

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 340
(Draft 4)

ORDINANCE NO. 96 148

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-20a) AND (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT KUKUAU 2nd , SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-5-46:PORTION OF 1.

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 Kukuau 2nd, South

Hilo, Hawaii, shall be Single Family Residential (RS-7.5):

PARCEL 1

Beginning at the Southwesterly corner of this parcel of land being the Northeasterly corner of Lot 2, Leilima Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kaumana" being 1,901.33 feet South and 2,228.44 feet West, thence running by azimuths measured clockwise from True South;

1. 180° 00' 338.63 feet along the remainder of Royal Patent 5076, L.C. Award 8521-B, Apana 2 to G.D. Hueu;
2. 271° 10' 32" 776.27 feet along the same;
3. Thence along the remainder of Royal Patent 5076, L.C. Award 8521-B, Apana 2 to G.D. Hueu on a curve to the left with a radius of 1,500.00 feet, the chord azimuth and distance being:
255° 59' 24.5" 785.83 feet;

4.	334°	43'	30.40	feet along the remainder of Royal Patent 5076, L.C. Award 8521-B, Apana 2 to G.D. Hueu;
5.	351°	29'	78.85	feet along the same;
6.	335°	25'	130.65	feet along the same;
7.	329°	34'	135.20	feet along the same;
8.	340°	08' 30"	173.35	feet along the same;
9.	345°	12'	0.63	feet along the same;
10.	90°	00'	808.08	feet along the same;
11.	180°	00'	307.00	feet along the same;
12.	90°	00'	747.00	feet along the same;
13.	360°	00'	307.00	feet along the same;
14.	87°	27' 15"	190.21	feet along the same to the point of beginning and containing an area of 8.175 acres.

PARCEL 2

Beginning at the Southwesterly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kaumana" being 1,562.70 feet South and 2,228.44 feet West, thence running by azimuths measured clockwise from True South;

1.	180°	00'	262.78	feet along the remainder of Royal Patent 5076, L.C. Award 8521-B, Apana 2 to G.D. Hueu;
2.	257°	05'	46.20	feet along the same;
3.	270°	00'	738.27	feet along the same;
4.	318°	06'	328.82	feet along the Southerly side of Pamoho Subdivision;

- | | | | |
|----|---|--------|--|
| 5. | 261° 32' | 304.00 | feet along the same and along the Southerly side of government land; |
| 6. | 217° 32' | 287.43 | feet along the Southerly side of government land; |
| 7. | 334° 43' | 140.16 | feet along the remainder of Royal Patent 5076, L.C. Award 8521-B, Apana 2 to G.D. Huevo; |
| 8. | Thence along the remainder of Royal Patent 5076, L.C. Award 8521-B, Apana 2 to G.D. Huevo on a curve to the right with a radius of 1,500.00 feet, the chord azimuth and distance being:
75° 59' 24.5" 785.83 feet; | | |
| 9. | 91° 10' 32" | 776.27 | feet along the same to the point of beginning and containing an area of 6.482 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, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance.
- C. Final Subdivision Approval for the proposed residential subdivision within the subject property shall be secured from the Planning Director within five (5) years from the effective date of this ordinance but not until the final determination of

the required rights-of-way for the extensions of Puainako Street (Saddle Road) and Akolea Road traversing the subject property have been established. The subdivision plans shall delineate the rights-of-way of the proposed extensions of Puainako Street (Saddle Road) and Akolea Road.

- D. Access to the subject property shall be limited to Wilder Road or the interior roadways from adjacent parcels. To ensure this requirement, the subdivision plans shall delineate a 10-foot wide strip for no vehicular access planting screen easement along the frontage of proposed lots within the subject property bordering the proposed extensions of Puainako Street and Akolea Road. Upon the determination of the required rights-of-way for the extensions of Puainako Street (Saddle Road) and Akolea Road traversing the subject property, and upon the subdivision of such roadway portions, the applicant shall dedicate such rights-of-way portion(s) in fee simple to the County upon its request.
- E. The access to the property and all roadways within the subject property shall be constructed to dedicable standards with concrete curbs, gutters and sidewalks, meeting with the approval of the Department of Public Works in conjunction to final subdivision approval for the subject property.
- F. In conjunction with the submittal of subdivision plans, a Traffic Impact Analysis report, including Wilder Road and Kaumana Drive, shall be submitted for review and approval to the Department of Public Works. The applicant shall be responsible for any traffic mitigation measures required by the Traffic Impact Analysis report for the development within the subject property.

- G. In conjunction with the submittal of subdivision plans, a Solid Waste Management Plan shall be submitted for review and approval by the Department of Public Works.
- H. A Flood Study for the subject property shall be prepared and approved by the Department of Public Works prior to Final Subdivision Approval. Drainage improvements within the subject property shall be constructed meeting with the approval of the Department of Public Works in conjunction with Final Subdivision Approval.
- I. To ensure that the goals and policies of the Housing Element of the General Plan are implemented, the applicant shall secure the concurrence of the Office of Housing and Community Development that the applicant's affordable housing requirements, if any, have been mutually agreed to prior to Final Subdivision Approval.
- J. 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 Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- K. The applicant shall make its fair share contribution to mitigate the potential regional impacts of the subject property with respect to parks and recreation, 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 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 additional 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 **\$7,239.16 per lot**. Based upon the applicant's representation of intent to subdivide and develop up to forty-four (44) residential lots, the indicated total fair share contribution is **\$318,523.04**, 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. **\$3,490.85 per lot, for an indicated total of \$153,597.40 to the County to support park and recreational improvements and facilities;**
2. **\$168.40 per lot, for an indicated total of \$7,409.60 to the County to support police facilities;**
3. **\$332.61 per lot, for an indicated total of \$14,634.84 to the County to support fire facilities;**
4. **\$145.62 per lot, for an indicated total of \$6,407.28 to the County to support solid waste facilities;**

5. \$3,101.68 per lot, for an indicated total of **\$136,473.92** 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 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 providing the rights-of-way for the extensions of Puainako and Akolea Road, as set forth in Conditions D, shall be credited against the sum specified in Condition K(5) for road and traffic improvements. For purposes of administering Condition K, the fair market value of land contributed for such roadway segment and the cost of constructing its improvements shall be subject to the review and approval of the director, upon consultation with the appropriate agencies.

- L. Construction access road shall be used and constructed on the subject property on or around the proposed Puainako Street extension.
- M. Restrictive covenant in the deeds of all the proposed residential lots shall prohibit the construction of an ohana dwelling or a second dwelling unit on each lot of the subject property. A copy of the covenant with this requirement shall be submitted to the Planning Director for review and approval prior to Final Subdivision Approval. 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 Director upon its receipt from the Bureau of Conveyances.

- N. 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 Fee Ordinance.

- O. The applicant, its successors or assigns shall be responsible for complying with all applicable laws, rules, regulations and requirements of the affected agencies.

- P. 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 applicants, 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).

Q. 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

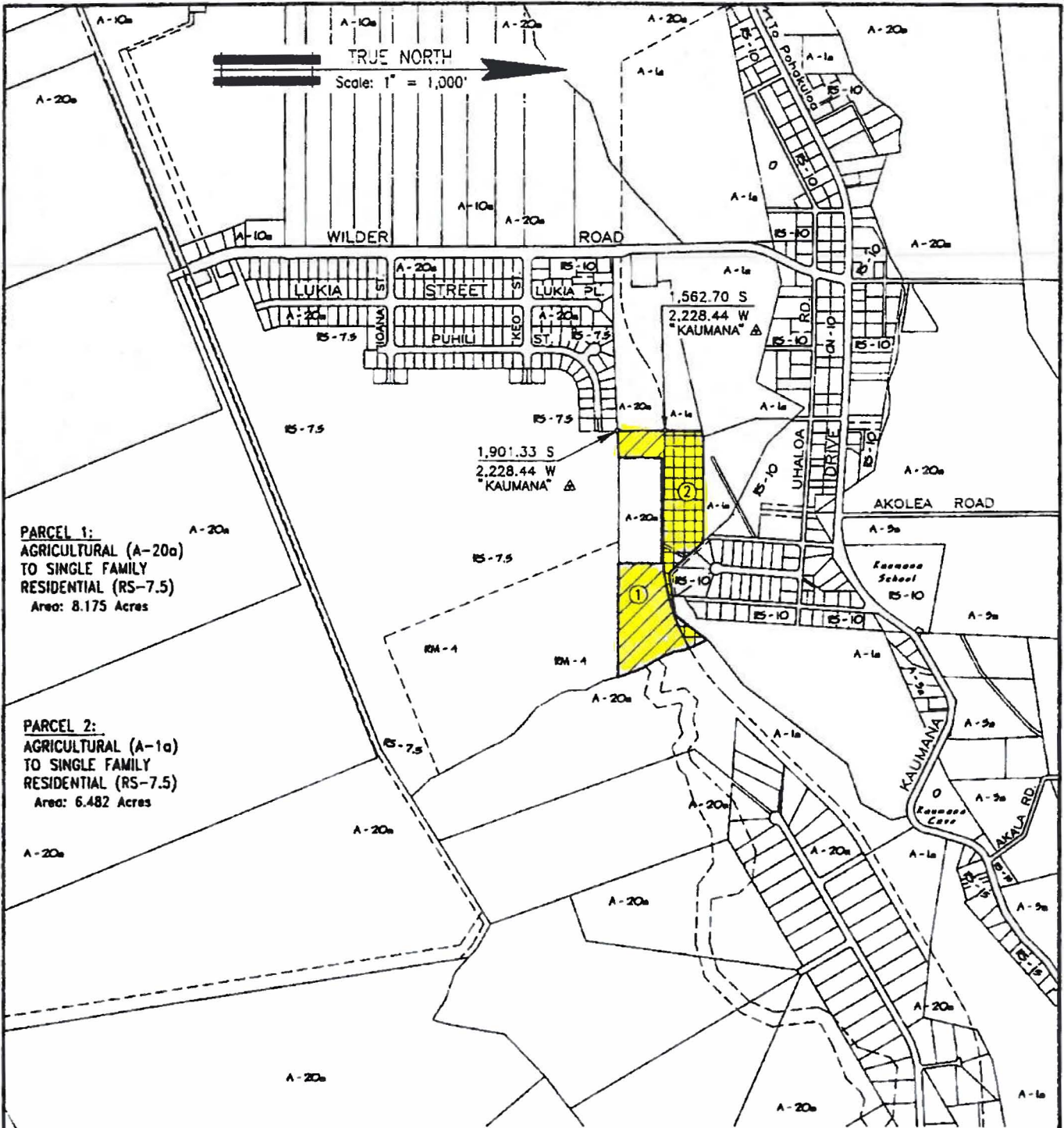
Date of Introduction: October 16, 1996
Date of 1st Reading: October 16, 1996
Date of 2nd Reading: November 21, 1996
Effective Date: December 5, 1996

APPROVED AS TO FORM AND LEGALITY



DEPUTY CORPORATION COUNSEL

DATED: 11/26/96



PARCEL 1:
 AGRICULTURAL (A-20a)
 TO SINGLE FAMILY
 RESIDENTIAL (RS-7.5)
 Area: 8.175 Acres

PARCEL 2:
 AGRICULTURAL (A-1a)
 TO SINGLE FAMILY
 RESIDENTIAL (RS-7.5)
 Area: 6.482 Acres

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-20a) AND AGRICULTURAL (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT KUKUAU 2ND, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii 96 DEC 5 PM 3 00

(DRAFT 2)

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			
	7	1	1	0

Introduced By: Takashi Domingo
 Date Introduced: October 16, 1996
 First Reading: October 16, 1996
 Published: October 23, 1996

REMARKS:
10/16/96 - Referred back to Planning Committee

(DRAFT 4)

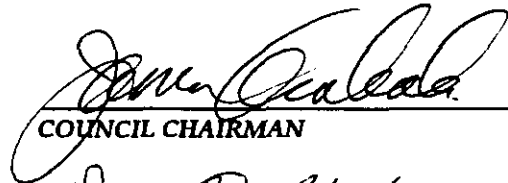

ROLL CALL VOTE

	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: November 21, 1996
 To Mayor: November 25, 1996
 Returned: December 5, 1996
 Effective: December 5, 1996
 Published: December 13, 1996

REMARKS:

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 5 day
 of December, 1996.


 MAYOR, COUNTY OF HAWAII

Bill No.: 340 (Draft 4)
 Reference: C-1381/PC-158
 Ord. No.: 96 148