COUNTY OF HAWAII STATE OF HAWAII

ORDINANCE NO. <u>94</u> 73

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) AND SECTION 25-88 (SOUTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) AND UNPLANNED (U) TO AGRICULTURAL (A-1a) AT HONUAINO 3RD AND 4TH, HOKUKANO 1ST AND 2ND, KANAUEUE 1ST AND 2ND, HALEKII, KEEKEE 1ST AND 2ND, ILIKAHI, KANAKAU 1ST AND 2ND, KALUKALU 1ST, 2ND AND 3RD AND ONOULI 1ST, NORTH AND SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-9-06:PORTION OF 1, 7-9-12:PORTIONS OF 3, 4, AND 5 AND 8-1-04:PORTION OF 3.

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

SECTION 1. Section 25-87, 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 Kanaueue 1st and 2nd, North Kona, Hawaii, shall be Agricultural (A-la):

PARCEL 1:

Beginning at the Southeasterly corner of this parcel of land, being also a point on the Northerly boundary of Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions, being also a point on the division between North and South Kona, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 1,704.58 feet North and 6,126.02 feet East and running by azimuths measured clockwise from True South:

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1. 71° 45'
                          902.30 feet along Royal
                                 Patent 1670 to John D.
                                 Parish on a portion of
                                 Land Commission
                                 Award 387, Part 4,
                                 Section 2 to American
                                 Board of Commissioners
                                  for Foreign Missions to
                                  a point;
                        1,055.02 feet along the remainder
2. 152° 14'
                                 of Grant 865 to John
                                 Nakookoo to a point;
    Thence, for the next seven (7) courses following
                                  along middle of
                                  stonewall and along
                                 Grant 992 to W.
                                 Whitmarsh:
          23'
               30"
                         224.69 feet to a point;
3. 251°
                          58.35 feet to a point;
4. 250°
          35'
                          131.07 feet to a point;
5. 255°
          17'
                           26.91 feet to a point;
6. 240°
          43'
                          172.57 feet to a point;
7. 257°
          50'
               30"
                           21.91 feet to a point;
8. 243°
          13'
                           98.95 feet to a point;
9. 256°
          57'
    Thence, for the next twelve (12) courses following
                                  along middle of
                                  stonewall and along the
                                  remainder of Grant 865
                                  to John Nakookoo:
               30"
                           158.36 feet to a point;
          17'
10. 338°
                           102.95 feet to a point;
11. 257°
          24'
                           171.35 feet to a point;
12. 255°
          40'
               30"
                           101.46 feet to a point;
13. 261°
          29'
                           54.40 feet to a point;
14. 346°
          30'
               30"
          21'
               30"
                           152.40 feet to a point;
15. 343°
                          165.46 feet to a point;
16. 346°
          20'
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-2-

17. 343° 29' 30" 80.88 feet to a point; 18. 357° 13' 57.51 feet to a point; 30" 19. 345° 53' 154.41 feet to a point; 20. 333° 53' 114.71 feet to a point; 21. 345° 43' 43.78 feet to the point of beginning and containing an area of 22.251 Acres, more or less. (Refer to Parcel 1 as shown on Exhibit "A".)

The district classification of the following area situated at Honuaino 3rd and 4th, Hokukano 1st and 2nd and Kanaueue 1st and 2nd, North Kona, Hawaii, shall be Agricultural (A-la):

PARCEL 2:

Beginning at the Northwesterly corner of this parcel of land, being also a point on the Southerly boundary of Royal Patent 1098, Land Commission Award 614 to Charles Hall, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 5,408.20 feet North and 934.23 feet East and running by azimuths measured clockwise from True South:

Thence, for the next sixty-seven (67) courses
following along middle
of stonewall and along
Royal Patent 1098, Land
Commission Award 614 to
Charles Hall:

1	. •	172°	44'	35.46	feet	to	a	<pre>point;</pre>
2		250°	06'	26.01	feet	to	a	point;
3		245°	26'	19.20	feet	to	a	<pre>point;</pre>
4	١.	251°	15'	39.58	feet	to	a	<pre>point;</pre>
5	j .	259°	25'	18.68	feet	to	а	<pre>point;</pre>
6		246°	50'	16.35	feet	to	a	point;

	7.	254°	27'		40.28	feet	to	а	point;
	8.	323°	16'		7.32	feet	to	a	point;
	9.	249°	32'		44.32	feet	to	а	point;
	10.	265°	01'	30"	16.93	feet	to	a	point;
	11.	271°	10'	30"	50.61	feet	to	a	point;
	12.	261°	46'	30"	67.77	feet	to	а	point;
	13.	256°	32'	30"	36.61	feet	to	a	point;
	14.	262°	38'		30.23	feet	to	а	point;
	15.	258°	17'		37.28	feet	to	a	<pre>point;</pre>
	16.	254°	45'		21.32	feet	to	а	<pre>point;</pre>
	17.	257°	35'	30"	36.22	feet	to	а	point;
	18.	265°	03'		21.89	feet	to	a	point;
	19.	263°	53'	30"	45.49	feet	to	a	point;
	20.	266°	14'		44.43	feet	to	а	point;
	21.	249°	07'		32.29	feet	to	а	point;
	22.	256°	49'	30"	41.74	feet	to	a	<pre>point;</pre>
	23.	250°	03'	30"	91.17	feet	to	a	<pre>point;</pre>
	24.	257°	28'		88.18	feet	to	a	point;
	25.	253°	37'	30"	14.36	feet	to	a	point;
	26.	271°	49'		7.86	feet	to	a	point;
	27.	243°	18'	30"	43.30	feet	to	a	<pre>point;</pre>
er.	28.	252°	36'		45.75	feet	to	а	point;
	29.	262°	29'		35.65	feet	to	а	point;
	30.	265°	31'		13.70	feet	to	a	point;
	31.	260°	35'	30"	76.29	feet	to	а	point;
	32.	268°	05'	30"	59.53	feet	to	a	point;

33.	253°	44'	30"	12.40	feet	to	a	<pre>point;</pre>
34.	259°	40'		25.69	feet	to	a	<pre>point;</pre>
35.	264°	02'		51.71	feet	to	а	<pre>point;</pre>
36.	259°	49'	30"	85.74	feet	to	а	<pre>point;</pre>
37.	266°	56'		48.70	feet	to	a	<pre>point;</pre>
38.	265°	44'		61.02	feet	to	а	<pre>point;</pre>
39.	272°	05'		60.95	feet	to	а	<pre>point;</pre>
40.	269°	19'	30"	91.04	feet	to	а	<pre>point;</pre>
41.	275°	29'		26.42	feet	to	а	<pre>point;</pre>
42.	280°	52'	30"	26.76	feet	to	а	<pre>point;</pre>
43.	272°	21'	30"	28.45	feet	to	а	<pre>point;</pre>
44.	277°	12'		46.47	feet	to	а	<pre>point;</pre>
45.	273°	22'	30"	84.54	feet	to	a	<pre>point;</pre>
46.	273°	04'	30"	57.99	feet	to	a	<pre>point;</pre>
47.	270°	29'		30.67	feet	to	a	<pre>point;</pre>
48.	275°	46'	30"	91.01	feet	to	a	<pre>point;</pre>
49.	267°	54'	30"	87.48	feet	to	а	<pre>point;</pre>
50.	261°	05'	30"	28.16	feet	to	a	<pre>point;</pre>
51.	266°	13'		128.24	feet	to	a	<pre>point;</pre>
52.	270°	26'		114.47	feet	to	a	<pre>point;</pre>
53.	260°	09'		81.24	feet	to	a	<pre>point;</pre>
54.	262°	27'		166.66	feet	to	a	<pre>point;</pre>
55.	261°	47'		108.98	feet	to	a	<pre>point;</pre>
56.	243°	34'		33.10	feet	to	a	<pre>point;</pre>
57.	259°	14'	30"	37.03	feet	to	a	<pre>point;</pre>
58.	265°	34'	30"	77.10	feet	to	a	<pre>point;</pre>

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118.99 feet to a point;
          59'
59. 262°
                            39.78 feet to a point;
60. 256°
          19'
                            82.08 feet to a point;
          44'
61. 262°
                            34.11 feet to a point;
62. 267°
          50'
                            63.09 feet to a point;
63. 265°
          25'
                           112.92 feet to a point;
64. 273°
          36'
               30"
                           151.03 feet to a point;
65. 268°
          50'
                            35.27 feet to a point;
               30"
66. 274°
          59'
                            48.40 feet to a point;
67. 268°
          30'
               30"
    Thence, for the next three (3) courses following
                                  along the Westerly side
                                   of old railroad and
                                   along the remainder of
                                   Grant 2029 to
                                   S. W. Makahiki:
                           431.60 feet to a point;
68.
     15°
          00'
                           223.30 feet to a point;
      0°
          23'
69.
                           145.20 feet to a point;
70. 333°
          44'
    Thence, for the next seven (7) courses following
                                   along the Westerly side
                                   of old railroad and
                                   along the remainder of
                                   Grant 1453 to John
                                   Cavanah:
                            63.63 feet to a point;
          08'
71. 319°
                            92.54 feet to a point;
          12'
                30"
72. 327°
                            55.11 feet to a point;
73. 333°
          41'
                            42.41 feet to a point;
74. 341°
          52'
                            65.77 feet to a point;
75. 350°
          21'
                30"
                            87.84 feet to a point;
76. 357°
          11'
                             82.65 feet to a point;
      7°
          46'
77.
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78. 17° 59'

209.88 feet along the Westerly side of old railroad and along the remainders of Grant 1453 to John Cavanah and Grant 1463 to Keawe to a point;

Thence, for the next ten (10) courses following along

Thence, for the next ten (10) courses following along the Westerly side of old railroad and along the remainder of Grant 1463 to Keawe:

79.	15°	46'	30"	221.91	feet	to	a	<pre>point;</pre>
80.	350°	40'	30" .	86.03	feet	to	а	point;
81.	346°	02'	30"	127.39	feet	to	a	point;
82.	347°	43'		68.36	feet	to	a	<pre>point;</pre>
83.	356°	37'		108.84	feet	to	а	point;
84.	358°	09'		110.66	feet	to	а	point;
85.	6°	27'	30"	75.31	feet	to	a	<pre>point;</pre>
86.	357°	30'	30"	143.26	feet	to	а	<pre>point;</pre>
87.	8°	45'	30"	30.57	feet	to	a	<pre>point;</pre>
88.	359°	52'		108.27	feet	to	a	<pre>point;</pre>

Thence, for the next eight (8) courses following along the Easterly side of old railroad and along the remainder of Grant 1463 to Keawe:

29.79 feet along the remainder

to a point;

of Grant 1463 to Keawe

90. 357° 33' 107.96 feet to a point; 91. 352° 21' 72.88 feet to a point; 92. 356° 43' 30" 32.40 feet to a point; 93. 353° 27' 38.77 feet to a point;

89. 265° 47'

94.	350°	36'		29.09	feet to a point;
95.	339°	51'		130.13	feet to a point;
96.	329°	39'	30"	32.22	feet to a point;
97.	326°	06'		51.01	feet to a point;
98.	324°	59'		10.48	feet along the Westerly face of stonewall and along the remainder of Royal Patent 5336, Land Commission Award 9413 to Kahana to a point;
99.	320°	39'		115.81	feet along the remainder of Royal Patent 5336, Land Commission Award 9413 to Kahana to a point;
100.	67°	26'	30"	92.41	feet along wire fence and along Grant 992 to W. Whitmarsh to a point;
101.	70°	35'		63.69	feet along middle of stonewall and along Grant 992 to W. Whitmarsh to a point;
102.	67°	10'	30"	124.47	feet along middle of stonewall and along Grant 992 to W. Whitmarsh to a point;
103.	72°	45'	45"	371.54	feet along Grant 992 to W. Whitmarsh to a point;
104.	79°	49'		199.17	feet along Grant 992 to W. Whitmarsh to a point;
	Thenc	e, fo	r the next	twenty-	three (23) courses following along middle of stonewall and along Grant 992 to W. Whitmarsh:
105.	82°	05'	30"	51.64	feet to a point;
106.	83°	18'		181.52	feet to a point;

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107.
      84°
            58'
                 30"
                             118.82 feet to a point;
108.
      85°
            30'
                 30"
                             145.13 feet to a point;
109.
      91°
            09'
                              79.55 feet to a point;
110.
      82°
            04'
                              95.77 feet to a point;
111.
      82°
            31'
                 45"
                             212.72 feet to a point;
112. 359°
            15'
                             512.31 feet to a point;
113. 268°
            21'
                             280.72 feet to a point;
114. 259°
                             379.67 feet to a point;
            47'
115. 260°
            53'
                             149.26 feet to a point;
116. 259°
            07'
                             153.59 feet to a point;
117. 266°
           02'
                 30"
                              90.63 feet to a point;
118. 250°
            32'
                             115.64 feet to a point;
119. 240°
           54'
                              54.22 feet to a point;
120. 246°
           41'
                             140.89 feet to a point;
121. 256°
            30'
                 30"
                              95.53 feet to a point;
122. 240°
           04'
                 30"
                              52.97 feet to a point;
123. 245°
           12'
                 30"
                              66.16 feet to a point;
124. 257°
           45'
                 30"
                              34.33 feet to a point;
125. 239°
           59'
                              72.54 feet to a point;
126. 250°
           39'
                 30"
                              70.76 feet to a point;
127. 246°
           08'
                             111.93 feet to a point;
128. 332°
                           1,055.02 feet along the remainder
           14'
                                    of Grant 865 to John
                                    Nakookoo to a point;
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Thence, for the next four (4) courses following along Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions: 628.00 feet to a point; 129. 64° 12' 602.00 feet to a point; 130. 79° 26' 987.00 feet to a point; 131. 77° 00' 704.78 feet to a point; 132. 72° 13' 918.93 feet along the remainder 133. 154° 42' of Grant 1587 to John Peters to a point; Thence, following along the remainder of Grant 1587 to John Peters on a curve to the right with a radius of 1,030.00, the chord azimuth and distance being: 134. 174° 32' 30" 699.21 feet to a point; 350.20 feet along the remainder 135. 194° 23' of Grant 1587 to John Peters to a point; Thence, following along the remainders of Grant 1587 to John Peters and Grant 1463 to Keawe on a curve to the left with a radius of 1,270.00 feet, the chord azimuth and distance being: 1.224.95 feet to a point; 136. 165° 33' 68.92 feet along the remainder 137. 136° 43' of Grant 1463 to Keawe to a point;

Thence, following along the remainder of Grant 1463
to Keawe on a curve to
the right with a radius
of 1,030.00 feet, the
chord azimuth and
distance being:

138. 149° 59' 30" 473.03 feet to a point;

139. 163° 16' 839.35 feet along the

remainders of Grant 1463 to Keawe, Grant 1453 to John Cavanah and Grant 2029 to S. W. Makahiki to a point;

Thence, following along the remainder of Grant 2029
to S. W. Makahiki on a
curve to the left with a
radius of 470.00 feet,
the chord azimuth and
distance being:

140. 136° 23' 15" 424.98 feet to a point;

141. 165° 15' 189.91 feet along Grant 1651 to

Charles Hall to the point of beginning and containing an area of 295.539 Acres. (Refer to Parcel 2 as shown on Exhibit "A".)

SECTION 2. Section 25-88, 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 Halekii and Keekee lst, South Kona, Hawaii, shall be Agricultural (A-la):

PARCEL 3:

Beginning at the Northeasterly corner of this parcel of land, being also the Northwesterly corner of Lot 39 of Kona Scenic Subdivision, Unit II (File Plan 1591) and being a point on the Southerly boundary of Grant 865 to John Nakookoo, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 2,272.75 feet North and 8,616.61 feet East and running by azimuths measured clockwise from True South:

- 482.03 feet along Lots 39, 38, 1. 350° 44' 55" 37, 36, 35 and 34 of Kona Scenic Subdivision, Unit II (File Plan 1591) and along the remainder of Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions and along the Westerly end of Haleki'i Street to a point;
- 2. 78° 30' 470.15 feet along Lot 3
 (Government Land County of Hawaii) to a
 point;
- 3. 348° 30' 438.70 feet along Lot 3
 (Government Land County of Hawaii) to a
 point;
- 4. 266° 28'

 187.31 feet along Lot 3
 (Government Land County of Hawaii) to a
 point;

Thence, for the next eleven (11) courses following along middle of stonewall:

5.	4°	59'		157.50	feet along Lots 22 and 21 of Keekee Estates (File Plan 2087) and along the remainder of Grant 977 to Panaunau to a point;
6.	17°	24'	30"	102.93	feet along Lots 21 and 20 of Keekee Estates (File Plan 2087) and along the remainder of Grant 977 to Panaunau to a point;
7.	7°	45'	30"	174.98	feet along Lots 20 and 19 of Keekee Estates (File Plan 2087) and along the remainder of Grant 977 to Panaunau to a point;
8.	91°	17'	30"	56.46	feet along Lot 18 of Keekee Estates (File Plan 2087) and along the remainder of Grant 977 to Panaunau to a point;
9.	355°	54'	30"	333.18	feet along Lots 18 and 17 of Keekee Estates (File Plan 2087) and along the remainder of Grant 977 to Panaunau to a point;
	Thence	e, fo	r the next	four (4)	courses following along Grant 866 to Kapule:
10.	86°	02'	30"	309.93	<pre>feet along Lot 2 to a point;</pre>
11.	80°	19'		207.35	<pre>feet along Lot 1 to a point;</pre>
12.	75°	14'		183.86	<pre>feet along Lot 1 to a point;</pre>
13.	79°	02'		674.13	<pre>feet along Lot 1 to a point;</pre>

14.	. 1 7 7°	38'			feet along the remainder of Grant 977 to Panaunau to a point;
15	. 75°	14'			feet along Grant 977 to Panaunau to a point;
16	. 150°	55'		956.00	feet along the remainder of Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions to a point;
17	. 251°	45'		902.30	feet along Grant 865 to John Nakookoo to a point;
	Thence	e, for	the ne	xt thirty-s	six (36) courses following along middle of stonewall and along Grant 865 to John Nakookoo:
18	. 250°	02'	30"	41.72	feet to a point;
19	. 238°	11'	30"	99.82	feet to a point;
20	. 246°	13'		93.37	feet to a point;
21	. 253°	29'		121.82	feet to a point;
22	. 257°	51'		121.61	feet to a point;
23	. 249°	33'		59.76	feet to a point;
24	. 245°	51'		177.23	feet to a point;
25	. 248°	02'	30"	92.17	feet to a point;
26	. 240°	26'	30"	60.37	feet to a point;
27	. 254°	58'		110.46	feet to a point;
28	. 258°	29'		24.30	feet to a point;

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29. 274° 56'
              30"
                           31.91 feet to a point;
30. 260° 18'
               30"
                           148.31 feet to a point;
31. 253°
         43'
                           47.09 feet to a point;
32. 243° 21'
               30"
                           89.60 feet to a point;
33. 263°
         53 '
               30"
                           70.49 feet to a point;
34. 254°
          39'
               30"
                           21.88 feet to a point;
35. 269°
         41'
                           41.10 feet to a point;
36. 288°
                           45.97 feet to a point;
          24'
37. 255° 29'
               30"
                           27.38 feet to a point;
38. 241°
         21'
                           30.35 feet to a point;
39. 227°
         12'
               30"
                           53.91 feet to a point;
40. 216°
          24'
               30"
                           55.73 feet to a point;
41. 238°
               30"
                           27.24 feet to a point;
          55'
42. 255° 23'
               30"
                           29.74 feet to a point;
43. 271°
                           69.73 feet to a point;
          22'
44. 265°
          04'
                           29.52 feet to a point;
45. 275°
          29'
               30"
                           98.69 feet to a point;
46. 271°
          04'
                           85.71 feet to a point;
47. 277°
          42'
               30"
                           71.32 feet to a point;
48. 269°
          46'
                           21.84 feet to a point;
49. 270°
          48'
                          110.24 feet to a point;
50. 268°
          22'
                           91.02 feet to a point;
51. 258°
         19'
                           92.53 feet to a point;
52. 270° 26'
                           57.58 feet to a point;
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53. 265° 38'

177.70 feet to the point of beginning and containing an area of 94.387 Acres, more or less. (Refer to Pacel 3 as shown on Exhibit "A".)

The district classification of the following area situated at Halekii, Keekee 1st and 2nd, Ilikahi, Kanakau 1st and 2nd, Kalukalu 1st, 2nd, and 3rd and Onouli 1st, South Kona, Hawaii, shall be Agricultural (A-la):

PARCEL 4:

Beginning at the Southeasterly corner of this parcel of land, being also a point on the Northerly boundary of Grant 1162 to F. O. Schulze, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 4,046.78 feet South and 6,502.93 feet East and running by azimuths measured clockwise from True South:

- 1. 65° 45' 54" 1,071.96 feet along middle of stonewall and along Grant 1162 to F. O. Schulze to a point;
- 2. 78° 08' 30" 1,407.43 feet along middle of stonewall and along Grant 1162 to F. O. Schulze to a point;
 - Thence, for the next three (3) courses following along the remainder of Royal Patents 4386 and 7146, Land Commission Award 8452 to A. Keohokalole:
- 3. 203° 12' 488.09 feet to a point;

Thence, following on a curve to the left with a radius of 870.00 feet, the chord azimuth and distance being:

4. 172° 50' 30" 879.41 feet to a point;

5. 142° 29' 272.49 feet to a point;

Thence, following along the remainders of Royal
Patents 4386 and 7146,
Land Commission
Award 8452 to
A. Keohokalole,
Grant 1160 to
H. N. Greenwell, and
Grant 1576 to Lohi on a
curve to the right with
a radius of
1,130.00 feet, the chord
azimuth and distance
being:

6. 169° 47' 1,036.55 feet to a point;

7. 197° 05'
307.17 feet along the remainders of Grant 1576 to Lohi and Grant 1464 to Ialua to a point;

Thence, following along the remainder of Grant 1464
to Ialua on a curve to
the left with a radius
of 645.00 feet, the
chord azimuth and
distance being:

8. 183° 07' 311.35 feet to a point;

9. 169° 09' 54.98 feet along the remainder of Grant 1464 to Ialua to a point;

Thence, following along the remainders of Grant 1464
to Ialua and Grant 1175
to Nakauwaa on a curve
to the right with a
radius of 705.00 feet,
the chord azimuth and
distance being:

10. 186° 06' 411.07 feet to a point;

11. 203° 03' 162.63 feet along the remainder of Grant 1175 to Nakauwaa to a point;

Thence, following along the remainder of Grant 1175 to Nakauwaa and Grant 1177 to Kamakahiona on a curve to the left with a radius of 645.00 feet, the chord azimuth and distance being:

12. 186° 42' 30" 362.96 feet to a point;

60.05 feet along the remainder 13. 170° 22' of Grant 1177 to Kamakahiona to a point;

Thence, following along the remainders of Grant 1177 to Kamakahiona and Grant 1176 to Kini on a curve to the right with a radius of 705.00 feet, the chord azimuth and distance being:

384.70 feet to a point; 14. 186° 12'

Thence, for the next five (5) courses following along the remainder of Grant 1176 to Kini:

35.26 feet to a point; 15. 202° 02'

Thence, following on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:

42.43 feet to a point; 16. 157° 02'

85.32 feet to a point; 17. 112° 02'

Thence, following on a curve to the left with a radius of 645.00 feet, the chord azimuth and distance being:

329.53 feet to a point; 18. 97° 14'

397.26 feet to a point; 19. 82° 26'

	Thenc	e,	following	along	the	remainders of Grant 1176 to Kini and Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions on a curve to the right with a radius of 705.00 feet, the chord azimuth and distance being:
20.	118°	34	1	83	31.43	feet to a point;
21.	154°	42	•	34	12.97	feet along the remainder of Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions to a point;
22.	252°	13		70	4.78	feet along Grant 1587 to John Peters and Grant 865 to John Nakookoo to a point;
	Thence	≘,	for the ne	ext thr	ee (:	3) courses following along Grant 865 to John Nakookoo:
23.	257°	00	•	98	7.00	feet to a point;
24.	259°	26	1	60	2.00	feet to a point;
25.	244°	12	•	62	8.00	feet to a point;
26.	330°	55	•	95	6.00	feet along the remainder of Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions to a point;

27. 255° 14' 1,338.05 feet along Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions to a point; 634.16 feet along Grant 977 to 28. 357° 38' Panaunau to a point; 29. 76° 40' 30" 1,596.74 feet along Grant 1177 to Kamakahiona to a point; 30. 76° 40' 30" 44.81 feet along Grant 1177 to Kamakahiona to a point; Thence, for the next six (6) courses following along the Westerly side of old railroad: 54.23 feet to a point; 31. 353° 25' 95.32 feet to a point; 32. 346° 06' 16' 30" 289.54 feet to a point; 33. 342° 132.29 feet to a point; 34. 341° 35. 345° 33' 48.71 feet along the remainders of Grant 1177 to Kamakahiona and Grant 1175 to Nakauwaa to a point; Thence, for the next six (6) courses following along the remainder of Grant 1175 to Nakauwaa: 47.80 feet to a point; 36. 350° 55' 30" 8.34 feet to a point; 37. 260° 45' Thence, for the next four (4) courses following along the Westerly face of stonewall and along the

Easterly side of old

railroad:

38.	353°	43'	30"		58.69	feet to a point;
39.	1°	03'	30"		50.75	feet to a point;
40.	4°	06'	30"		32.09	feet to a point;
41.	9 •	18'	30"		46.75	feet to a point;
	Thence	e, fo	r the	next	four (4)	courses following along the Northerly face of stonewall:
42.	79°	50'			28.51	feet along Grant 787 to H. N. Greenwell to a point;
43.	63°	01'	30"		205.62	feet along Grant 787 to H. N. Greenwell to a point;
	Thence	e, fo	r the	next	twenty-s	six (26) courses following along the remainder of Grant 787 to H. N. Greenwell:
44.	58°	15'			190.84	feet to a point;
45.	95°	12'	30"		36.26	feet to a point;
	Thence	e, fo	r the	next	ten (10)	courses following along the Westerly face of stonewall:
46.	340°	55'	30"		51.47	feet to a point;
47.	336°	12'	30"		95.40	feet to a point;
48.	340°	54'			85.38	feet to a point;
49.	338°	48'	30"		46.81	feet to a point;
50.	342°	23'			65.75	feet to a point;
51.	334°	35'	30"		65.95	feet to a point;
52.	332°	23'			82.87	feet to a point;
53.	324°	00,			11.13	feet to a point;
54.	332°	36'	30"		113.50	feet to a point;

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24.68 feet to a point;
55. 347° 43'
    Thence, for the next four (4) courses following along
                                  the Westerly side of old
                                  railroad:
                            61.45 feet to a point;
56. 338°
          19'
57. 327°
          39'
               30"
                            17.91 feet to a point;
                            94.25 feet to a point;
58. 347°
          16'
                           113.58 feet to a point;
          55'
               30"
59. 344°
                            16.83 feet to a point;
               30"
60. 267°
          05'
    Thence, for the next six (6) courses following along
                                  middle of stonewall:
                            54.25 feet to a point;
61. 341°
          48'
               30"
               30"
                           109.52 feet to a point;
62. 346°
          24'
                            62.30 feet to a point;
63. 330°
          20'
                           111.89 feet to a point;
64. 336°
          48'
                           106.90 feet to a point;
          21'
65. 325°
          18'
               30"
                            29.22 feet to a point;
66. 62°
    Thence, for the next three (3) courses following
                                  along Westerly face of
                                  stonewall:
               30"
                           112.46 feet to a point;
          28'
67. 337°
68. 337°
          08'
                           183.98 feet to a point;
                           153.52 feet to a point;
               30"
69. 337°
          36'
          02'
               30"
                            25.45 feet along the Southerly
70. 254°
                                  face of stonewall and
                                  along Grant 787 to
                                  H. N. Greenwell to a
                                  point;
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Thence, for the next seven (7) courses following along the Westerly side of old railroad and along the remainder of Royal Patents 4386 and 7146, Land Commission Award 8452 to A. Keohokalole:

71.	338°	26'		168.87	feet t	o a	point;
72.	337°	34'		153.12	feet t	o a	point;
73.	335°	16'	30"	329.74	feet t	o a	point;
74.	336°	16'	30"	122.94	feet t	o a	point;
75.	334°	38'	30"	193.93	feet t	o a	point;
76.	335°	59'		267.46	feet t	o a	point;
77.	329°	13'	30"	141.50	beginn an are 271.41	ing a of 5 Ac	res. (Refer 4 as shown on

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof (herein after referred to as "subject property").

SECTION 3. These changes in district classification are conditioned upon the following:

- (A) The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval;
- (B) The effective date of the rezoning shall be upon:
 - (1) the execution of an agreement between the applicant,
 Lyle Anderson, and the County through its Department
 of Water Supply and Planning, to assign water
 commitment rights in the Kealakekua Source Agreement

to the current landowners of the subject property within one-hundred-eighty (180) days from the effective date of this ordinance; provided that a maximum ninety (90) day extension may be granted by the Planning Director with reasonable and sufficient justification; and

- (2) the acceptance by the Department of Water Supply of the required water commitment payment in accordance with its "Water Commitment Policy" within one-hundred-eighty (180) days from the effective date of this ordinance;
- (C) Subdivision plans for any portion of the subject property shall be submitted to the Planning Department and Tentative Subdivision Approval secured within four (4) years from the effective date of this rezoning as determined in Condition B; Final Subdivision Approval shall be secured within five (5) years from the effective date of this rezoning as determined in Condition B. For the purpose of this ordinance, Final Subdivision Approval shall be defined as the subdivision of any agricultural zoned lot to a lot less than twenty (20) acres in size within the subject property;
- (D) A wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health and/or the Department of Public Works, whichever is applicable;
- (E) All electrical and communication utilities lines within the subject property shall be placed underground, with the exception of the main 69 KV transmission line from the Mamalahoa Highway to the proposed electrical substation site;

- (F) A Flood Study of the subject property shall be submitted to the Planning Department in conjunction with plans submitted for subdivision review for any portion of the subject property. Drainage improvements shall be constructed in a manner meeting with the approval of the Department of Public Works, prior to the issuance of Final Subdivision Approval for the subject property;
- (G) An archaeological mitigation and interpretation plan shall be prepared and submitted for approval by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division, prior to submitting plans for subdivision review. The Plan shall consist of three subplans:
 - an archaeological data recovery plan for the sites to undergo data recovery,
 - (2) a detailed interim protection/preservation plan for the sites to undergo preservation, and
 - (3) an interpretation plan which shall include buffer zones, signage and long-range preservation concerns which may be submitted at a later date. Approved mitigation measures shall be implemented prior to or in conjunction with any land alterations within the subject property;
- (H) The applicant shall be responsible to comply with Condition No. 8 of SMA Permit No. 345 issued to the applicant on November 5, 1993; provided, that the construction of the coastline park and access ways shall be subject to the obtaining of all necessary discretionary permits (e.g., Conservation District Use Approval; Special Management Area Use Permit, etc.); provided, further, that the applicant

shall be responsible to comply with the following terms and conditions:

- (1) The applicant shall develop and submit a comprehensive public shoreline access plan for the subject property and the properties described in the SMA Permit No. 345, subject to the review and approval by the Planning Director, in consultation with the Department of Land and Natural Resources, prior to Final Subdivision Approval, or any land alteration activity, whichever comes first;
- (2) An area comprising twenty-five percent (25%) of the total park area, as shown on Exhibit "E" attached hereto and made a part hereof, shall be developed and improved by the applicant or its agent in phases within five (5) years from the date Final Subdivision Approval is obtained on the subject property. The first phase shall be completed and open to the public within thirty (30) days following the opening of the golf course;
- (3) No more than a total land area of twelve (12) acres shall be permitted to be constructed, operated and maintained as part of the applicant's golf course, approved as Use Permit No. 115, and included within the coastline park or the existing conservation district lands;
- (4) A minimum of twenty-five (25) public parking stalls in addition to parking stalls for residents, guests, and employees within the subject property and the applicant's adjacent lands at the principal shoreline access parking area(s), signage and provisions for public access for night fishing and marine food

gathering purposes over designated vehicular and pedestrian access routes subject to restrictions which limit said uses to recreation uses only, and other restrictions which provide for the health and safety of the general public and residents alike; and

- (5) The public shoreline access plan shall also integrate where appropriate, any public accessway(s) to interpretive trail system(s) and to the historical and archaeological sites to be approved by the Planning Director, in consultation with the Department of Land and Natural Resources and in conjunction with the detail mitigation plan for the park area situated in the Conservation district.
- (I) Prior to final approval of a small lot subdivision plat within the subject property, the applicant shall convey to the County of Hawaii by way of a perpetual easement the right to public access and recreational use of the coastline park and trails; provided, that restrictions in accordance with Chapter 115, Hawaii Revised Statutes, will be allowed to be established by the applicant, subject to the approval of the Planning Director, to promote public health and safety and the general security of the premises for residents and guest of the project to protect the areas' pristine condition, and to minimize any liability to the applicant, pursuant to Chapter 520, Section 520-4, Hawaii Revised Statutes. The applicant shall own the coastline park and trails in fee simple and maintain all lands in the coastline park area and operate such facility for public recreational use in accordance with the above terms and conditions;

- (J) Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken;
- (K) A solid waste management plan shall be prepared meeting with the approval of the Department of Public Works prior to submitting plans for subdivision review. The Plan shall include, but not be limited to, the management of construction solid waste as well as operating and domestic solid waste generated by the subject property. Approved recommendations and mitigation measures shall be implemented at a time and in a manner meeting with the approval of the Department of Public Works;
- (L) Roadway improvements and access(es) to the subject property, including all plans and construction, shall meet with the approval of the Department of Public Works. Prior to the issuance of Final Subdivision Approval for any portion of the subject property, the applicant shall:
 - (1) construct the channelization and signalization of the Mamalahoa Highway-Haleki'i Street intersection;
 - (2) determine the final right-of-way alignment of the entire Mamalahoa Bypass road as shown in Exhibit "C", including its intersection areas and its acquired ownership or control. The applicant shall provide the Planning Director with a metes and bounds description of each road right-of-way segment involved and evidence of its ownership or control as deemed

necessary by the Planning Director. In lieu of the applicant obtaining or acquiring ownership or control of any segment within the Phase Two portion of the Mamalahoa Bypass road, the requirement shall be deemed fulfilled upon the county's formal initiation of condemnation action for such segments and an agreement has been entered into to between the applicant and the county providing for the applicant's reimbursement to the county for the acquisition of the lands condemned;

- (3) construct Phase One of the Mamalahoa Bypass, as shown in Exhibit "C", consisting of two lanes with sufficient right-of-way for a total of four lanes;
- (4) construct the channelization improvements on Kuakini Highway at its intersection with the north end of the Mamalahoa Bypass;
- (5) construct the extension of Haleki'i Street through the subject property as generally reflected in Exhibit "B", which phasing of improvements shall be approved A barricade or by the Department of Public Works. breakaway gate, meeting with the requirements of the Department of Public Works, shall be installed by the applicant as part of the required Haleki'i Street improvements prior to the completion of Phase 1 of the Mamalahoa Highway Bypass or the construction of any dwelling unit or golf course clubhouse facility, whichever occurs first. The purpose of this condition is to prevent the use of Haleki'i Street as a vehicular thoroughfare between the existing Mamalahoa Highway and the Phase 1 section of the Mamalahoa Highway Bypass until the entire proposed Bypass has been completed and opened for general public use; and

(6) provide roadway stub-outs, generally shown in Exhibit "B", to provide future connections between the subject property, the Alii Highway, and southern extensions there from; provided that such stub-outs shall be constructed in accordance with the construction phasing as approved by the Department of Public Works.

The applicant shall construct the Mamalahoa Bypass to State Department of Transportation-Highways Division standards for a regional arterial bypass highway or segments thereof, and shall provide a landscape buffer along highway sections within five hundred feet of existing dwelling, as required by the chief engineer, to reduce the impacts of noise and light on the residents therein and to generally beautify the highway appearance in such locations. Roadway segments providing the bypass's connection with the existing highways at its north termini shall be built to county dedicable standards for secondary arterials, pursuant to Chatper 23 of the Hawaii County Code, instead of the State DOT standards for major arterials, in the case where the roadway segment is consistent with a Department of Transportation plan which provides for such segments to be a lesser, connector road and for the later extension of the arterial bypass highway to be substantially further north or south before merging with other arterial roadways; provided that the applicant shall enter into a reimbursement agreement with the County which sets forth the terms and conditions of reimbursement for costs incurred for the construction, land acquisition and design of the Mamalahoa Highway Bypass out of funds paid to the state and/or county by other developers or landowners whom the county may determine as benefiting from the Bypass Highway and which funds are available to the county for such purpose; and provided further, that the total amount of reimbursement due to the applicant shall not exceed the

total cost of land acquisition, design and construction of the Bypass Highway incurred by the applicant, less the pro rata portion attributed to the subject property;

- (M) Prior to Final Subdivision Approval of any portion within Area 2 as shown in Exhibit "D" except for the golf course, golf clubhouse, lodge, and related facilities, the applicant shall:
 - (1) complete the construction of the Phase Two of the Mamalahoa Bypass consisting of two lanes with sufficient right-of-way for a total of four lanes as shown in Exhibit "C", meeting with the approval of the Department of Public Works, in consultation with the State Department of Transportation-Highways Division; and
 - (2) complete the construction of the Mamalahoa Bypass channelization improvements at its intersection with Mamalonoa Highway and Napo'opo'o Road, meeting with the requirements of the Department of Public Works, in consultation with the State Department of Transportation-Highways Division;
- (N) All roadway improvements stated in Condition L and M of this ordinance shall be dedicated to the appropriate government entity. Those improvements associated with the Mamalahoa Highway Bypass shall be offered to the State Director of Transportation pursuant to Section 264-1 of the Hawaii Revised Statutes. Any connector roadways, and any protion of the Mamalahoa Highway Bypass not accepted by the State Director of Transportation shall be dedicated to the County, as provided by law;

- (O) To ensure that the Goals and Policies of the Recreational Element of the General Plan are implemented, the applicant shall provide a maximum of two acres of land abutting the north side of Kona Scenic Park for public purposes prior to Final Subdivision Approval of the subject property.
- (P) In lieu of actual construction of infrastructural improvements as required under Conditions D, F, H, K, L, and M, the applicant may enter into an agreement with the Planning Director to assure the county that the infrastructural improvements will be constructed together with the appropriate bond, surety or other security deemed acceptable to the Planning Director and the Corporation Counsel. Upon execution of such agreement and/or filing of the security with the County, Final Subdivision approval for the subject property or portions thereof shall be granted prior to the actual construction of required infrastructural improvements;
- (Q) The Applicant shall participate in the funding and construction of any regional roadway improvements as may be required by the State Department of Transportation, provided that any costs borne by the applicant shall be credited and limited to the amount of its fair share contribution for regional road and traffic impacts, as required in Conditions L and M;
- (R) It shall be demonstrated to the satisfaction of the Planning Director that agricultural activity is being conducted on the subdivided lots within three years from the date of Final Subdivision Approval. For the purpose of this condition, "agriculture" shall be defined as the cultivation of crops, including but not limited to flowers, vegetable, foliage, and fruits that are propagated for economic or personal use. An agricultural activity will be considered satisfactory:

- (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;
- (2) if it provides a 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 State Bureau of Conveyances and a copy of the recorded deeds shall be filed with the Planning Department within one year from the date of Final Subdivision Approval.

Each approved lot must comply with at least one of the above requirements to satisfy the conditions of approval of this ordinance;

(S) Restrictive covenants in the deeds of all the proposed lots shall prohibit the construction of a second dwelling unit on each lot; provided that this shall not preclude the construction of a guest house as defined under Chapter 25 of the Hawaii County Code. A copy of the proposed covenant(s) to be recorded with the Bureau of Conveyances shall be submitted to the Planning Department for review and approval prior to final subdivision approval. A copy of the approved covenant shall be recited in an instrument executed by the applicant and the county and recorded with the Bureau of Conveyances likewise prior to final subdivision approval;

The Applicant shall pay its fair share contribution to (T) address potential regional impacts of the subject property with respect to park, fire, police, solid waste disposal facilities, sewer and roads. The fair share contribution shall be initially based on the representations contained within the change of zone application and may be increased or reduced proportionally if the agricultural lot counts are adjusted. The fair share contributions described below shall be adjusted annually based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution for each agricultural zoned lot of the subject property less than ten acres in size shall be based on a maximum density for each lot as determined by the zoning resulting from this change of zone. The fair share contribution in a form of cash, land, facilities, or any combination thereof shall have a maximum combined value of \$ 4,701,205.74. In lieu of paying the fair share contribution, the applicant may construct such improvements/facilities related to park, fire, police, solid waste disposal facilities, sewers and roads with the approval of the appropriate agency(ies).

Any contributions required by this ordinance that exceed the fair share requirement of this proposed development shall, at the applicant's request be credited towards any of the applicant's future developments that require infrastructural impact contributions;

(U) The Applicant shall conform, to the best extent practicable, with the guidelines as provided within the Strategies for Energy Efficient Architecture by Hawaiian Design and the State Model Energy Code, in the construction of dwellings within the subject property;

- (V) In the event that the State Department of Education adopts an educational facilities impact fee program, the applicant shall participate in the requirements of the program;
- (W) Comply with all applicable laws, rules, regulations and requirements, including those of the Department of Health, Fire, and the Department of Water Supply;
- (X) 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 shall be credited towards the requirements of the Unified Impact Fees Ordinance;
- (Y) An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this change of zone. The report shall address in detail 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 with and the Planning Director acknowledges that further reports are not required; and,
- (Z) An extension of time for the performance of conditions within the ordinance, with the exception of Condition C, 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) should the Applicant 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 the 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.

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COUNCIL	MEMBER,	COUNTY	OH	HAWAII

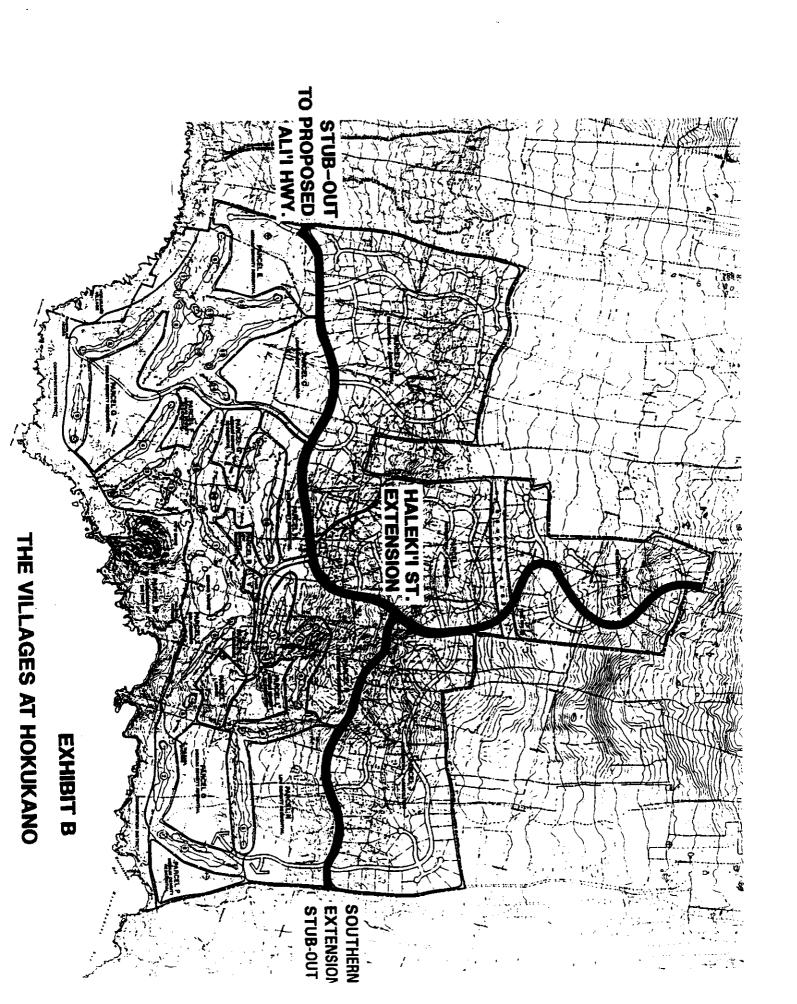
Hilo, Hawaii

Date of Introduction: May 11, 1994
Date of 1st Reading: May 11, 1994
Date of 2nd Reading: June 15, 1994
Effective Date: June 28, 1994

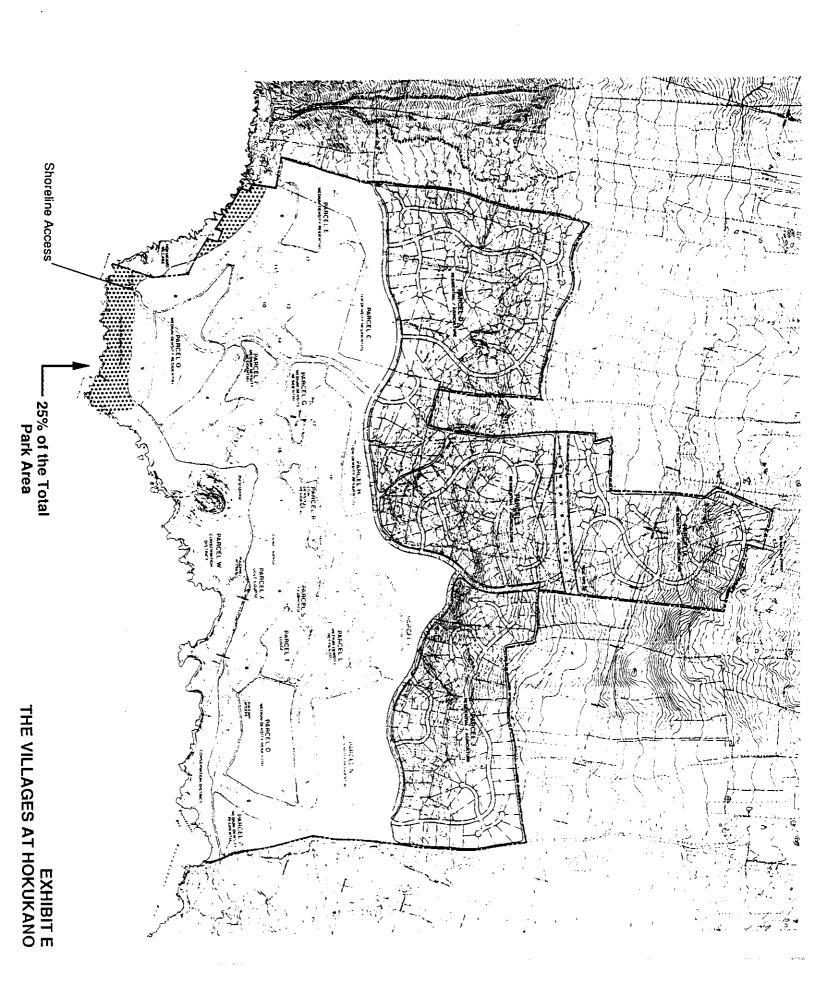
APPROVED AS TO FORM AND LEGALITY:

CORPORATION COUNSEL

DATED: 6/16/44



THE VILLAGES AT HOKUKANO





CONSTANCE R. KIRIU Deputy County Clerk

BOBBY JEAN LEITHEAD-TODD Legislative Auditor

OFFICE OF THE COUNTY CLERK

County of Hawaii Hawaii County Building 25 Aupuni Street Hilo, Hawaii 96720

NOTE

On Bill No. 182, Dr. 6, Ordinance No. 94-73, reference is made to map attached hereto, marked Exhibit "A".

Said Exhibit is not part of the duplicate copies of this ordinance, due to its size, but is available for viewing in the Office of the County Clerk.

If further information is needed, call 961-8255.

Robin J Yahiku

OFFICE OF THE COUNTY CLERK County of Hawaii Hilo, Hawaii

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'94 JUNES FR 4 1

(DRAFT 5)

		F	ROLL CA	LL VOTE		
Introduced By:	Takashi Domingo	_	AYES	NOES	ABS	EX
Date Introduced:	May 11, 1994	ARAKAKI	X			
First Reading:	May 11, 1994	BONK-ABRAMSON	Λ	Х	-	
Published:	NA	- CHILDS	X			
		DE LIMA	X			
REMARKS:		DOMINGO	X			
May 11, 199	94 - Deferred	- HALE	^	Х		
····································		— RATH		X		
		- ROSEHILL		X		
		SCHUTTE	V			
		SCHOILE	X 5	4	0	0
Second Reading:	June 15, 1994	(DRAFT 6)	ROLL CA	LL VOTE		
To Mayor:	June 15, 1994			1		
Returned:	June 28, 1994		AYES	NOES	ABS	EX
Effective:	June 28, 1994	ARAKAKI	Х			
Published:	July 7, 1994	BONK-ABRAMSON		X		
1 aprisited.		CHILDS	X			
DEMARKS.		DE LIMA	X			
REMARKS:		DOMINGO	<u> </u>			
		HALE	<u></u>	X		
		RATH	<u> </u>	Х		
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APPROV FORM and CORPORATIO COUNTY C	LEGALITY ON COUNSEL OF HAWAII 194	COUNTY CLERK	Eher EMAN ()S	1	d publis	hed as
Approved/Disapports	oroved this <u>28</u> day , 19 <u>94</u>					

MAYOR, COUNTY OF HAWAII

Bill No.: 182 (Draft 6) Reference: C-717.06/PC-107

Ord. No.:

