

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 397

ORDINANCE NO. 91 28

AN ORDINANCE AMENDING SECTION 25-115 (PAPAIKOU-ONOMEA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-5a) AT PAUKAA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-7-38:PORTION OF 1.

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

SECTION 1. Section 25-115, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Paukaa, South Hilo, Hawaii, shall be Agricultural (A-5a):

Beginning at the Northwest corner of this parcel of land, being also the Northeast corner of Lot 8 of Paukaa Farm Lots, same being also portions of R. P. 4689, L.C. Aw. 4969 to Kalama and R.P. 8335, L.C. Aw. 7715, Ap. 16 to Lota Kamehameha, the coordinates of said point of beginning referred to Government Survey Triangulation Station "ALALA" being 25,636.03 feet South and 4,348.58 feet East and thence running by azimuths measured clockwise from true South:

- 1. 266° 41' 317.00 feet along Lot 4 of Paukaa Farm Lots, same being also a portion of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;
2. Thence along Lot 4 of Paukaa Farm Lots, same being also a portion of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha, on a curve to the left with a radius of 450.00 feet, the chord azimuth and distance being:
258° 31' 127.85 feet;

3. 340° 21' 418.27 feet along Lot 3 of Paukaa Farm Lots, same being also a portion of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;
4. Thence along Lot 3 of Paukaa Farm Lots, same being also a portion of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha, on a curve to the left with a radius of 180.00 feet, the chord azimuth and distance being:  
314° 10' 30" 158.80 feet;
5. 288° 00' 5.81 feet along Lot 3 of Paukaa Farm Lots, same being also a portion of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;
6. 198° 00' 30.00 feet along Lot 3 of Paukaa Farm Lots, same being also a portion of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;
7. 288° 00' 138.00 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;
8. Thence along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:  
268° 45' 13.19 feet;
9. 339° 30' 40.00 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha and across Road "A";

10. 249° 30' 73.21 feet along the South side of Road "A";
11. Thence along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha, on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:  
30° 28' 30" 50.37 feet;
12. 351° 27' 21.58 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;
13. 261° 59' 30" 135.11 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;
14. 351° 27' 68.80 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;
15. 267° 40' 36.26 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;
16. 353° 30' 61.30 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha to a 4" x 4" concrete post (found);
17. 57° 49' 51.23 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha to a 4" x 4" concrete post (found);
18. 355° 04' 30" 76.82 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;

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|-----|------|-----|-----|---------------------------------------------------------------------------------------------------------------------------|
| 19. | 258° | 29' | 30" | 14.29 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;                                     |
| 20. | 358° | 24' | 30" | 145.46 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;                                    |
| 21. | 357° | 55' |     | 160.71 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha to a 4" x 4" concrete post (found); |
| 22. | 358° | 45' |     | 120.34 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha to a 4" x 4" concrete post (found); |
| 23. | 13°  | 00' |     | 100.15 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;                                    |
| 24. | 6°   | 01' |     | 173.90 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha to a 4" x 4" concrete post (found); |
| 25. | 6°   | 06' | 30" | 100.44 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha to a 4" x 4" concrete post (found); |
| 26. | 5°   | 59' | 30" | 157.03 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;                                    |
| 27. | 275° | 59' | 30" | 277.47 feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;                                    |

28.	5° 59' 30"	261.49	feet along the West side of Mamalahoa Highway;
29.	356° 59' 30"	17.86	feet along the West side of Mamalahoa Highway;
30.	96° 49' 30"	493.55	feet along the remainder of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha and Lot 1-B, a subdivision of Lot 1 of Paukaa Farm Lots;
31.	182° 30'	700.00	feet along Lot 1-B, a subdivision of Lot 1 of Paukaa Farm Lots;
32.	92° 15'	575.00	feet along Lot 1-B, a subdivision of Lot 1 of Paukaa Farm Lots;
33.	104° 45'	145.32	feet along Lot 1-B, a subdivision of Lot 1 of Paukaa Farm Lots;
34.	176° 41'	1,098.54	feet along Lot 8 of Paukaa Farm Lots, same being portions of R.P. 4689, L.C.Aw. 4969 to Kalama and R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;
35.	86° 41'	30.00	feet along Lot 8 of Paukaa Farm Lots, same being portions of R.P. 4689, L.C.Aw. 4969 to Kalama and R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha;
36.	176° 41'	110.00	feet along Lot 8 of Paukaa Farm Lots, same being portions of R.P. 4689, L.C.Aw. 4969 to Kalama and R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha to the point of beginning and containing an area of 29.07 Acres.

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

SECTION 2. This change in district classification is conditioned upon the following: (A) the applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval; (B) the required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the date of approval of the change of zone; (C) subdivision plans shall be submitted to the Planning Department within one year from the effective date of the zone change. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval; (D) it shall be demonstrated to the satisfaction of the Planning Director that agricultural activity is being conducted on the subdivided lots within three years from the date of final subdivision approval. For the purpose of this condition, "agriculture" shall be defined as the cultivation of crops, including but not limited to flowers, vegetables, foliage, fruits, forage and timber; game propagation; raising of livestock, including but not limited to poultry, bees, fish or other animal or aquatic life that are propagated for economic or personal use. This condition shall be incorporated in each of the deeds for the proposed lots and duly recorded with the State Bureau of Conveyances. A copy of

the recorded deeds shall be filed with the Planning Department within one year from the date of final subdivision approval; (E) private road "A" shall be paved to a width of 20-feet meeting with the approval of the Department of Public Works in conjunction with final subdivision approval; (F) access to the proposed development shall meet with the approval of the Department of Public Works; (G) a drainage system shall be installed meeting with the approval of the Department of Public Works; (H) should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, 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; (I) comply with all other laws, rules, regulations and requirements; (J) should the council adopt a Unified Impact Fees ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (K) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the zone change. 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 and the Planning Director acknowledges that further reports are not required; and, (L) an extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area to its original or more appropriate designation.



SECTION 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.

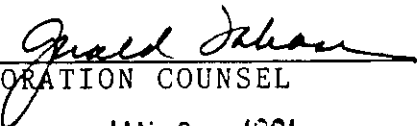
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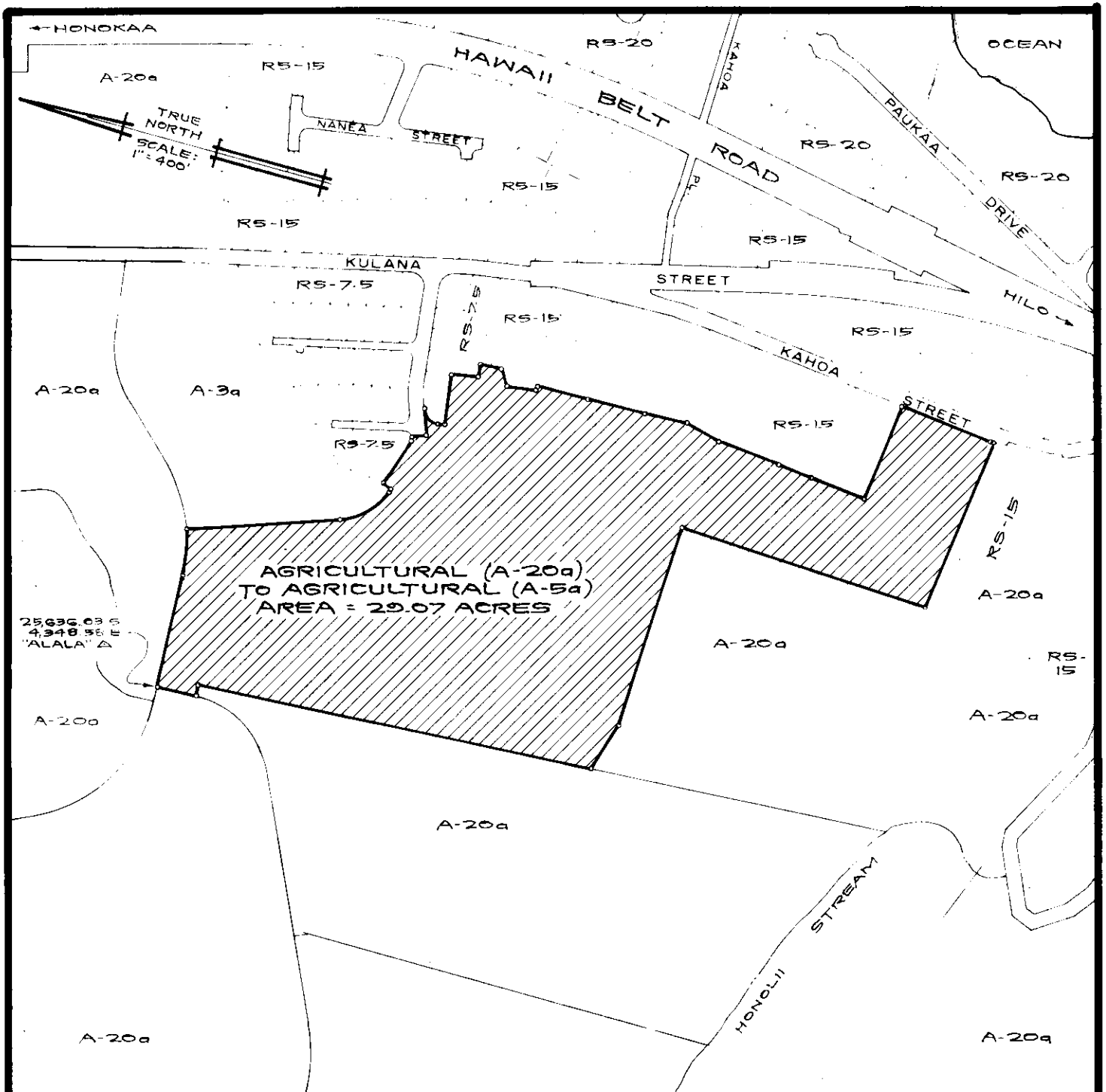
  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 6, 1991  
Date of 1st Reading: March 6, 1991  
Date of 2nd Reading: March 21, 1991  
Effective Date: March 21, 1991

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL  
DATED: JAN 2 1991



## AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-115 (PAPAIKOU-ONOMEA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-5a) AT PAUKAA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 2-7-38 : PORTION OF 1

JAN. 4, 1991

EXHIBIT "A"