



AN ORDINANCE AMENDING SECTION 25-8-26 (PAHOA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO INDUSTRIAL-COMMERCIAL MIXED (MCX-20) AT KEONEPOKO-IKI, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-5-7:80.

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

SECTION 1. Section 25-8-26, 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 Keonepoko-Iki, Puna, Hawaii, shall be Industrial-Commercial Mixed (MCX-20):

Beginning at a pipe set at the Eastern corner of this parcel of land, also being on the Southwest right-of-way of the Keaau-Pahoa Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PAHOA" being 1,120.28 feet North and 68.96 feet East and thence running by azimuths measured clockwise from true South:

- | | | | |
|----|--------------|--------|--|
| 1. | 58° 50' 00" | 810.20 | feet along Lot 11 of Keonepoko Homesteads to a pipe found; |
| 2. | 148° 50' 00" | 600.00 | feet along lands of the State of Hawaii to a pipe found; |
| 3. | 238° 50' 00" | 408.98 | feet along Lot 15-B of Keonepoko Homesteads to a pipe set; |
| 4. | 328° 43' 00" | 300.00 | feet along Lot 13-A of Keonepoko Homesteads to a pipe found; |
| 5. | 238° 50' 00" | 400.00 | feet along same to a pipe found; |

6. 328° 43' 00" 300.00 feet along the right-of-way of the Keaau-Pahoa Road to the point of beginning and containing an area of 8.397 acres more or less.

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. The applicant shall submit the anticipated maximum daily water usage and the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this change of zone ordinance.
- C. Construction of the proposed development and related improvements within the subject property shall be completed within five (5) years from the effective date of this ordinance. This time period shall include securing Final Plan Approval from the Planning Director in accordance with the Zoning Code Sections 25-2-72 and 25-5-117 and the Planning Department's Rule 17 (Landscaping Requirements) for the commercial development within the subject property. Plans shall identify structures, fire protection measures, landscaping and maintenance plan, paved and striped parking stalls and driveway and other improvements associated with the proposed uses. Plans shall include landscaping along property boundaries for the purpose of mitigating any potential adverse noise and visual impacts to surrounding properties.
- D. Driveway access for the proposed commercial development shall meet with the approval of the State Department of Transportation.

- E. Prior to the issuance of a Certificate of Occupancy for any development on the subject property, the applicant, with the approval of the State Department of Transportation, shall provide improvements to the frontage along the Old Pahoa Road, which would be consistent with the rustic ambience of Pahoa town, and install street lights, signs and markings, if required, meeting with the approval of the Department of Transportation.
- F. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Public Works in conjunction with the submittal of plans for Final Plan Approval.
- G. Upon compliance with applicable conditions of approval and prior to the establishment of the proposed development, the applicant shall submit a final status report, in writing, to the Planning Director.
- H. Comply with all other applicable laws, rules, regulations and requirements of the affected agencies for the development of the subject property.
- I. 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.
- J. 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 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 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).
 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.
- K. 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 21, 2000

Date of 1st Reading: June 21, 2000

Date of 2nd Reading: July 7, 2000

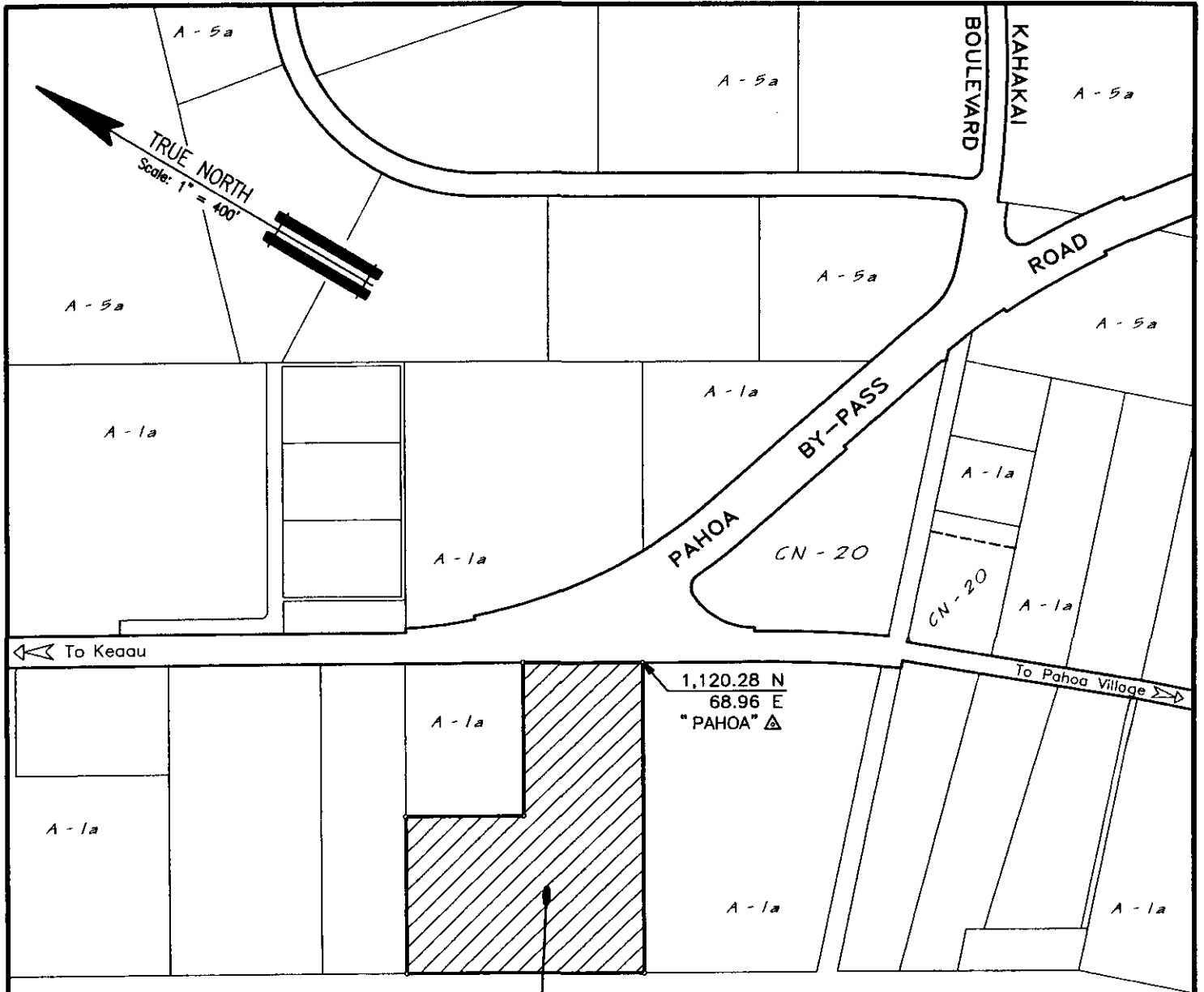
Effective Date: July 18, 2000

REFERENCE: Comm. 776

APPROVED AS TO FORM AND LEGALITY

CORPORATION COUNSEL

DATED: _____



**AGRICULTURAL (A-1a) TO
INDUSTRIAL-COMMERCIAL
MIXED USE (MCX-20)**

AREA: 8.397 ACRES

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-26 (PAHOA ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO INDUSTRIAL-COMMERCIAL MIXED USE (MCX-20) AT KEONEPOKO-IKI, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK
 County of Hawaii
 Hilo, Hawaii

RECEIVED

00 JUL 18 pm 3:37

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			
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Introduced By: Ms. Leithead-Todd
 Date Introduced: June 21, 2000
 First Reading: June 21, 2000
 Published: N/A

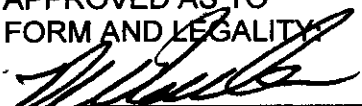
REMARKS: _____



Second Reading: July 7, 2000
 To Mayor: July 11, 2000
 Returned: July 18, 2000
 Effective: July 18, 2000
 Published: July 31, 2000

REMARKS: _____

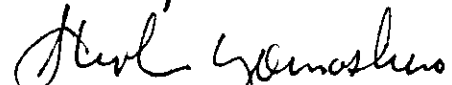
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
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I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
 FORM AND LEGALITY

 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date 7/14/00


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved/Disapproved this 18 day
 of July, 2000


 MAYOR, COUNTY OF HAWAII

Bill No.: 259
 Reference: C-776/PC-100
 Ord. No.: 00 77