

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 354

ORDINANCE NO. 90 160

AN ORDINANCE AMENDING SECTION 25-95A (NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP) AND SECTION 25-95H (WAIKOLOA VILLAGE ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) AND MULTIPLE FAMILY RESIDENTIAL (RM-1.5) TO OPEN (O) AND RESIDENTIAL-AGRICULTURAL (RA-1a) AT WAIKOLOA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-8-02:PORTION OF 16 AND 6-8-03:PORTION OF 32.

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

SECTION 1. Section 25-95A, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of properties described hereinafter as follows:

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Residential-Agricultural (RA-1a):

PARCEL A:

Beginning at the Southeast corner of this parcel of land, on the Southwesterly side of Waikoloa Road, the coordinates of which referred to Government Survey Triangulation Station "PUU HINAI" being 1,933.36 feet North and 2,611.01 feet East, and running by azimuths measured clockwise from true South:

1. 27° 56' 00" 1,777.88 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
2. 98° 52' 20" 408.28 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
3. 135° 05' 56" 2,023.07 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
4. 87° 40' 00" 27.80 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
5. 3° 20' 00" 24.45 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
6. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the right with a radius of 1200.00 feet, the chord azimuth and distance being:  
30° 35' 00" 1,098.90 feet;
7. 57° 50' 00" 440.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
8. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the left with a radius of 720.00 feet, the chord azimuth and distance being:  
38° 46' 00" 470.40 feet;

9.	19°	42'	00"	1,301.88	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
10.	160°	02'	36"	95.45	feet along Lot 3, Waikoloa Development, File Plan 1172;
11.	124°	52'	31"	2,011.22	feet along Lot 3, Waikoloa Development, File Plan 1172;
12.	196°	43'	02"	2,730.87	feet along Lot 3, Waikoloa Development, File Plan 1172;
13.	347°	04'	00"	584.90	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
14.	307°	46'	00"	593.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
15.	0°	00'	00"	115.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
16.	314°	06'	00"	400.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
17.	295°	38'	00"	512.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
18.	266°	18'	00"	720.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

19.	210°	25'	00"	570.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
20.	166°	36'	00"	74.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
21.	147°	12'	00"	172.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
22.	93°	20'	00"	70.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
23.	38°	30'	00"	234.72	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
24.	68°	50'	00"	341.39	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
25.	110°	00'	00"	780.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
26.	119°	28'	00"	115.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
27.	131°	20'	00"	570.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
28.	167°	04'	00"	346.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

29.	157°	36'	00"	185.31	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
30.	154°	22'	00"	550.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
31.	244°	12'	00"	119.90	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
32.	285°	16'	00"	304.53	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
33.	309°	10'	00"	380.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
34.	283°	46'	00"	130.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
35.	193°	46'	00"	368.75	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
36.	102°	38'	00"	214.76	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
37.	185°	42'	00"	190.12	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
38.	161°	18'	00"	941.20	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

39. 123° 38' 00" 899.98 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
40. 211° 44' 00" 510.12 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
41. 263° 34' 00" 586.98 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
42. 200° 30' 00" 906.27 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
43. 108° 03' 00" 749.90 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
44. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the right with a radius of 360.00 feet, the chord azimuth and distance being:  
113° 01' 44" 62.49 feet;
45. 21° 58' 00" 700.74 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
46. 25° 53' 00" 447.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
47. 16° 24' 00" 414.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

48. 119° 30' 00" 246.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
49. 140° 19' 00" 590.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
50. 137° 43' 00" 257.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
51. 230° 36' 00" 757.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
52. 202° 00' 00" 760.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
53. 197° 00' 00" 197.04 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
54. 218° 00' 00" 267.26 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
55. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being:  
111° 05' 00" 331.54 feet;
56. 86° 36' 00" 38.27 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

57. 0° 42' 00" 227.69 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
58. 40° 26' 00" 390.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
59. 22° 00' 00" 516.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
60. 76° 14' 00" 273.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
61. 198° 03' 09" 1,228.12 feet along Lot 2 and Lot 1 of Waikoloa RM 1.5, Unit 1, File Plan 1378;
62. Thence along the Southeasterly side of Puu Melia Road, on a curve to the left with a radius of 630.00 feet, the chord azimuth and distance being:  
28° 02' 49" 114.54 feet;
63. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:  
350° 26' 20.5" 40.45 feet;
64. 308° 02' 49" 45.13 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
65. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the left with a radius of 300.00 feet, the chord azimuth and distance being:  
287° 19' 24.5" 212.31 feet;



66. 266° 36' 00" 604.24 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
67. 256° 32' 00" 733.17 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
68. 18° 03' 09" 1,383.49 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
69. 288° 03' 09" 225.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
70. 288° 03' 00" 160.35 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
71. 219° 08' 00" 435.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
72. 200° 46' 00" 365.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
73. 230° 58' 00" 463.49 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
74. 172° 30' 00" 201.81 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
75. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the right with a radius of 410.00 feet, the chord azimuth and distance being:  
187° 07' 00" 206.93 feet;



84. 52° 42' 00" 701.33 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
85. 4° 20' 00" 92.76 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
86. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the right with a radius of 2,030.00 feet, the chord azimuth and distance being:  
 9° 03' 00" 333.85 feet
87. 13° 46' 00" 85.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
88. 283° 46' 00" 364.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
89. 189° 14' 00" 484.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
90. 236° 26' 00" 540.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
91. 206° 34' 00" 506.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
92. 255° 10' 00" 70.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

93.	313°	58'	00"	506.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
94.	302°	46'	00"	520.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
95.	327°	58'	00"	184.96	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
96.	64°	00'	00"	187.18	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
97.	79°	28'	00"	230.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
98.	45°	34'	00"	716.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
99.	15°	26'	00"	812.89	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
100.	315°	06'	00"	298.74	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
101.	3°	20'	00"	81.77	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
102.	273°	20'	00"	70.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

103. 183° 20' 00" 90.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
104. 147° 38' 00" 150.39 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
105. 204° 08' 00" 691.97 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
106. 219° 14' 00" 718.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
107. 289° 32' 00" 276.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
108. 257° 08' 00" 467.87 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
109. Thence along the Southwesterly side of Waikoloa Road, on a curve to the left with a radius of 2,090.00 feet, the chord azimuth and distance being:  
324° 37' 57" 692.32 feet;
110. 315° 05' 56" 1,029.38 feet along the Southwesterly side of Waikoloa Road;
111. Thence along the Southwesterly side of Waikoloa Road, on a curve to the left with a radius of 2,090.00 feet, the chord azimuth and distance being:  
306° 30' 58" 623.82 feet



6. 50° 58' 00" 463.49 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
7. 20° 46' 00" 365.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
8. 39° 08' 00" 435.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
9. 108° 03' 00" 160.35 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
10. 198° 03' 09" 200.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172 (Hawaii Electric Light Company Lot);
11. 108° 03' 09" 150.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172 (Hawaii Electric Light Company Lot);
12. 18° 03' 09" 200.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172 (Hawaii Electric Light Company Lot);
13. 108° 03' 09" 75.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
14. 198° 03' 09" 1,383.49 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
15. 76° 32' 00" 733.16 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

16. 86° 36' 00" 604.24 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
17. Thence along remainder of Lot 2B, Waikoloa Development, Fuel Plan 1172, on a curve to the right with a radius of 300.00 feet, the chord azimuth and distance being:  
107° 19' 24.5" 212.31 feet;
18. 128° 02' 49" 45.13 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
19. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:  
170° 26' 20.5" 40.45 feet;
20. Thence along the Easterly side of Puu Melia Road, on a curve to the left with a radius of 630.00 feet, the chord azimuth and distance being:  
205° 26' 30.5" 162.05 feet;
21. 259° 46' 00" 1,406.63 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172 to the point of beginning and containing an area 34.192 Acres. (Refer to Parcel B as shown on Exhibit "A")

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii shall be Open (O):



PARCEL C:

Beginning at the Northwest corner of this parcel of land, on the Southeast corner of Lot 2, Waikoloa RM 1.5, Unit 1, File Plan 1378, the coordinates of which referred to Government Survey Triangulation Station "PUU HINAI" being 6,763.33 feet North and 3,821.37 feet West, and running by azimuths measured clockwise from true South:

1. 256° 14' 00" 273.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
2. 202° 00' 00" 516.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
3. 220° 26' 00" 390.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
4. 180° 42' 00" 227.69 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
5. 266° 36' 00" 38.27 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
6. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the right with a radius of 400.00 feet, the chord azimuth and distance being:  
291° 05' 00" 331.54 feet;
7. 38° 00' 00" 267.26 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

8.	17°	00'	00"	197.04	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
9.	22°	00'	00"	760.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
10.	50°	36'	00"	757.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
11.	317°	43'	00"	257.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
12.	320°	19'	00"	590.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
13.	299°	30'	00"	246.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
14.	196°	24'	00"	414.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
15.	205°	53'	00"	447.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
16.	201°	58'	00"	700.74	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

17. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the left with a radius of 360.00 feet, the chord azimuth and distance being:
- 293° 01' 44" 62.49 feet;
18. 288° 03' 00" 749.90 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
19. 20° 30' 00" 906.27 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
20. 83° 34' 00" 586.98 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
21. 31° 44' 00" 510.12 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
22. 303° 38' 00" 899.98 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
23. 341° 18' 00" 941.20 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
24. 5° 42' 00" 190.12 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
25. 282° 38' 00" 214.76 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

26.	13°	46'	00"	368.75 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
27.	103°	46'	00"	130.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
28.	129°	10'	00"	380.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
29.	105°	16'	00"	304.53 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
30.	64°	12'	00"	119.90 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
31.	334°	22'	00"	550.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
32.	337°	36'	00"	185.31 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
33.	347°	04'	00"	346.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
34.	311°	20'	00"	570.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
35.	299°	28'	00"	115.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

36.	290°	00'	00"	780.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
37.	248°	50'	00"	341.39	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
38.	218°	30'	00"	234.72	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
39.	273°	20'	00"	70.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
40.	327°	12'	00"	172.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
41.	346°	36'	00"	74.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
42.	30°	25'	00"	570.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
43.	86°	18'	00"	720.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
44.	115°	38'	00"	512.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
45.	134°	06'	00"	400.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

46.	180°	00'	00"	115.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
47.	127°	46'	00"	593.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
48.	167°	04'	00"	584.90	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
49.	196°	43'	02"	328.43	feet long Lot 3, Waikoloa Development, File Plan 1172;
50.	150°	55'	16"	3,143.20	feet long Lot 3, Waikoloa Development, File Plan 1172;
51.	198°	03'	09"	827.03	feet along Lot 5, Waikoloa RM 1.5, Unit 1, File Plan 1378 to the point of beginning and containing an area of 120.570 Acres. (Refer to Parcel C as shown on Exhibit "A")

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii shall be

Open (O):

PARCEL D:

Beginning at the Northwest corner of this parcel of land, on the Southwesterly side of Waikoloa Road, the coordinates of which referred to Government Survey Triangulation Station "PUU HINAI" being 4,979.96 feet North and 230.81 feet West, and running by azimuths measured clockwise from true South:

1. Along the Southwesterly side of Waikoloa Road, on a curve to the left with a radius of 840.00 feet, the chord azimuth and distance being:  
311° 14' 42" 444.86 feet;
2. 295° 53' 24" 250.22 feet along the Southwesterly side of Waikoloa Road;
3. Thence along the Southwesterly side of Waikoloa Road, on a curve to the right with a radius of 910.00 feet, the chord azimuth and distance being:  
316° 58' 38.5" 654.82 feet;
4. 338° 03' 53" 399.34 feet along the Southwesterly side of Waikoloa Road;
5. Thence along the Southwesterly side of Waikoloa Road, on a curve to the left with a radius of 2,090.00 feet, the chord azimuth and distance being:  
336° 06' 55.5" 142.18 feet;
6. 77° 08' 00" 467.87 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
7. 109° 32' 00" 276.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
8. 39° 14' 00" 718.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
9. 24° 08' 00" 691.97 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;

10.	327°	38'	00"	150.39	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
11.	3°	20'	00"	90.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
12.	93°	20'	00"	70.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
13.	183°	20'	00"	81.77	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
14.	135°	06'	00"	298.74	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
15.	195°	26'	00"	812.89	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
16.	225°	34'	00"	716.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
17.	259°	28'	00"	230.00	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
18.	244°	00'	00"	187.18	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
19.	147°	58'	00"	184.96	feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;



20. 122° 46' 00" 520.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
21. 133° 58' 00" 506.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
22. 75° 10' 00" 70.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
23. 26° 34' 00" 506.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
24. 56° 26' 00" 540.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
25. 9° 14' 00" 484.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
26. 103° 46' 00" 364.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
27. 193° 46' 00" 85.00 feet along remainder of Lot 2B, Waikoloa Development, File Plan 1172;
28. Thence along remainder of Lot 2B, Waikoloa Development, File Plan 1172, on a curve to the left with a radius of 2,030.00 feet, the chord azimuth and distance being:  
189° 03' 00" 333.85 feet;

- 29. 184° 20' 00"            92.76 feet along remainder of  
   Lot 2B, Waikoloa  
   Development, File Plan  
   1172;
- 30. 232° 42' 00"            701.33 feet along remainder of  
   Lot 2B, Waikoloa  
   Development, File Plan  
   1172;
- 31. 212° 28' 00"            770.00 feet along remainder of  
   Lot 2B, Waikoloa  
   Development, File Plan  
   1172;
- 32. 288° 50' 00"            362.00 feet along remainder of  
   Lot 2B, Waikoloa  
   Development, File Plan  
   1172 to the point of  
   beginning and containing  
   an area of 43.518 Acres.  
   (Refer to Parcel D as  
   shown on Exhibit "A")

SECTION 2. Section 25-95H, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii shall be

Open (O):

PARCEL E:

Beginning at the Northeast corner of this parcel of land, on the Southeast corner of Lot 2, Waikoloa RM 1.5, Unit 1, File Plan 1378, the coordinates of which referred to Government Survey Triangulation Station "PUU HINAI" being 6,763.33 feet North and 3,821.37 feet West, and running by azimuths measured clockwise from true South:

- 1. 18° 03' 09"            827.03 feet along Lot 2B of  
   Waikoloa Development, File  
   Plan 1172;

2. Thence along Lot 3, Waikoloa Development, File Plan 1172, on a curve to the left with a radius of 2,900.00 feet, the chord azimuth and distance being:  
130° 19' 05.5" 1,282.88 feet;
3. 117° 32' 22" 952.00 feet along Lot 3 of Waikoloa Development, File Plan 1172;
4. 207° 32' 00" 260.00 feet along remainder of Lot 5 of Waikoloa RM 1.5, Unit 1, File Plan 1378;
5. 247° 48' 00" 777.48 feet along remainder of Lot 5 of Waikoloa RM 1.5, Unit 1, File Plan 1378;
6. 324° 03' 36" 30.17 feet along the Westerly side of Puu Melia Road;
7. 27° 32' 22" 87.91 feet along Lot 4 of Waikoloa RM 1.5, Unit 1, File Plan 1378;
8. 325° 42' 30" 127.67 feet along Lot 4 of Waikoloa RM 1.5, Unit 1, File Plan 1378;
9. 352° 13' 50" 98.31 feet along Lot 4 of Waikoloa RM 1.5, Unit 1, File Plan 1378;
10. 3° 46' 00" 144.58 feet along Lot 4 of Waikoloa RM 1.5, Unit 1, File Plan 1378;
11. 304° 37' 35" 78.70 feet along Lot 4 of Waikoloa RM 1.5, Unit 1, File Plan 1378;
12. 291° 52' 20" 179.87 feet along Lot 4 of Waikoloa RM 1.5, Unit 1, File Plan 1378;
13. 298° 45' 00" 108.48 feet along Lot 4 of Waikoloa RM 1.5, Unit 1, File Plan 1378;

- |     |      |     |     |  |
|-----|------|-----|-----|--|
| 14. | 264° | 02' | 05" | 203.62 feet along Lots 4 and 3A of Waikoloa RM 1.5, Unit 1, File Plan 1378;  |
| 15. | 302° | 41' | 35" | 68.70 feet along Lot 3A of Waikoloa RM 1.5, Unit 1, File Plan 1378;  |
| 16. | 281° | 00' | 00" | 72.77 feet along Lot 3A of Waikoloa RM 1.5, Unit 1, File Plan 1378;  |
| 17. | 301° | 22' | 15" | 110.23 feet along Lot 3B of Waikoloa RM 1.5, Unit 1, File Plan 1378;   |
| 18. | 312° | 55' | 00" | 127.57 feet along Lot 3B of Waikoloa RM 1.5, Unit 1, File Plan 1378;   |
| 19. | 287° | 10' | 00" | 96.36 feet along Lot 3B of Waikoloa RM 1.5, Unit 1, File Plan 1378;  |
| 20. | 348° | 09' | 45" | 71.37 feet along Lot 3B of Waikoloa RM 1.5, Unit 1, File Plan 1378;  |
| 21. | 312° | 49' | 15" | 146.55 feet along Lots 3B and 2 of Waikoloa RM 1.5, Unit 1, File Plan 1378;  |
| 22. | 280° | 18' | 30" | 127.50 feet along Lot 2 of Waikoloa RM 1.5, Unit 1, File Plan 1378 to the point of beginning and containing an area of 29.609 Acres. (Refer to Parcel E as shown on Exhibit "A") |

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

SECTION 3. These changes in district classification are conditioned upon the following: (A) the applicant, successors or its assigns shall be responsible for complying with all of

the stated conditions of approval: (B) the RA zoned area shall be subdivided in three increments. The first and second increment shall consist of a maximum of 175 one-acre lots each and the third increment, the remaining area. Subdivision plans shall be submitted for successive increments only after development has occurred in the preceding increment as determined by the Planning Director. "Development" means that building permits have been issued for dwelling units and construction has been partially completed to the extent that roofs have been constructed on a minimum of twenty-five percent of the number of lots proposed for the first increment. In lieu of actual construction, the applicant may enter into an agreement with the Planning Department to assure the County that the dwellings will be constructed within a given period. Such agreement shall be secured by a surety bond, certified check or other security acceptable to Corporation Counsel and the Planning Department. Upon final execution of such agreement and filing of the security with the County, subdivision plans for the next increment may be submitted prior to the actual construction of the dwellings in the first increment; (C) subdivision plans for the first increment shall be submitted within one year from the effective date of the change of zone. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval. Plans for infrastructural improvements,

including off-site roadway improvements, shall be submitted in conjunction with construction drawings for final subdivision approval of the first increment; (D) access shall meet with the requirements of the Department of Public Works. Direct access to Waikoloa Road shall be limited to one roadway from the project site. Waikoloa Road-Pua Melia Street-Paniolo Avenue intersection shall be channelized and signalized meeting with the requirements of the Department of Public Works. These improvements together with other roadway improvements required by the Department of Public Works based upon a Traffic Impact Analysis Report dated December 1989 shall be provided prior to opening of the golf course or in conjunction with final subdivision approval of the first increment, whichever occurs first, or as otherwise provided by Chapter 23 (Subdivision Control); (E) to ensure that the goals and policies of the Housing Element of the General Plan are implemented, the applicant shall secure the concurrence of the County Housing Agency, upon the recommendation of the Office of Housing and Community Development, that the applicant's affordable housing requirements, if any, have been fulfilled prior to the issuance of final subdivision approval; (F) a drainage system shall be installed in accordance with the requirements of the Department of Public Works and other affected agencies; (G) comply with all applicable laws, rules, regulations and requirements, including conditions of Use Permit No. 71; (H) should the council adopt a Unified Impact Fees ordinance setting forth

criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (I) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the change of zone. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required; and, (J) an extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the General Plan or Zoning Code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and 5) if the applicant should require an additional extension of time, the Planning Director shall

submit the applicant's request to the County Council for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area to its original or more appropriate designation.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	December 5, 1990
Date of 1st Reading:	December 5, 1990
Date of 2nd Reading:	December 19, 1990
Effective Date:	December 27, 1990