

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 186 (Draft 5)

ORDINANCE NO. 98 30

AN ORDINANCE AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U)/AGRICULTURAL (A-5a) TO SINGLE FAMILY RESIDENTIAL (RS-10), MULTIPLE FAMILY RESIDENTIAL (RM-2, RM-3.5, RM-5.5) AND OPEN (O) AT KAHALUU, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-8-10:PORTION OF 2.

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

SECTION 1. Section 25-8-3, Article 8, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Kahaluu, North Kona, Hawaii, shall be Single-Family Residential (RS-10):

Beginning at the Northeast corner of this parcel of land and on the West side of Kuakini Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAUHOU COAST" being 13,393.15 feet North and 3,362.18 feet East and thence running by azimuths measured clockwise from true South:

- 1. 327 53' 114.04 feet along the West side of Kuakini Highway;
2. 57 53' 30.00 feet along the North side of Parcel 4, also being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
3. 327 53' 325.00 feet along the West side of Parcel 4, also being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
4. 237 53' 30.00 feet along the South side of Parcel 4, also being a portion of R.P. 6856,

L.C. Aw. 7713, Ap. 6 to V.  
Kamamalu;

5.	327	53'	338.00	feet along the West side of Kuakini Highway;
6.	57	53'	100.00	feet along the North side of Kamehameha III Road;
7.	72	30'	84.69	feet along the North side of Kamehameha III Road;
8.	42	10'	248.40	feet along the North side of Kamehameha III Road;
9.	Thence along the Northwest side of Kamehameha III Road, on a curve to the left with a radius of 415.00 feet, the direct chord azimuth and distance being:			
	4	22' 40"	153.00 feet;	
10.	328	30'	147.64	feet along the West side of Kamehameha III Road;
11.	339	36'	429.28	feet along the West side of Kamehameha III Road;
12.	348	06'	173.00	feet along the West side of Kamehameha III Road;
13.	78	06'	610.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
14.	3	41'	308.47	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
15.	67	07'	300.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;

16.	157	07'	155.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
17.	92	56'	155.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
18.	133	50'	180.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
19.	43	50'	120.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
20.	34	23'	194.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
21.	11	37'	370.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
22.	4	06'	246.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
23.	357	02'	187.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
24.	345	26'	288.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
25.	321	35'	303.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
26.	302	18'	208.29	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;

27.	356	52'	30"	239.68	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
28.	86	52'	30"	170.00	feet along Kahaluu Tank Site No. 4, being also along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
29.	356	52'	30"	150.00	feet along Kahaluu Tank Site No. 4, being also along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
30.	86	52'	30"	146.01	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
31.	20	00'		81.91	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
32.	Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the left with a radius of 475.00 feet, the chord azimuth and distance being:				
				341 00'	597.85 feet;
33.	302	00'		200.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
34.	Thence along the West side of Kamehameha III Road, on a curve to the left with a radius of 550.00 feet, the chord azimuth and distance being:				
				18 44' 47"	180.83 feet;
35.	9	17'		182.68	feet along the West side of Kamehameha III Road;

36.	22	17'	70.00	feet along the West side of Kamehameha III Road;
37.	96	37'	436.25	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
38.	173	49'	921.98	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
39.	184	08'	166.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
40.	172	00'	205.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
41.	157	47'	650.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
42.	175	18'	622.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
43.	90	48'	265.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
44.	Thence the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the left with a radius of 550.00 feet, the direct chord azimuth and distance being:			
	175	34'	451.79 feet;	

45. Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the right with a radius of 950.00 feet, the direct chord azimuth and distance being:  
171 19' 649.84 feet;
46. Thence along the remainder of R. P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the left with a radius of 1000.00 feet, the direct chord azimuth and distance being:  
184 49' 226.41 feet;
47. 178 19' 150.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
48. 88 19' 147.22 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
49. Thence along the remainder of R. P. 6856, L. C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the right with a radius of 80.00 feet, the direct chord azimuth and distance being:  
108 28' 30" 55.14 feet;
50. 128 38' 99.50 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
51. Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the left with a radius of 300.00 feet, the direct chord azimuth and distance being:  
88 38' 385.67 feet;

- |     |   |     |         |  |
|-----|---|-----|---------|--|
| 52. | 48  | 38' | 100.00  | feet along the remainder of<br>R.P. 6856, L.C. Aw. 7713, Ap. 6 to<br>V. Kamamalu;  |
| 53. | Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu,<br>on a curve to the right with a radius<br>of 100.00 feet, the direct chord<br>azimuth and distance being: |     |         | 66   |
|     |   |     |         | 13'  |
|     |   |     |         | 60.42 feet;  |
| 54. | 83  | 48' | 100.00  | feet along the remainder of<br>R.P. 6856, L.C. Aw. 7713, Ap. 6 to<br>V. Kamamalu;  |
| 55. | 173   | 48' | 286.34  | 03"<br>feet along the East side of the<br>Proposed Realignment of Alii<br>Highway, being also a portion of<br>R.P. 6856, L.C. Aw. 7713, Ap. 6 to<br>V. Kamamalu; |
| 56. | 251   | 48' | 1095.89 | 50"<br>feet along Grant 3019 to Kaaipulu;  |
| 57. | 250   | 59' | 2039.78 | feet along Grant 3019 to Kaaipulu to<br>the point of beginning and<br>containing an area of 136.89 Acres.  |

The district classification of the following area situated at Kahaluu, North Kona, Hawaii, shall be Multiple Family Residential (RM-3.5):

Beginning at the Northwest corner of this parcel of land, on the East side the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAUHOU COAST" being 11,793.62 feet North and 456.96 feet East and thence running by azimuths measured clockwise from true South:

- |    |     |     |        |   |
|----|-----|-----|--------|---|
| 1. | 173 | 48' | 310.00 | 03"<br>feet along the East side of the<br>Proposed Realignment of Alii<br>Highway, being a portion of R.P.<br>6856, L.C. Aw. 7713, Ap. 6 to<br>V. Kamamalu; |
|----|-----|-----|--------|---|

2. 263 48' 100.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
3. Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the left with a radius of 100.00 feet, the direct chord azimuth and distance being:  
246 13' 60.42 feet;
4. 228 38' 100.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
5. Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the right with a radius of 300.00 feet, the direct chord azimuth and distance being:  
268 38' 385.67 feet;
6. 308 38' 99.50 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
7. Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the left with a radius of 80.00 feet, the direct chord azimuth and distance being:  
288 28' 30" 55.14 feet;
8. 268 19' 147.22 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
9. 358 19' 150.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;



10. Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the right with a radius of 1000.00 feet, the direct chord azimuth and distance being:  
4 49' 226.41 feet;
11. Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the left with a radius of 950.00 feet, the direct chord azimuth and distance being:  
351 19' 649.84 feet;
12. Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the right with a radius of 550.00 feet, the direct chord azimuth and distance being:  
355 34' 451.79 feet;
13. 270 48' 265.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
14. 355 18' 622.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
15. 337 47' 650.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
16. 352 00' 205.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
17. 4 08' 166.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;

- |     |   |     |     |        |  |
|-----|---|-----|-----|--------|--|
| 18. | 353   | 49' |     | 43.46  | feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;  |
| 19. | 83  | 49' |     | 105.59 | feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;  |
| 20. | Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the right with a radius of 590.00 feet, the direct azimuth and distance being:  |     |     |        |  |
|     |   |     |     | 48     | 37' 39" 680.44 feet;   |
| 21. | 83  | 50' | 32" | 300.00 | feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;  |
| 22. | 173   | 50' | 32" | 82.42  | feet along the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu; |
| 23. | Thence along the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu on a curve to the right with a radius of 1350.00 feet, the direct chord azimuth and distance being: |     |     |        |  |
|     |   |     |     | 177    | 27' 33" 170.32 feet;   |
| 24. | 181   | 04' | 33" | 562.42 | feet along the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu; |
| 25. | 262   | 30' |     | 146.74 | feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;  |

26.	293	54'	249.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
27.	254	28'	397.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
28.	173	19'	92.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
29.	104	45'	292.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
30.	180	50'	160.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
31.	94	10'	265.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
32.	149	06'	366.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
33.	183	30'	446.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
34.	227	13'	57.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
35.	189	50'	90.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
36.	262	09'	96.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;

37.	191	05'	145.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
38.	106	48'	66.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
39.	178	05'	190.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
40.	88	05'	208.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
41.	148	17'	429.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
42.	240	26'	220.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
43.	210	50'	110.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
44.	180	11'	58.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
45.	108	33'	219.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
46.	164	07'	81.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
47.	199	51'	248.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;

48.	173	18'	200.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
49.	83	18'	172.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
50.	353	18'	203.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
51.	17	34'	135.63	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
52.	83	48'	250.16	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu to the point of beginning and containing an area of 44.26 Acres.

The district classification of the following area situated at Kahaluu, North Kona, Hawaii, shall be Multiple Family Residential (RM - 5.5):

Beginning at the South corner of this parcel of land, on the West side of Kamehameha III Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAUHOU COAST" being 8,524.11 feet North and 2,659.47 feet East and thence running by azimuths measured clockwise from true South:

1. 122 00' 200.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
2. Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the right with a radius of 475.00 feet, the direct chord azimuth and distance being:  

161 00' 597.85 feet;

3.	200	00'		81.91	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
4.	266	52'	30"	316.01	feet along Kahaluu Tank Site No. 4, being also along remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
5.	176	52'	30"	389.68	feet along Kahaluu Tank Site No. 4, being also along remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
6.	122	18'		208.29	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
7.	141	35'		303.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
8.	165	26'		288.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
9.	177	02'		187.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
10.	184	06'		246.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
11.	191	37'		370.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
12.	214	23'		194.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;

13.	223	50'	120.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
14.	313	50'	180.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
15.	272	56'	155.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
16.	337	07'	155.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
17.	247	07'	300.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
18.	183	41'	308.47	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
19.	258	06'	610.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
20.	348	06'	35.00	feet along the West side of Kamehameha III Road;
21.	78	06'	10.00	feet along the West side of Kamehameha III Road;
22.	Thence along the West side of Kamehameha III Road, on a curve to the right with a radius of 940.00 feet, the direct chord azimuth and distance being:			352 59' 160.04 feet;
23.	267	52'	10.00	feet along the West side of Kamehameha III Road;

24. Thence along the West side of Kamehameha III Road, on a curve to the right with a radius of 950.00 feet, the direct chord azimuth and distance being:  
0 35' 15" 90.19 feet;
25. 3 18' 30" 492.48 feet along the West side of Kamehameha III Road;
26. Thence along the West side of Kamehameha III Road, on a curve to the right with a radius of 450.00 feet, the direct chord azimuth and distance being:  
4 32' 09.3" 19.28 feet;
27. 43 40' 92.26 feet along the Northwest side of Kamehameha III Road;
28. 20 57' 30" 65.67 feet along the Northwest side of Kamehameha III Road;
29. 13 08' 136.88 feet along the Northwest side of Kamehameha III Road;
30. Thence along the Northwest side of Kamehameha III Road, on a curve to the right with a radius of 450.00 feet, the direct chord azimuth and distance being:  
47 04' 12.2" 64.82 feet;
31. 51 12' 243.05 feet along the Northwest side of Kamehameha III Road;
32. 141 12' 15.00 feet along the Northwest side of Kamehameha III Road;
33. 51 12' 83.00 feet along the Northwest side of Kamehameha III Road;



34. Thence along the Northwest side of Kamehameha III Road, on a curve to the left, with a radius of 565.00 feet, the direct chord azimuth and distance being:  
26 47' 30" 466.96 feet;
35. 2 23' 340.00 feet along the West side of Kamehameha III Road;
36. 272 23' 15.00 feet along the West side of Kamehameha III Road;
37. 2 23' 458.11 feet along the West side of Kamehameha III Road;
38. Thence along the West side of Kamehameha III Road, on a curve to the right with a radius of 450.00 feet, the direct chord azimuth and distance being:  
22 23' 307.82 feet;
39. 42 23' 262.43 feet along the West side of Kamehameha III Road;
40. Thence along the West side of Kamehameha III Road, on a curve to the left with a radius of 550.00 feet, the direct chord azimuth and distance being:  
35 17' 45" 135.72 feet  
to the point of beginning and containing an area of 58.11 Acres.

The district classification of the following area situated at Kahaluu, North Kona, Hawaii, shall be Multiple Family Residential (RM-2):

Beginning at the Southwest corner of this parcel of land, on the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAUHOU COAST" being 8,007.97 feet North and 1,155.51 feet East and thence running by azimuths measured clockwise from true South:

1. Thence along the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the left, with a radius of 1450.00 feet, the direct azimuth and distance being:  
176 15' 38" 122.36 feet;
2. 173 50' 32" 410.50 feet along the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
3. 263 50' 32" 300.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
4. Thence along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, on a curve to the left with a radius of 590.00 feet, the direct chord azimuth and distance being:  
228 37' 39" 680.44 feet;
5. 263 49' 105.59 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
6. 353 49' 878.52 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
7. 96 37' 119.75 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
8. 68 50' 465.00 feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;

9.	90	34'	403.92	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu to the point of beginning and containing an area of 14.00 Acres.
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The district classification of the following area situated at Kahaluu, North Kona, Hawaii, shall be Open (O):

Beginning at the Northwest corner of this parcel of land, on the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAUHOU COAST" being 11,793.62 feet North and 456.96 feet East and thence running by azimuths measured clockwise from true South:

1.	263	48'	250.16	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
2.	197	34'	135.63	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
3.	173	18'	203.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
4.	263	18'	172.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
5.	353	18'	200.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
6.	19	51'	248.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
7.	344	07'	81.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;

8.	288	33'	219.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
9.	0	11'	58.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
10.	30	50'	110.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
11.	60	26'	220.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
12.	328	17'	429.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
13.	268	05'	208.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
14.	358	05'	190.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
15.	286	48'	66.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
16.	11	05'	145.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
17.	82	09'	96.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
18.	9	50'	90.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;

19.	47	13'	57.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
20.	3	30'	446.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
21.	329	06'	366.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
22.	274	10'	265.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
23.	0	50'	160.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
24.	284	45'	292.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
25.	353	19'	92.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
26.	74	28'	397.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
27.	113	54'	249.00	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
28.	82	30'	146.74	feet along the remainder of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;

29. 181 04' 33" 43.39 feet along the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu.
30. Thence along the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu; on a curve to the left with a radius of 450.00 feet, the direct chord azimuth and distance being:  
167 46' 33" 667.14 feet;
31. 154 28' 33" 635.27 feet along the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu;
32. Thence along the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu; on a curve to the right with a radius of 1750.00 feet, the direct chord azimuth and distance being:  
164 08' 18" 587.45 feet;
33. 173 48' 03" 610.82 feet along the East side of the Proposed Realignment of Alii Highway, being a portion of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu; to the point of beginning and containing an area of 25.82 Acres.

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

SECTION 2. 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 applicant, successors or assigns shall be responsible for complying with all of the conditions of approval of the Special Management Area Use Permit for the subject property.
- C. Within three (3) years from the enactment of this ordinance, the applicant shall provide assurance satisfactory to the Department of Water Supply and the Planning Director, upon consultation with the State Department of Health and the State Department of Land and Natural Resources, that a water source(s) of sufficient quality and quantity can be established. The effective date of the changes in district classification(s) shall be the date on which the Planning Director has certified such assurances to be satisfactory. Such satisfactory assurance can be met by the actual drilling and testing of a well site of the water source or by the submittal of a hydrological study certifying that a water source(s) of sufficient quality and quantity can be established at the designated location(s). The actual development of the water source and its water transmission and distribution system shall be developed in conjunction with the subdivision approval process. Residential building permits shall not be issued until the approved water source is developed and its transmission and distribution system for such source to the subject property has been constructed. Residential building permits may be issued for model home complexes, provided that such model homes shall not be occupied until the approved water source is developed.
- D. Final Subdivision Approval for the residential subdivision and Final Plan Approval for the multiple family residential development for Phase I shall be secured within five (5) years from the effective date of the rezoning as determined in Condition C of this ordinance. Prior to commencing construction for any of the proposed multiple family residential development, Final Plan Approval shall be secured from the Planning Department in accordance with Chapter 25 Division 7 of the Zoning Code relating to Plan Approval. A master plan and development

schedule of the entire proposed development within the subject property shall be submitted with plans for subdivision review for Phase I.

- E. Restrictive covenants in the deeds of all proposed residential lots within the subject property shall prohibit the construction of a second dwelling unit on each lot. A copy of the proposed covenants to be recorded with the Bureau of Conveyances shall be submitted with the plans for subdivision to the Planning Director for review and approval. A copy of the approved covenant(s) shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances in conjunction with the issuance of Final Subdivision Approval.
- F. Access(es) and intersection roadway improvements to the subject property from Kamehameha III Road and Alii Highway and any improvements within Kamehameha III Road and Alii Highway shall be constructed meeting with the requirements and approval of the Department of Public Works. In conjunction with Final Subdivision Approval for the corresponding phases of the development within the subject property, the applicant shall complete the following roadway improvements, when warranted by traffic studies conducted in coordination with the Department of Public Works.
  - (1) Traffic signalization improvements shall be installed for the intersection of Kamehameha III Road and Keali'i Street.
  - (2) Left turn lanes shall be constructed within Kamehameha III Road at Mauka Access Roads I and II into the subject property.
- G. Upon the determination of the required right-of-way for the Alii Highway project and the completion of the right-of-way subdivision(s) for such roadway portion, the applicant shall dedicate such right-of-way portion in fee simple to the County upon its request. The applicant shall make its fair share contribution for the proposed Alii Highway Project.
- H. Roadway connection(s) to the adjoining parcel of the subject property's northern boundary shall be provided, if such subdivision roads are dedicated to the county,



in a manner as required by the Planning Department in consultation with the Department of Public Works, and shall be delineated on the final subdivision plat map for the subject property.

- I. All roadways within the proposed subdivision shall be constructed in a manner as required by the Planning Department in consultation with the Department of Public Works.
- J. A drainage study of the subject property, if required, shall be prepared for review and approval by the Department of Public Works, prior to submittal of plans for subdivision review. Drainage improvements, if required, shall be constructed or bonded meeting with the approval of the Department of Public Works prior to the issuance of Final Subdivision Approval.
- K. The applicant, successors or assigns shall submit a Solid Waste Management Plan for the development to the Department of Public Works for review and approval prior to securing Final Subdivision Approval. A copy of the approved Plan shall be submitted to the Planning Department for its files.
- L. To ensure that the goals and policies of the Housing Element of the General Plan are implemented, the applicant shall comply with the requirements of Chapter 11, Article 1, Hawaii County Code, relating to Affordable Housing.
- M. An Archaeological Data Recovery Plan and Preservation Plan shall be submitted for the review and approval by the Planning Director in consultation with the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) and a cultural advisory committee composed of members of the community, including but not limited to representatives from the Kona Hawaiian Civic Club, Na `Opio O Kahalu`u and the Office of Hawaiian Affairs. Proposed mitigation treatment (preservation in place or disinternment/ reinternment) for burial sites within the subject property shall be approved by the Historic Preservation Division's Hawaii Island Burial Council before detailed mitigation plans are finalized for these sites. A copy of the approved Final Archaeological Data Recovery Plan and Preservation Plan shall be

submitted to the Planning Director for its files prior to submitting plans for subdivision review and prior to any approval for any land alteration permits. An interpretation/mitigation plan which shall include buffer zones, signage and long-range preservation concerns shall be submitted to the Planning Director prior to Final Subdivision Approval.

- N. Should any unidentified sites or remains such as artifacts, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls, terraces, platforms, or marine shell concentrations be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when sufficient mitigative measures have been taken.
- O. The applicant shall make its fair share contribution to mitigate potential regional impacts of the subject project with respect to roads, parks and recreation, fire, police and solid waste disposal facilities. The amount of the fair share contribution shall be the sum which is the product of multiplying the number of residential 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 proposed residential lots in each such increment. 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 be determined by the County Council. The fair share contribution shall have a maximum combined value of **\$4,645.29 per multiple-family residential unit** and **\$7,239.16 per single-family residential unit**. Based upon the applicant's representation of intent to develop up to 976 residential units, the indicated total of fair share contribution is

**\$3,590,809.17** for multiple family residential units and **\$1,469,549.48** for single-family residential units, whichever is applicable. However, the total amount shall be increased or reduced in proportion with the actual number of units according to the calculation and payment provisions set forth in this Condition O. The fair share contribution shall be allocated as follows:

1. **\$2,291.39** per multiple-family residential unit for an indicated total of **\$1,771,244.47** and **\$3,490.85** per single-family residential unit for an indicated total of **\$708,642.55** to the County to support park and recreational improvements and facilities within the Kahalu`u – Keauhou districts to include, without limitation, improvements to Kahalu`u Beach Park;
2. **\$72.42** per multiple-family residential unit for an indicated total of **\$55,980.66** and **\$168.40** per single-family residential unit for an indicated total of **\$34,185.20** to the County to support police facilities;
3. **\$222.77** per multiple-family residential unit for an indicated total of **\$172,201.21** and **\$332.61** per single-family residential unit for an indicated total of **\$67,519.83** to the County to support fire facilities;
4. **\$99.29** per multiple-family residential unit for an indicated total of **\$76,751.17** and **\$145.62** per single-family residential unit for an indicated total of **\$29,560.86** to the County to support solid waste facilities; and
5. **\$1,959.42** per multiple-family residential unit for an indicated total of **\$1,514,631.66** and **\$3,101.68** per single-family residential unit for an indicated total of **\$629,641.04** 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 the change of zone, based on the percentage change in the Honolulu Consumer Price Index (HCPI). Any fair share

contributions paid by the applicant shall be expended within the region impacted by the proposed development, subject to the approval of the director.

In lieu of paying the fair share contribution, the applicant may construct and contribute 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 director. The cost of providing and constructing the improvements required in Conditions F, and G shall be credited against the sum specified in Condition O (5) for road and traffic improvements. For purposes of administering Condition O, the fair market value of land contributed or the cost of any improvements required or made in lieu of the fair share contribution shall be subject to review and approval of the director, upon consultation with the appropriate agencies.

Upon approval of the fair share contributions or in lieu contributions by the director, the director shall submit a final report to the Council for its information that identifies the specific approved fair share and/or in lieu contributions, as allocated, and further implementation requirements.

- P. 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.
- Q. In lieu of actual construction of infrastructural improvements as conditioned above, the applicant may enter into an agreement with the Planning Director and the Department of Public Works and the Department of Water Supply, if applicable, 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, if applicable, Final Subdivision Approval for the subject property or portions thereof may be


granted prior to the actual construction of required infrastructural improvements unless otherwise restricted herein.

- R. The applicant shall comply with all applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed development within the subject property, including the Department of Health.
- S. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the ordinance. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. 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.
- T. An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:
  - 1. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, its 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).
- U. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject area to its original or more appropriate designation.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

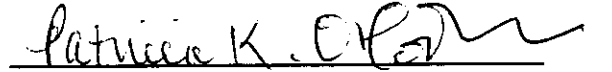
INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

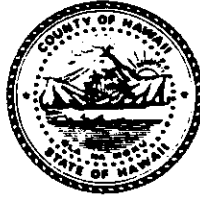
Hilo, Hawaii

Date of Introduction: March 18, 1998  
Date of 1st Reading: March 18, 1998  
Date of 2nd Reading: April 1, 1998  
Effective Date: April 14, 1998

APPROVED AS TO FORM AND LEGALITY

  
CORPORATION COUNSEL  
DATED: APR 6 1998

DONALD IKEDA  
*County Clerk*



ALAN S. KONISHI  
*Deputy County Clerk*

CONSTANCE R. KIRIU  
*Legislative Auditor*

OFFICE OF THE COUNTY CLERK

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

NOTE

On Ordinance 98-30 reference is made to Exhibit "A" the map attached hereto.

Because of the large size of said Exhibit, it is not a part of the duplicate copies of this Ordinance, but is available for viewing in the Office of the County Clerk.

If further information is needed, please call 961-8255.

  
Donald Ikeda  
COUNTY CLERK

OFFICE OF THE COUNTY CLERK  
 County of Hawaii  
 Hilo, Hawaii

RECEIVED  
 Time 9:00 a.m. By KD  
 Date 4-15-98  
 County Council

(DRAFT 4)

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced: March 18, 1998  
 First Reading: March 18, 1998  
 Published: March 26, 1998

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki			X	
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler		X		
Yagong	X			
	7	1	1	0

Second Reading: April 1, 1998  
 To Mayor: April 3, 1998  
 Returned: April 15, 1998  
 Effective: April 14, 1998  
 Published: April 22, 1998

REMARKS:

(DRAFT 5)

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler		X		
Yagong	X			
	8	1	0	0

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

FORM AND LEGALITY:

*Patricia K. O'Leary*

DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date APR 6 1998

Approved/Disapproved this 14 day

of April 19 98

*Steve Gammack*  
 MAYOR, COUNTY OF HAWAII

*James Galbraith*  
 COUNCIL CHAIRMAN  
*Donald Akeda*  
 COUNTY CLERK

Bill No.: 186 (Draft 5)  
 Reference: C-648/PC-98  
 Ord. No.: 98 30