

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 56

ORDINANCE NO. 95 57

AN ORDINANCE AMENDING SECTION 25-103 (PUNA DISTRICT ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO AGRICULTURAL (A-5a) AND (A-3a) AT POHOIKI AND KEAHIALAKA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-3-08:24, 29 AND 31.

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

SECTION 1. Section 25-103, 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 Pohoiki, Puna, Hawaii, shall be Agricultural (A-5a):

PARCEL 3-A-3:

Beginning at the southeast corner of this parcel of land, the southwest corner of Lot 3-A-4 and on the northwest side of Pohoiki Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KALIU", being 7,394.84 feet North and 14,987.82 feet East, and running by azimuths measured clockwise from True South:

1. 63° 30' 65.15 feet along Pohoiki Road;
2. Thence along Pohoiki Road, along a curve to the left having a radius of 525.00 feet, the chord azimuth and distance being:
58° 30' 91.51 feet;

3. 53° 30' 412.59 feet along Pohoiki Road;
4. Thence along Pohoiki Road, along a curve to the right having a radius of 680.00 feet, the chord azimuth and distance being:
62° 13' 58" 206.48 feet;
5. 145° 05' 2,236.53 feet along Lot 3-A-2, along L.P. 8094, L.C. Aw. 8559-B, Apana 15 to William C. Lunalilo;
6. 240° 30' 700.65 feet along R.P. 4497, L.C. Aw. 8559, Apana 5 to C. Kanaina;
7. 290° 18' 132.50 feet along Grant 6845 to Robert Napalapalai;
8. 325° 05' 2,090.85 feet along Lot 3-A-4 to the point of beginning and containing an area of 39.299 Acres. (Refer to Parcel 3-A-3 as shown on Exhibit "A").

The district classification of the following area situated at Keahialaka, Puna, Hawaii, shall be

Agricultural (A-5a):

PARCEL 4-A-3:

Beginning at the northeast corner of this parcel of land, the northwest corner of Lot 4-A-4 and on the southerly side of Pohoiki Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KALIU", being 6,773.91 feet North and 13,504.82 feet East and running by azimuths measured clockwise from True South:

1. 325° 05' 2,724.83 feet along Lot 4-A-4;
2. 39° 25' 93.38 feet along Former Railroad Right-of-Way;
3. 65° 16' 113.41 feet along Former Railroad Right-of-Way;

4. 85° 39' 189.16 feet along Former Railroad Right-of-Way;
5. 73° 37' 30" 193.19 feet along Former Railroad Right-of-Way;
6. 93° 34' 30" 173.38 feet along Former Railroad Right-of-Way;
7. 78° 13' 111.36 feet along Former Railroad Right-of-Way;
8. 145° 05' 2,592.02 feet along Lot 4-A-2;
9. Thence along Lot 4-A-2, along a curve to the right having a radius of 30.00 feet, the chord azimuth and distance being:
200° 43' 12" 49.53 feet;
10. Thence along Pohoiki Road, along a curve to the left having a radius of 325.00 feet, the chord azimuth and distance being:
251° 50' 42" 51.13 feet;
11. 247° 20' 121.81 feet along Pohoiki Road;
12. Thence along Pohoiki Road, along a curve to the right having a radius of 975.00 feet, the chord azimuth and distance being:
248° 40' 45.37 feet;
13. 250° 00' 451.27 feet along Pohoiki Road;
14. Thence along Pohoiki Road, along a curve to the right having a radius of 875.00 feet, the chord azimuth and distance being:
253° 20' 101.75 feet
to the point of beginning and containing an area of 49.195 Acres. (Refer to Parcel 4-A-3 as shown on Exhibit "A").

The district classification of the following area situated at Pohoiki, Puna, Hawaii, shall be Agricultural (A-3a):

PARCEL 4-A-5:

Beginning at the northeast corner of this parcel of land, the northwest corner of Lot 4-A-6 and on the southerly side of Pohoiki Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KALIU", being 7,365.08 feet North and 15,040.15 feet East, and running by azimuths measured clockwise from True South:

1. 325° 05' 1,555.93 feet along Lot 4-A-6;
2. 48° 00' 149.00 feet along Former Railroad Right-of-Way;
3. 18° 28' 30" 487.09 feet along Former Railroad Right-of-Way;
4. 11° 29' 172.18 feet along Former Railroad Right-of-Way;
5. 30° 44' 58.66 feet along Former Railroad Right-of-Way;
6. 112° 25' 151.91 feet along Lot 4-A-4, along L.P. 8094, L.C. Aw. 8559-B, Apana 15 to William C. Lunalilo;
7. 145° 05' 1,911.63 feet along Lot 4-A-4, along L.P. 8094, L.C. Aw. 8559-B, Apana 15 to William C. Lunalilo;
8. Thence along Pohoiki Road, along a curve to the left having a radius of 730.00 feet, the chord azimuth and distance being:
241° 40' 30" 207.61 feet;
9. 233° 30' 412.59 feet along Pohoiki Road;

10. Thence along Pohoiki Road, along a curve to the right having a radius of 475.00 feet, the chord azimuth and distance being:
238° 30' 82.80 feet;
11. 243° 30' 98.73 feet along Pohoiki Road to the point of beginning and containing an area of 32.613 Acres. (Refer to Parcel 4-A-5 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:

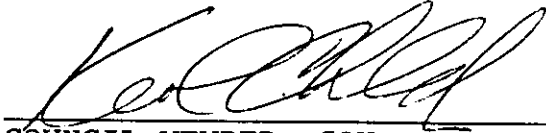
- A. The applicants, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Plans for the proposed subdivision shall be submitted to the Planning Department and Final Subdivision Approval secured within five (5) years from the effective date of this ordinance.
- C. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.

- D. 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 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).
 5. Should the applicant require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.
- E. 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.

INTRODUCED BY:

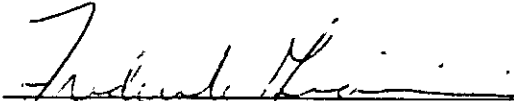


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

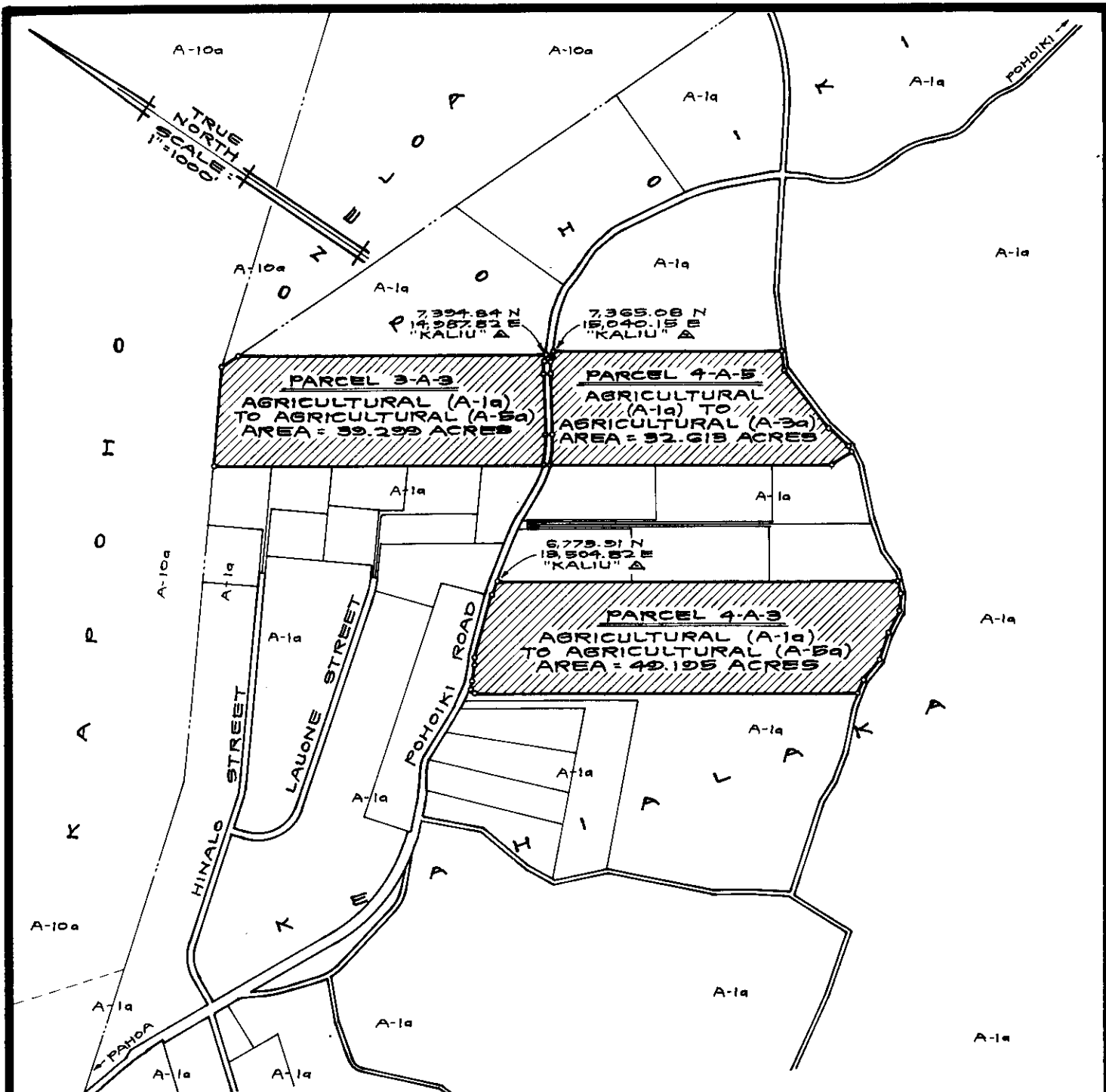
Date of Introduction: April 5, 1995
Date of 1st Reading: April 5, 1995
Date of 2nd Reading: April 19, 1995
Effective Date: April 26, 1995

APPROVED AS TO FORM AND LEGALITY:



CORPORATION COUNSEL

DATE: 4/24/95



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-103 (PUNA DISTRICT ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO AGRICULTURAL (A-3a) AND (A-5a) AT POHOIKI AND KEAHIALAKA, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 1-3-08 : 24, 29 AND 31

JAN. 20, 1995

EXHIBIT "A"

(HAKALAU FARMS, LTD.)

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

Introduced By: Keola Childs
 Date Introduced: April 5, 1995
 First Reading: April 5, 1995
 Published: N/A

REMARKS:


ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	9	0	0	0

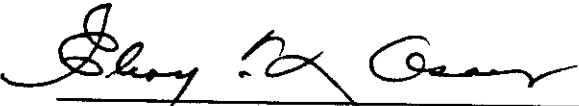
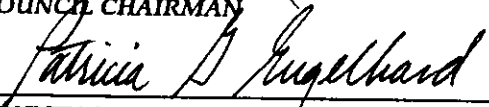
Second Reading: April 19, 1995
 To Mayor: April 20, 1995
 Returned: April 26, 1995
 Effective: April 26, 1995
 Published: May 3, 1995

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	9	0	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**

 CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date APR 25 1995


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved / Disapproved this 26 day
 of April, 19 95


 MAYOR, COUNTY OF HAWAII

Bill No.: 56
 Reference: C-242/PC-40
 Ord. No.: 95 57