidation 117 for  
the next three (3)  
courses, the direct  
azimuths and distances  
between points being:

- 25. 30° 04' 35" 185.57 feet;
- 26. 99° 30' 30" 203.84 feet;
- 27. 43° 36' 30" 169.04 feet;

- 28. Thence along the middle of Keawewai Gulch, along  
Lots 19 and 20 as shown  
on Map 3 of Land Court  
Consolidation 117, the  
direct azimuth and  
distance between points  
being:  
37° 27' 198.15 feet;

Thence along the middle of Keawewai Gulch, along  
Lot 20 as shown on  
Map 3 of Land Court  
Consolidation 117 for  
the next three (3)  
courses, the direct  
azimuths and distances  
between points being:

- 29. 47° 38' 40" 61.65 feet;
- 30. 5° 11' 10" 185.34 feet;
- 31. 35° 31' 74.63 feet;

- 32. Thence along the middle of Keawewai Gulch, along  
Lots 20 and 21 as shown  
on Map 3 of Land Court  
Consolidation 117, the  
direct azimuth and  
distance between points  
being: 68° 46' 30"  
100.02 feet;



Thence along the middle of Keawewai Gulch, along Lot 21 as shown on Map 3 of Land Court Consolidation 117 for the next three (3) courses, the direct azimuths and distances between points being:

- 33. 67° 55' 204.03 feet;
- 34. 37° 40' 30" 218.85 feet;
- 35. 80° 44' 85.52 feet;

Thence along middle of Keawewai Gulch, along Lot 63 as shown on Map 6 of Land Court Consolidation 117 for the next two (2) courses, the direct azimuths and distances between points being:

- 36. 112° 51' 120.90 feet;
- 37. 115° 12' 10" 117.53 feet;
- 38. 142° 07' 2,827.55 feet along the remainder of Lot 75 as shown on Map 9 of Land Court Consolidation 117;
- 39. 216° 26' 20" 4,132.96 feet along the land of Pahinahina;
- 40. 217° 56' 45" 1,115.00 feet along the land of Pahinahina to the point of beginning and containing an area of 450.027 Acres, more or less.

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, successors, or their assigns, shall be responsible for complying with all of the stated conditions of approval;
- (B) that a drainage system meeting with the approval of the Chief Engineer shall be installed;
- (C) that channelized intersections be provided at the Kawaihae-Mahukona Road prior to final subdivision

approval of the first increment of three-acre lots and the Waimea-Kohala Road prior to final subdivision approval of the first increment of ten-acre lots; (D) that all lots five acres and less in size shall not have access directly off of the mauka-makai arterial; (E) that roadways are planned and constructed to tie-in to adjacent state properties; (F) that a water system, including necessary power, water storage and transmission lines, which meets the requirements of the Department of Water Supply Rules and Regulations for dedication shall provide potable water to all lots in the development for domestic, agricultural, and fire protection purposes provided that "dedication", as used herein, merely describes the quality of the system and in no way binds or obligates the Water Commission to accept dedication of the system; (G) that water for domestic, agricultural, and fire protection purposes shall be provided to all lots of the existing Kohala Estates Subdivision Phase I simultaneous with the supply of water to any other phase of the development; (H) that a third water source and system shall be completely developed and constructed which shall provide an estimated one million gallons of potable water per day to the entire development prior to final subdivision approval of the third increment. An agreement to assure execution of Conditions F, G, and H shall be entered into with the County of Hawaii and approved by Corporation Counsel as to form and legality within sixty days of the effective date of this ordinance; (I) that the property shall be developed on an incremental basis. There shall be no more than three

increments of which the first shall consist of not more than 940+ acres in ten-acre lots and 450+ acres in three-acre lots. The second increment shall consist of 558+ acres in three-acre lots. The third increment shall consist of 552+ acres in five-acre lots. (J) that the zoning for the second increment shall be effective upon the establishment of appropriate agricultural activity on fifty percent of the ten-acre lots and fifty percent of the three-acre lots in the first increment based on a determination by the Planning Director. The zoning for the third increment shall be effective upon the establishment of appropriate agricultural activity on fifty percent of the three-acre lots in the second increment based on the Director's determination. 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 and

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; (K) that final subdivision approval of the first increment shall be submitted within one year from the effective date of the subject rezoning request; (K) 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 No. J above; and (L) that a performance report shall be submitted to the Planning Director and forwarded to the Council prior to the Director's determination that appropriate agricultural activity has occurred in the first and second increments. The report shall contain information on the status of compliance of Conditions F, G, H, I, J, and K; (M) 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:

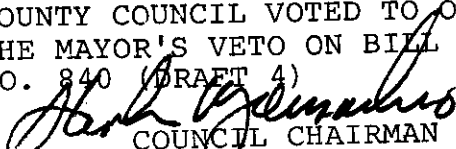
  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: January 5, 1983

Date of Adoption: February 16, 1983

Effective Date: March 24, 1983-12-

THIS WILL VERIFY THAT TWO-THIRDS OF THE MEMBERSHIP OF THE HAWAII COUNTY COUNCIL VOTED TO OVERRIDE THE MAYOR'S VETO ON BILL NO. 840 (DRAFT 4)  
  
COUNCIL CHAIRMAN

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

Hilo, Hawaii  
Date: February 16, 1983

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz			EXC.
Domingo	X		
Fujii	X		
Hale	X		
Kawahara			A/E
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	7	0	2

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

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

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**

*[Signature]*

DATE FEB 23 1983

*[Signature]*  
Council Chairman

*[Signature]*  
County Clerk

Approved/Disapproved this 7<sup>th</sup> day of  
March, 1983.

*[Signature]*  
Mayor, County of Hawaii

Bill No. 890 **AMENDED**  
Reference: C-961/PC-165  
M.B. No. \_\_\_\_\_  
Ord. No. \_\_\_\_\_