

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 19
(Draft 2)

ORDINANCE NO. 03 20

AN ORDINANCE AMENDING SECTION 25-8-3 (NORTH KONA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM LIMITED INDUSTRIAL (ML-1a) TO INDUSTRIAL-COMMERCIAL MIXED USE (MCX-1a) AT KALOKO, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-51:66, 67, 68 AND 69.

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

SECTION 1. Section 25-8-3, 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 Kaloko, North Kona, Hawaii, shall be Industrial-Commercial Mixed Use (MCX-1a):

Beginning at the Northeast corner of this parcel of land, being also the Northwest corner of Lot B-1, on the Southerly side of Hina-Lani Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 16,816.56 feet South and 22,135.74 feet West and running by azimuths measured clockwise from True South:

- 1. 348° 53' 19" 356.33 feet along Lot B-1 to a point on the Northerly side of Olowalu Street;
2. 78° 52' 24" 181.75 feet along the Northerly side of Olowalu Street to a point;

Thence, along the Northerly side of Olowalu Street, along a curve to the left having a radius of 3,030.00 feet, the chord azimuth and distance being;

- 3. 75° 25' 15" 364.97 feet to a point;
- 4. 161° 58' 35" 306.54 feet along Lot B-6 to a point;

Thence, along the southerly side of Hina-Lani Street, along a curve to the right having a radius of 2,460.00 feet, the chord azimuth and distance being;

- 5. 251° 38' 25" 587.64 feet to the point of beginning and containing an area of 4.38 acres.

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, 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 be responsible for complying with all of the stated conditions of approval.
- B. Final Plan Approval for the proposed industrial-commercial development and its related improvements shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-71 (c)(3), 25-2-72, 25-2-74 and 25-4-12 prior to any construction of any structures or the establishment of any use on the

subject properties. Plans shall identify proposed structures, fire protection measures, access driveway(s), parking area(s) and landscaping associated with the proposed development.

- C. Plans submitted for Final Plan Approval review shall contain a detailed landscaping plan prepared in accordance with the requirements of Planning Department Rule No. 17 relating to Landscaping and the “Design Manual for Kaloko Light Industrial Park.”
- D. The applicant shall provide, at no cost to the County, improvements within that portion of Olowalu Street fronting the project site consisting of, but not limited to, drainage improvements, street lights, signs, markings and any relocation of utilities as may be required by the Department of Public Works. Construction of roadway improvements may be built commensurate with the development of individual properties within the project site, but must be dedicated to the County of Hawai‘i prior to the establishment of any use on the respective properties.
- E. No driveway access to the subject properties shall be permitted along Hina-Lani Street.
- F. A drainage study shall be prepared, and the recommended drainage system shall be constructed in a manner meeting with the approval of the County’s Planning Department in consultation with the Departments of Health and Public Works, prior to the establishment of any use within the project site. The applicant shall design mitigation measures to contain spills and prevent any material from leaching or draining into the ground, dry wells, or drainage systems as part of the drainage study and shall contain, at a minimum, drywell systems that are designed with a debris catch basin before flowing into the drywell. Oil and water separators will be required on those properties where petroleum products are

anticipated to be utilized.

- G. Prior to the submittal of plans for plan approval review, the applicant shall coordinate with the Planning Director to explore all reasonable means of implementing an individual wastewater system (IWS) to accommodate the wastewater needs for the proposed project site that shall be designed to remove no less than 60% Total Nitrogen from the treatment system and an absorption field of import material which is designed to achieve no less than 80% reduction of nitrogen while featuring adequate percolation rate and offering additional phosphorus removal. Should the Planning Director, at his/her sole discretion, determine that the cost and/or practicability of implementing such an IWS be considered unreasonable, then the applicant may be permitted to install a wastewater treatment system meeting with the requirements of the State Department of Health. Should an improvement district be established for this area for the purpose of installing a sewer line to service the subject property, then the requirements of Condition G would not be applicable. The applicant shall participate in an Improvement District for the purpose of installing a sewer line to service the subject property.

- II. The applicant shall comply with the applicable requirements of Chapter 11-55, Water Pollution Control, Hawaii Administrative Rules, Department of Health that may require an NPDES permit for certain construction activities.

- I. The applicant shall prepare a solid waste management plan for the proposed industrial-commercial complex, which minimizes use of County landfills, for the review and approval by the Department of Environmental Management, Solid Waste Division. A copy of the approved plan shall be submitted to the Planning Department prior to the issuance of Final Plan Approval for any use or structure on the subject properties.

- 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. Comply with all other applicable rules, regulations and requirements of the affected agencies for the proposed development.

- 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).
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.

M. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject area 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:



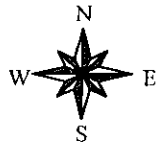
COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo _____, Hawai'i

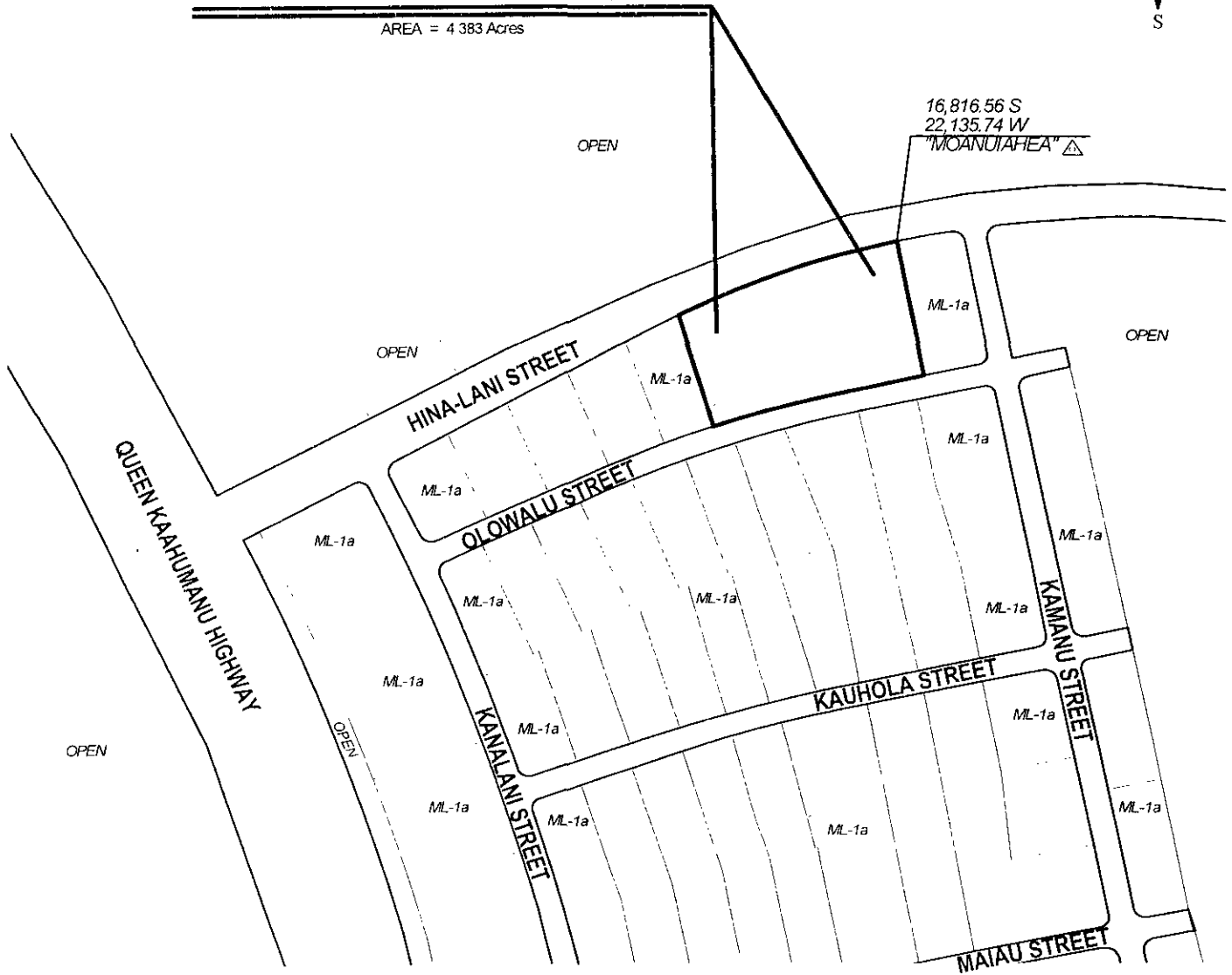
Date of Introduction: January 23, 2003
Date of 1st Reading: January 23, 2003
Date of 2nd Reading: February 5, 2003
Effective Date: February 20, 2003

LIMITED INDUSTRIAL (ML-1a) TO
INDUSTRIAL-COMMERCIAL MIXED USE (MCX-1a)

AREA = 4 383 Acres



16,816.56 S
22,135.74 W
"MOANUIAHEA" △



0 600 1200 1800 2400 Feet

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-3 (NORTH KONA DISTRICT ZONE MAP) ARTICLE 8, CHAPTER 25
(ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT
CLASSIFICATION FROM LIMITED INDUSTRIAL (ML-1a) TO
INDUSTRIAL-COMMERCIAL MIXED USE (MCX-1a)

AT KALOKO, NORTH KONA, HAWAII

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

OCTOBER 25, 2002
REVISED JANUARY 13, 2003

TMK : 7-3-051:066-069

EXHIBIT "A"

(KALOKO DEVELOPMENT INC.: 1078)

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: January 23, 2003
First Reading: January 23, 2003
Published: N/A

REMARKS: _____

Second Reading: February 5, 2003
To Mayor: February 11, 2003
Returned: February 21, 2003
Effective: February 20, 2003
Published: March 2, 2003

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Holschuh	X			
Jacobson	X			
Leithead-Todd	X			
Reynolds	X			
Safarik	X			
Tyler	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Holschuh	X			
Jacobson	X			
Leithead-Todd	X			
Reynolds	X			
Safarik	X			
Tyler	X			
	9	0	0	0

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

APPROVED AS TO
FORM AND LEGALITY:

Bethann K. O'Code
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 2/12/03



COUNCIL CHAIRMAN



COUNTY CLERK

Bill No.: 19 (Draft 2)
Reference: C-47.1/PC-5
Ord No.: 03 20

~~Approved~~ Disapproved this 20th day

of February, 2003

Harry Kim
MAYOR, COUNTY OF HAWAII