

(Urban Building Supply)

129

COUNTY OF HAWAII

STATE OF HAWAII

1999 DEC 22 PM 2:45
PLANNING DEPT.
COUNTY OF HAWAII

BILL NO. 153

ORDINANCE NO. 99 152

AN ORDINANCE AMENDING SECTION 25-8-11 (LALAMILO-PUUKAPU ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO VILLAGE COMMERCIAL (CV-7.5) AND FAMILY AGRICULTURAL (FA-3a) AT PUUKAPU, WAIMEA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-4-6:85.

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

SECTION 1. Section 25-8-11, 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 Puukapu, Waimea, South Kohala, Hawaii, shall be Village Commercial (CV-7.5):

Parcel 1:

Beginning at the Northwesterly corner of this parcel of land, being also the Southwesterly corner of Lot F, the Southeasterly corner of Lot 3 and the Northeasterly corner of Lot 5 of Kinohou Subdivision (File Plan 1839), the coordinates of said point of beginning referred to Government Survey Triangulation Station "WEST BASE" being 937.02 feet South and 1,343.42 feet East and running by azimuths measured clockwise from True South:

Thence, for the next three (3) courses following along the remainders of Lots 5 and 7 of the Puukapu Homesteads, First Series and Grant 4638 to Estate of Mrs. Helen Johnson:

- | | | | |
|----|-------------|--------|---|
| 1. | 250° 21' | 369.76 | feet along Lots F and 4 to a point; |
| 2. | 329° 07' | 187.19 | feet along Lot 2 to a point; |
| 3. | 58° 34' 44" | 362.69 | feet along the remainder of Lot 1 to a point; |

4.	149° 07'	262.63	feet along Lots 9, 6, and 5 of Kinohou Subdivision (File Plan 1839) and along Grant 4661 to J. Watt and D. Forbes to the point of beginning and containing an area of 1.873 Acres.
----	----------	--------	--

The district classification of the following area situated at Puukapu, Waimea, South Kohala, Hawaii, shall be Family Agricultural (FA-3a):

Parcel 2:

Beginning at the Southwesterly corner of this parcel of land, being also the Northwesterly corner of Lot 3 and being a point on the Easterly end of Kinohou Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WEST BASE" being 1,465.52 feet South and 1,659.51 feet East and running by azimuths measured clockwise from True South:

1.	149° 07'	353.18	feet along the Easterly end of Kinohou Street, along Lots 13, 10 and 9 of Kinohou Subdivision (File Plan 1839) and along Grant 4661 to J. Watt and Dr. Forbes to a point;
----	----------	--------	---

Thence, for the next five (5) courses following along the remainders of Lots 5 and 7 of the Puukapu Homesteads, First Series and Grant 4638 to Estate of Mrs. Helen Johnson:

2.	238° 34' 44"	362.69	feet along the remainder of Lot 1 to a point;
3.	329° 07'	26.73	feet along Lot 2 to a point;
4.	320° 40'	341.54	feet along Lot 2 to a point;
5.	70° 21'	58.09	feet along Lot 3 to a point;
6.	58° 34' 44"	355.90	feet along Lot 3 to the point of beginning and containing an area of 3.129 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 conditions of the change of zone ordinance.
- 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. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance.
- D. Prior to commencing construction in the Village Commercial zoned area, Final Plan Approval for the proposed commercial development shall be secured from the Planning Director in accordance with Chapter 25-2-70 of the Zoning Code. Plans shall identify the proposed structures, vehicular traffic, paved driveway access and parking stalls associated with the proposed use. Landscaping shall comply with the Planning Department's Rule No. 17 relating to Landscaping Requirements for the purpose of mitigating any adverse noise or visual impacts to adjacent properties.
- E. Commercial access to the subject property shall be from Mamalahoa Highway and shall meet with the requirements of the Department of Public Works. The entrance roadway sight distance shall meet the requirements of the Statewide Design Manual.

- F. Should the road improvements under the terms of Condition E qualify as an ISTEA (federally funded) project, in lieu of the actual construction, the applicant shall deposit with the County an amount equal to the cost of construction. The amount shall include a pro-rata share of the development costs and shall be paid in a manner meeting with the approval of the Finance Director and the Chief Engineer prior to the issuance of Final Subdivision Approval.
- G. A landscaping buffer plan shall be provided along the west boundary adjoining Kinohou Subdivision and submitted to the Planning Director for review and approval, prior to the issuance of Final Subdivision Approval or Final Plan Approval, whichever occurs first.
- H. A Drainage Study, if required, shall be prepared and submitted for review and approval to the Department of Public Works, prior to submittal of plans for subdivision review. Drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to the issuance of Final Subdivision Approval.
- I. A Solid Waste Management Plan for the proposed development within the subject property shall be prepared and submitted for approval to the Department of Public Works prior to securing Final Subdivision Approval or Final Plan Approval, whichever occurs first. A copy of the approved plan shall be submitted to the Planning Department for its files.
- J. 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.

- K. Should the Council adopt a Unified Impact Fee Ordinance setting forth criteria for the imposition of exactions or assessments of impacts fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fee Ordinance.
- L. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed development.
- M. An initial extension of time for the performance of conditions within the ordinance may be granted by the 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 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 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).

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.

N. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject 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:

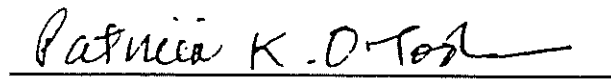

COUNCIL MEMBER, COUNTY OF HAWAII

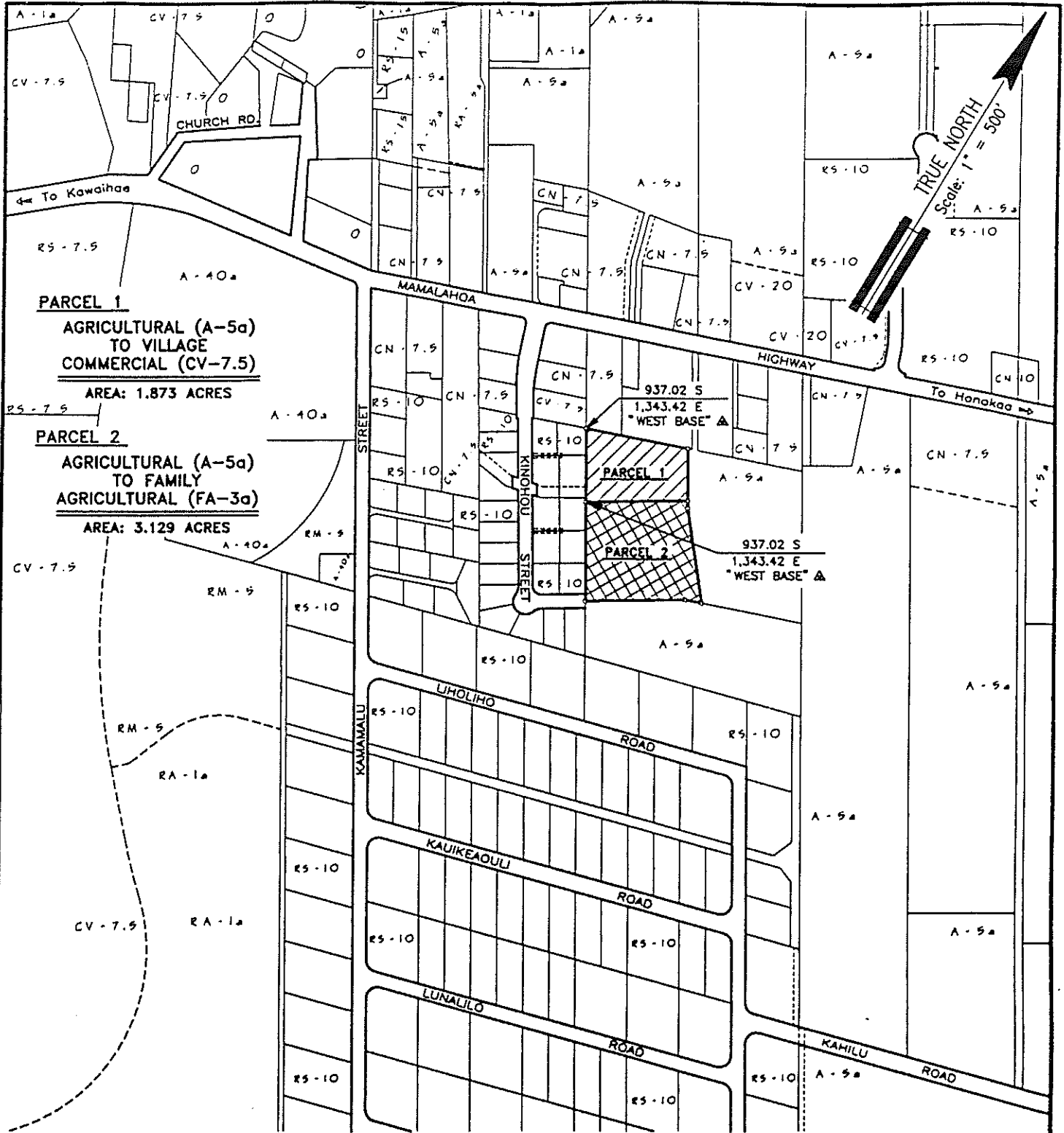
Hilo, Hawaii

Date of Introduction: November 17, 1999
Date of 1st Reading: November 17, 1999
Date of 2nd Reading: December 1, 1999
Effective Date: December 10, 1999

REFERENCE: Comm. 506

APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL
DATED: _____



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-11 (LALAMILO - PUUKAPU ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO VILLAGE COMMERCIAL (CV-7.5) AND FAMILY AGRICULTURAL (FA-3a) AT PUUKAPU, WAIMEA, SOUTH KOHALA, 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: November 17, 1999
 First Reading: November 17, 1999
 Published: N/A

REMARKS: _____

Second Reading: December 1, 1999
 To Mayor: December 6, 1999
 Returned: December 10, 1999
 Effective: December 10, 1999
 Published: December 20, 1999

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
99 DEC 10 AM 9 27				
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

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			
	9	0	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:

Patricia K. O'Hara
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date DEC 7 1999

[Signature]
 COUNCIL CHAIRMAN
 COUNTY CLERK

Approved/Disapproved this 10 day
December, 1999

[Signature]
 MAYOR, COUNTY OF HAWAII

Bill No.: 158
 Reference: C-506/PC-67
 Ord. No.: 99 152