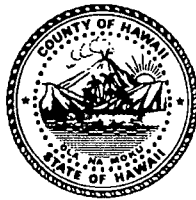


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 24 36 BILL NO. 149
(DRAFT 2)

AN ORDINANCE AMENDING SECTION 25-8-14 (WAIKOLOA VILLAGE ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO INDUSTRIAL-COMMERCIAL MIXED – 20,000 SQUARE FEET (MCX-20) AT WAIKOLOA, HAWAI'I, COVERED BY TAX MAP KEY: 6-8-003:041 (Por.).

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

SECTION 1. Section 25-8-14, 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 Waikoloa, Hawai'i, shall be Industrial-Commercial Mixed – 20,000 square feet (MCX-20):

Beginning at a 1/2 inch pipe (found) at the Southwesterly corner of this parcel of land, being also the Southeasterly corner of Lot 5-B of Subdivision Map No. 06-000414 and being a point on the Northerly boundary of Lot 3-B of Waikoloa Development, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 7,247.27 feet North and 5,899.95 feet West and running by azimuths measured clockwise from true South:

Thence, for the next two (2) courses following along said Lot 5-B and the remainder of Royal Patent 5671, Land Commission Award 8521-B, Apana 1 to G.D. Hueu:

1. 207° 32' 00" 260.00 feet to a point;
2. 247° 48' 00" 777.48 feet to a point;
3. 324° 03' 36" 30.17 feet along Pua Melia Street to a point;

Thence, for the next eighteen (18) courses following along the remainder of Royal Patent 5671, Land Commission Awar 8521-B, Apana 1 to G.D. Hueu:

4.	27°	32'	22"	87.91	feet along Lot 4 of Waikoloa RM 1.5, Unit 1 (File Plan 1378) to a point;
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Thence, for the next six (6) courses, along the centerline of gulch and following along Lot 4 of Waikoloa RM 1.5, Unit 1 (File Plan 1378):

5.	325°	42'	30"	127.67	feet to a point;
6.	352°	13'	50"	98.31	feet to a point;
7.	3°	46'	00"	144.58	feet to a point;
8.	304°	37'	35"	78.70	feet to a point;
9.	291°	52'	20"	178.87	feet to a point;
10.	298°	45'	00"	108.48	feet to a point;
11.	264°	02'	05"	203.62	feet along said Lot 4 and Lot 3-A of Waikoloa RM 1.5 Unit 1 to a point;
12.	302°	41'	35"	68.70	feet along said Lot 3-A to a point;

Thence, for the next nine (9) courses, along the centerline of gulch and upon and across Lot 5-A:

13.	321°	30'	53"	335.45	feet to a point;
14.	345°	17'	21"	129.35	feet to a point;
15.	321°	22'	13"	108.08	feet to a point;
16.	351°	24'	25"	162.53	feet to a point;
17.	296°	42'	33"	43.79	feet to a point;
18.	27°	20'	27"	109.55	feet to a point;
19.	348°	00'	00"	29.50	feet to a point;
20.	322°	26'	09"	132.22	feet to a point;

- | | | | |
|-----|--------------|--------|---|
| 21. | 305° 49' 22" | 25.21 | feet to a point in the West line of Lot 2-B-2-C (Sub. No. 17-001716); |
| 22. | 18° 03' 09" | 280.76 | feet along said Lot 2-B-2-C and the remainder of Royal Patent 5671, Land Commission Award 8521-B, Apana 1 to G.D. Hueu; |

Thence, for the next two (2) courses following along the remainder of Royal Patent 5671, Land Commission Award 8521-B, Apana 1 to G.D. Hueu:

Thence, from a tangent azimuth of 143° 05' 49" following along Lot 3-B of Waikoloa Development on a curve to the left with a radius of 2,900.00 feet, the chord azimuth and distance being:

- | | | | |
|-----|----------------|----------|--|
| 23. | 130° 19' 05.5" | 1,282.88 | feet to a point; |
| 24. | 117° 32' 22" | 952.00 | feet to the point of beginning and containing an area of 26.052 acres, 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(s), its successor(s), or assign(s) (“Applicant”) shall be responsible for complying with all of the stated conditions of approval.
- B. The Applicant shall provide water for the proposed use through an agreement with West Hawai‘i Water Company, (WHWC), a State Public Utilities Commission-approved provider of water for the subject property and surrounding area.
- C. Construction of the proposed development, as substantially represented by the Applicant, or as permitted by the zoning district classification, shall be completed within ten (10) years from the effective date of this ordinance. Prior to construction, Applicant shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai‘i County Code. Plans shall identify all existing and/or proposed structure(s), paved driveway access and parking stalls associated with the proposed development. Landscaping shall be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department’s Rule No. 17 (Landscaping Requirements) and Chapter 25 (Zoning Code), Hawai‘i County Code.
- D. The landowner(s) of the subject property and of TMK No. (3) 6-8-003:032 shall execute and record an access easement on deeds, in favor of the subject property, prior to Final Plan Approval or Final Subdivision Approval, whichever occurs first.
- E. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentary Control, of the Hawai‘i County Code.

- F. Prior to issuance of Certificate of Occupancy for the proposed use, the Applicant shall provide traffic mitigation improvements as recommended by the traffic impact analysis report (TIAR) dated September 2023, and meeting with the approval of the Department of Public Works, to include: 1) Establish the Hale Hana Street approach as a stop sign control intersection with separate lanes for left turn movement and a shared through/right-turn approach; 2) Modify the median striping at the Waikōloa Road and Ehu Kai Loop /Hale Hana Street intersection to provide an exclusive left-turn lane for the turning traffic into Hale Hana Street and to remove the existing left-turn refuge lane; 3) Install a crosswalk across Waikōloa Road at the Ehu Kai Loop/Hale Hana Street intersection; 4) Include bicycle signage/markings along Hale Hana Street to indicate it is a shared use road and include limited bicycle parking racks with the Waikōloa Village Light Industrial Center to encourage bicycle use to the project; 5) Coordinate with the County of Hawai‘i to help with designating additional Hele-on bus stops to serve this area along Waikōloa Road if there is sufficient rider demand in the future.
- G. Prior to issuance of Certificate of Occupancy for the proposed use, the Applicant shall install streetlights and traffic control devices as may be required by the Department of Public Works, Traffic Division, at no cost to the County of Hawai‘i.
- H. All connections and construction within Waikōloa Road and Pua Melia Street shall conform to Chapter 22, County Streets, of the Hawai‘i County Code.
- I. All development-generated runoff shall be disposed of onsite and shall not be directed toward any adjacent properties. Additionally, a drainage study shall be prepared prior to Plan Approval and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works, Engineering Division, prior to occupancy of structures for the proposed use.

- J. The Applicant shall provide wastewater service for the proposed use through an agreement with West Hawai'i Sewer Company (WHSC), a State Public Utilities Commission-approved provider of wastewater services for the subject property and surrounding area.
- K. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the department of Land and Natural Resources- State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- L. To ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the applicant shall comply with the requirements of Chapter 11, Article 1, Hawai'i County Code relating to Affordable Housing Policy. This requirement shall be approved by the Administrator of the Office of Housing and Community Development and met prior to Final Plan Approval or Final Subdivision Approval, whichever occurs first.
- M. Should any state or federally listed or endangered species be found on the subject property, the Applicant shall comply with all applicable requirements of Department of Land and Natural Resources- Division of Forestry and Wildlife and/or the United States Fish and Wildlife Service.
- N. The Applicant shall comply with all applicable County, State and Federal codes, laws, rules, regulations, and requirements for the proposed development, including the Fire Department, Department of Public Works, Department of Water Supply and Department of Health.

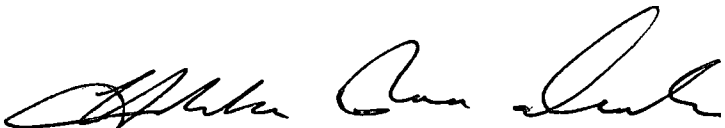
- O. An initial extension of time for the performance of conditions within this ordinance may be requested in accordance with Section 25-2-44, subsections (c) and (d), of the Hawai'i County Code.

- P. If the applicant fails to fulfill any conditions of the zone change within the specified time limitations, the Planning Director or County Council may initiate the process for enactment of an ordinance reverting the affected property back to its original zoning designation or a more appropriate zoning designation in accordance with Section 25-2-43 of the Hawai'i County Code.

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.

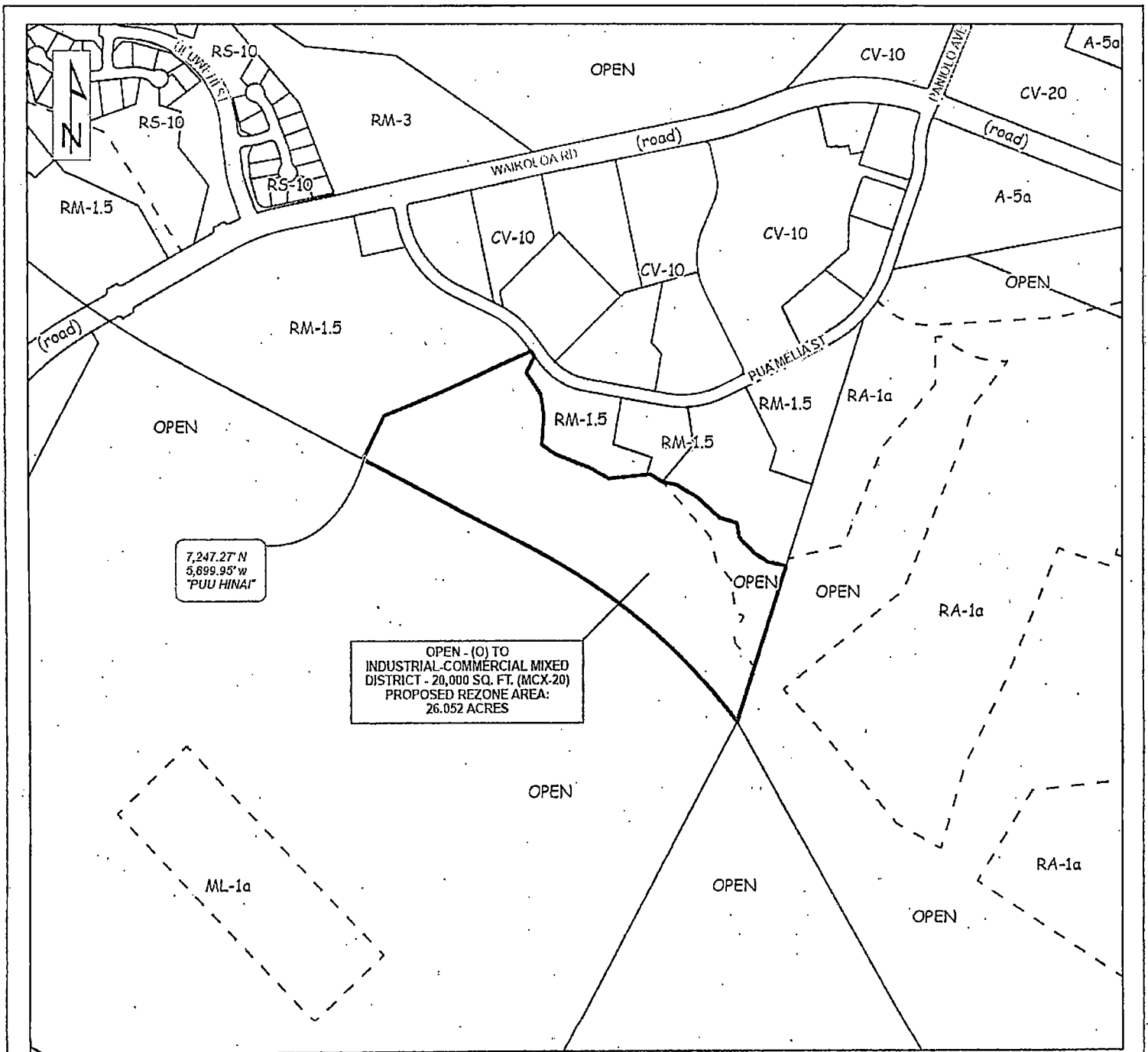
INTRODUCED BY:

 B/R

 COUNCIL MEMBER, COUNTY OF HAWAI'I

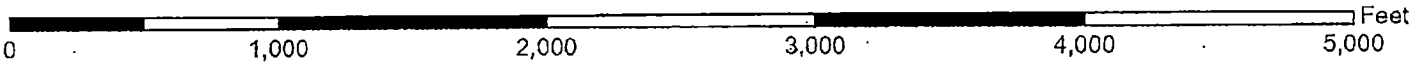
 Hilo , Hawai'i
 Date of Introduction: May 15, 2024
 Date of 1st Reading: May 15, 2024
 Date of 2nd Reading: June 5, 2024
 Effective Date: June 14, 2024

REFERENCE Comm. 816.2



7,247.27' N
5,699.95' W
'PUU HINAI'

OPEN - (O) TO
INDUSTRIAL-COMMERCIAL MIXED
DISTRICT - 20,000 SQ. FT. (MCX-20)
PROPOSED REZONE AREA:
26.052 ACRES



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-14
(WAIKOLOA VILLAGE ZONE MAP) ARTICLE 8,
CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),
BY CHANGING THE DISTRICT CLASSIFICATION FROM
OPEN (O) TO
INDUSTRIAL-COMMERCIAL MIXED - 20,000 SQ. FT. (MCX-20)
AT WAIKOLOA, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

DATE: November 17, 2023

TMK: (3) 6-8-003:041

Waikoloa Village, LLC
Map: 1459

EXHIBIT "A"

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

COUNTY CLERK
 COUNTY OF HAWAII

2024 JUN 21 PM 3:23

(Draft 2)

Introduced By: Dr. Holeka Goro Inaba (B/R)
 Date Introduced: May 15, 2024
 First Reading: May 15, 2024
 Published: May 24, 2024

REMARKS: _____

Second Reading: June 5, 2024
 To Mayor: June 13, 2024
 Returned: June 21, 2024
 Effective: June 14, 2024
 Published: July 5, 2024

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans	X			
Galimba	X			
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Villegas	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans	X			
Galimba			X	
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Villegas	X			
	8	0	1	0

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

Approved/Disapproved this 14th day
 of June, 2024.


 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON


 COUNTY CLERK

Bill No.: 149 (Draft 2)
 Reference: C-816.2/LAAC-55
 Ord No.: 24 36