

ORDINANCE NO. 99 53

AN ORDINANCE AMENDING SECTION 25-103/25-8-22 (PUNA DISTRICT ZONE MAP), ARTICLE 3/8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO GENERAL INDUSTRIAL (MG-10a) AT KEAAU, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-6-3:93.

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

SECTION 1. Section 25-103/25-8-22, Article 3/8, 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 General Industrial:

Beginning at the southwest corner of this parcel of land, the northwest corner of Exception 7-A-2 and on the east side of Lot 27, Land Court Application 1053, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 11,305.27 feet North and 8,061.53 feet East and running by azimuths measured clockwise from True South:

1. 167° 44' 958.97 feet along Lot 27, Land Court Application 1053;
2. 297° 50' 380.80 feet along Lot 3-E, Land Court Application 1689;
3. Thence along Lots 3-E and 3-D, Land Court Application 1689, along a curve to the left having a radius of 1207.65 feet, the chord azimuth and distance being:  
294° 07' 156.57 feet;
4. 290° 24' 160.33 feet along Lots 3-E and 3-D, Land Court Application 1689 and Lots 34-A and 34-B, Land Court Application 1053;

5. Thence along Lots 34-A and 34-B, Land Court Application 1053, along a curve to the right having a radius of 430.00 feet, the chord azimuth and distance being:  
304° 07' 55.6" 204.15 feet;
  6. Thence along Lots 34-E and 34-C, Land Court Application 1053, along a curve to the right having a radius of 430.00 feet, the chord azimuth and distance being:  
330° 33' 45.6" 189.05 feet;
  7. 343° 15' 40" 1.68 feet along Lots 34-E and 34-C, Land Court Application 1053;
  8. 82° 31' 149.55 feet along Lots 34-B & 34-D, Land Court Application 1053, Lots 3-C & 3-B, Land Court Application 1689 and Lot 3;
  9. 352° 40' 145.13 feet along Lot 3;
  10. 47° 58' 140.26 feet along Lot 3;
- Thence along Pump Site for the next eight (8) courses, the azimuths and distances between points being:
11. 82° 22' 18.00 feet;
  12. 352° 22' 10.00 feet;
  13. 82° 22' 48.00 feet;
  14. 352° 22' 24.00 feet;
  15. 262° 22' 16.00 feet;
  16. 201° 00' 4.56 feet;
  17. 262° 22' 4.82 feet;
  18. 352° 22' 10.00 feet;

19. 82° 22' 421.04 feet along Lot 3 to the point of beginning and containing a Gross Area of 10.533 acres and a Net Area of 10.501 acres after deducting and excluding 0.032 acre of Exclusion 1 described as follows:

**EXCLUSION 1 (Chlorinator Site)**

Beginning at the southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 11,387.20 feet North and 8,143.98 feet East and running by azimuths measured clockwise from True South:

1. 80° 49' 40.00 feet;
2. 170° 49' 35.00 feet along Easement A-1;
3. 260° 49' 40.00 feet along Easement A-1;
4. 350° 49' 35.00 feet along Easement A-1 to the point of beginning and containing an area of 0.032 acre.

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. Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code Sections 25-2-72 and 25-5-127 and the Planning Department's Rule 17 for any future expansion of the industrial use on the subject property. Plans shall identify structures, fire protection measures, noise buffers, landscaping and maintenance plan, paved and striped parking stalls and driveway and other improvements associated with the proposed uses. An overall landscaping master plan, which includes landscaping along the perimeter of the

subject property, particularly along the western boundary, shall be submitted to the Planning Director for review and approval.

- C. A Solid Waste Management Plan shall be submitted for review and approval by the Department of Public Works in conjunction with plans submitted for Final Plan Approval.
- D. Keaau Road (TMK: 1-6-03: Portion of 73) and TMK: 1-6-03: Portion of 15 shall be paved to a width of 20 feet from its intersection with the Old Volcano Road to the entrance gate of the subject property within one year of the completion of the Keaau By-Pass Road meeting with the approval of W.H. Shipman, Ltd. and the Department of Transportation. These roadway easements may be paved in conjunction with roadway improvements for the Keaau By-Pass Road.
- E. The applicant shall also contribute, on a pro-rata basis, to the maintenance of TMK: 1-6-03: Portion of 73 and TMK: 1-6-03: Portion of 15, as agreed upon with W.H. Shipman, Ltd. Such agreement, in the form of restrictive covenants or easements, shall be recorded with the Bureau of Conveyances or Land Court and submitted to the Planning Director.
- F. The applicant shall comply with applicable Department of Health regulations for noise and emission control.
- G. The applicant shall submit to the Planning Director existing approved Emergency Plans, to deal with emergency situations at the Puna Generating Station.
- H. The applicant shall comply with all other applicable rules, regulations and requirements of affected agencies.

- I. Upon compliance with applicable conditions of approval, the applicant shall submit a final status report, in writing, to the Planning Director.
- J. Upon the effective date of this Change of Zone Ordinance, Special Permit No. 686 shall be voided.
- K. 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 Fees Ordinance.
- L. 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).

M. 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:

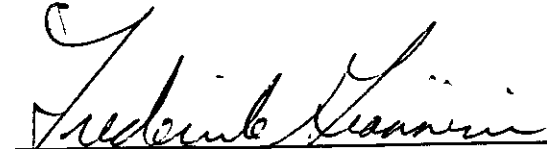
  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

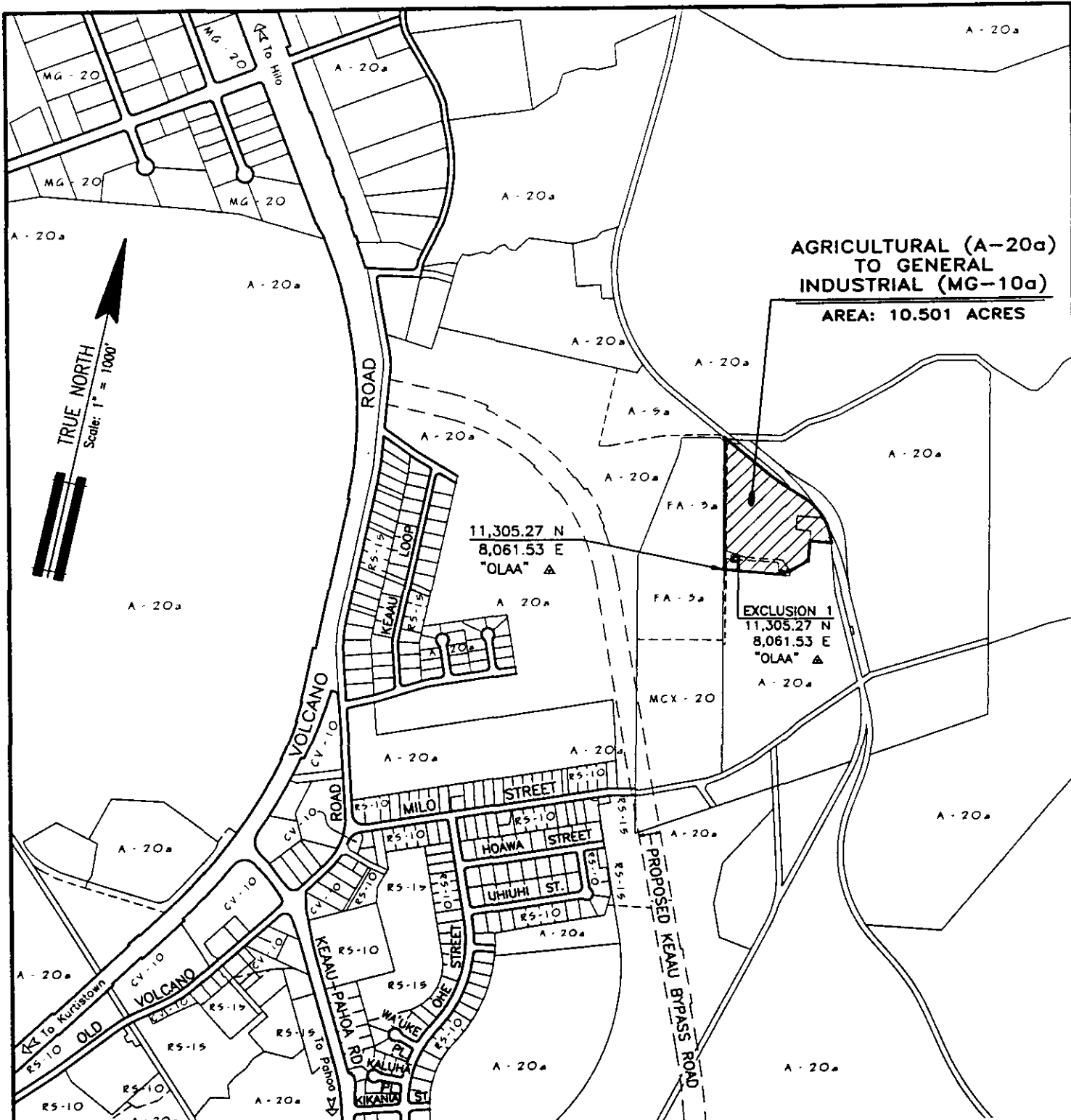
Date of Introduction: April 6, 1999  
Date of 1st Reading: April 6, 1999  
Date of 2nd Reading: April 21, 1999  
Effective Date: May 4, 1999

REFERENCE: Comm. 133

APPROVED AS TO FORM AND LEGALITY

  
CORPORATION COUNSEL

DATED: 4/26/99



# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-103/25-8-22 (PUNA DISTRICT ZONE MAP) ARTICLE 3/8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO GENERAL INDUSTRIAL (MG-10a) AT KEAAU, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK  
County of Hawaii  
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd  
Date Introduced: April 6, 1999  
First Reading: April 6, 1999  
Published: N/A

REMARKS: \_\_\_\_\_  
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Second Reading: April 21, 1999  
To Mayor: April 23, 1999  
Returned: May 4, 1999  
Effective: May 4, 1999  
Published: May 19, 1999 (HTH & WHT)  
May 24, 1999 (RFD Publications)

REMARKS: \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson		X		
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
	8	1	0	0

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Arakaki	X			
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Leithead-Todd	X			
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Smith	X			
Tyler	X			
Yagong	X			
	8	1	0	0

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

APPROVED AS TO  
FORM AND LEGALITY:  
Fredrick Hansen  
DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII

Date 4/26/99

[Signature]  
COUNCIL CHAIRMAN  
[Signature]  
COUNTY CLERK

Approved/Disapproved this 4 day  
of May, 1999

[Signature]  
MAYOR, COUNTY OF HAWAII

Bill No.: 36  
Reference: C-133/PC-11  
Ord. No.: 99 53