

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 219

ORDINANCE NO. 98 61

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 LIMITED INDUSTRIAL (ML-20) TO INDUSTRIAL - COMMERCIAL MIXED (MCX-20) AT KEAAU, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-6-03:POR. OF 5.

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

SECTION 1. Section 25-8-22, Article 8, 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 Industrial - Commercial Mixed (MCX-20):

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. |

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, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B.** If applicable, 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 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 such private roadway lot has been conveyed to the State, whichever occurs first.
- 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 buffer along the perimeter of the subject property, 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. Lots requiring access from these roadway(s) shall be constructed with curb, gutter and sidewalk improvements meeting with the requirements of the Department of Public Works prior to or in conjunction with issuance of Final Subdivision Approval.

- 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.

- I. 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 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.).

- J. The applicant shall comply with all requirements of the Department of Transportation. These shall include submittal of construction plans, and with the approval of said agency, the funding and/or construction of conduits for traffic lights at the Milo Street intersection in conjunction with the construction of the by-pass, as well as its fair share of traffic signal system improvements at said intersection.
- K. A Solid Waste Management Plan shall be approved by the Department of Public Works in conjunction with Final Subdivision Approval.
- L. In conjunction with Final Subdivision Approval, any water system improvements, including but not limited to, extending the existing 12-inch water line along Milo Street approximately 500 lineal feet to the subject property, shall be installed meeting with the approval with the Department of Water Supply.
- M. Wastewater system for each proposed lot shall be constructed, meeting with the approval of the Department of Health.
- N. 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.

- O. 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.
- P. 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.
- Q. 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.
- R. 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.

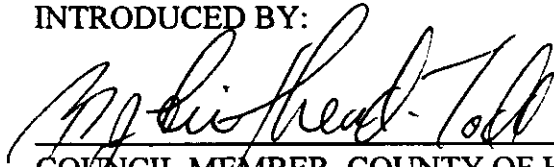
3. Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone.
4. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

S. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject property 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: June 1, 1998
 Date of 1st Reading: June 1, 1998
 Date of 2nd Reading: June 16, 1998
 Effective Date: July 2, 1998

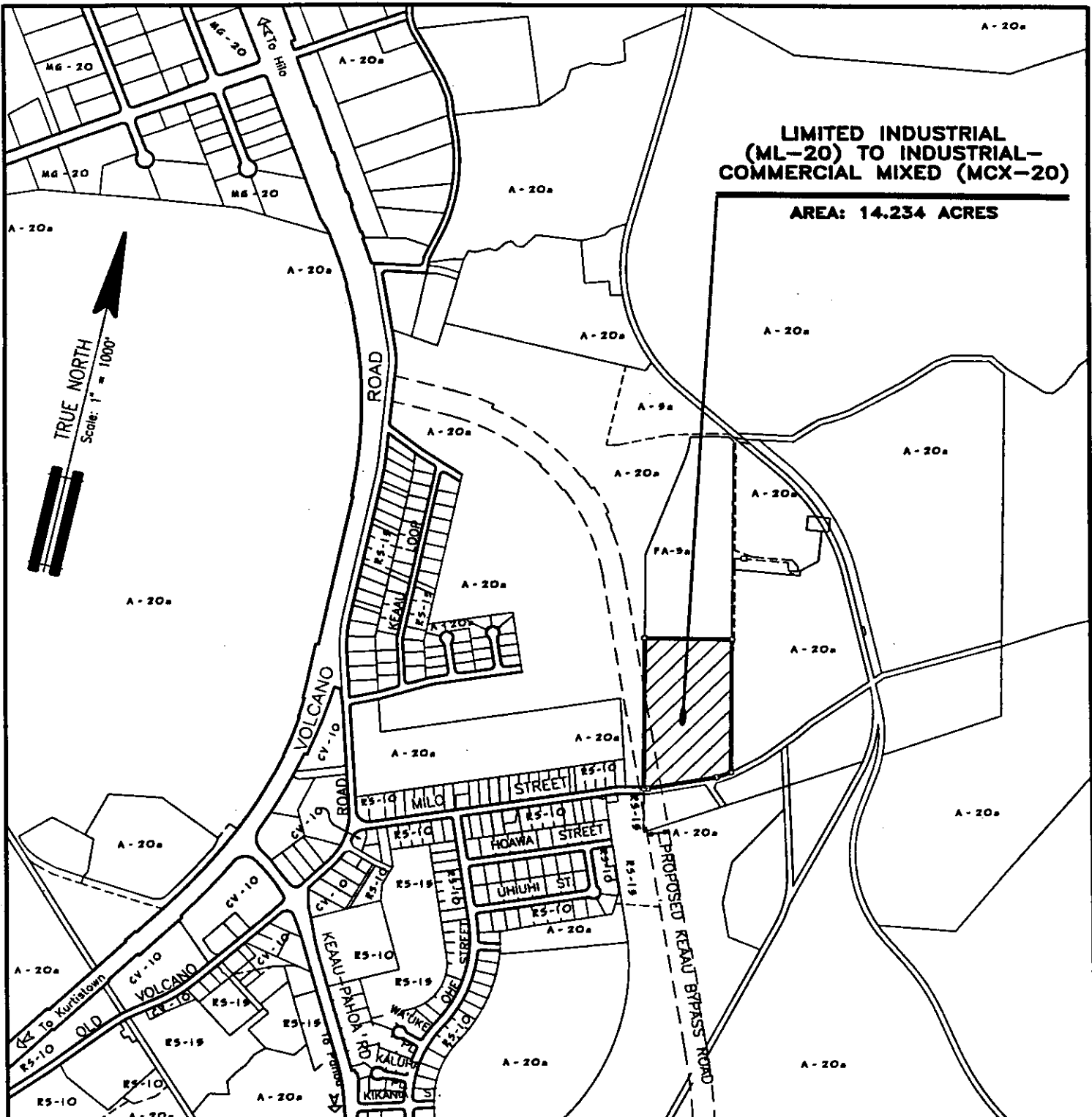
REFERENCE: Comm. 795

APPROVED AS TO FORM AND LEGALITY



 CORPORATION COUNSEL

DATED: _____



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 LIMITED INDUSTRIAL (ML-20) TO INDUSTRIAL-COMMERCIAL MIXED (MCX-20) AT KEAAU, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
 County of Hawaii
Hilo, Hawaii

RECEIVED

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: June 1, 1998
 First Reading: June 1, 1998
 Published: N/A

REMARKS:

'98 JUL 2 8 10 51
 ROLL CALL VOTE

	AYES	NOES	ABS	EX
Arakaki				
Chung	X			
Leithead-Todd		X		
Ray	X			
Reynolds	X			
Santangelo	X			
Smith		X		
Tyler		X		
Yagong	X			
	6	3	0	0

Second Reading: June 16, 1998
 To Mayor: June 19, 1998
 Returned: July 2, 1998
 Effective: July 2, 1998
 Published: July 10, 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			
	6	3	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:

Pamela K. O'Neil
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date JUN 23 1998

Approved/Disapproved this 2 day
 of July 19 98

John Yagong
 MAYOR, COUNTY OF HAWAII

James O'Neil
 COUNCIL CHAIRMAN
Donald Akaka
 COUNTY CLERK

Bill No.: 219
 Reference: C-795/PC-108
 Ord. No.: 98 61