

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 67
(Draft 2)

ORDINANCE NO. 97 67

AN ORDINANCE AMENDING SECTION 25-8-22 (PUNA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO LIMITED INDUSTRIAL (ML-20) AND FAMILY AGRICULTURAL (FA-3a) AT KEAAU, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-6-03:5.

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

SECTION 1. Section 25-8-22, 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 Limited Industrial (ML-20):

(Description - Parcel 1)

LAND COURT APPLICATION 1053
Portion of Lot 27
As shown on Map 6
Keaau, Puna, Island of Hawaii, Hawaii

Beginning at a point at the southwest corner of this parcel of land being also the southeast corner of Lot 1150-D-2-A and at the northerly side of Milo Street and running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|---------|---|
| 1. | 167° 44' | 1085.13 | feet along Lot 1150-D-2-A, Land Court Application 1053; |
| 2. | 257° 44' | 600.01 | feet along remainder of Lot 27; |
| 3. | 347° 44' | 960.00 | feet along Exception 7 to a point at the northwesterly side of Milo Street; |
| 4. | 56° 44' | 106.25 | feet along the northwesterly side of Milo Street; |

- | | | | |
|----|---------|--------|---|
| 5. | 67° 17' | 480.00 | feet along the northwesterly side of Milo Street; |
| 6. | 77° 45' | 28.78 | feet along the northerly side of Milo Street to the point of beginning and containing an area of 14.234 Acres. (Refer to Parcel 1 as shown on Exhibit "A".) |

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

(Description - Parcel 2)

LAND COURT APPLICATION 1053
 Portion of Lot 27
 As shown on Map 6
 Keaau, Puna, Island of Hawaii, Hawaii

Beginning at a point at the northwest corner of this parcel of land and running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|---------|---|
| 1. | 255° 00' | 145.34 | feet along Lot 1150-D-2-A, Land Court Application 1053; |
| 2. | 259° 05' | 122.88 | feet along Lot 1150-D-2-A, Land Court Application 1053; |
| 3. | 297° 50' | 42.52 | feet along Lot 1150-D-2-A, Land Court Application 1053; |
| 4. | 347° 44' | 1442.26 | feet along Exception 7; |
| 5. | 77° 44' | 600.01 | feet along remainder of Lot 27; |
| 6. | 167° 44' | 609.49 | feet along Lot 1150-D-2-A, Land Court Application 1053; |
| 7. | 188° 35' | 737.80 | feet along Lot 1150-D-2-A, Land Court Application 1053; thence along Lot 1150-D-2-A along a curve to the left having a radius of 588.70 feet, the chord azimuth and distance being: |

8. 180° 14' 44" 170.73 feet to the point of beginning and containing an area of 17.042 Acres. (Refer to Parcel 2 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 applicant, its successors or assigns shall be responsible for complying with all of the 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 (90) days from the effective date of this ordinance.
- C. Access to the proposed development within the subject property shall be via Milo Street [shall not be permitted unless] provided that the applicant secures access over the private roadway lot 1149 (TMK: 1-6-2:98) by documentation to be submitted and approved by the director in the form of deed covenants or by letter from W.H. Shipman, Ltd. or when [the] such private roadway lot has been conveyed to the State, whichever occurs first. [Documentation shall be submitted to the Planning Director in the form of deed covenants or by letter from W.H. Shipman, Ltd.]
- D. Final Subdivision Approval of the proposed subdivision within the subject property shall be secured from the Planning Director within five (5) years from the effective date of this ordinance.
- E. An overall landscaping master plan for the industrial zone area, which includes landscaping along the perimeter of the subject property, [and] the proposed interior subdivision road. and a program for the maintenance of the landscaping

master plan, shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval.

- F. All roadway(s) within the proposed development shall be constructed to County dedicable standards, meeting with the approval of the Department of Public Works. The applicant shall construct curb, gutter and sidewalk improvements within the industrial zoned area of the subject property meeting with the requirements of the Department of Public Works prior to Final Subdivision Approval for any portion of the industrial zoned area within the subject property.
- G. A drainage system, if applicable, shall be installed, meeting with the approval of the Department of Public Works.
- H. Upon the determination of the required right-of-way for the Keaau bypass road and upon completion of the right-of-way subdivision(s) for such roadway portions, the applicant shall reserve such right-of-way portion(s) for the State. Plans to be submitted for final subdivision approval for any portion of the subject property shall delineate the right-of-way of the proposed Keaau bypass road, located along the subject property's western boundary.
- [H]. The applicant shall conduct a centerline survey to determine the exact location of the Milo Street extension roadway fronting the subject property. The Milo Street extension roadway shall be constructed [paved] to a pavement width of 20 feet with a 5-foot wide walkway with rolled asphalt-concrete berms fronting the subject property in conjunction with Final Subdivision Approval. The applicant shall also coordinate the construction of roadway improvements with adjacent properties identified as TMK: 1-6-3:17 (a 5.53 acre parcel owned by Hawaii Christian Camping Association, Inc.) and TMK: 1-6-3:20 (a 2.567 acre parcel owned by Greenhouse Specialists, Inc.) [for construction of the road improvements].

- [I]J. The applicant shall comply with all requirements of the Department of Transportation, including the submittal of construction plans.
- [J]K. A Solid Waste Management Plan shall be approved by the Department of Public Works in conjunction with Final Subdivision Approval.
- [K]L. In conjunction with Final Subdivision Approval, any water system improvements [shall be installed], including but not limited to, extending the existing 12-inch waterline along Milo Street approximately 500 lineal feet to the subject property, shall be installed meeting with the approval of Department of Water Supply.
- [L]M. Wastewater system for each proposed lot shall be constructed, meeting with the approval of the Department of Health.
- N. The applicants, successors or assigns shall be responsible for complying with all requirements of Chapter 205, Hawaii Revised Statutes, relating to permissible uses within the State Land Use Agricultural District for the agricultural zoned area within the subject property.
- O. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- [M]P. Comply with all other applicable rules, regulations and requirements, including those relative to access and fire protection measures, of the affected agencies for the development of the subject property.

[N]Q. Upon compliance with applicable conditions of approval, prior to the opening of any proposed development, the applicant shall submit a final status report, in writing, to the Planning Director.

[O]R. Should the Council adopt a Unified Impact-Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fee Ordinance.

[P]S. 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 applicants, 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).

[Q]T. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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 23, 1997

Date of 1st Reading: April 23, 1997

Date of 2nd Reading: May 7, 1997

Effective Date: May 14, 1997

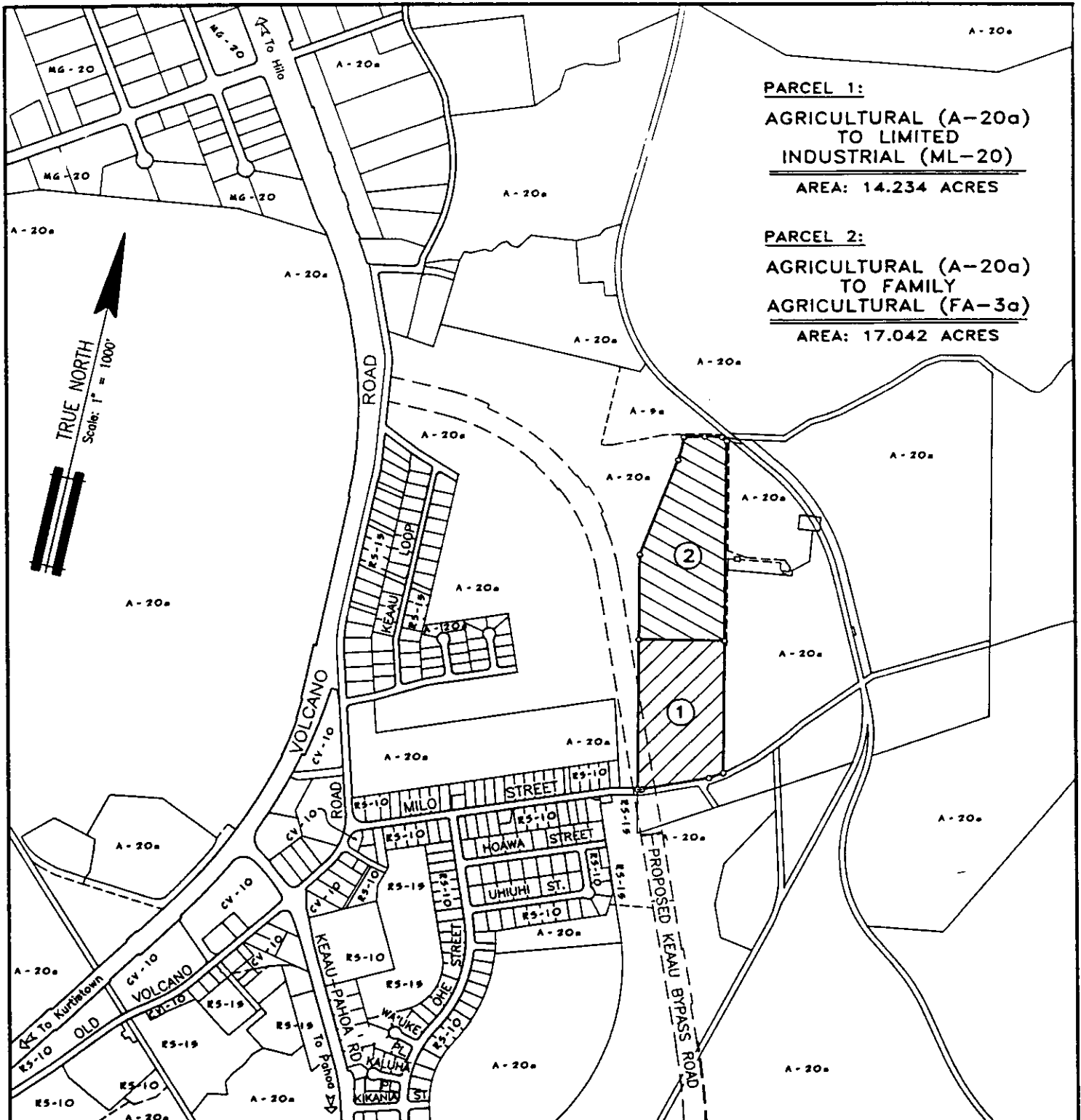
REFERENCE: Comm. 218.01

APPROVED AS TO FORM AND LEGALITY



DEPUTY CORPORATION COUNSEL

DATED: 5/9/97



PARCEL 1:
 AGRICULTURAL (A-20a)
 TO LIMITED
 INDUSTRIAL (ML-20)
 AREA: 14.234 ACRES

PARCEL 2:
 AGRICULTURAL (A-20a)
 TO FAMILY
 AGRICULTURAL (FA-3a)
 AREA: 17.042 ACRES

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-22 (PUNA DISTRICT ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20) TO LIMITED INDUSTRIAL (ML-20) AND FAMILY AGRICULTURAL (FA-3a) AT KEEAU, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK
 County of Hawaii
Hilo, Hawaii

RECEIVED

'97 MAY 14 PM 1 56

(DRAFT 2)

COUNTY CLERK COUNTY OF HAWAII				
ROLL CALL	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler		X		
Yagong	X			
	8	1	0	0

Introduced By: Bobby Jean Leithead Todd
 Date Introduced: April 23, 1997
 First Reading: April 23, 1997
 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			
	8	1	0	0

Second Reading: May 7, 1997
 To Mayor: May 8, 1997
 Returned: May 14, 1997
 Effective: May 14, 1997
 Published: May 23, 1997

REMARKS:


I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

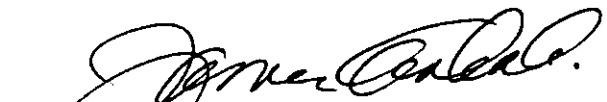

APPROVED AS TO
 FORM AND LEGALITY:


 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 5/9/97

Approved/Disapproved this 14 day
 of May, 1997.


 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRMAN

 COUNTY CLERK

Bill No.: 67 (Draft 2)
 Reference: C-218/PC-41
 Ord. No.: 97 67