

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 171

AN ORDINANCE AMENDING SECTION 7.23, THE KALAPANA-KAIMU ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM RESIDENTIAL-AGRICULTURAL (RA-.5a) TO RESORT (V-1.5) AT KAIMU-MAKENA HOMESTEADS, KAIMU, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-2-04:92.

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

SECTION 1. Section 7.23 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.23 (a). The district classification of the following area situated at KAIMU-MAKENA HOMESTEADS, KAIMU, PUNA, HAWAII, shall be RESORT (V-1.5):

Beginning at a point at the South corner of this parcel of land and on the northwesterly side of Government Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Hakuma" being 5113.23 feet North and 3114.37 feet East, and running by azimuths measured clockwise from true South:

1. 151° 55' 392.43 feet along a portion of Grant 9587 to Harry Kelihoomaluu;
2. 241° 55' 120.00 feet along the remainder of Lot 40, Grant 5058 to S. W. Waiau, Kaimu-Makena Homesteads;
3. 331° 55' 343.37 feet along the remainder of Lot 40, Grant 5058 to S. W. Waiau, Kaimu-Makena Homesteads, to a point on the northwesterly side of Government Road;

Thence along the northwesterly side of Government Road on a curve to the left having a radius of 312.94 feet, the chord azimuth and distance being:
4. 39° 40' 37" 129.64 feet to the point of beginning and containing an area of 43,560 square feet.

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

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that (A) construction of the proposed drive-in restaurant and gift shop commence within one (1) year from the effective date of the change of zone and be completed within two (2) years thereafter; (B) only one (1) access be permitted from the Kalapana Road; (C) adequate loading and unloading area for buses be provided on the property. The exact number of spaces shall be determined at the time of "Plan Approval"; (D) the land shall only be used for the proposed drive-in restaurant and gift shop and the existing single-family dwelling; and (E) all applicable rules and regulations be complied with. Should any of the foregoing conditions not be met, rezoning of the property to its original zoning designation may be initiated.

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:



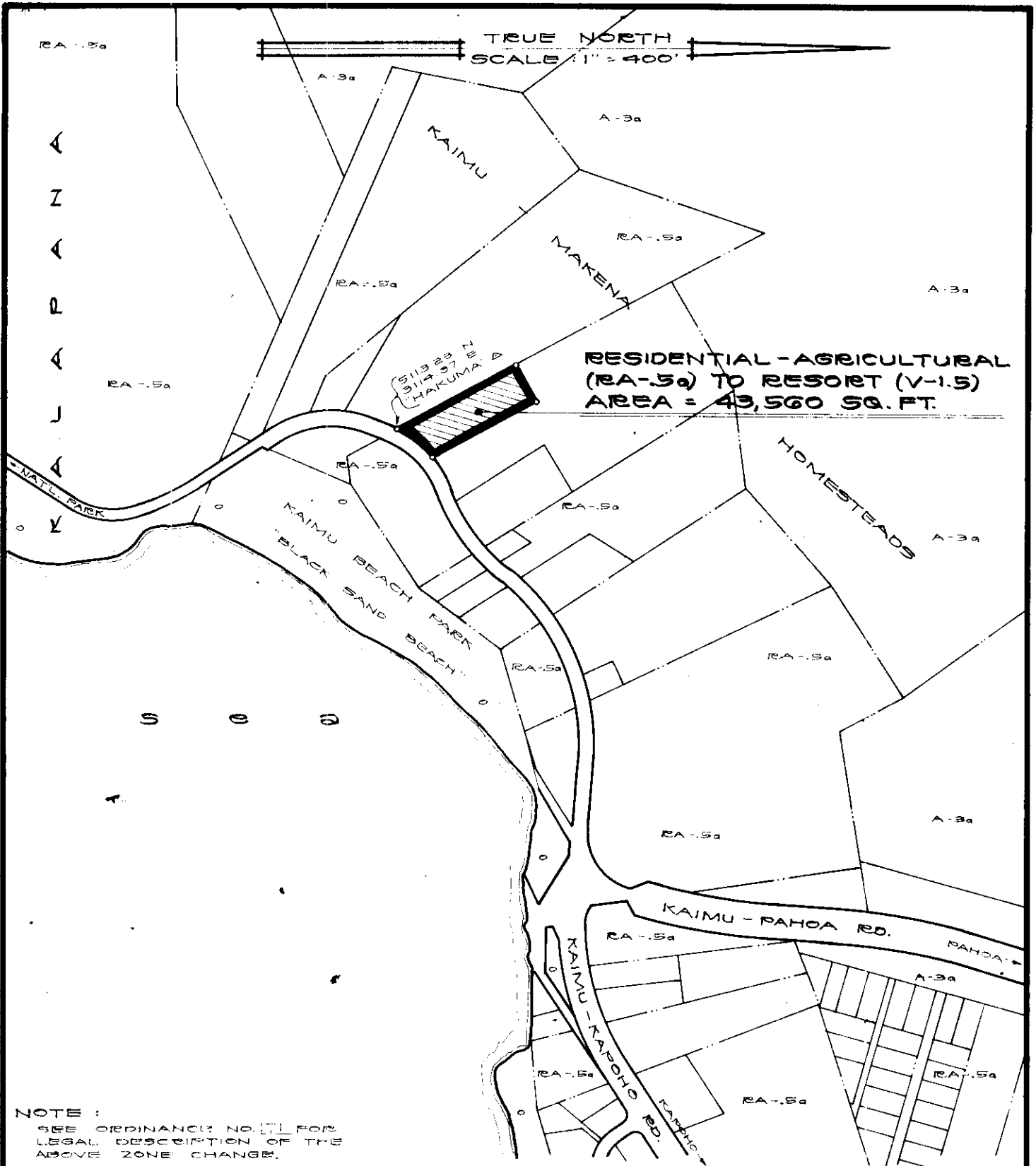
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: September 24, 1975

Date of Adoption: November 19, 1975

Date Effective: November 25, 1975

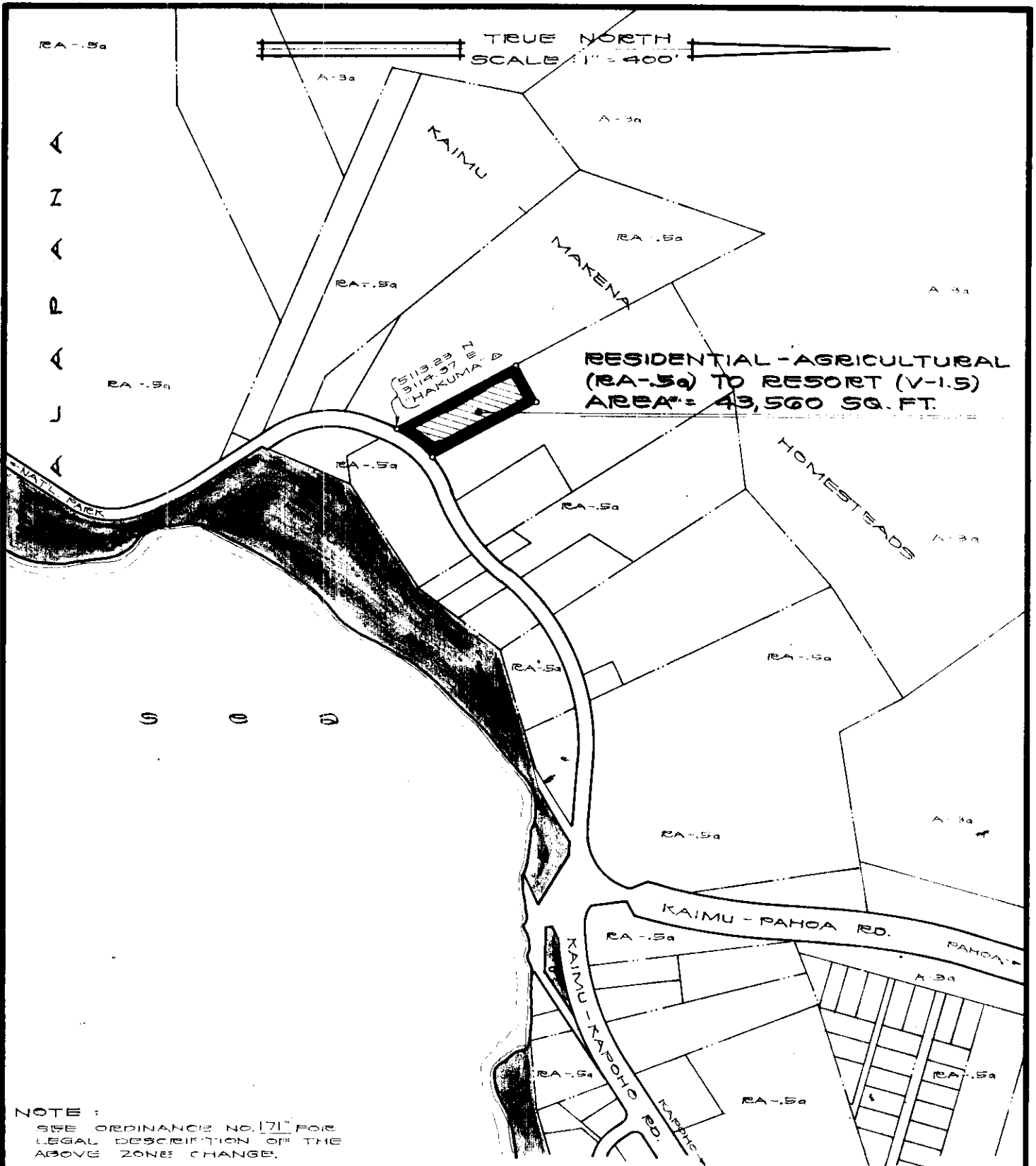


NOTE:
 SEE ORDINANCE NO. 171 FOR
 LEGAL DESCRIPTION OF THE
 ABOVE ZONE CHANGE.

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 1 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.23, THE KALAPANA - KAIMU ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM RESIDENTIAL-AGRICULTURAL (RA-5a) TO RESORT (V-1.5) AT KAIMU-MAKENA HOMESTEADS, KAIMU, PUNA, HAWAII.

DATE OF PUBLIC HEARING: AUG. 13, 1975
 DATE OF APPROVAL: NOV. 25, 1975
 ORDINANCE NO. 171
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII



NOTE:
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AMENDMENT TO THE ZONING CODE

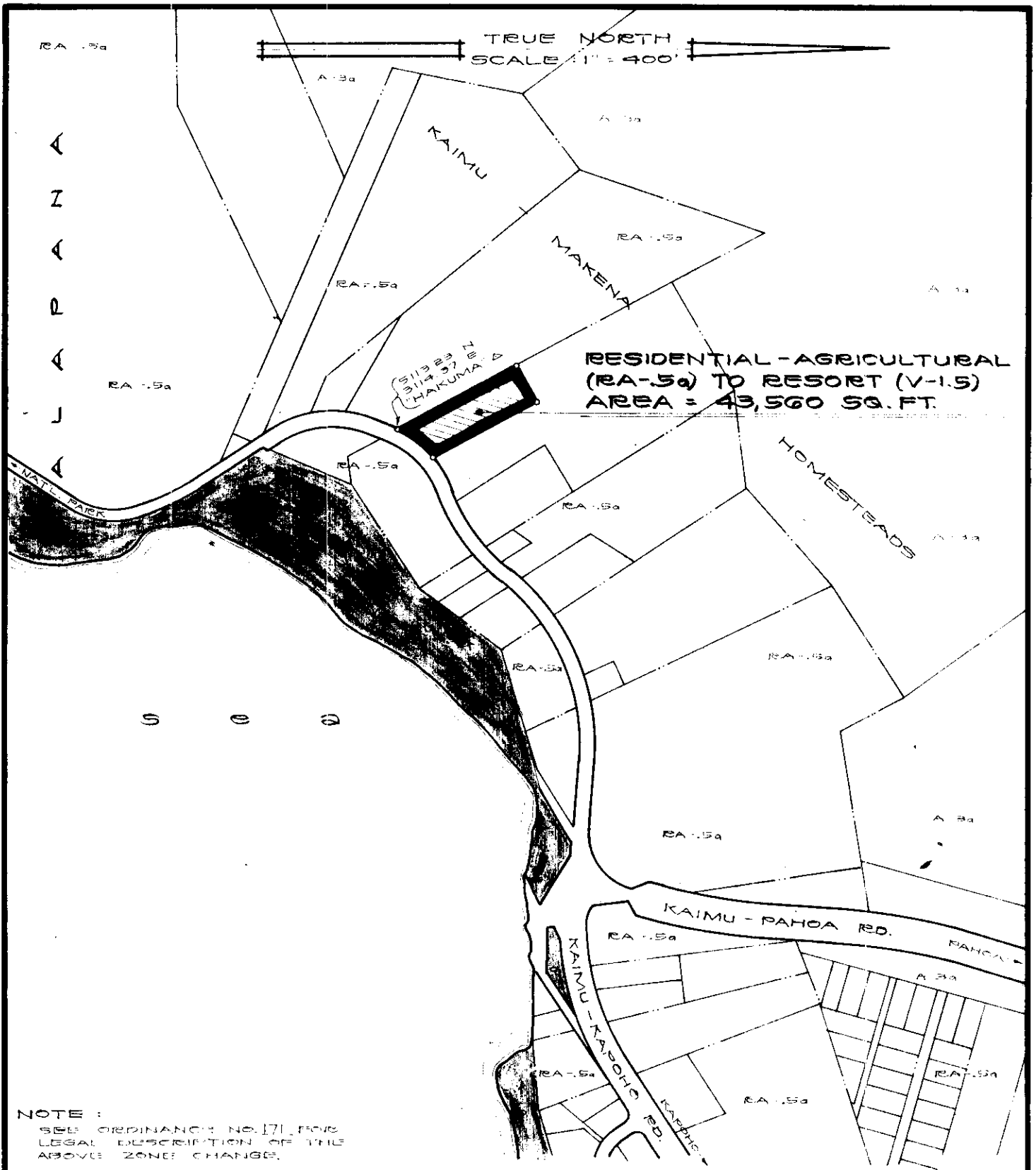
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DATE OF PUBLIC HEARING: AUG. 13, 1975
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ORDINANCE NO. 171
PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 1-2-04: 92

AUG. 14, 1975

EXHIBIT "A"



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 SEE ORDINANCE NO. 171 FOR
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AMENDMENT TO THE ZONING CODE

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DATE OF PUBLIC HEARING: AUG. 13, 1975
 DATE OF APPROVAL: NOV. 25, 1975
 ORDINANCE NO. 171
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

COUNTY OF HAWAII

PLANNING DEPARTMENT

APPLICANT: Clarence A. C. Ching

APPLICANT'S SIGNATURE: Clarence A. C. Ching

ADDRESS: P.O. Box 27
Faboa Hi 96778

TELEPHONE: 915-8710

REQUEST FROM: RA-5a TO: Resort V-1.5

TAX MAP KEY: 1-2-04-92 AREA OF PROPERTY: 1 ac.
(size of parcel)

OWNER: Clarence A. C. Ching

OWNER'S SIGNATURE: Clarence A. C. Ching

APPLICANT'S INTEREST, IF NOT OWNER: _____
(If lessee, must be for at least another 5 years from date of application)

APPLICANT'S REASONS FOR REQUESTING A CHANGE OF ZONE *(Please attach)*

1. Please explain how the requested change of zone would be consistent with the goals, policies, and courses of action *(if applicable)* of the General Plan document. Also, please indicate specifically which goals, policies, and courses of action are involved. *(Copies of the General Plan document are available at public libraries and at the Hawaii County Planning Department.)*
2. Please state any other reasons for your request.

THIS APPLICATION MUST BE ACCOMPANIED BY:

- (1) 16 copies of the completed application form.
- (2) 16 copies of a location map.
- (3) 16 copies of a site plan with existing and proposed uses (e.g., structures, topography, proposed subdivision).
- (4) 1 copy of appropriate questionnaire.
- (5) any additional information.
- (6) \$100.00 processing fee.

FOR OFFICIAL USE:	
Date Received	_____
Director's Action	_____
Prelim. Hearing	_____
Public Hearing	_____
To Council	_____

6. Goals

This development would provide the users, both visitors and the local people the convenience in the social and economic and physical environments.

A canteen and a gift shop would serve this purpose.

i. Policies

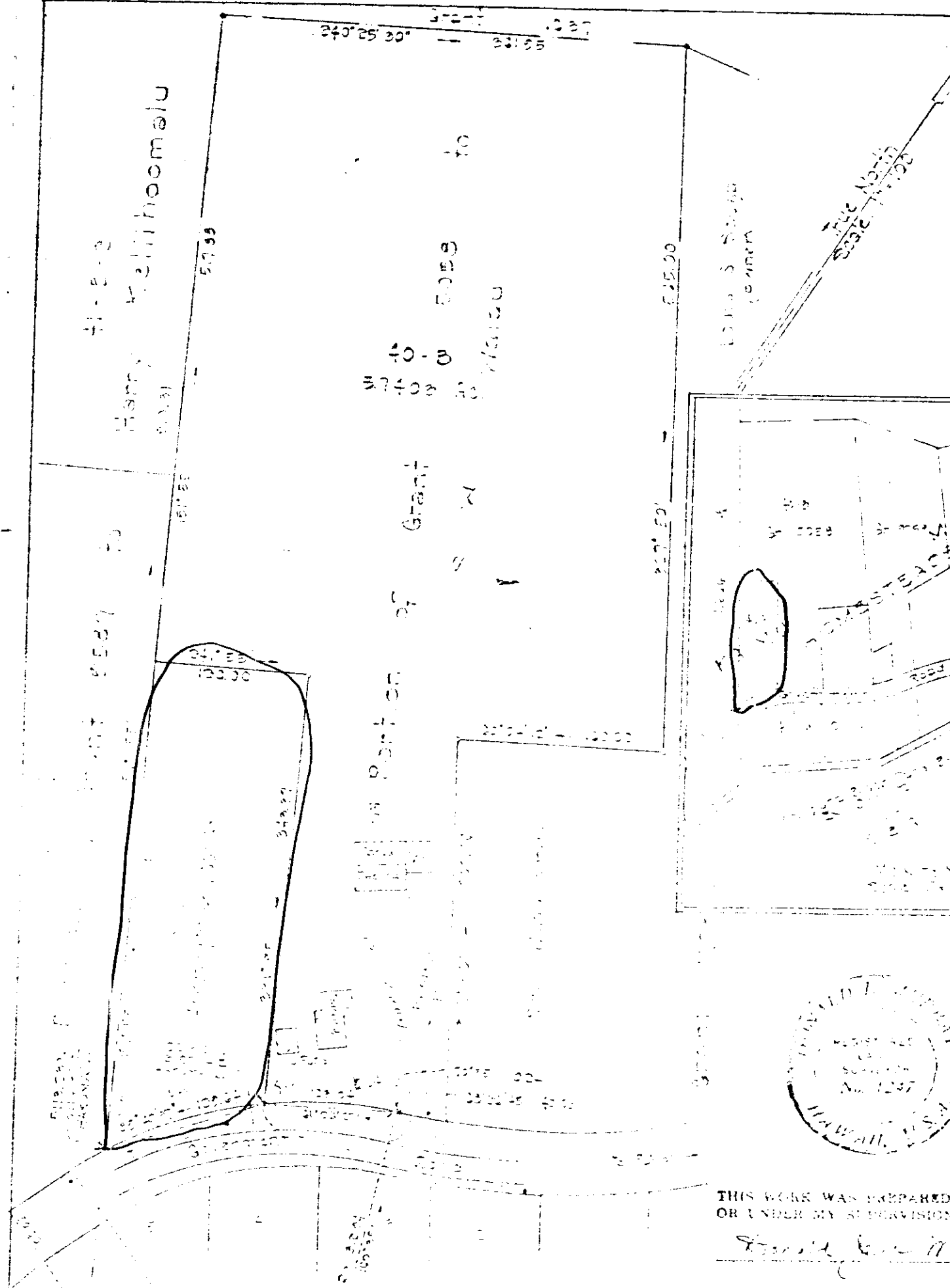
Country shall encourage the establishment of a system to develop visitor destination serviced by basic facilities.

A canteen would be a place where a visitor could stop to have a refreshing drink or a snack.

A gift shop would be a place where a visitor could pick up a gift or some ~~other~~ sort of trinket to take home as a souvenir.

Course of action

This development shall complement the character of the area and be consistent with the General Plan. Kalagana - Kaimu Area. This will also create employment



Henry Mellihoomalu

to S W Waiau
 5058 to
 40-3

portion of Grant



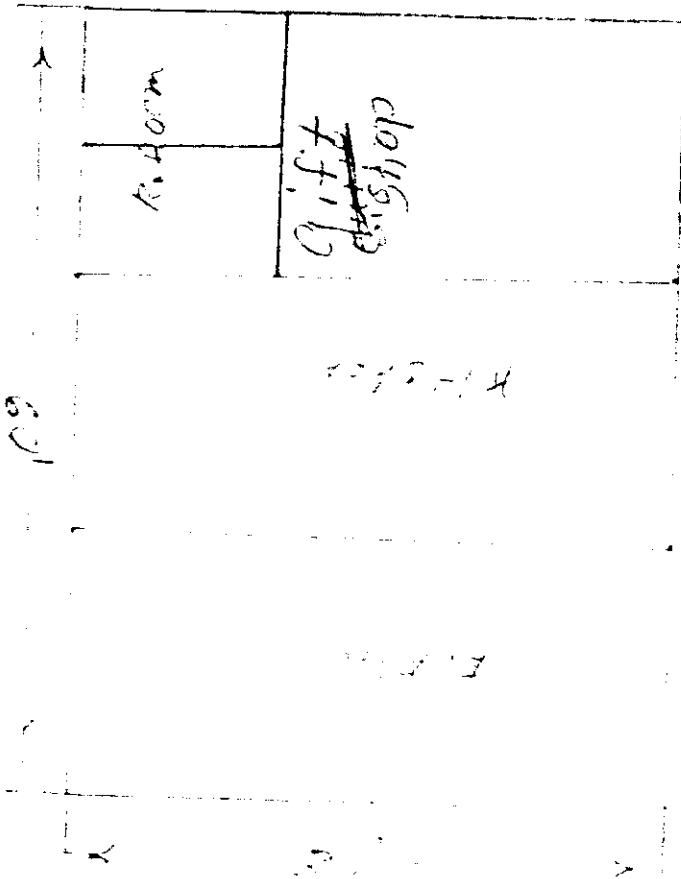
THIS WORK WAS PREPARED
 OR UNDER MY SUPERVISION.

G. H. Wall

Subdivision of a portion of Lot 40
 Grant 5058 to S.W. Waiau

170.00

392.13



150.200

CHANGE OF ZONE: CLARENCE A. C. CHING

A request for a change of zone from Residential-Agriculture one-half acre (RA-.5a) to Resort-Hotel (V-1.5) has been submitted by Clarence A. C. Ching. The area under consideration consists of one acre of land. It fronts the Kalapana government road approximately 1,500 feet to the east of the junction of the Pahoa-Kalapana Road and the Kalapana-Kapoho Beach Road. The property is also mauka of the County's Kaimu Beach Park, in the Kaimu-Makena Homesteads, Puna (TMK: 1-2-04:92).

The purpose of the requested change of zone is to allow the development of a drive-in and gift shop.

The subject area is classified urban by the State Land Use Commission. It is designated for resort use on the General Plan Land Use Pattern Allocation Guide Map. Under the Land Use element of the General Plan document, the Kalapana area is designated as an intermediate resort area. An intermediate resort area is defined as ". . . a self-contained resort destination area which provides basic and support facilities for the needs of the entire development on a smaller scale than a major resort area. Such facilities shall include sewer, water, roads, employee housing and recreational facilities, etc. . ." Within an intermediate resort area, a maximum of 1,500 rooms are allowed in a net area of 45 acres. The General Plan document further states that "accessory uses within a hotel or

resort zoned area shall be based on 50 square feet of floor area per hotel room."

Under the resort subelement, the General Plan notes that the Puna district offers no visitor or overnight accommodations and that except for a number of scenic attractions along the coastline the visitor industry has had very little effect on the district. The principal attraction in the general area is the black sand beach at Kaimu. Courses of action for the Puna district, resort subelement, include the following:

- . Primary emphasis on resort development should be in the Kalapana-Kaimu area. The area will be serviced with a water system. The sewer system should be provided by the developer until such time as a public sewer system is available.
- . Resort development shall compliment the area and be consistent with the General Plan.

In support of the subject request, the applicant has stated the following:

"This development would provide the users, both visitors and the local people the convenience in the social and economic and physical environments.

"A drive-in and a gift shop would serve this purpose.

"County shall encourage the establishment of a system to develop visitor destination serviced by basic facilities.

"A drive-in would be a place where a visitor could stop to have a refreshing drink or a snack.

"A gift shop would be a place where a visitor could pick up a gift or some sort of trinket to take home as a souvenir."

"This development shall compliment the character of the area and be consistent with the General Plan Kalapana-Kaimu area.

"This will also create employment."

At the present time there is a single-family residence and a shed on the property. The applicant intends to retain the residence, should his request be approved.

Surrounding land uses include scattered residences, Kaimu and Harry K. Brown Beach Parks, and vacant land. Approximately one mile from the subject property is the Kalapana Store and Drive-In. The store and drive-in were authorized by the State Land Use Commission on November 5, 1965, through Special Permit (65-17) and plans were subsequently approved in August, 1973.

Soils of the subject property are Malama extremely stony muck

(rMAD). The Malama series consists of well-drained, thin, extremely stony organic soils over a'a lava. (They are undulating to rolling with slopes ranging from 3 to 15 percent. The soil is strongly acid. Permeability is rapid, runoff is very slow and the erosion hazard is slight. The capability subclass is VII, meaning the soils have very severe limitations that make them unsuited to cultivation and that restrict their use largely to pasture or range, woodland or wildlife.)

The annual rainfall averages 75 inches. The area under consideration is in an active fault zone and a potential tsunami inundation zone. A stated goal of the General Plan is to protect human life and prevent damage to man-made structures from natural hazards such as tsunamis.

There are no known historic sites or unique landforms on the subject property.

(The Department of Public Works made the following comment:

"Would a gift shop be downgrading an area we are attempting to upgrade?")

The State Highways Division commented that "the approval of the proposed action would result in spot zoning of the area."

The Police Department made an on-site check, ^{on April 30th, 1975} and submitted the following report:

(See Capt. Hayashida's Memo)

The right-of-way of the Kalapana Road is 50 feet.

The Department of Water Supply stated that water is available from an 8-inch line along the government road. They also noted that the applicant will be required to provide fire protection at the time of subdivision and/or plan approval submittal.

Electricity is not available to the subject area. The applicant has stated that he intends to use a generator as a power source.

All other cooperating agencies had no comments on or objections to the subject request.

The following letters were received in regards to the application
(None J. Rank and W. Casper letters)


TO : EDWARD W. ROSEHILL, JR., INSPECTOR, COUNTRY OPERATIONS
FROM : TOSHIAKI HAYASHIDA, CAPTAIN, DISTRICT IB
SUBJECT : CHANGE OF ZONE APPLICATION--CLARENCE CHING

4-30-75: 1015 Hrs.: made an on site check of Mr. Clarence CHING's property.

At this time took measurement of the roadway in front of the CHING's property. The hilo side measured 19' 8" in width and the volcano side measured 18' in width.

The roadway in this area is a sort of an upside ^{down} "S" curve. Therefore the roadway curves away from the front of the CHING's property. It would be really bad if the roadway curve in the opposite direction.

From my observation at the site, I feel that this location is not ideal for the big tour busses going into the CHING's property due to the curves in the roadway on the hilo and volcano side. There also will be a problem when the busses exit from the CHING's property, not unless they build a wide driveway and the busses turn right only into the volcano direction.


TOSHIAKI HAYASHIDA #11
Capt. 2nd Puna D-IB
4-30-75 1125 Hrs.

8

THE HAWAII LAND CORPORATION

EXECUTIVE OFFICES
THE HAWAII LAND CORPORATION BUILDING

Post Office Box 362
Hilo, Hawaii 96720
935-8521 Area Code 808
Cable Address: KUPAHUA

August 11, 1975

Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Gentlemen:

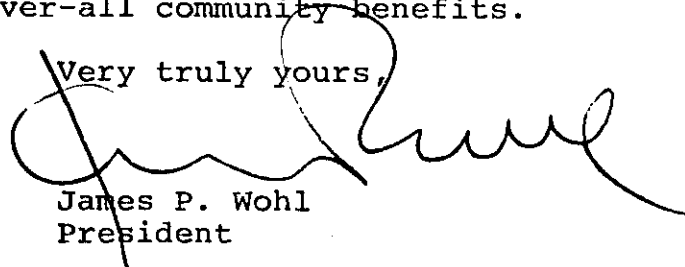
Re: Zoning Application of Clarence and
Dorothy Ching for Commercial Use
at Kalapana, Puna, Hawaii

This letter is to inform you that we support the above-referenced rezoning application. The reasons for this support are:

1. The store proposed will help to create competition within the community on pricing of goods.
2. The store will sell locally made and manufactured Hawaiian goods and thereby promote cottage-type industries and jobs.
3. The store will provide services both for visitors to the area and for local residents resulting in more convenient shopping.

We are aware of the community interests of the applicants and we are confident that the granting of the commercial use to them will result in over-all community benefits.

Very truly yours,



James P. Wohl
President

JPW:ads

MEMORANDUM

August 12, 1975

TO: MR. ARTHUR W. MARTIN, CHAIRMAN, HAWAII COUNTY PLANNING COMMISSION
FROM: DOROTHY M. CARSE AND WILLIAM T. CARSE
RE: CHANGE OF ZONE REQUEST OF MR. CLARENCE CHING, KALAPANA

This memorandum is filed with the Chairman of the Planning Commission to express our concern and opposition to the request of Mr. Clarence Ching to be granted a zone change that would allow him to use his property located at Kaimu Beach for a resort type use. Mr. Ching is asking that the property located in the Maimu-Makena Homesteads be changed from RA-.5a to Resort Hotel, V-1.5. Our opposition to the change is based upon the present lack of any long-range developmental plan for this important landmark and tourist attraction portion of the Island. We believe that all construction of any commercial or resort type should await a plan that would incorporate the future development of this area into one master plan that would reserve and respect the finer elements of this area as it is developed for local residents and for tourists.

We further urge the Planning Commission to establish the necessary planning groups and procedures that would allow any future request of this nature to be considered in light of a total plan for the area. This plan should attempt to determine what use is to be made of those lands immediately adjacent to the beach as well as those within easy access to the same area. If such a plan is currently on file for the area, it should be used as a standard for this zoning change request.

While the efforts of Mr. Ching to find a way to earn his living by use of his land is highly commendable, we feel that the one drive-in grocery located at Kalapana is adequate for the area at this time.

We are owners of land in the Kaimu-Makena Homestead area and have recently constructed a residence on the property. We do, thus, have a deep and vested interest in the area and would hope to see it developed in a manner that will allow for constant and progressive use of the land in a manner that will be profitable to all of us including residents on other parts of the Islands and to the tourists who visit the area. We do not believe that the construction of another drive-in at the immediate beach area of Kaimu is in that best interest.

Signed: Dorothy M. Carse
Dorothy M. Carse
William T. Carse
William T. Carse

Current address: 660 Paumana Drive, Hilo, Hawaii, 96720.

SECTION 2. In the event that any portion of this 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:

Franklin III

COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:

Date of Adoption:

Date Effective:

NOTICE OF PUBLIC HEARING

Proposed Bill for an Ordinance No. 163
(Rezoning Request of Clarence Ching - Kaimu, Puna, TMK: 1-2-04:92)

Date: October 6, 1975
Time: 6 p.m.
Place: Harry K. Brown Park Pavilion

Notice is hereby given that the Hawaii County Council will hold a public hearing on Monday, October 6, 1975, at 6 p.m., Harry K. Brown Park Pavilion, Kalapana, Hawaii, concerning the proposed bill for an Ordinance 163 to change the district classification of that parcel of property owned by Mr. Clarence Ching at Kaimu, Puna, Hawaii, TMK: 1-2-04:92, from Residential-Agricultural (RA-.5a) to Resort (V-1.5) at Kaimu-Makena Homesteads, Kaimu, Puna.

The Council in conjunction with the public hearing will hold an open informal meeting to discuss the ramifications of rezoning in the Kalapana area.

Copies of the proposed bill may be obtained from the Office of the County Clerk, Hawaii County Building, 25 Aupuni Street, Hilo, Hawaii.

All persons desiring to express their views on this matter may do so orally or in writing at the Public Hearing.

Dated at Hilo, Hawaii, this 25th day of September, 1975.

By Authority of the Hawaii County Council


COUNTY CLERK

(Hawaii Tribune-Herald: September 30, October 3 and 6, 1975)

OFFICE INFORMATION ONLY

Meeting: September 30, 1975 (PRDLC)

Action: Defer pending public hearing.

Re: Bill 163

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that (A) construction of the proposed facilities commence within one (1) year from the effective date of the change of zone and be completed within two (2) years thereafter; (B) only one (1) access be permitted from the Kalapana Road; (C) adequate loading and unloading area for buses be provided on the property. The exact number of spaces shall be determined at the time of "Plan Approval"; and (D) all applicable rules and regulations be complied with. Should any of the foregoing conditions not be met, rezoning of the property to its original zoning designation may be initiated.

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:

Juanita J. III
 COUNCILMAN OF HAWAII

Hilo, Hawaii

Date of Introduction: September 24, 1975

Date of Adoption:

Date Effective:

Hilo, Hawaii
 Date: September 24, 1975

FIRST READING			
	AYES	NOES	A/E
Carpenter		X	
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin		X	
Yadao	X		
Yamada	X		
	7	2	

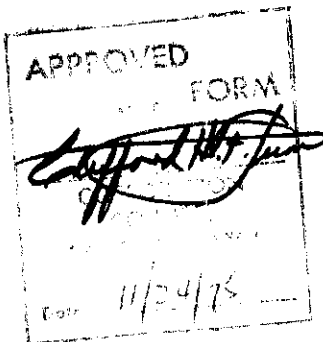
Publication Date: October 1, 1975

Hilo, Hawaii
 Date: November 19, 1975

SECOND & FINAL READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara		X	
Lai	X		
Levin	X		
Yadao	X		
Yamada	X		
	8	1	

Publication Date: DEC 4 1975

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.



Robert M. Yamada
 Council Chairman

Don R. O. Shigi
 County Clerk

Approved/Disapproved this 25th day of November, 1975

Hubert Matsuyoshi
 Mayor, County of Hawaii

Bill No. 163
 Reference: C-1539/PRDLC-58, n.2
 M.B. No. 1723
 Ord. No. 172

Ted T. Suzuki
COUNTY CLERK



Robert Shioji
DEPUTY COUNTY CLERK

OFFICE OF THE COUNTY CLERK
COUNTY OF HAWAII
HILO, HAWAII 96720

Mayor Herbert T. Matayoshi
County of Hawaii
Hilo, Hawaii

I hereby transmit Ordinance Bill No. 163
passed by the County Council on second and final
reading.

Don R. O. Shioji
COUNTY CLERK

Encl.

Dated:
 1973

Bill No. 163 - 1975

AN ORDINANCE AMENDING SECTION 7.23, THE KALAPANA-KAIMU ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM RESIDENTIAL-AGRICULTURAL (RA-.5a) TO RESORT (V-1.5) AT KAIMU-MAKENA HOMESTEADS, KAIMU, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-2-04:92.

This Bill amends the Kalapana-Kaimu Zone Map of the Zoning Code.

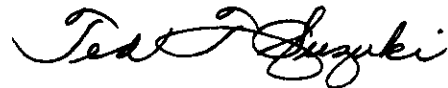
Date Introduced: September 24, 1975

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on September 24, 1975, by the following aye and no vote:

AYES: Councilmen De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 7.

NOES: Councilmen Carpenter and Levin - 2.



COUNTY CLERK
COUNTY OF HAWAII

1975-10-01-1975
ARTICLE 2, HAWAII COUNTY CODE AS AMENDED BY CHANGING THE DISTRICT CLASSIFICATION FROM RESIDENTIAL-AGRICULTURAL (RA-.5a) TO RESORT (V-1.5) AT KAIMU-MAKENA HOMESTEADS, KAIMU, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-2-04:92.

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TED T. SUZUKI
COUNTY CLERK
COUNTY OF HAWAII

(1975-Hawaii Tribune-Herald:
Oct. 1, 1975)

ORDINANCE NO. 171
(Bill No. 163-1975)

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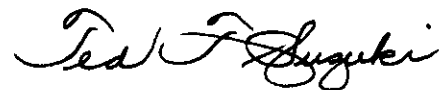
Date Approved: November 19, 1975
Date Effective: November 25, 1975

Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on November 19, 1975, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Lai, Levin, Yadao and Chairman Yamada - 8.

NOES: Councilman Kawahara - 1.



COUNTY CLERK
COUNTY OF HAWAII

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NOES: Councilman Kawahara - 1.

TED F. SUZUKI
COUNTY CLERK
COUNTY OF HAWAII