

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 181
(Draft 6)

ORDINANCE NO. 96 8

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, AND ORDINANCE NO. 94-73, WHICH CLASSIFIED CERTAIN LANDS 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. Ordinance No. 94-73 is amended as follows:

"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 Kanaeue 1st and 2nd, North Kona, Hawaii, shall be Agricultural (A-1a):

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:

- 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;
- 2. 152° 14' 1,055.02 feet along the remainder 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:

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|----|------|-----|-----|-------------------------|
| 3. | 251° | 23' | 30" | 224.69 feet to a point; |
| 4. | 250° | 35' | | 58.35 feet to a point; |
| 5. | 255° | 17' | | 131.07 feet to a point; |
| 6. | 240° | 43' | | 26.91 feet to a point; |
| 7. | 257° | 50' | | 172.57 feet to a point; |
| 8. | 243° | 13' | 30" | 21.91 feet to a point; |
| 9. | 256° | 57' | | 98.95 feet to a point; |

Thence, for the next twelve (12) courses following along middle of stonewall and along the remainder of Grant 865 to John Nakookoo:

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|-----|------|-----|-----|---|
| 10. | 338° | 17' | 30" | 158.36 feet to a point; |
| 11. | 257° | 24' | | 102.95 feet to a point; |
| 12. | 255° | 40' | 30" | 171.35 feet to a point; |
| 13. | 261° | 29' | | 101.46 feet to a point; |
| 14. | 346° | 30' | 30" | 54.40 feet to a point; |
| 15. | 343° | 21' | 30" | 152.40 feet to a point; |
| 16. | 346° | 20' | | 165.46 feet to a point; |
| 17. | 343° | 29' | 30" | 80.88 feet to a point; |
| 18. | 357° | 13' | | 57.51 feet to a point; |
| 19. | 345° | 53' | 30" | 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 Kanaeue 1st and 2nd, North Kona, Hawaii, shall be Agricultural (A-1a):

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:

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|-----|------|-----|-----|------------------------|
| 1. | 172° | 44' | | 35.46 feet to a point; |
| 2. | 250° | 06' | | 26.01 feet to a point; |
| 3. | 245° | 26' | | 19.20 feet to a point; |
| 4. | 251° | 15' | | 39.58 feet to a point; |
| 5. | 259° | 25' | | 18.68 feet to a point; |
| 6. | 246° | 50' | | 16.35 feet to a point; |
| 7. | 254° | 27' | | 40.28 feet to a point; |
| 8. | 323° | 16' | | 7.32 feet to a point; |
| 9. | 249° | 32' | | 44.32 feet to a 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 a point; |
| 13. | 256° | 32' | 30" | 36.61 feet to a point; |
| 14. | 262° | 38' | | 30.23 feet to a point; |
| 15. | 258° | 17' | | 37.28 feet to a point; |
| 16. | 254° | 45' | | 21.32 feet to a point; |

17.	257°	35'	30"	36.22 feet to a 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 a point;
21.	249°	07'		32.29 feet to a point;
22.	256°	49'	30"	41.74 feet to a point;
23.	250°	03'	30"	91.17 feet to a point;
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 point;
28.	252°	36'		45.75 feet to a point;
29.	262°	29'		35.65 feet to a point;
30.	265°	31'		13.70 feet to a point;
31.	260°	35'	30"	76.29 feet to a point;
32.	268°	05'	30"	59.53 feet to a point;
33.	253°	44'	30"	12.40 feet to a point;
34.	259°	40'		25.69 feet to a point;
35.	264°	02'		51.71 feet to a point;
36.	259°	49'	30"	85.74 feet to a point;
37.	266°	56'		48.70 feet to a point;
38.	265°	44'		61.02 feet to a point;
39.	272°	05'		60.95 feet to a point;
40.	269°	19'	30"	91.04 feet to a point;
41.	275°	29'		26.42 feet to a point;
42.	280°	52'	30"	26.76 feet to a point;

43.	272°	21'	30"	28.45 feet to a point;
44.	277°	12'		46.47 feet to a point;
45.	273°	22'	30"	84.54 feet to a point;
46.	273°	04'	30"	57.99 feet to a point;
47.	270°	29'		30.67 feet to a point;
48.	275°	46'	30"	91.01 feet to a point;
49.	267°	54'	30"	87.48 feet to a point;
50.	261°	05'	30"	28.16 feet to a point;
51.	266°	13'		128.24 feet to a point;
52.	270°	26'		114.47 feet to a point;
53.	260°	09'		81.24 feet to a point;
54.	262°	27'		166.66 feet to a point;
55.	261°	47'		108.98 feet to a point;
56.	243°	34'		33.10 feet to a point;
57.	259°	14'	30"	37.03 feet to a point;
58.	265°	34'	30"	77.10 feet to a point;
59.	262°	59'		118.99 feet to a point;
60.	256°	19'		39.78 feet to a point;
61.	262°	44'		82.08 feet to a point;
62.	267°	50'		34.11 feet to a point;
63.	265°	25'		63.09 feet to a point;
64.	273°	36'	30"	112.92 feet to a point;
65.	268°	50'		151.03 feet to a point;
66.	274°	59'	30"	35.27 feet to a point;
67.	268°	30'	30"	48.40 feet to a point;

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:

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|-----|------|-----|--|-------------------------|
| 68. | 15° | 00' | | 431.60 feet to a point; |
| 69. | 0° | 23' | | 223.30 feet to a point; |
| 70. | 333° | 44' | | 145.20 feet to a point; |

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:

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|-----|------|-----|-----|--|
| 71. | 319° | 08' | | 63.63 feet to a point; |
| 72. | 327° | 12' | 30" | 92.54 feet to a point; |
| 73. | 333° | 41' | | 55.11 feet to a point; |
| 74. | 341° | 52' | | 42.41 feet to a point; |
| 75. | 350° | 21' | | 65.77 feet to a point; |
| 76. | 357° | 11' | 30" | 87.84 feet to a point; |
| 77. | 7° | 46' | | 82.65 feet to a point; |
| 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 the Westerly side of old railroad and along the remainder of Grant 1463 to Keawe:

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|-----|------|-----|-----|-------------------------|
| 79. | 15° | 46' | 30" | 221.91 feet to a point; |
| 80. | 350° | 40' | 30" | 86.03 feet to a point; |
| 81. | 346° | 02' | 30" | 127.39 feet to a point; |
| 82. | 347° | 43' | | 68.36 feet to a point; |
| 83. | 356° | 37' | | 108.84 feet to a point; |
| 84. | 358° | 09' | | 110.66 feet to a point; |
| 85. | 6° | 27' | 30" | 75.31 feet to a point; |

86.	357°	30'	30"	143.26 feet to a point;
87.	8°	45'	30"	30.57 feet to a point;
88.	359°	52'		108.27 feet to a point;
89.	265°	47'		29.79 feet along the remainder of Grant 1463 to Keawe to a point;

Thence, for the next eight (8) courses following along the Easterly side of old railroad and along the remainder 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;
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;

Thence, for 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;
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°	47'		379.67 feet to a point;
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° 14' 1,055.02 feet along the remainder of Grant 865 to John Nakookoo to a point;

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:

129. 64° 12' 628.00 feet to a point;
 130. 79° 26' 602.00 feet to a point;
 131. 77° 00' 987.00 feet to a point;
 132. 72° 13' 704.78 feet to a point;
 133. 154° 42' 918.93 feet along the remainder 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;
 135. 194° 23' 350.20 feet along the remainder 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:

136. 165° 33' 1,224.95 feet to a point;
 137. 136° 43' 68.92 feet along the remainder 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 1st, South Kona, Hawaii, shall be Agricultural (A-1a):

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:

- 1. 350° 44' 55" 482.03 feet along Lots 39, 38, 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, for the next four (4) courses following along Grant 866 to Kapule:

10. 86° 02' 30" 309.93 feet along Lot 2 to a point;
11. 80° 19' 207.35 feet along Lot 1 to a point;
12. 75° 14' 183.86 feet along Lot 1 to a point;
13. 79° 02' 674.13 feet along Lot 1 to a point;
14. 177° 38' 634.16 feet along the remainder of Grant 977 to Panaunau to a point;
15. 75° 14' 1,338.05 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, for the next thirty-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;
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°	24'		45.97 feet to a point;
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°	55'	30"	27.24 feet to a point;

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|-----|------|-----|-----|---|
| 42. | 255° | 23' | 30" | 29.74 feet to a point; |
| 43. | 271° | 22' | | 69.73 feet to a point; |
| 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; |
| 53. | 265° | 38' | | 177.70 feet to the point of beginning and
containing an area of 94.387 Acres,
more or less. (Refer to Parcel 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-1a):

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:

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|----|-----|-----|-----|--|
| 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;

13. 170° 22' 60.05 feet along the remainder 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:
14. 186° 12' 384.70 feet to a point;
- Thence, for the next five (5) courses following along the remainder of Grant 1176 to Kini:
15. 202° 02' 35.26 feet to a point;
- Thence, following on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:
16. 157° 02' 42.43 feet to a point;
17. 112° 02' 85.32 feet to a point;
- Thence, following on a curve to the left with a radius of 645.00 feet, the chord azimuth and distance being:
18. 97° 14' 329.53 feet to a point;
19. 82° 26' 397.26 feet to a point;
- Thence, 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' 831.43 feet to a point;
21. 154° 42' 342.97 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' 704.78 feet along Grant 1587 to John Peters and Grant 865 to John Nakookoo to a point;

Thence, for the next three (3) courses following along Grant 865 to
John Nakookoo:

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|-----|------|-----|-----|--|
| 23. | 257° | 00' | | 987.00 feet to a point; |
| 24. | 259° | 26' | | 602.00 feet to a point; |
| 25. | 244° | 12' | | 628.00 feet to a point; |
| 26. | 330° | 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; |
| 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; |
| 28. | 357° | 38' | | 634.16 feet along Grant 977 to 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:

- | | | | | |
|-----|------|-----|-----|---|
| 31. | 353° | 25' | | 54.23 feet to a point; |
| 32. | 346° | 06' | | 95.32 feet to a point; |
| 33. | 342° | 16' | 30" | 289.54 feet to a point; |
| 34. | 341° | 04' | | 132.29 feet to a point; |
| 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:

- | | | | | |
|-----|------|-----|-----|------------------------|
| 36. | 350° | 55' | 30" | 47.80 feet to a point; |
|-----|------|-----|-----|------------------------|

37. 260° 45' 8.34 feet to a point;
 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, for 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, for the next twenty-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, for 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;

55. 347° 43' 24.68 feet to a point;
Thence, for the next four (4) courses following along the Westerly side of old
railroad:

56. 338° 19' 61.45 feet to a point;

57. 327° 39' 30" 17.91 feet to a point;

58. 347° 16' 94.25 feet to a point;

59. 344° 55' 30" 113.58 feet to a point;

60. 267° 05' 30" 16.83 feet to a point;

Thence, for the next six (6) courses following along middle of stonewall:

61. 341° 48' 30" 54.25 feet to a point;

62. 346° 24' 30" 109.52 feet to a point;

63. 330° 20' 62.30 feet to a point;

64. 336° 48' 111.89 feet to a point;

65. 325° 21' 106.90 feet to a point;

66. 62° 18' 30" 29.22 feet to a point;

Thence, for the next three (3) courses following along Westerly face of
stonewall:

67. 337° 28' 30" 112.46 feet to a point;

68. 337° 08' 183.98 feet to a point;

69. 337° 36' 30" 153.52 feet to a point;

70. 254° 02' 30" 25.45 feet along the Southerly face of
stonewall and along Grant 787 to
H. N. Greenwell to a point;

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 to a point;

72. 337° 34' 153.12 feet to a point;

- 73. 335° 16' 30" 329.74 feet to a point;
- 74. 336° 16' 30" 122.94 feet to a point;
- 75. 334° 38' 30" 193.93 feet to a point;
- 76. 335° 59' 267.46 feet to a point;
- 77. 329° 13' 30" 141.50 feet to the point of beginning and containing an area of 271.415 Acres. (Refer to Parcel 4 as shown on Exhibit "A".)

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:
 - (1) 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) A final comprehensive public access plan, to be developed in consultation with community groups, shall be submitted to and approved by the Planning Director prior

to final subdivision approval, or any land alteration activity, whichever comes first. The final comprehensive public access plan shall be developed in consultation with the Planning Director and the Department of Land and Natural Resources and shall include mauka-makai and lateral shoreline accesses, parking area(s), signage, emergency response considerations, restrictions on use (if any), provision of recreational and restroom facilities at appropriate locations, and related improvements [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;]

~~(1)~~[(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;]

~~(2)~~[(4) [A] Upon opening the first phase of the park area, 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. The number of parking stalls shall be increased commensurately with the approval of additional park phases in accordance with the public access plan; and

- (3)[(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 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] its privately owned 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 area's pristine condition, and to minimize any liability to the applicant, pursuant to Chapter 520, Section 520-4, Hawaii Revised Statutes. The applicant shall retain ownership of its [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. This condition shall not be applicable to any roadway, trail or other rights-of-way, which are deemed public highways or trails as defined in Chapter 264, Hawaii Revised Statutes;
- (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 Highway Bypass [road as shown in Exhibit "C",] between the approximate vicinity of Keauhou and Captain Cook, 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 Highway 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 Highway Bypass [as shown in Exhibit "C",] in its entirety between the approximate vicinity of Keauhou and Captain Cook, consisting of two lanes with sufficient right-of-way for a total of four lanes, provided further that the section of the Mamalahoa Highway Bypass between Keauhou and Haleki'i Street shall be completed and available

for public use prior to the occupancy of any dwelling unit within the entire project area;

- [(4) construct the channelization improvements on Kuakini Highway at its intersection with the north end of the Mamalahoa Bypass;]
- (4) [(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 by the Department of Public Works. [A] If, before the completion and opening of the entire Mamalahoa Highway Bypass, a portion of said bypass is completed and opened, and said portion provides a connection to Haleki'i Street, a barricade or 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 a portion [the Phase 1 section]of the Mamalahoa Highway Bypass until the entire proposed Mamalahoa Highway Bypass between the approximate vicinity of Keauhou and Captain Cook has been completed and opened for general public use; and
- (5)[(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;] and the adjacent properties to the north and south; 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 Highway Bypass to [State Department of Transportation-Highways Division Standards for a regional arterial bypass highway or segments thereof, and] standards set forth by the Department of Public Works for Alii Highway with such modifications as may be deemed necessary by the Department of Public Works. The applicant shall provide a landscape buffer along highway sections within five hundred feet of existing dwellings , 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 Chapter 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 Mamalahoa Highway 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 Mamalahoa Highway 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 Mamalahoa 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;]

~~(M)~~(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 portion of the Mamalahoa Highway Bypass not accepted by the State Director of Transportation shall be dedicated to the County, as provided by law] County of Hawaii;

(N)(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.

(Q)(P) In lieu of actual construction of infrastructural improvements as required under Conditions D, F, H, K, and 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];

(P)(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 purposes 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;

(Q)[(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;

(R)[(T)] [The Applicant shall pay its fair share contribution to 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;]

The applicant shall make its fair share contribution to mitigate the potential regional impacts of the subject property with respect to parks and recreation , fire, police, solid waste disposal facilities, and roads. The amount of the fair share contribution shall be the sum which is the product of multiplying the number of lots proposed to be subdivided by the amounts allocated hereinbelow for each such lot, and shall become due and payable prior to final subdivision approval for any portion of the subject property or its increments. If the subject property is subdivided in two or more increments, the amount of the fair share contribution due and payable prior to final subdivision approval of each increment shall be a sum calculated in the same manner according to the number of additional proposed lots in each such increment. The fair share contribution for each lot, except for lots larger than ten acres in size or which are committed exclusively for golf course and park purposes, shall be based on the maximum allowable density of building sites as determined by the zoning of such lot. The fair share contribution in a form of cash, land, facilities, or any combination thereof acceptable to the director in consultation with the affected agencies shall have a maximum combined value of \$7,239.16 per lot. Based upon the applicant's representation of intent to subdivide and develop up to 400 lots, the indicated total fair share contribution is \$2,895,664.00, however, the total amount shall be increased or reduced in proportion with the actual number of subdivided lots according to the calculation and payment provisions set forth in this Condition O. The fair share contribution shall be allocated as follows:

- (1) \$3,490.85 per lot, for an indicated total of \$1,396,340.00 to the County to support park and recreational improvements and facilities;

- (2) \$168.40 per lot, for an indicated total of \$67,360.00 to the County to support police facilities;
- (3) \$332.61 per lot, for an indicated total of \$133,044.00 to the County to support fire facilities;
- (4) \$145.62 per lot, for an indicated total of \$58,248.00 to the County to support solid waste facilities;
- (5) \$3,101.68 per lot, for an indicated total of \$1,240,672.00 to the State or County to support road and traffic improvements.

The fair share contributions described above shall be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). In lieu of paying the fair share contribution, the applicant may construct improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities, and roads within the region impacted by the proposed development, subject to the approval of the planning director. The cost of constructing the improvements required in Conditions H, K and L shall be credited against the sum specified in Condition R(1) for parks and recreation, Condition R(4) for solid waste facilities, and in Condition R(5) for road and traffic improvements. For purposes of administering Condition R, the value of land contributed or the cost of any improvements required or made in lieu of the fair share contribution shall be such amount as approved by the Planning Director, upon consultation with the appropriate agencies.

[(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;]

(S)[(T)] 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;

- (T)(W) Comply with all applicable laws, rules, regulations and requirements, including those of the Department of Health, Fire, and the Department of Water Supply;
- (U)(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;
- (V)(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,
- (W)(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 2. In the event that any portion of the 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.

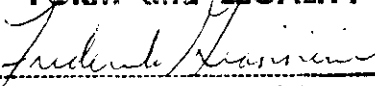
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: December 15, 1995
Date of 1st Reading: December 15, 1995
Date of 2nd Reading: January 3, 1996
Effective Date: January 15, 1996

DEPUTY

<p>APPROVED as to FORM and LEGALITY</p> <p></p> <p>CORPORATION COUNSEL COUNTY OF HAWAII</p> <p>Date <u>1/8/96</u></p>
--

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RECEIVED

(DRAFT 4) 1996 JAN 16 AM 7 57

Introduced By: Takashi Domingo
 Date Introduced: December 15, 1995
 First Reading: December 15, 1995
 Published: N/A

REMARKS:

OFFICE OF THE COUNTY CLERK				
COUNTY	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson		X		
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath		X		
Ray	X			
Smith	X			
	7	2	0	0

Second Reading: January 3, 1996
 To Mayor: January 4, 1996
 Returned: January 16, 1996
 Effective: January 15, 1996
 Published: January 24, 1996


REMARKS:

(DRAFT 6)

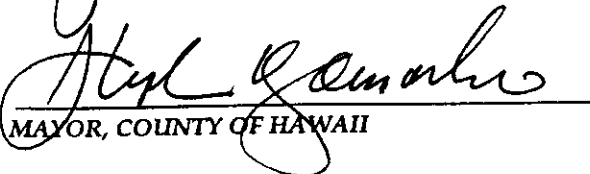
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson		X		
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath		X		
Ray	X			
Smith	X			
	7	2	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved/Disapproved this 15th day
 of January, 1996


 MAYOR, COUNTY OF HAWAII

Bill No.: 181 (Draft 6)
 Reference: C-821/PC-91
 Ord. No.: 96 8