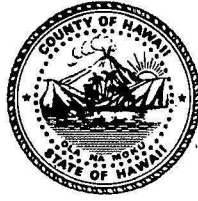


COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 34

ORDINANCE NO. 21 49

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN TO INDUSTRIAL – COMMERCIAL MIXED – 20,000 SQUARE FEET (MCX-20) AT PIOPIO, WAIĀKEA, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-001:008, 017, 018, 019, 024, 030, AND 034.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-33, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Piopio, Waiākea, Hawai'i, shall be Industrial-Commercial Mixed Districts – 20,000 square feet (MCX-20):

LOT 12-A

Beginning at the northwest corner of this parcel of land, being the north corner of Lot 12 of Block "E" of the "PIOPIO SUBDIVISION" and on the south side of Kamehameha Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 2,038.16 feet North and 8,777.16 feet East, and running by azimuths measured clockwise from True South:

1. 257° 12' 76.93 feet along Kamehameha Avenue;
2. Thence along the remainder of Parcel 14, along a curve to the right with a radius of 1,452.70 feet, the chord azimuth and distance being:

290° 10' 25" 35.14 feet;

- | | | | |
|----|---|-------|---|
| 3. | 290° 52' | 24.58 | feet along the remainder of Parcel 14; |
| 4. | 21° 00' | 39.58 | feet along the Land of Waiākea; |
| 5. | 110° 52' | 24.48 | feet along Lot 12 of Block "E" of "PIOPIO SUBDIVISION"; |
| 6. | Thence, along same, along a curve to the left with a radius of 1,413.11 feet, the chord azimuth and distance being: | | |
| | 108° 51' 16.5" | 99.23 | feet to the point of beginning and containing an area of 3,615 square feet, more or less. |

LOT A-1

Beginning at the northwest corner of this parcel of land, being the north corner of the Baitfish and Fisheries Facility, Executive Order 3564 and on the south side of Kamehameha Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1,952.56 feet North and 8,400.38 feet East, thence running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 257° 12' | 260.45 | feet along Kamehameha Avenue; |
| 2. | 347° 12' | 197.84 | feet along Lot A-5 and Lot A-4; |
| 3. | 77° 12' | 260.45 | feet along Lot A-2; |
| 4. | 167° 12' | 197.84 | feet along Baitfish and Fisheries Facility, Executive Order 3564 to the point of beginning and containing an area of 51,527 Square Feet or 1.183 Acres, more or less. |

LOT A-2

Beginning at the northwest corner of this parcel of land, being the southwest corner of Lot A-1 and on the east side of the Baitfish and Fisheries Facility, Executive Order 3564, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1,759.63 feet North and 8,444.21 feet East, thence running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---------------------|
| 1. | 257° 12' | 260.45 | feet along Lot A-1; |
| 2. | 347° 12' | 37.00 | feet along Lot A-4; |
| 3. | 9° 26' | 26.36 | feet along Lot A-3; |
| 4. | 347° 12' | 44.64 | feet along Lot A-3; |

Thence following along the north edge of Wailoa River for the next three (3) courses, the direct azimuths and distances between points being;

- | | | | |
|----|----------|--------|--|
| 5. | 77° 42' | 139.51 | feet; |
| 6. | 91° 20' | 14.00 | feet; |
| 7. | 91° 21' | 100.44 | feet; |
| 8. | 167° 12' | 76.85 | feet along Baitfish and Fisheries Facility, Executive Order 3564 to the point of beginning and containing an area of 0.605 Acre, more or less. |

LOT A-3

Beginning at the north corner of this parcel of land, being the southeast corner of Lot A-4 and being the west corner of Lot A-7, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1,799.24 feet North and 8,785.54 feet East, thence running by azimuths measured clockwise from True South:

1.	347° 12'	55.09	feet along Lot A-7;
			Thence following along the north edge of Wailoa River, the direct azimuth and distance between points being:
2.	68° 30'	92.22	feet;
3.	167° 12'	44.64	feet along Lot A-2;
4.	189° 26'	26.36	feet along Lot A-2;
5.	257° 12'	81.18	feet along Lot A-4 to the point of beginning and containing an area of 0.122 Acre, more or less.

LOT A-4

Beginning at the northwest corner of this parcel of land, being the south corner of Lot A-5 and on the east side of Lot A-1, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1,935.85 feet North and 8,671.26 feet East, thence running by azimuths measured clockwise from True South:

1.	257° 12'	125.94	feet along Lot A-5;
2.	347° 12'	29.03	feet along Lot A-6;
3.	6° 16'	137.03	feet along Lot A-7;
4.	77° 12'	81.18	feet along Lot A-3;
5.	167° 12'	158.54	feet along Lot A-2 and Lot A-1 to the point of beginning and containing an area of 17,068 Square Feet, more or less.

LOT A-5

Beginning at the north corner of this parcel of land, being the northwest corner of Lot A-6 and on the south side of Kamehameha Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2,038.16 feet North and 8,777.16 feet East, thence running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 347° 12' | 76.30 | feet along Lot A-6; |
| 2. | 77° 12' | 125.94 | feet along Lot A-4; |
| 3. | 167° 12' | 76.30 | feet along Lot A-1; |
| 4. | 257° 12' | 125.94 | feet along Kamehameha Avenue to the point of beginning and containing an area of 9,609 Square Feet, more or less. |

LOT A-6

Beginning at the northwest corner of this parcel of land, being the north corner of Lot A-5 on the south side of Kamehameha Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2,038.16 feet North and 8,777.16 feet East, thence running by azimuths measured clockwise from True South:

Following along Lot 12-A, along a curve to the right with a radius of 1,413.11 feet, the chord azimuth and distance being:

- | | | | |
|----|----------------|-------|----------------------|
| 1. | 288° 51' 16.5" | 99.23 | feet; |
| 2. | 290° 52' | 24.48 | feet along Lot 12-A; |
| 3. | 290° 44' | 52.46 | feet; |

Thence following along the edge of Wailoa River, the direct azimuth and distance between points being:

4.	15° 30'	91.38	feet;
5.	110° 44'	126.26	feet along Lot A-7;
6.	167° 12'	105.33	feet along Lot A-4 and Lot A-5 to the point of beginning and containing an area of 0.312 Acre, more or less.

LOT A-7

Beginning at the north corner of this parcel of land, being the west corner of Lot A-6 and being the east corner of Lot A-4, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1,935.44 feet North and 8,800.50 feet East, thence running by azimuths measured clockwise from True South:

1.	290° 44'	126.26	feet along Lot A-6;
			Thence following along the edge of Wailoa River, the direct azimuths and distances between points for the next three (3) courses being:
2.	14° 16'	56.30	feet;
3.	38° 00'	85.04	feet;
4.	66° 35'	59.51	feet;
5.	167° 12'	55.09	feet along Lot A-3;
6.	186° 16'	137.03	feet along Lot A-4 to the point of beginning and containing an area of 0.373 Acre, more or less.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2016 Edition, as amended), the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
 - (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.
- A. The applicant, its successors or assigns shall comply with all of the stated conditions of approval.
- B. Prior to the issuance of a water commitment by the Department of Water Supply (DWS), the applicant(s) shall submit the anticipated maximum daily water usage calculations as prepared by a professional engineer licensed in the State of Hawai'i to the DWS. A water commitment deposit shall be paid to the DWS within 180 days from the effective date of this ordinance in accordance with Rule 5 of the Department of Water Supply's Rules and Regulations. The applicant is responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full.
- C. In order to accommodate yard setbacks and minimum lot size requirements of the MCX-20 zoning district, the applicant, its successors or assigns shall secure Final Subdivision approval to consolidate the seven (7) existing lots and re-subdivide into a maximum of four (4) new lots within two (2) years of the effective date of this ordinance.

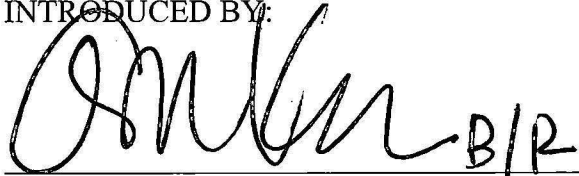
- D. Prior to subdivision of any portion of the rezoned area, a Traffic Impact Analysis Report (TIAR) shall be submitted for review and approval by the State Department of Transportation. The applicants shall implement, when required by the Department of Transportation, at no cost to the County, any transportation system improvements to Kamehameha Avenue that may be deemed necessary by the Department of Transportation.
- E. Access to Kamehameha Avenue and all driveway connections to County Streets shall conform to Chapter 22, County Streets of the Hawai'i County Code and follow State roadway design standards as required by the Department of Transportation.
- F. A drainage study of the project site, if required, shall be prepared for review and approval by the Department of Public Works, prior to submittal of plans for subdivision review. Drainage improvements, if required, shall be constructed in a manner meeting with the approval of the Department of Public Works prior to the issuance of Final Subdivision Approval.
- G. The applicant shall comply with Chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.
- H. As required by the Director of the Department of Environmental Management (DEM); the applicant, its successors, or assigns shall conduct a sewer study prior to connection to the County sewer system. The applicant shall provide sewer line or other facility improvements as the Director of DEM may reasonably require, which the sewer study may indicate are advisable for mitigation of impacts of the proposed project.
- I. Plan approval shall be required prior to the construction or installation of any new structure or development, or any addition to an existing structure or development according to Section 25-2-71(a) of the Zoning Code.

- J. 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.
- K. The applicant, its successors and/or assigns shall comply with all applicable County, State and Federal codes, laws, rules, regulations, and requirements for the proposed development, including the Department of Public Works, Department of Water Supply and Department of Health.
- 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 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).
- M. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall take effect upon its approval.

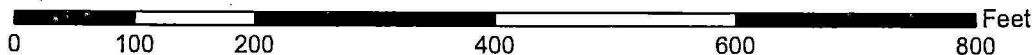
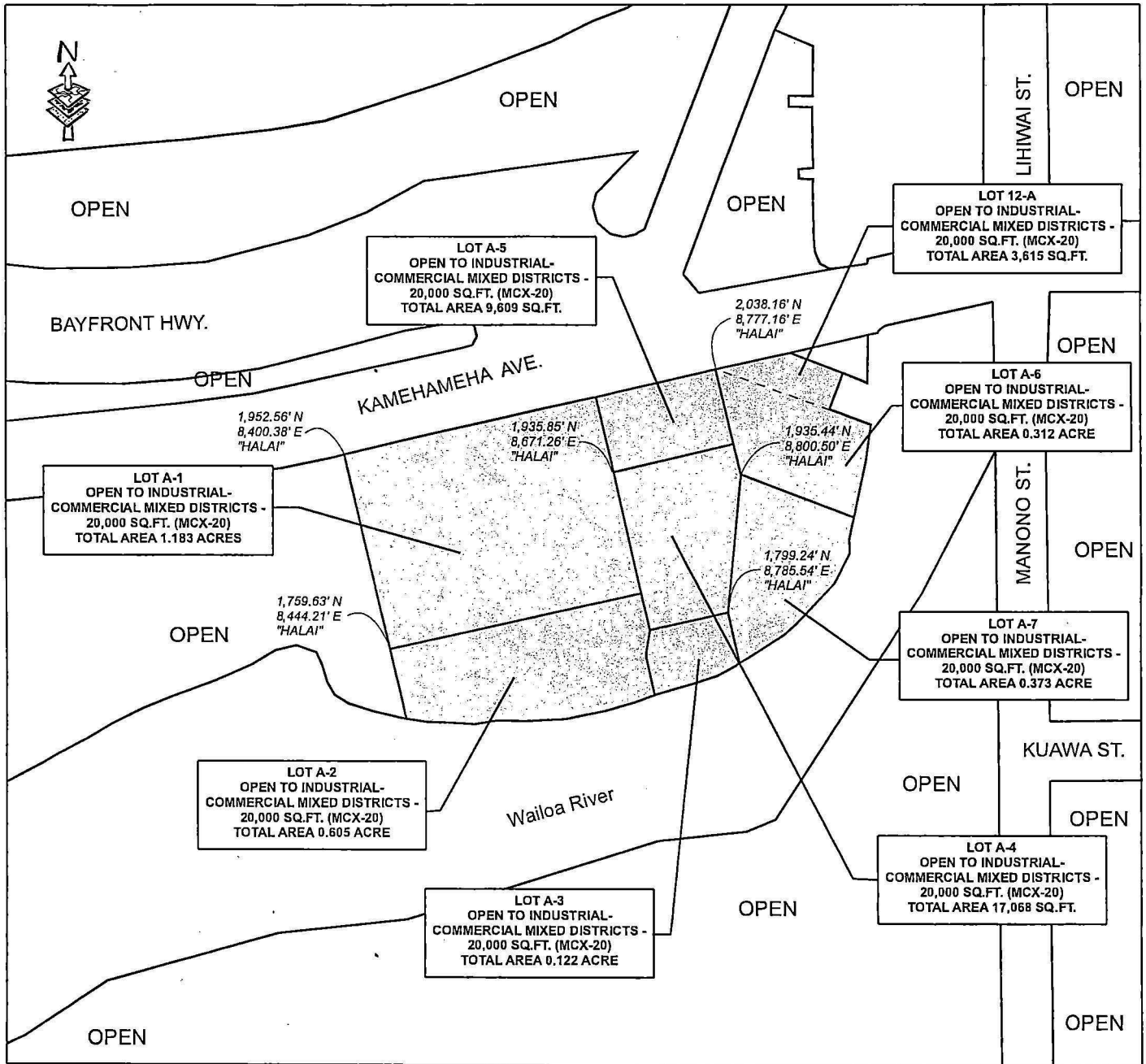
INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'B/R', written over a horizontal line.

COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i
Date of Introduction: June 2, 2021
Date of 1st Reading: June 2, 2021
Date of 2nd Reading: July 7, 2021
Effective Date: July 15, 2021

REFERENCE Comm. 233



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8,
 CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),
 BY CHANGING THE DISTRICT CLASSIFICATION FROM
 OPEN TO INDUSTRIAL-COMMERCIAL MIXED DISTRICTS - 20,000 SQ. FT. (MCX-20)
 AT PIOPIO, WAIAKEA, HAWAII

MAP PREPARED BY:
 COUNTY OF HAWAII, PLANNING DEPARTMENT

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Hilo, Hawai'i

Introduced By: Ashley Kierkiewicz (B/R)
Date Introduced: June 2, 2021
First Reading: June 2, 2021
Published: June 11, 2021

REMARKS: _____

Second Reading: July 7, 2021
To Mayor: July 15, 2021
Returned: July 16, 2021
Effective: July 15, 2021
Published: August 6, 2021

REMARKS: Postponed: June 16, 2021

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Inaba	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Richards	X			
Villegas	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung			X	
David	X			
Inaba	X			
Kāneali'i-Kleinfelder		X		
Kierkiewicz	X			
Kimball	X			
Lee Loy			X	
Richards	X			
Villegas	X			
	6	1	2	0

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


COUNCIL CHAIRPERSON


COUNTY CLERK

Approved/Disapproved this 15 day
of July, 2021.


MAYOR, COUNTY OF HAWAI'I

Bill No.: 34
Reference: C-233/PC-17
Ord No.: 21 49