

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 527

ORDINANCE NO. 92 2

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO GENERAL INDUSTRIAL (MG-1a) AT KALAOA 1ST - 4TH, HAMANAMANA, HALEOHIU, MAKAULA, KAU AND PUUKALA, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-43:PORTIONS OF 1, 2 AND 3.

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 properties described hereinafter as follows:

The district classification of the following area situated at Kalaoa 1st - 4th, North Kona, Hawaii, shall be General Industrial (MG-1a):

PARCEL A:

Beginning at the Southeast corner of this parcel of land, on the North boundary of Ooma 1st, the coordinates of said point of beginning referred to Government Survey Triangulation Station "AKAHIPUU" being 9,427.46 feet South and 22,562.62 feet West and thence running by azimuths measured clockwise from true South:

- 1. 86° 47' 05" 1228.13 feet along Ooma 1st;
2. 184° 50' 25" 2742.90 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);

3. 274° 50' 25" 1216.00 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);
4. 4° 50' 25" 2570.80 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137) to the point of beginning and containing an area of 74.168 Acres. (Refer to Parcel A as shown on Exhibit "A").

The district classification of the following area situated at Kalaoa 1st - 4th, Hamanamana, Haleohiu, Makaula, Kau and Puukala, North Kona, Hawaii, shall be General Industrial (MG-1a):

PARCEL B:

Beginning at the East corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "AKAHIPUU" being 530.67 feet North and 22,939.71 feet West and thence running by azimuths measured clockwise from true South:

1. 4° 50' 25" 4337.50 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);
2. 94° 50' 25" 1804.00 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);

3. 184° 50' 25" 1287.50 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);
4. 94° 50' 25" 1675.00 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);
5. 184° 50' 25" 5800.00 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);
6. 274° 50' 25" 2150.00 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);
7. 4° 50' 25" 2750.00 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);
8. 274° 50' 25" 1329.00 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137) to the point of beginning and containing an area of 432.647 Acres. (Refer to Parcel B as shown on Exhibit "A").

The district classification of the following area situated at Kalaoa 1st - 4th, North Kona, Hawaii, shall be General Industrial (MG-1a):

PARCEL C:

Beginning at the Northeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "AKAHIPUU" being 5,001.04 feet South and 21,600.69 feet West and thence running by azimuths measured clockwise from true South:

1. 4° 50' 25" 1000.00 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);
2. 94° 50' 25" 1801.00 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);
3. 184° 50' 25" 1000.00 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137);
4. 274° 50' 25" 1801.00 feet along remainder of Keahole Airport, Governor's Executive Order No. 3074 (C.S.F. No. 19,137) to the point of beginning and containing an area of 41.345 Acres. (Refer to Parcel C as shown on Exhibit "A").

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

SECTION 2. These changes in district classification are conditioned upon the following: (A) the applicant, successors or its assigns shall comply with all of the stated conditions of approval; (B) subdivision plans for the first phase shall be

submitted to the Planning Department within one year from the effective date of the Change of Zone. Final subdivision approval shall be secured within two years from the date of receipt of tentative subdivision approval; (C) a traffic monitoring program shall be coordinated with the Department of Transportation Highways Division. Required improvements as determined by the findings of the monitoring program shall be installed in a manner meeting with the approval of the Department of Transportation-Highways Division; (D) all roadways within the airport site shall be constructed in accordance with the requirements of the Department of Public Works; (E) a drainage system shall be installed meeting with the approval of the Department of Public Works; (F) should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; (G) comply with all other applicable laws, rules, regulations and requirements of Federal, State, and County agencies; (H) comply with conditions of the State Land Use Commission Decision and Order, dated January 9, 1990; (I) should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition


of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (J) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this Change of Zone. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required; and, (K) an 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); and 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. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. In the event that any portion of the 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: December 18, 1991
Date of 1st Reading: December 18, 1991
Date of 2nd Reading: January 8, 1992
Effective Date: January 22, 1992

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

DATED: NOV. 1 1991

RUSSELL S. KOKUBUN
Chairman & Presiding Officer

MERLE K. LAI
Vice-Chairwoman



JAMES Y. ARAKAKI
BRIAN J. DE LIMA
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COUNTY COUNCIL

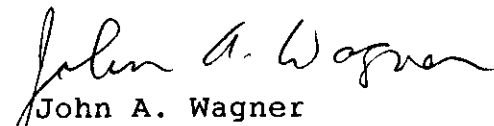
County of Hawaii
Hawaii County Building
25 Aupuni Street
Hilo, Hawaii 96720

NOTE

On Bill No. 527, Ordinance No. 92-2,
reference is made to a map attached hereto, marked Exhibit "A".

Said Exhibit is not part of the duplicate copies of this ordinance, due to its size, but is available for viewing in the Office of the County Clerk.

If further information is needed, call 961-8255.


John A. Wagner
COUNTY CLERK