

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 83 38

AN ORDINANCE AMENDING SECTION 25-87 (THE NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO LIMITED INDUSTRIAL (ML-1a) AT KALOKO, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-09:PORTION OF 1.

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

SECTION 1. Section 25-87, Article 3, 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 Kaloko, North Kona, Hawaii, shall be Limited Industrial (ML-1a):

Beginning at the southwest corner of this parcel of land, and on the northwest side of R.P. 7587, L.C. Aw. 11216 Apana 36 to Kekauonohi, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 20092.51 feet South and 23008.96 feet West and running by azimuths measured clockwise from True South:

1. 167° 50' 15"            1119.15 feet along the remainder of R.P. 8214, L.C. Aw. 7715 Apana 11 to Lota Kamehameha;
2. Thence along the remainder of R.P. 8214, L.C. Aw. 7715 Apana 11 to Lota Kamehameha, along a curve to the left having a radius of 6146.00 feet, the chord azimuth and distance being:  
160° 08' 14"  
1647.02 feet;
3. 242° 26' 13"            430.00 feet along the remainder of R.P. 8214, L.C. Aw. 7715 Apana 11 to Lota Kamehameha;
4. 332° 26' 13"            115.00 feet along the remainder of R.P. 8214, L.C. Aw. 7715 Apana 11 to Lota Kamehameha;

5. 242° 26' 13" 661.41 feet along the remainder of R.P. 8214, L.C. Aw. 7715 Apana 11 to Lota Kamehameha;
6. Thence along the remainder of R.P. 8214, L.C. Aw. 7715 Apana 11 to Lota Kamehameha, along a curve to the right having a radius of 2460.00 feet, the chord azimuth and distance being:  
252° 42' 15.5"  
876.95 feet;
7. 348° 52' 24" 350.09 feet along the remainder of R.P. 8214, L.C. Aw. 7715 Apana 11 to Lota Kamehameha;
8. 258° 52' 24" 169.93 feet along the remainder of R.P. 8214, L.C. Aw. 7715 Apana 11 to Lota Kamehameha;
9. 348° 52' 24" 2341.05 feet along the remainder of R.P. 8214, L.C. Aw. 7715 Apana 11 to Lota Kamehameha;
10. 78° 52' 24" 193.68 feet along the remainder of R.P. 8214, L.C. Aw. 7715 Apana 11 to Lota Kamehameha;
11. 348° 52' 24" 348.50 feet along the remainder of R.P. 8214, L.C. Aw. 7715 Apana 11 to Lota Kamehameha;
12. 78° 52' 24.7" 1657.08 feet along R.P. 7587, L.C. Aw. 11216 Apana 36 to Kekauonohi to the point of beginning and containing an area of 126.828 Acres.

All as outlined in red 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 petitioner, successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the property shall be zoned in two increments. The first increment shall consist of a maximum

of sixty-five contiguous acres, and the second, the remaining area. The effective date of zoning for the second increment shall be after development has occurred in the first increment, as determined by the Planning Director. "Development" means that building permits have been issued for industrial structures and construction has been partially completed to the extent that roofs have been constructed on a minimum of twenty-five percent of the lots proposed for the first increment; (C) subdivision plans for the first increment shall be submitted within one year from the effective date of the zone change; (D) an overall landscaping master plan, which includes landscaping along the property's frontages along Queen Kaahumanu Highway and the proposed mauka-makai road; a plant species list; and identification of view corridors from within and outside of the subdivision, shall be submitted to the Planning Director for review and approval prior to issuance of final subdivision approval of the first increment. Said plan shall reflect the proposed berming and landscaping depicted on Figure 17 of the petitioner's Final Environmental Impact Statement dated July 1981, and a program for its maintenance. These improvements shall be provided prior to the granting of final subdivision approval of the first increment; (E) channelized intersection improvements shall be provided at the Queen Kaahumanu Highway intersection meeting with the approval of the State Department of Transportation, Highways Division; (F) an 80-foot wide mauka-makai road between Queen Kaahumanu Highway and the Hawaii Belt Road shall be constructed in accordance with the standards of the Department Works. Final subdivision approval for


the first increment shall not be granted until there are concrete legal and financial assurances that the roadway would be constructed. Further, construction of this roadway shall commence no later than the start of construction of the infrastructural improvements of the first increment and shall be completed prior to the issuance of final subdivision approval of the second increment; (G) all interior roadways shall be constructed in accordance with the requirements of the Department of Public Works; (H) no direct accesses to the lots shall be allowed from the Queen Kaahumanu Highway and the mauka-makai roadway as noted under (F) above; (I) a drainage system in accordance with the requirements of the Department of Public Works shall be installed; (J) prior to receipt of final subdivision approval, a Development Design Manual shall be prepared and submitted to the Planning Department for approval. The purpose of the manual is to provide comprehensive design principles and guidelines for the development of the industrial lots in order to achieve a high standard of quality for the development. The manual shall include, but not be limited to, standards and guidelines relative to landscaping, open space, architectural building controls, (appearance, siting, heights, building materials, signs, etc.), setbacks from property lines and buildings, ground cover ratio, etc.; (K) the method of sewage disposal shall meet with the approval of the appropriate governmental agencies; (L) the two major lava tubes located along the mauka property boundary be intensively surveyed for cultural remains. A survey report shall be submitted for the Planning

Department and the State Historic Sites Section, Department of Land and Natural Resources, prior to final subdivision approval; (M) should any salvage archaeological work be necessary as a result of condition (L), work shall be completed prior to any grading or grubbing activities; (N) should any unanticipated sites, including subsurface midden or lava tubes, be uncovered during grading of the property, work within the affected area shall cease. The Planning Department shall be notified and work shall not resume within the affected area until the Planning Director has approved the disposition of the site(s); and (O) all other applicable rules, regulations, and requirements, including those of the Department of Water Supply, shall be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation may be initiated.

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:

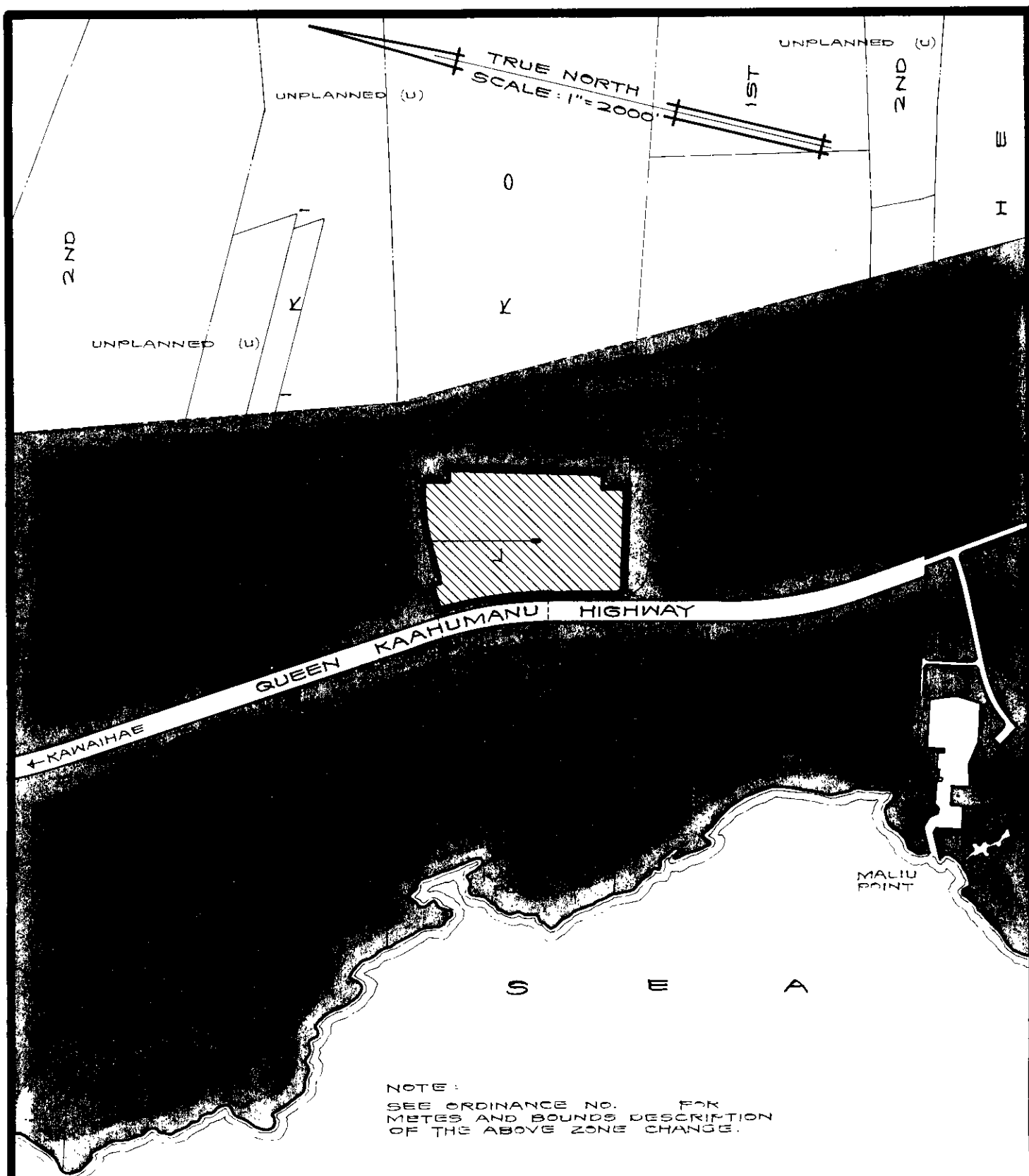
  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 5, 1983

Date of Adoption: October 19, 1983

Effective Date: October 26, 1983



NOTE:  
 SEE ORDINANCE NO. FOR  
 METES AND BOUNDS DESCRIPTION  
 OF THE ABOVE ZONE CHANGE.

## AMENDMENT TO THE ZONING CODE

AMENDMENT NO. TO SECTION 7.02 (THE NORTH KONA ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO LIMITED INDUSTRIAL (ML-1a) AT KALOKO, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING : JUNE 16, 1983  
 EFFECTIVE DATE :  
 ORDINANCE NUMBER :  
 PREPARED BY : PLANNING DEPARTMENT  
 COUNTY OF HAWAII

TMK : 7-3-09 : 1 (POR.)

JULY 15, 1983

EXHIBIT "A"

Hilo, Hawaii  
Date: October 5, 1983

| FIRST READING  |      |      |     |
|----------------|------|------|-----|
|                | AYES | NOES | A/E |
| Dahlberg       | X    |      |     |
| De Luz         | X    |      |     |
| Domingo        | X    |      |     |
| Fujii          | X    |      |     |
| Hale           | X    |      |     |
| Kawahara       | X    |      |     |
| Lai            | X    |      |     |
| Schutte        |      |      | X   |
| Chr. Yamashiro |      |      | X   |
|                | 7    | 0    | 2   |

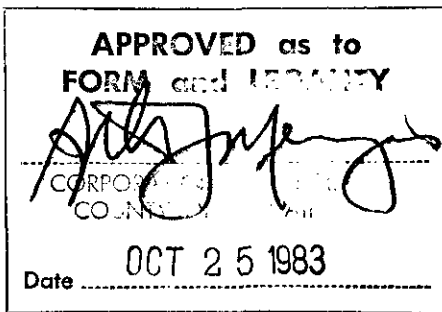
Publication Date: \_\_\_\_\_

Hilo, Hawaii  
Date: October 19, 1983

| SECOND & FINAL READING |      |      |     |
|------------------------|------|------|-----|
|                        | AYES | NOES | A/E |
| Dahlberg               | X    |      |     |
| De Luz                 | X    |      |     |
| Domingo                | X    |      |     |
| Fujii                  | X    |      |     |
| Hale                   | X    |      |     |
| Kawahara               | X    |      |     |
| Lai                    | X    |      |     |
| Schutte                | X    |      |     |
| Chr. Yamashiro         | X    |      |     |
|                        | 9    | 0    | 0   |

Publication Date: NOV 2 1983

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.



*[Signature]*  
Council Chairman

*[Signature]*  
County Clerk

Approved/~~Disapproved~~ this 26<sup>th</sup> day of  
October, 1983.

*[Signature]*  
Mayor, County of Hawaii

Bill No. 1014 AMENDED

Reference: C-1357

M.B. No. \_\_\_\_\_

Ord. No. 83 38