

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 256

ORDINANCE NO. 98 100

AN ORDINANCE AMENDING ORDINANCE NO. 90-144, WHICH RECLASSIFIED 7.184 ACRES OF LAND FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-3a) AT PAUKAA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-7-38:3.

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

SECTION 1. Ordinance No. 90-144 is amended as follows:

"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-3a):

Beginning at the Northeast corner of this parcel of land, on the West side of Mamalahoa (Old Belt Road) Highway, and being the Southeast corner of Lot 4 of Paukaa Farm Lots, same being a portion of Royal Patent 8335, Land Commission Award 7715, Apana 16 to Lota Kamehameha (Certificate of Boundaries No. 181), the coordinates of said point of beginning referred to Government Survey Triangulation Station "ALALA" being 25,231.52 feet South and 5,464.38 feet East, and thence running by azimuths measured clockwise from true South:

- 1. 344° 57' 152.63 feet along the West side of Mamalahoa (Old Belt Road) Highway;
- 2. 347° 00' 148.47 feet along the West side of Mamalahoa (Old Belt Road) Highway;
- 3. 72° 07' 82.77 feet along the North boundary of Lot 17 of Paukaa Village, same being a portion of R.P. 8335, L.C.Aw. 77.15, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181);
- 4. 63° 49' 49.70 feet along the North boundary of Lot 17 of Paukaa Village, same being a portion of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181);

5.	46°	42'	108.80	feet along the North boundary of Lots 17, 19 and 36 of Paukaa Village, same being portions of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181);
6.	36°	16'	172.60	feet along the North boundary of Lots 36 and 38 of Paukaa Village, same being portions of R.P. 8335, L.C.Aw 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181);
7.	46°	40'	207.32	feet along the North boundary of Lots 38 and 48 of Paukaa Village, same being portions of R.P. 8335, L.C.Aw 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181);
8.	13°	30'	62.90	feet along the West boundary of Lots 48 and 49 of Paukaa Village, same being portions of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181);
9.	5°	20'	82.30	feet along the West boundary of Lots 49 and 50 of Paukaa Village, same being portions of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181);
10.	18°	00'	30.00	feet along Lot 1 of Paukaa Farm Lots, same being all of R.P. 4683, L.C.Aw. 4735 to Maa and portions of R.P. 4689, L.C.Aw. 4969 to Kalama and R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181);
11.	108°	00'	5.81	feet along Lot 1 of Paukaa Farm Lots, same being all of R.P. 4683, L.C.Aw. 4735 to Maa and portions of R.P. 4689, L.C.Aw. 4969 to Kalama and R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181);

12. Thence along Lot 1 of Paukaa Farm Lots, same being all of R.P. 4683, L.C.Aw. 4735 to Maa and portions of R.P. 4689, L.C.Aw. 4969 to Kalama and R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181), on a curve to the right with a radius of 180.00 feet, the chord azimuth and distance being:

134° 10' 30" 158.80 feet;

13. 160° 21' 418.27 feet along Lot 1 of Paukaa Farm Lots, same being all of R.P. 4683, L.C.Aw. 4735 to Maa and portions of R.P. 4689, L.C.Aw. 4969 to Kalama and R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181);

14. Thence along Lot 4 of Paukaa Farm Lots, same being a Portion of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181), on a curve to the left with a radius of 450.00 feet, the chord azimuth and distance being:

237° 22' 30" 202.07 feet;

15. 224° 24' 194.00 feet along Lot 4 of Paukaa Farm Lots, same being a Portion of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181);

16. Thence along Lot 4 of Paukaa Farm Lots, same being a portion of R.P. 8335, L.C.Aw. 7715, Ap. 16 to Lota Kamehameha (Certificate of Boundaries on a curve to the right with a radius of 300.00 feet, the chord azimuth and distance being:

243° 25' 00" 195.51 feet;

17. 262° 26' 195.04 feet along Lot 4 of Paukaa Farm Lots, same being a portion of R.P. 8335, L.C.Aw. 7715,

Ap. 16 to Lota Kamehameha (Certificate of Boundaries No. 181) to the point of beginning and containing an area of 7.184 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, successors or its assigns shall be responsible for complying with all of the stated conditions of approval;
- (B) subdivision plans shall be submitted to the Planning Department within one year from the effective date of [the change of zone] this amendment. Final subdivision approval shall be secured within [one year from the date of receipt of tentative subdivision approval] five (5) years from the effective date of this amendment;
- (C) a drainage system shall be installed in accordance with the requirements of the Department of Public Works;
- (D) access shall meet with the approval of the Department of Public Works;
- (E) all other applicable laws, rules, regulations and requirements shall be complied with, including those of the Department of Water Supply;
- (F) 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;
- (G) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the change of zone. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required;

- (H) 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 2. Material to be deleted is bracketed. New material is underscored.

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: September 16, 1998

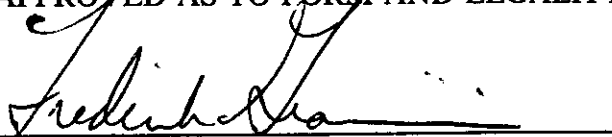
Date of 1st Reading: September 16, 1998

Date of 2nd Reading: October 7, 1998

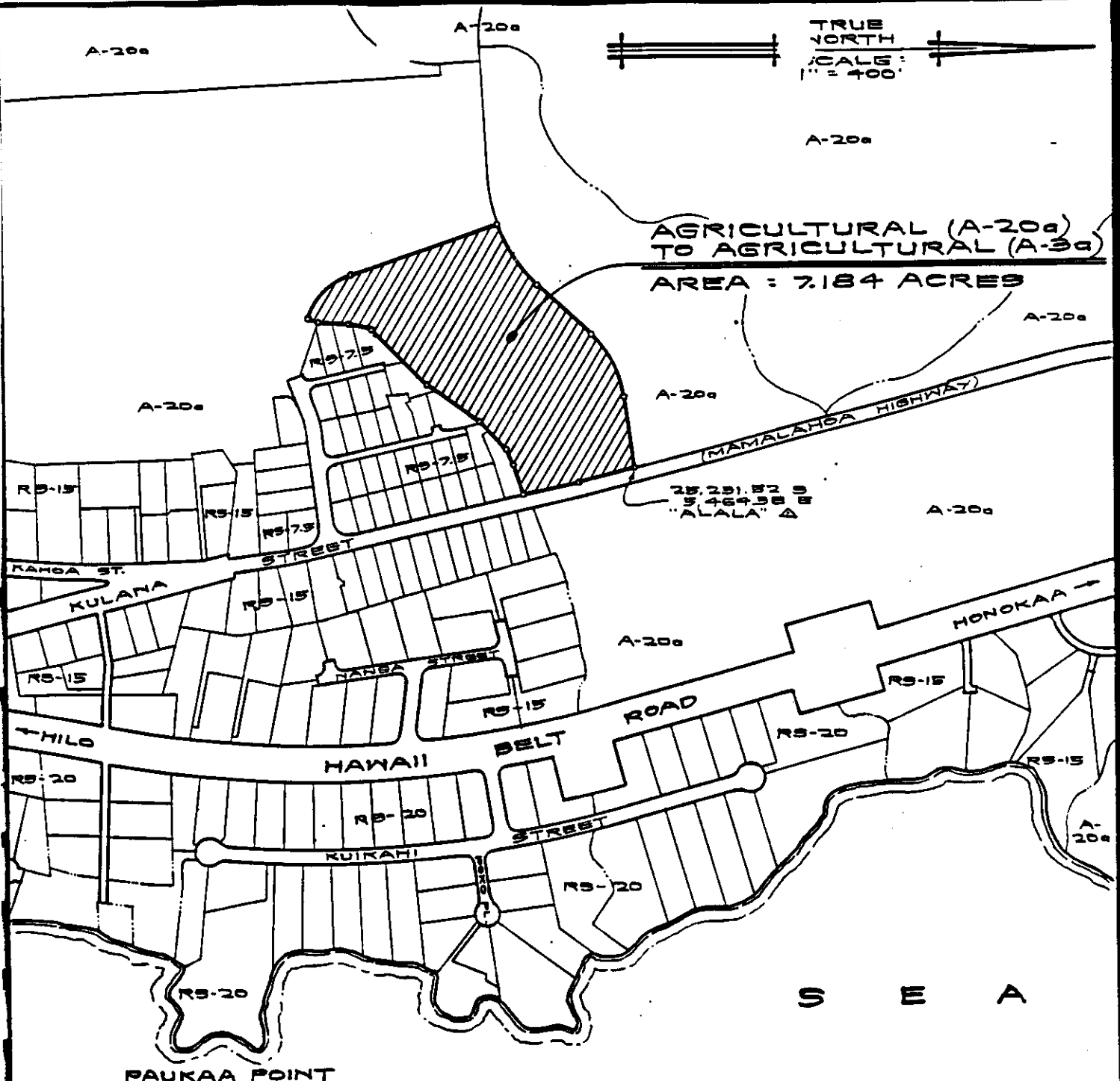
Effective Date: October 19, 1998

REFERENCE: Comm. 873

APPROVED AS TO FORM AND LEGALITY:

  
CORPORATION COUNSEL

DATE: 10/14/98



# 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-3a) AT PAUKAA, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 2-7-38:3

JAN. 17, 1990

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

SEP 24 11 2 11

Introduced By: Bobby Jean Leithead-Todd (B/R)  
 Date Introduced: September 16, 1998  
 First Reading: September 16, 1998  
 Published: N/A

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			
	5	0	4	0

Second Reading: October 7, 1998  
 To Mayor: October 8, 1998  
 Returned: October 20, 1998  
 Effective: October 19, 1998  
 Published: October 27, 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			
	8	0	1	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:**

*[Signature]*

DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date 10/14/98

Approved/Disapproved this 14 day  
 of October, 19 98.

*[Signature]*  
 MAYOR, COUNTY OF HAWAII

*[Signature]*  
 COUNCIL CHAIRMAN  
*[Signature]*  
 COUNTY CLERK

Bill No.: 256  
 Reference: C-873/PC-143  
 Ord. No.: 98 100