

COUNTY OF HAWAII

STATE OF HAWAII

BILL NO. 265
(Draft 4)

ORDINANCE NO. 96 81

AN ORDINANCE AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-03:POR. OF 4.

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

SECTION 1. Section 25-114, 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 Waiakea, South Hilo, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the northerly corner of this parcel of land, being the southeast corner of Lot 3 and on the west side of Lot 40 of Hoomalu Street Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 15,031.71 feet South and 629.41 feet East, and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|--|
| 1. | 355° 40' | 288.05 | feet along Lot 40, Road Lot, Lots 39, 32 and 31 of Hoomalu Street Subdivision; |
| 2. | 85° 40' | 126.85 | feet along the remainder of Lot 1; |
| 3. | 175° 40' | 48.84 | feet along same; |
| 4. | 85° 40' | 50.00 | feet along same; |
| 5. | 355° 40' | 48.84 | feet along same; |
| 6. | 85° 40' | 126.85 | feet along same; |

7. 175° 40' 288.05 feet along Lot 2;
8. 265° 40' 303.70 feet along Lot 3 to the point of beginning and containing an area of 1.952 Acres.

All as shown 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 applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Final Subdivision Approval of the proposed subdivision development shall be secured within five (5) years from the effective date of this ordinance.
- C. A drainage/flood study of the project site shall be prepared for review and approval by the Department of Public Works, prior to submittal of plans for subdivision review. Drainage improvements, as 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.
- D. To conform with the existing character of the area, Ahe Street shall be extended through TMK: 2-4-42:82 and constructed with a 20-foot wide dedicable pavement within a 40-foot right-of way with paved shoulders and paved swales meeting with the approval of the Department of Public Works. The applicant shall construct the Ahe Street extension within the subject property and all other proposed roadways within the proposed subdivision with a 32-foot wide dedicable pavement within a 50-foot right-of-way with paved shoulders and paved swales along the full frontages of all proposed subdivided lots, meeting with the approval

of the Department of Public Works. All roadways shall be dedicated to the County of Hawaii upon its request.

- E. Should any remains of historic sites such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the planning director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the planning director in consultation with the Department of Land and Natural Resources - Historic Preservation Division when it finds that sufficient mitigative measures have been taken.
- F. The applicant shall make its fair share contribution to mitigate the potential regional impacts of the subject property with respect to fire, police, solid waste disposal facilities, and roads. The amount of the fair share contribution shall be the sum which is the product of multiplying the number of lots proposed to be subdivided by the amounts allocated hereinbelow for each such lot, and shall become due and payable prior to final subdivision approval for any portion of the subject property or its increments. If the subject property is subdivided in two or more increments, the amount of the fair share contribution due and payable prior to final subdivision approval of each increment shall be a sum calculated in the same manner according to the number of additional proposed lots in each such increment. The fair share contribution in a form of cash, land, facilities, or any combination thereof acceptable to the director in consultation with the affected agencies shall have a maximum combined value of **\$3,748.31 per lot**. Based upon the applicant's representation of intent to subdivide and develop up to six lots, the indicated total fair share contribution is **\$22,489.86**, however, the total amount shall be increased or reduced in proportion with the actual number of subdivided lots according to the calculation and payment provisions set forth in this Condition F. The fair share contribution shall be allocated as follows:

1. \$168.40 per lot, for an indicated total of **\$1,010.40** to the County to support police facilities;
2. \$332.61 per lot, for an indicated total of **\$1,995.66** to the County to support fire facilities;
3. \$145.62 per lot, for an indicated total of **\$873.72** to the County to support solid waste facilities;
4. \$3,101.68 per lot, for an indicated total of **\$18,610.08** to the State or County to support road and traffic improvements.

The fair share contributions described above shall be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). In lieu of paying the fair share contribution, the applicant may construct and contribute improvements/facilities related to fire, police, solid waste disposal facilities, and roads within the region impacted by the proposed development, subject to the approval of the director. The cost of constructing the improvements and the fair market value of land contributed required in Condition D shall be credited against the sum specified in Condition F(5) for road and traffic improvements. For purposes of administering Condition F, the value of land contributed or the cost of any improvements required or made in lieu of the fair share contribution shall be such amount as approved by the Planning Director, upon consultation with the appropriate agencies.

- G. 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 shall be credited towards the requirements of the Unified Impact Fees Ordinance.

- H. 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; and
 - 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).
- I. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the 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:

Isabachi Amiego

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 3, 1996
Date of 1st Reading: June 3, 1996
Date of 2nd Reading: July 3, 1996
Effective Date: July 15, 1996

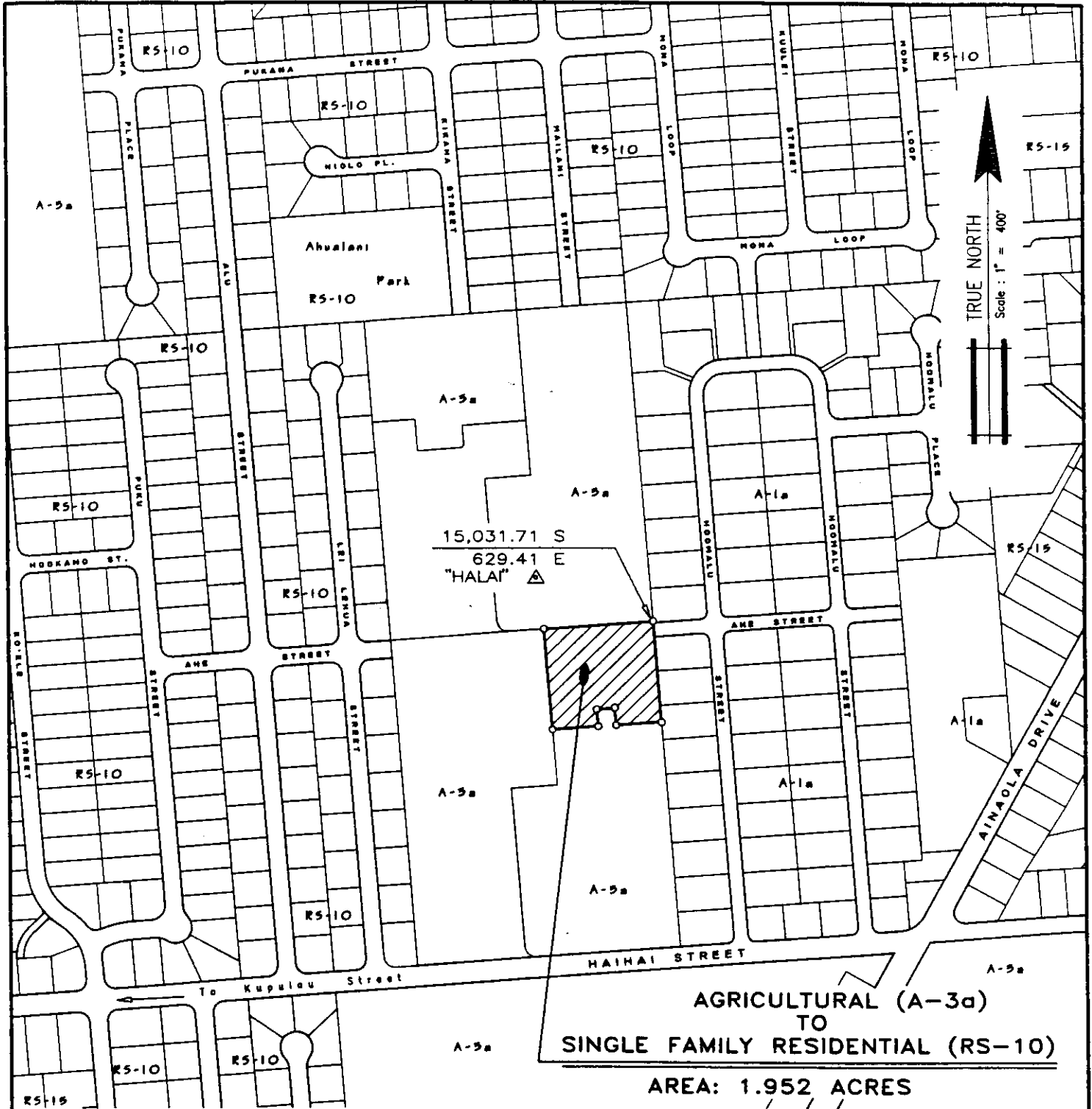
APPROVED AS TO FORM AND LEGALITY

Fredrick Mannini

DEPUTY CORPORATION COUNSEL

DATED: 6/20/96

APPROVED as to
FORM and LEGALITY
Fredrick Mannini
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII
Date 7/9/96



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 4)

Introduced By: Takashi Domingo
 Date Introduced: June 3, 1996
 First Reading: June 3, 1996
 Published: June 27, 1996

REMARKS:

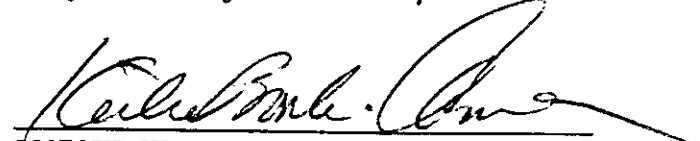
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	9	0	0	0

Second Reading: June 19, 1996
 To Mayor: June 20, 1996
 Returned: _____
 Effective: _____
 Published: _____

REMARKS:
06/21/96 - Retrieved from Mayor's Office for
reconsideration of second reading
vote.

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki			X	
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	8	0	1	0

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


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved/Disapproved this _____ day
 of _____, 19_____.

 MAYOR, COUNTY OF HAWAII

Bill No.: 265 (Draft 4)
 Reference: C-1153/PC-116
 Ord. No.: _____

OFFICE OF THE COUNTY CLERK
 County of Hawaii
Hilo, Hawaii

Introduced By: _____
 Date Introduced: _____
 First Reading: _____
 Published: _____

REMARKS:

20 JUL 20 11 00 AM '96

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki				
Bonk-Abramson				
Childs				
De Lima				
Domingo				
Osorio				
Rath				
Ray				
Smith				


Reconsideration
 Second Reading: July 3, 1996
 To Mayor: July 5, 1996
 Returned: July 15, 1996
 Effective: July 15, 1996
 Published July 22, 1996

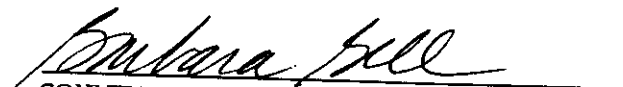
REMARKS:
07/03/96 - Reconsideration of second reading
vote.

(DRAFT 4)


ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	9	0	0	0

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


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved/Disapproved this 15 day
 of July, 19 96.


 MAYOR, COUNTY OF HAWAII

Bill No.: 265 (Draft 4)
 Reference: C-1153/PC-116
 Ord. No.: 96 81