

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 112

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAP, H-3 FOR THE COUNTY OF HAWAII, BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT KAMANO AND MAHUKONA 1ST, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-7-03:PORTION OF 10.

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

SECTION 1. The State Land Use Boundaries Map, H-3 for the County of Hawaii, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Kamano and Mahukona 1st, North Kohala, Hawaii, shall be Urban:

Beginning at the North corner of this parcel of land, said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 3,858.63 feet South and 19,261.04 feet West and thence running by azimuths measured clockwise from true South:

1. 50° 30' 154.05 feet along remainder of L.C. Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
2. 344° 00' 56.94 feet along remainder of L.C. Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);

3. 310° 00' 128.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
4. 338° 00' 62.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
5. 354° 00' 59.00 feet along remainders of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145) and Mahele to
Ruth Keelikolani
(Certificate of Boundaries
No. 146);
6. 26° 30' 97.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
7. 55° 00' 142.41 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
8. 325° 00' 287.32 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
9. 54° 00' 84.32 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
10. 324° 00' 48.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
11. 234° 00' 16.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);

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| 12. | 324° 00' | 39.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146); |
| 13. | 352° 00' | 20.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146); |
| 14. | 25° 00' | 36.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146); |
| 15. | 50° 00' | 174.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146); |
| 16. | 111° 00' | 27.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146); |
| 17. | 50° 00' | 32.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146); |
| 18. | 13° 00' | 16.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146); |
| 19. | 64° 00' | 152.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146); |
| 20. | 84° 00' | 68.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146); |
| 21. | 27° 00' | 23.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146); |

22. 113° 30' 41.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
23. 120° 30' 188.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
24. 130° 00' 291.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
25. 40° 00' 38.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
26. 130° 00' 141.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
27. 220° 30' 183.12 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
28. 231° 30' 68.13 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
29. 220° 30' 200.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
30. 310° 30' 40.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
31. 220° 30' 95.77 feet along remainders of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146) and L.C. Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);

32. 273° 00' 5.25 feet along remainder of L.C.Aw., Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
33. 3° 00' 74.42 feet along remainders of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146) and L.C. Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
34. 338° 00' 31.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
35. 307° 30' 18.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
36. 286° 00' 63.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
37. 254° 00' 32.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
38. 228° 00' 103.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
39. 293° 30' 21.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
40. 236° 30' 63.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);

41. 170° 00' 111.00 feet along remainders
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146) and L.C. Aw.
7715, Ap. 7 to Lota
Kamehameha (Certificate of
Boundaries No. 145);
42. 158° 00' 89.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
43. 248° 00' 52.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
44. 187° 40' 212.54 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
45. 235° 00' 75.42 feet along remainders of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
46. 175° 30' 95.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
47. 123° 00' 123.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
48. 133° 00' 80.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);

49. 226° 00' 104.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
50. 314° 00' 52.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
51. 297° 00' 28.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
52. 260° 30' 40.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
53. 239° 30' 62.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
54. 325° 00' 30.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
55. 237° 00' 21.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
56. 325° 00' 134.00 feet along remainder of
L.C. Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);

57. 348° 00' 90.00 feet along remainder of L.C. Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
58. 357° 00' 95.00 feet along remainder of L.C. Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145) to the point of beginning and containing an area of 623,968 square feet or 14.324 Acres.

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

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:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

APPROVED AS TO FORM AND LEGALITY:



DEPUTY CORPORATION COUNSEL

DATED: 7/19/93

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 113

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-95A (NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO AGRICULTURAL (A-1a), RESORT-HOTEL (V-2.0) AND OPEN (O) AT KOU, KAMANO, MAHUKONA 1ST AND 2ND, HIHIU AND KAOMA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-7-03:PORTIONS OF 2 AND 10.

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

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

The district classification of the following area situated at Kou and Kamano, North Kohala, Hawaii, shall be Agricultural (A-1a):

PARCEL A:

Beginning at the Northeast corner of this parcel of land, said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 2,735.52 feet South and 18,458.82 feet West, and thence running by azimuths measured clockwise from true South:

1. Along remainders of Grant 3405 to Trustees of the Estate of James Woods and L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145), on a curve to the left with a radius of 1,110.00 feet, the direct azimuth and distance being:
00° 43' 31" 182.88 feet;

2. 356° 00' 264.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
3. 86° 00' 74.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
4. 129° 00' 414.00 feet along remainders of Grant 3405 to Trustees of the Estate of James Woods and L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
5. 111° 00' 377.00 feet along remainder of Grant 3405 to Trustees of the Estate of James Woods;
6. 108° 00' 468.79 feet along remainder of Grant 3405 to Trustees of the Estate of James Woods;
7. 274° 19' 45" 1,180.63 feet along remainder of Grant 3405 to Trustees of the Estate of James Woods to the point of beginning and containing an area of 218,817 square feet or 5.023 Acres. (Refer to Parcel A as shown on Exhibit "A".)

The district classification of the following area situated at Kou and Kamano, North Kohala, Hawaii, shall be Agricultural (A-1a):

PARCEL B:

Beginning at the Southeast corner of this parcel of land, said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 3,858.63 feet South and 19,261.04 feet West, and thence running by azimuths measured clockwise from true South:

1. 177° 00' 95.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
2. 168° 00' 90.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
3. 145° 00' 134.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
4. 237° 00' 10.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
5. 145° 00' 46.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
6. 182° 30' 95.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
7. 142° 00' 60.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
8. 95° 00' 59.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
9. 62° 30' 134.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);

10. 92° 30' 44.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
11. 129° 30' 103.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
12. 135° 30' 189.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
13. 118° 00' 169.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145) and Grant 3405 to Trustees of the Estate of James Wood;
14. 143° 00' 91.96 feet along remainder of Grant 3405 to Trustees of the Estate of James Wood;
15. 255° 30' 103.16 feet along remainder of Grant 3405 to Trustees of the Estate of James Wood;
16. 245° 00' 191.00 feet along remainder of Grant 3405 to Trustees of the Estate of James Wood;
17. 289° 00' 350.00 feet along remainder of Grant 3405 to Trustees of the Estate of James Wood and L.C.Aw. 7715, Ap 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
18. 298° 00' 87.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);

19. 293° 00' 177.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
20. 296° 00' 144.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
21. Thence along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145), on a curve to the left with a radius of 500.00 feet, the chord azimuth and distance being:
287° 30' 147.81 feet;
22. 279° 00' 157.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
23. 4° 00' 70.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
24. 43° 00' 80.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
25. Thence along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145), on a curve to the left with a radius of 200.00 feet, the chord azimuth and distance being:
19° 00' 162.69 feet;

26. 355° 00' 86.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
27. 39° 00' 342.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
28. 124° 00' 191.98 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145) to the point of beginning and containing an area of 480,825 square feet or 11.038 Acres. (Refer to Parcel B as shown on Exhibit "A".)

The district classification of the following area situated at Kamano and Mahukona 1st, North Kohala, Hawaii, shall be Resort-Hotel (V-2.0):

PARCEL C:

Beginning at the North corner of this parcel of land, said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 3,858.63 feet South and 19,261.04 feet West, and thence running by azimuths measured clockwise from true South:

1. 50° 30' 154.05 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
2. 344° 00' 56.94 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
3. 310° 00' 128.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);

4. 338° 00' 62.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
5. 354° 00' 59.00 feet along remainders of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145) and Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
6. 26° 30' 97.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
7. 55° 00' 142.41 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
8. 325° 00' 287.32 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
9. 54° 00' 84.32 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
10. 324° 00' 48.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
11. 234° 00' 16.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
12. 324° 00' 39.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
13. 352° 00' 20.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);

14. 25° 00' 36.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
15. 50° 00' 174.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
16. 111° 00' 27.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
17. 50° 00' 32.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
18. 13° 00' 16.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
19. 64° 00' 152.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
20. 84° 00' 68.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
21. 27° 00' 23.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
22. 113° 30' 41.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
23. 120° 30' 188.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);

34. 338° 00' 31.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
35. 307° 30' 18.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
36. 286° 00' 63.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
37. 254° 00' 32.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
38. 228° 00' 103.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
39. 293° 30' 21.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
40. 236° 30' 63.00 feet along remainder of
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146);
41. 170° 00' 111.00 feet along remainders
Mahele to Ruth Keelikolani
(Certificate of Boundaries
No. 146) and L.C.Aw. 7715,
Ap. 7 to Lota Kamehameha
(Certificate of Boundaries
No. 145);
42. 158° 00' 89.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);

24. 130° 00' 291.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
25. 40° 00' 38.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
26. 130° 00' 141.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
27. 220° 30' 183.12 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
28. 231° 30' 68.13 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
29. 220° 30' 200.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
30. 310° 30' 40.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
31. 220° 30' 95.77 feet along remainders of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146) and L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
32. 273° 00' 5.25 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
33. 3° 00' 74.42 feet along remainders of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146) and L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);

43. 248° 00' 52.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
44. 187° 40' 212.54 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
45. 235° 00' 75.42 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
46. 175° 30' 95.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
47. 123° 00' 123.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
48. 133° 00' 80.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
49. 226° 00' 104.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
50. 314° 00' 52.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
51. 297° 00' 28.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);

52. 260° 30' 40.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
53. 239° 30' 62.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
54. 325° 00' 30.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
55. 237° 00' 21.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
56. 325° 00' 134.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
57. 348° 00' 90.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
58. 357° 00' 95.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145) to the point of beginning and containing an area of 623,968 square feet or 14.324 Acres. (Refer to Parcel C as shown on Exhibit "A".)

The district classification of the following area situated at Mahukona 2nd, Hihiu and Kaoma, North Kohala, Hawaii, shall be Agricultural (A-1a):

PARCEL D:

Beginning at the Southeast corner of this parcel of land, said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 7,377.30 feet South and 17,941.40 feet West, and thence running by azimuths measured clockwise from true South:

1. 75° 52' 16" 659.11 feet along the Government Land of Puukole;
2. 81° 21' 30" 829.85 feet along the Government Land of Puukole;
3. 183° 18' 1,269.96 feet along remainder of Grant 1992 to J. Henry Christiansen;
4. Thence along the East side of a Government Road, on a curve to the left with a radius of 79.64 feet, the chord azimuth and distance being:
215° 32' 49" 42.69 feet;
5. Thence along the East side of a Government Road, on a curve to the left with a radius of 325.00 feet, the chord azimuth and distance being:
195° 03' 30" 55.99 feet;
6. 272° 00' 186.25 feet along remainder of Grant 1992 to J. Henry Christiansen;
7. Thence along remainder of Grant 1992 to J. Henry Christiansen, on a curve to the left with a radius of 150.00 feet, the chord azimuth and distance being:
233° 30' 186.75 feet;
8. 195° 00' 351.00 feet along remainder of Grant 1992 to J. Henry Christiansen;
9. 210° 00' 408.00 feet along remainder of Grant 1992 to J. Henry Christiansen;

10. 296° 00' 113.00 feet along remainder of Grant 1992 to J. Henry Christiansen;
11. 357° 00' 253.00 feet along remainder of Grant 1992 to J. Henry Christiansen;
12. 347° 00' 555.00 feet along remainder of Grant 1992 to J. Henry Christiansen;
13. 340° 00' 324.00 feet along remainder of Grant 1992 to J. Henry Christiansen;
14. 257° 00' 277.00 feet along remainder of Grant 1992 to J. Henry Christiansen;
15. 349° 46' 49.5" 151.00 feet along the West side of Mahukona - Hawi Road [Project No. RS-0270(2)];
16. Thence along the West side of Mahukona - Hawi Road [Project No. RS-0270(2)], on a curve to the right with a radius of 4623.66 feet, the chord azimuth and distance being:
353° 41' 49.5" 620.71 feet;
17. 357° 36' 49.5" 17.37 feet along the West side of Mahukona - Hawi Road [Project No. RS-0270(2)] to the point of beginning and containing an area of 1,846,464 square feet or 42.389 Acres. (Refer to Parcel D as shown on Exhibit "A".)

The district classification of the following area situated at Kou, Kamano and Mahukona 1st, North Kohala, Hawaii, shall be Open (O):

PARCEL E:

Beginning at the North corner of this parcel of land, said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 2,979.30 feet South and 20,128.14 feet West, and thence running by azimuths measured clockwise from true South:

1. 323° 00' 221.00 feet along remainder of Grant 3405 to Trustees of the Estate of James Wood;
2. 298° 00' 169.00 feet along remainders of Grant 3405 to Trustees of the Estate of James Wood and L.C.Aw. 7715, Ap 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
3. 315° 30' 189.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
4. 309° 30' 103.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
5. 272° 30' 44.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
6. 242° 30' 134.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
7. 275° 00' 59.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);

8. 322° 00' 60.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
9. 2° 30' 95.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
10. 325° 00' 46.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
11. 57° 00' 31.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
12. 145° 00' 30.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
13. 59° 30' 62.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
14. 80° 30' 40.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
15. 117° 00' 28.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
16. 134° 00' 52.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);

17. 46° 00' 104.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
18. 313° 00' 80.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
19. 303° 00' 123.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
20. 355° 30' 95.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
21. 55° 00' 75.42 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
22. 7° 40' 212.54 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
23. 68° 00' 52.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);
24. 338° 00' 89.00 feet along remainder of
L.C.Aw. 7715, Ap. 7 to
Lota Kamehameha
(Certificate of Boundaries
No. 145);

25. 350° 00' 111.00 feet along remainders of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145) and Mahele to Ruth to Keelikolani (Certificate of Boundaries No. 146);
26. 56° 30' 63.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
27. 113° 30' 21.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
28. 48° 00' 103.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
29. 74° 00' 32.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
30. 106° 00' 63.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
31. 127° 30' 18.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
32. 158° 00' 31.00 feet along remainder of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146);
33. 183° 00' 74.42 feet along remainders of Mahele to Ruth Keelikolani (Certificate of Boundaries No. 146) and L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);

34. 93° 00' 82.61 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
35. Thence along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145), on a curve to the left with a radius of 185.00 feet, the chord azimuth and distance being:
195° 49' 20" 40.74 feet;
36. 189° 30' 63.41 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
37. 193° 30' 32.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
38. 191° 30' 94.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
39. 192° 00' 127.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
40. 191° 00' 52.40 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
41. Thence along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145), on a curve to the left with a radius of 320.00 feet, the chord azimuth and distance being:
153° 00' 394.02 feet;

42. 115° 00' 96.62 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
43. Thence along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145), on a curve to the right with a radius of 250.00 feet, the chord azimuth and distance being:
132° 00' 146.19 feet;
44. 149° 00' 20.85 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
45. 153° 00' 53.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
46. 151° 30' 64.00 feet along remainder of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145);
47. 159° 30' 49.00 feet along remainders of L.C.Aw. 7715, Ap. 7 to Lota Kamehameha (Certificate of Boundaries No. 145) and Grant 3405 to Trustees of the Estate of James Wood;
48. 151° 30' 75.68 feet along remainder of Grant 3405 to Trustees of the Estate of James Wood;
49. Thence along remainder of Grant 3405 to Trustees of the Estate of James Wood, on a curve to the right with a radius of 265.00 feet, the chord azimuth and distance being:
163° 33' 45" 110.76 feet;

50. 267° 00' 74.61 feet along remainder of Grant 3405 to Trustees of the Estate of James Wood;
51. 248° 00' 135.27 feet along remainder of Grant 3405 to Trustees of the Estate of James Wood to the point of beginning and containing an area of 481,129 square feet or 11.045 Acres. (Refer to Parcel E as shown on Exhibit "A".)

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

SECTION 2. These changes in district classification are conditioned upon the following: (A) the applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the effective date of the change of zone shall be (1) when the applicant provides assurance satisfactory to the Departments of Water Supply and Planning, upon consultation with the State Department of Health and the Department of Land and Natural Resources, that a water source(s) of sufficient quality and quantity has/have been established within two years from the enactment of this ordinance; provided that a maximum one-year extension may be granted by the Planning Director with reasonable and sufficient justification; and (2) an agreement together with the appropriate bond, surety or other security deemed acceptable by the Planning Director, is executed between the applicant and the County through its Departments of Water Supply and Planning for the actual development of a proven

source and its water transmission and distribution system within one year from the official date of compliance with condition B(1); provided that a one-year extension may be granted by the Planning Director with reasonable and sufficient justification; (C) construction of the hotel and all interior roads providing access to the parking areas for the Public Shoreline Access Areas shall be completed within five years from the effective date of the change of zone. Appropriate plans to be submitted for subdivision of the proposed lots, including plans to be submitted for Final Plan Approval of the proposed hotel complex shall be consistent with all applicable conditions of approval as required by the change of zone. Plans shall identify improvements, structures, landscaping, and parking stalls associated with the proposed development; (D) a detailed historical mitigation plan which does not conflict with the Consensus Agreement between Chalon and Na Maka'ala 'O Kohala shall be submitted for the treatment of the significant historic sites. The Plan shall consist of two subplans; (1) an archaeological data recovery plan (scope of work) for the sites to undergo data recovery and (2) a detailed preservation plan for the sites to undergo preservation, to include buffer zones, interim protection measures, and long-range preservation concerns. This mitigation plan must be approved by the County Planning Department and the State Historic Preservation Division prior to its implementation. These offices must also verify in writing that the plan is successfully executed. No

land alteration can occur in the project area until at least the data recovery fieldwork and interim protection measures are verified to be successfully executed; (E) should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; (F) an analysis of the flood/drainage problems at the existing drainage structures along Akoni Pule Highway shall be completed. A drainage system shall be installed meeting with the approval of the Department of Public Works and Department of Transportation, Highways Division; (G) to ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the applicant shall work with the Office of Housing and Community Development and the Planning Department to formulate a housing plan for the development, which shall be consistent with the interim affordable housing policy of the County as contained in the Hawaii County Housing Agency Resolution No. 65 or subsequently adopted policies. This housing plan shall be approved by the County Housing Agency prior to Final Plan Approval of any portion of the Resort zoned area; Provided that the applicant shall notify the County Housing Agency of any intent to sell, lease, assign, place in

trust or otherwise voluntarily alter the ownership interest in the property prior to visible commencement of construction on the property; provided further that the applicant may transfer ownership in the property to an affiliate or in a manner consistent with prior representations to the County Housing Agency. In the event the applicant conveys an ownership, leasehold, or controlling development interest in the Resort zoned area prior to the approval of the housing plan by the Hawaii County Housing Agency, a pro rata portion of the affordable housing requirement, based upon unit density of the land affected by such sale, lease or conveyance, shall be satisfied by either an in-lieu payment, land, or any combination thereof by the applicant upon such conveyance of ownership, leasehold or controlling development interest of the Resort-zoned area. The in-lieu payment, land, or any combination thereof for the Resort zoned area shall be based on a maximum of density for the Resort zoned area, as determined by the applicant with the concurrence of the Planning Director. The amount and method of satisfying this requirement shall be determined by the County Housing Agency; (H) a job training program for the operating phase of the hotel shall be developed and submitted to the Planning Director for review and approval prior to receipt of Final Plan Approval for the hotel; (I) the applicant shall work with the State Department of Education and the Planning Department to provide its pro rata share for school facilities. In establishing the applicant's

pro rata share, credit shall be given to the applicant for contributions made to public and private schools in the area subsequent to the passage of the change of zone. The pro rata share determination and its implementation (i.e., dedication of land, construction of classrooms or funding) shall be approved by the Planning Department, in consultation with the Department of Education, in conjunction with final subdivision approval of any residential lot subdivision within the development; (J) the applicant shall provide 2.5± acres of land, the equivalent value in improvements, or combination thereof, for offsite public park and recreational purposes within a 5-mile radius of the perimeter boundary of the properties covered by this ordinance. The applicant shall submit the location of the proposed sites and/or proposed improvement plan to the County Council, the Planning Department and the Parks and Recreation Department for review and information prior to receipt of tentative subdivision approval of any rezoned parcel of this project. If required, said site(s) shall be graded or improved by the applicant and be available for use prior to receipt of final subdivision approval of any rezoned parcel of this project. The land and any improvements shall be credited towards satisfying any portion of the County's assessment relative to fire, police, solid waste disposal facilities, and roads as noted in Condition K below; (K) the applicant shall provide its fair share contribution to address regional impacts of the project with respect to fire, police, solid waste

disposal facilities and roads. The fair share contribution shall be initially based on the representations contained in the change of zone application and may be increased or reduced proportionally if dwelling units or hotel units are adjusted. A pro rata portion of the contribution, based upon the unit density and resort area of the land affected shall become due and/or payable, at the discretion of the County in the event the applicant conveys full controlling ownership, leasehold, or development interest in the affected land prior to receiving its initial subdivision or final Plan Approval of the proposed development. Otherwise, said contribution shall be satisfied in conjunction with the receipt of final subdivision or Plan Approval, as the case may be, of the proposed development. The fair share contribution for each residential unit or hotel unit shall be based on the maximum density for each lot as determined by the zoning resulting from this change of zone. The fair share contributions in a form of cash, land, facilities, or any combination thereof shall have the following maximum value: (a) \$44,350 for fire protective services and \$9,280 for police protective services; (b) \$1,911,750 to support state and county road and traffic improvements within the North Kohala region. Appropriate credits shall be given for any of the applicant's land contribution associated with the Akoni Pule Highway improvements; (c) \$20,750 to support county solid waste disposal functions. The applicant is encouraged to provide land for a landfill or solid waste

transfer station site as a means to satisfy this requirement. Any contributions required by this ordinance that exceed the fair share requirement of this project shall, at the applicant's request, be credited towards any of the applicant's future developments that require infrastructural impact contributions; (L) prior to the commencement of construction of any portion of the proposed development, a monitoring plan on potential pollution to the groundwater and coastal waters shall be submitted to the Planning Director for approval in consultation with the Department of Health; (M) a landscaping easement along both the mauka and makai sides of the property's frontage along Akoni Pule Highway shall be set aside and delineated on all plans, including Subdivision plans. The width of the landscaping easement shall not exceed 150 feet, measured from the existing right-of-way along both the mauka and makai sides of Akoni Pule Highway. The landscaping plan for the easement area and the width of the landscape easement shall be submitted to the Planning Director for review and approval in consultation with the County Arborist Council prior to issuance of final subdivision approval for any portion of the easement area, or Final Plan Approval for the golf course, whichever occurs first. Said plan shall depict the landscaping, which may include golf course fairways, tees and greens, identifying the plant species to be utilized along with related accessory improvements such as irrigation facilities, maintenance roads/paths, and other required drainage, access or

utility corridors, and the program for ongoing maintenance;

(N) underground telephone, water, electrical and cable television utility lines shall be constructed throughout the project site; no overhead utility lines shall be permitted;

(O) a final comprehensive public access plan shall be submitted for the review and approval by the Planning Director in consultation with the Department of Land and Natural Resources along with plans for subdivision approval, plan approval, or any land alteration activity, whichever comes first. The public access plan shall include mauka-makai and lateral shoreline accesses; a minimum of ten (10) parking stalls for each of the four parking areas for users of the shoreline area, signage, restrictions on use (if any), provision of toilet facilities at appropriate locations, and related improvements. The plan shall also integrate where appropriate, any public accessway(s) or trail system(s) approved in conjunction with the detailed mitigation plan for the Historic Interpretive Park; (P) the areas of the property within the State Land Use Conservation District shall be set aside as public shoreline access areas via covenants recorded with the Bureau of Conveyances. These covenants shall be encumbrances running with the land and shall be binding on all parties and persons claiming under them; (Q) the applicant shall participate with the Department of Transportation, Highways Division on regional highway improvements on a pro rata basis, which shall include at a minimum; (1) improvements to the Queen Kaahumanu

Highway/Kawaihae Road intersection; (2) channelization and street lighting of the project access to Akoni Pule Highway; (3) dedication of additional right-of-way to the State along Akoni Pule Highway fronting the project site; (4) guardrails, where needed, along the highway right-of-way to protect lower lots from highway traffic; (5) protection of highway traffic from errant golf balls for all golf links bordering the highway; and (6) closing of all unused access points to Akoni Pule Highway; (R) all residential, commercial and hotel units and uses shall be connected to a sewage treatment plant, public or private, meeting with the approval of the appropriate governmental agencies. The sewage treatment plant shall have a stand by generator to operate the plant in the event of an electrical power outage; (S) as agreed to by the applicant, restrictive covenants shall be included in the deeds of all applicable subdivided lots which would prohibit the construction of additional ohana dwelling units. A copy of the proposed covenant(s) shall be submitted to the Planning Department for review and approval prior to final subdivision approval of each applicable subdivision. Proof of recordation along with a copy of a typically recorded covenant shall be filed with the Planning Department within one year from the date of final subdivision approval of each applicable subdivision; (T) the applicant shall comply with all applicable laws, rules, regulations and requirements, including those of the Department of Health, Fire Department and the Department of

Water Supply; (U) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the change of zone. 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; (V) 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; (W) an extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances; (a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence; (b) granting of the time extension would not be contrary to the general plan or zoning code; (c) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; (d) 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 (e) if the applicant should require an additional extension of time, the

Planning Director shall submit the applicant's request to the County Council for appropriate action; and, (X) 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 3. In the event that any portion of the 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:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

APPROVED AS TO FORM AND LEGALITY:



DEPUTY CORPORATION COUNSEL

DATED: 7/19/93

