

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 314
(Draft 3)

ORDINANCE NO. 96 121

AN ORDINANCE AMENDING SECTION 25-115 (PAPAIKOU-ONOMEA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT PAUKAA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-7-3:27.

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

SECTION 1. Section 25-115, 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 Paukaa, South Hilo, Hawaii, shall be Single Family Residential (RS-15):

Beginning at a point at the easterly side of this parcel of land being also on the westerly side of Hawaii Belt Road (SDR 3(4)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "ALALA" being 24,722.14 feet South and 5,862.08 feet East and running by azimuths measured clockwise from true South:

1. 344° 18' 108.37 feet along the westerly side of Hawaii Belt road (SDR 3(4));
2. 254° 18' 80.00 feet along a jog in Hawaii Belt Road (SDR 3(4));
3. 344° 18' 531.34 feet along the westerly side of Hawaii Belt Road (SDR 3(4)); thence along the westerly side of Hawaii Belt Road (SDR 3(4)) along a curve to the right having a radius of 2,814.78 feet, the chord azimuth and distance being:

4. 344° 59' 20" 67.68 feet;
5. 91° 24' 64.64 feet along Lot 1, Honolii Pali Tract 2, Block "A";
6. 115° 30' 43.60 feet along Lot 1, Honolii Pali Tract 2, Block "A";
7. 78° 58' 28.48 feet along Lot 2, Honolii Pali Tract 2, Block "A";
8. 80° 34' 54.11 feet along Lot 2, Honolii Pali Tract 2, Block "A";
9. 80° 06' 92.20 feet along Lot 3, Honolii Pali Tract 2, Block "A";
10. 75° 44' 20" 86.51 feet along Lot 4, Honolii Pali Tract 2, Block "A";
11. 71° 59' 15" 80.98 feet along Lot 5, Honolii Pali Tract 2, Block "A";
12. 164° 00' 1.45 feet along Lot 16, Paukaa Village;
13. 68° 43' 30" 133.52 feet along Lot 16, Paukaa Village to a point at the easterly side of Old Mamalahoa Highway;
14. 167° 00' 116.82 feet along the easterly side of Old Mamalahoa Highway;
15. 164° 57' 1,299.81 feet along the easterly side of Old Mamalahoa Highway; thence along the easterly side of Old Mamalahoa Highway along a curve to the right having a radius of 1,100.00 feet, the chord azimuth and distance being:
16. 174° 26' 30" 362.79 feet;
17. 183° 56' 266.23 feet along the easterly side of Old Mamalahoa Highway; thence following the

middle of a gulley in all its windings, along R.P. 4475, L.C. Aw. 7713 Apana 18 to V. Kamamalu, for the next four (4) courses, the direct azimuths and distances between points being:

- | | | | |
|-----|------|---------|---|
| 18. | 268° | 33' | 60.33 feet; |
| 19. | 278° | 17' 45" | 105.38 feet; |
| 20. | 278° | 28' | 163.79 feet; |
| 21. | 294° | 25' | 120.00 feet to a point at the westerly side of Hawaii Belt Road (SDR 3 (4)); |
| 22. | 344° | 18' | 1,040.84 feet along the westerly side of Hawaii Belt Road (SDR 3 (4)); |
| 23. | 74° | 18' | 80.00 feet along a jog in the Hawaii Belt Road (SDR 3 (4)); |
| 24. | 344° | 18' | 126.63 feet along the westerly side of Hawaii Belt Road (SDR 3 (4)) to the point of beginning and containing an area of 23.856 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. The applicant, successors or assigns shall comply with all of the conditions of approval of State Land Use Commission Docket No. A92-676 (SLU No. 843).

- C. The effective date of the rezoning shall be when adequate water is available for any portion of the proposed subdivision development within the subject property as determined by the Department of Water Supply.

- D. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy."

- E. Final Subdivision Approval of the proposed subdivision development shall be secured within five (5) years from the effective date of the rezoning. The subdivision plans shall delineate a 10-foot wide strip for no vehicular access planting screen easement along the property's frontage bordering the Hawaii Belt Road and the Old Mamalahoa Highway, except for those areas along the Hawaii Belt Road and the Old Mamalahoa Highway designated as highway or street access points into the proposed subdivision development of the subject property.

- F. Restrictive covenants in the deeds of all the proposed lots shall prohibit the construction of an ohana dwelling or a second dwelling unit on each lot within the subject property. A copy of the covenants with this requirement shall be submitted to the Planning Department for review and approval and a copy of the approved covenant shall be recited in an instrument executed by the applicant and the County prior to Final Subdivision Approval for any portion of the subject property. The Planning Director shall promptly deliver such document to the Bureau of Conveyances for recordation. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.

- G. The portion of the Old Mamalahoa Highway fronting the subject property from the southern or Hilo boundary of the subject property up to the designated street access point into the subject property shall be improved to a 20-foot wide pavement with 6-foot wide paved shoulders.

- H. Accesses to the subject property and all roadways within the proposed subdivision within the subject property shall meet with the requirements and approval of the Department of Public Works and/or the State Department of Transportation.

- I. The applicant shall designate approximately two acres of land within the subject property to be used as a public community park on plans for subdivision. The park site shall be dedicated to the County and accepted by the County of Hawaii in conjunction with final subdivision approval for any portion of the subject property. The configuration and improvements, limited to grading and grassing of the two-acre park site, shall meet with the approval of the Planning Director in consultation with the Department of Parks and Recreation.

- J. All electrical and communication utilities and systems within the road rights-of-way shall be placed underground.

- K. 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 and disposal facilities, and roads. The amount of the fair share contribution shall be the sum which is the product of multiplying the number of residential 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 proposed residential lots in each such increment. The fair share contribution may be in a form of cash, land, facilities, or any combination thereof acceptable to the director in consultation with the affected agencies. The fair share contribution 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 forty-one (41) residential lots, the indicated total fair share contribution is **\$153,680.71**, 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 K. The fair share contribution shall be allocated as follows:

1. \$168.40 per lot, for an indicated total of **\$6,904.40** to the County to support police facilities;
2. \$332.61 per lot, for an indicated total of **\$13,637.01** to the County to support fire facilities;
3. \$145.62 per lot, for an indicated total of **\$5,970.42** to the County to support solid waste facilities; and
4. \$3,101.68 per lot, for an indicated total of **\$127,168.88** 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 the change of zone, 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 land, improvements/facilities related to parks and

recreation, 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 roadway improvements required in Condition G and any roadway improvements required by the State, shall be credited against the sum specified in Condition K(4) relating to road and traffic improvements. For purposes of administering Condition K, the fair market value of land contributed or the cost of any improvements required or made in lieu of the fair share contribution shall be subject to the review and approval of the director, upon consultation with the appropriate agencies;

L. 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.

M. 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).

N. 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:


COUNCIL MEMBER, COUNTY OF HAWAII

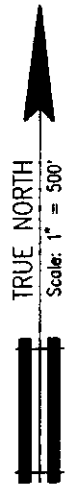
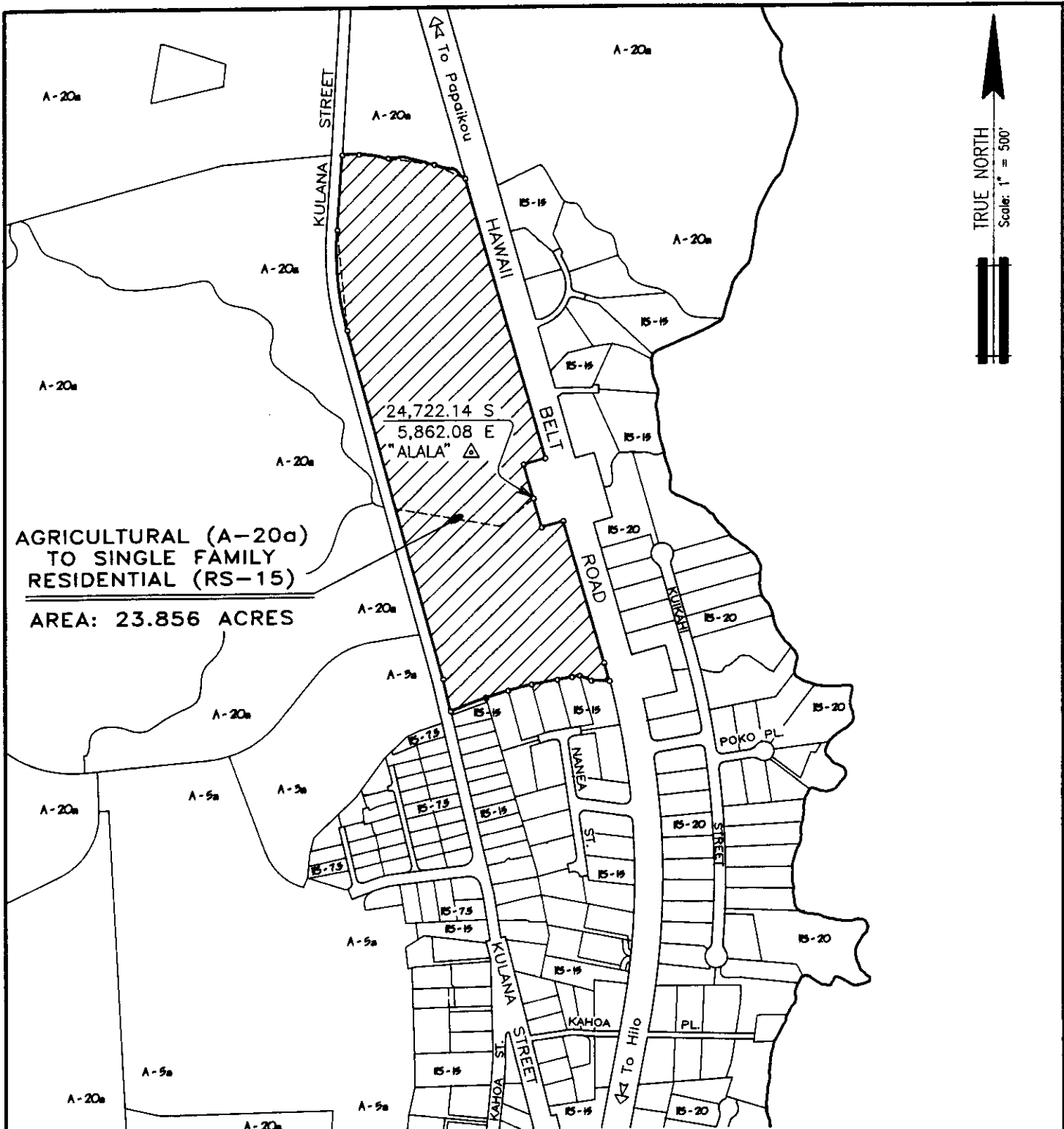
Hilo, Hawaii

Date of Introduction: September 18, 1996
Date of 1st Reading: September 18, 1996
Date of 2nd Reading: October 2, 1996
Effective Date: October 18, 1996

APPROVED AS TO FORM AND LEGALITY


DEPUTY CORPORATION COUNSEL

DATED: OCT 15 1996



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-115 (PAPAIKOU-ONOMEA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT PAUKAA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RECEIVED

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(DRAFT 2)

Introduced By: Takashi Domingo
 Date Introduced: September 18, 1996
 First Reading: September 18, 1996
 Published: September 26, 1996

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Easley	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Van De Car		X		
Ray	X			
Smith	X			
	8	1	0	0

Second Reading: October 2, 1996
 To Mayor: October 8, 1996
 Returned: October 21, 1996
 Effective: October 18, 1996
 Published: October 28, 1996

REMARKS:

(DRAFT 3)

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Easley	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Van De Car		X		
Ray	X			
Smith	X			
	8	1	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 18 day
 of October, 1996.



MAYOR, COUNTY OF HAWAII

Bill No.: 314 (Draft 3)

Reference: C-1318/PC-148

Ord. No.: 96 121