

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 628

ORDINANCE NO. 92 87

AN ORDINANCE AMENDING SECTION 25-103 (PUNA DISTRICT ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITIONS C AND N AND ADDITIONAL CONDITIONS O, P AND Q OF ORDINANCE NO. 86-85, WHICH RECLASSIFIED 487.74 ACRES OF LAND FROM AGRICULTURAL (A-20a) TO GENERAL INDUSTRIAL (MG-20a) AT KEAAU, PUNA, HAWAII, TAX MAP KEY 1-6-146:1-54, 1-6-3:78, 92 AND PORTION OF 90 (FORMERLY 1-6-3:78 AND PORTION OF 7).

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

SECTION. 1 Ordinance No. 86-85 is amended as follows:

"SECTION 1. Section 25-103, 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 Keaau, Puna, Hawaii, shall be General Industrial (MG-20):

Beginning at a point at the north corner of this parcel of land, being also the southeasterly corner of a Portion of the Panaewa Forest Reserve (Governor's Proclamation Dated: April 10, 1917) and at the southwesterly side of the Volcano Road (F.A.P. No. F-011-2(2)) and running by azimuths measured clockwise from True South:

- 1. 325° 42' 1,347.69 feet along the southwesterly side of the Volcano Road (F.A.P. No. F-011-2(2)); thence along the southwesterly

side of the Volcano Road  
(F.A.P. No. F-011-2(2))  
along a curve to the  
right having a radius of  
11,391.66 feet, the  
chord azimuth and  
distance being:

- |     |      |     |       |  |
|-----|------|-----|-------|--|
| 2.  | 326° | 23' | 22.5" | 274.20 feet;   |
| 3.  | 327° | 04' | 45"   | 3,123.32 feet along the<br>southwesterly side of<br>the Volcano Road (F.A.P.<br>No. F-011-2(2));   |
| 4.  | 315° | 21' |       | 110.68 feet along the<br>southwesterly side of<br>the Volcano Road (F.A.P.<br>No. F-011-2(2));   |
| 5.  | 327° | 04' | 45"   | 25.00 feet along the<br>southwesterly side of<br>the Volcano Road (F.A.P.<br>No. F-011-2(2));  |
| 6.  | 94°  | 00' |       | 639.28 feet along Lot A-16-A-1,<br>Land Court<br>Application 1053; thence<br>along Lot A-16-A-1, Land<br>Court Application 1053<br>for the next seven (7)<br>courses, the direct<br>azimuths and distances<br>being: |
| 7.  | 82°  | 50' |       | 1,400.00 feet;   |
| 8.  | 68°  | 20' |       | 1,000.00 feet;   |
| 9.  | 40°  | 30' |       | 800.00 feet;   |
| 10. | 59°  | 30' |       | 1,200.00 feet;   |
| 11. | 126° | 40' |       | 1,200.00 feet;   |
| 12. | 60°  | 00' |       | 600.00 feet;   |
| 13. | 123° | 30' |       | 1,100.00 feet;   |

14. 142° 46' 30" 1,197.84 feet along the remainder of Lot A-15-A-1;
15. 232° 46' 30" 6,083.73 feet along the Waiakea Forest Reserve (Governor's Proclamation Dated: January 3, 1923); Portion of Panaewa Forest Reserve (Governor's Proclamation Dated: April 10, 1917); Panaewa Farm Lots, Second Series; and Portion of Panaewa Forest Reserve (Governor's Proclamation Dated: April 10, 1917) to a concrete Post called "MAWAE";
16. 218° 42' 148.58 feet along Portion of Panaewa Forest Reserve (Governor's Proclamation Dated: April 10, 1917) to the point of beginning and containing an area of 487.740 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 comply with the stated conditions of approval; (B) the zoning for the 176± acres designated by the State Land Use Commission as Increment II shall not become effective until that land is certified by that commission to be within the Urban District; (C) the 312±-acre area designated as Increment I by the State Land Use Commission shall be zoned in two increments. The first zoning increment shall consist of a maximum of 185 [continuous] contiguous acres, and the second,

the remaining 127± acres. The effective date of zoning for the second increment shall be after development has occurred in the first zoning increment, as determined by the Planning Director. "Development" means that building permits have been issued for industrial structures and construction has been partially completed to the extent that roofs have been constructed or that industrial uses, which have received Final Plan Approval and other appropriate approvals, have been established on a minimum of [twenty-five] fifteen percent of either lots or developable land area proposed for the first zoning increment; (D) subdivision plans for the first zoning increment or a portion thereof shall be submitted to the Planning Department within one year from the effective date of the change of zone; (E) an overall landscaping master plan, which includes landscaping along the property's frontages along the Volcano Highway (State Highway No. 11) and the proposed subdivision roads, shall be submitted to the Planning Director for review and approval prior to issuance of final subdivision approval for any portion of the first zoning increment. There also shall be a minimum 100-foot wide landscaping/buffer strip throughout the length of the property's frontage along the Volcano Highway; (F) prior to receipt of final subdivision approval for any portion of the first zoning increment, a Development Design Manual shall be prepared and submitted to the Planning Director for approval. The purpose of the manual

is to provide comprehensive design principles and guidelines for the development of the industrial lots in order to achieve a high standard of quality for the development. The manual shall include, but not be limited to, standards and guidelines relative to landscaping, open space, architectural building controls, (appearance, siting, heights, building materials, signs, etc.), setbacks from property lines and buildings, ground cover ratio, etc., and enforcement procedures; (G) with the exception of the main access roads, all accesses shall be from the interior roadway system. Except for the main access roads, no direct access from any proposed lots shall be permitted onto the Volcano Highway; (H) channelized intersection improvements, including acceleration/deceleration lanes, shall be provided at the intersections of Volcano Highway and the proposed main access roads, meeting with the approval of the State Department of Transportation[,] -Highways Division; (I) all roadways to be constructed within the proposed subdivision should meet with the approval of the Department of Public Works. Further, all roadways with a right-of-way of 100 feet shall be constructed with curbs and gutters, at a minimum, meeting with the approval of the Department of Public Works; (J) should any unanticipated archaeological sites or features be uncovered during land preparation activities, work within the affected area shall immediately cease and the Planning Director notified. No work within the affected area shall resume until clearance is

obtained from the Planning Director; (K) drainage system(s) shall be installed in accordance with the requirements of the Department of Public Works; (L) the method of sewage disposal shall meet with the regulations of the appropriate governmental agencies; (M) the applicant, successors or assigns shall be responsible for satisfying a basic housing requirement by providing or causing the provision of affordable housing units to meet the employee housing impact[s] generated by the primary industrial development or by undertaking other related mitigation measures, such as employee training. Based on an analysis of housing needs prepared by the Office of Housing and Community Development, no housing condition is applicable to the first increment. Prior to rezoning the second increment, an affordable housing need study or analysis shall be prepared and submitted to the Planning Director and the Hawaii County Housing Agency estimating the employee housing impact to be generated by primary industrial development on the site. The Planning Director and the Hawaii County Housing Agency may adjust the employee housing requirement based on the findings contained in the report and any other applicable information. The manner in which the required affordable employee housing units or other related mitigation measures are to be provided shall meet with the approval of the Planning Director and the concurrence of the Hawaii County Housing Agency. This condition, including the provision of employee housing units or

other related mitigation measures where required, shall be complied with prior to final subdivision approval of the second increment; [and] (N) all other applicable laws, rules, regulations and requirements, including those relative to fire protection, shall be complied with[. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the area to its original or more appropriate designation.]; (O) 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 applicants' election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (P) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this amendment. 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; and, (Q) 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 the 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 adoption.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

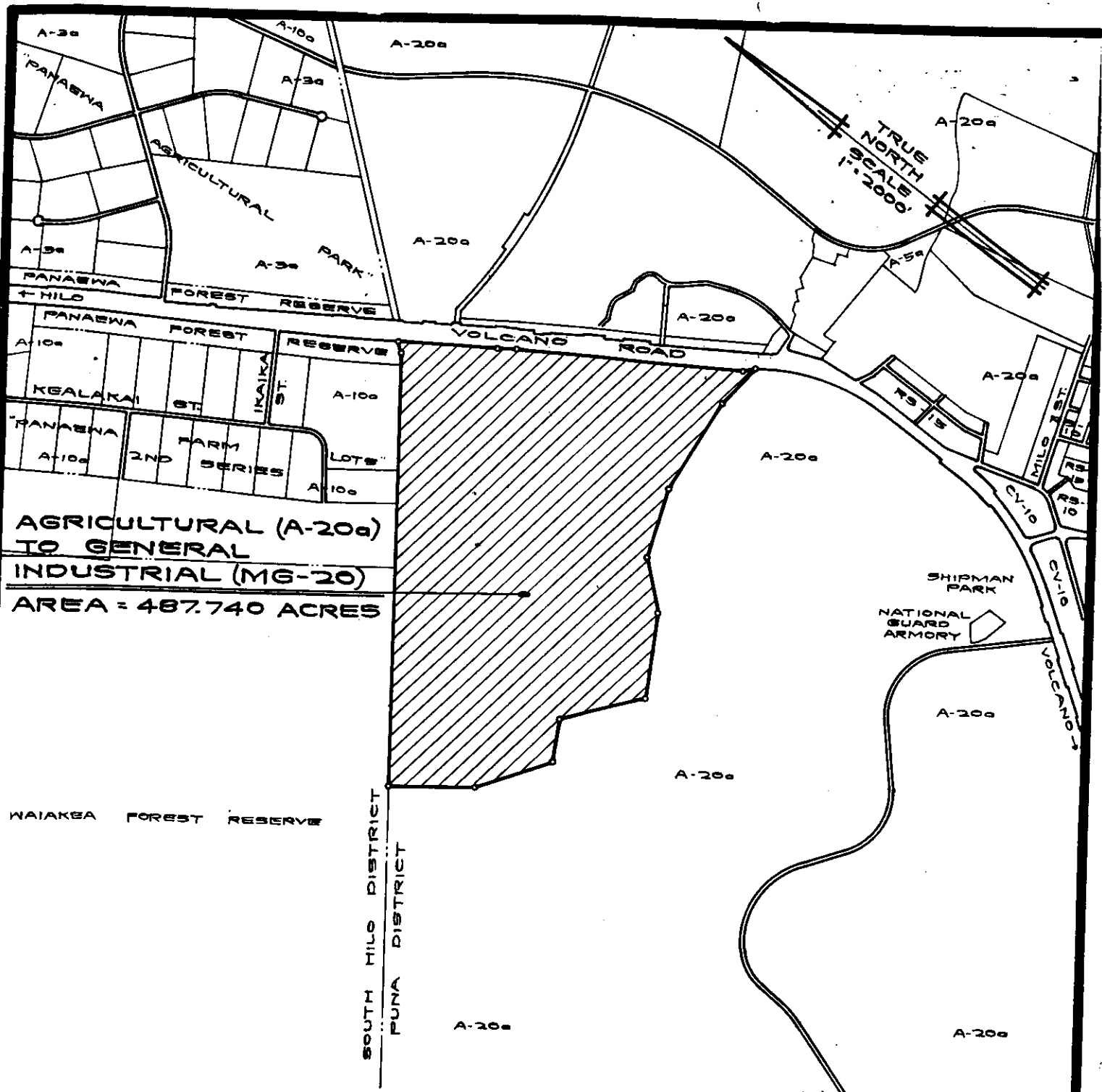
Hilo, Hawaii

Date of Introduction: July 1, 1992  
Date of 1st Reading: July 1, 1992  
Date of 2nd Reading: July 15, 1992  
Effective Date: July 22, 1992

APPROVED AS TO FORM AND LEGALITY:

  
CORPORATION COUNSEL

DATE: MAY 27 1992



**AGRICULTURAL (A-20a)  
 TO GENERAL  
 INDUSTRIAL (MG-20)  
 AREA = 487.740 ACRES**

# 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-20a) TO GENERAL INDUSTRIAL (MG-20) AT KEAAU, PUNA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
 COUNTY OF HAWAII

TMK:1-G-03:78 AND PORTION OF 7

MAY 27, 1986

EXHIBIT "A"