

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 342  
(Draft 4)

ORDINANCE NO. 96 150

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-1a) TO NEIGHBORHOOD COMMERCIAL (CN-40) AT KUKUAU 2nd , SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-5-46:PORTION OF 7.

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 Neighborhood Commercial (CN-40):

Beginning at the northwesterly corner of this parcel of land and on the easterly side of Wilder Road, the coordinates of said point of beginning referred to government survey triangulation station "Kaumana" being 773.82 feet south and 3,434.74 feet west, thence running by azimuths measured clockwise from true south.

- |    |          |        |  |
|----|----------|--------|--|
| 1. | 258° 27' | 155.82 | feet along the southerly side of Kaumana House Lots;                                       |
| 2. | 283° 49' | 729.99 | feet along the same;   |
| 3. | 335° 00' | 15.00  | feet along the remainder of Royal Patent 5076, L.C. Award, 8521-B, Apana 2 to G. D. Hueue; |
| 4. | 360° 00' | 446.97 | feet along the same;   |
| 5. | 77° 05'  | 196.35 | feet along the same;   |
| 6. | 76° 45'  | 319.00 | feet along the same;   |

7. 88° 25' 426.45 feet along the same;
8. 178° 25' 463.03 feet along the easterly side of Wilder Road;
9. Thence along the easterly side of Wilder Road on a curve to the right with a radius of 470.00 feet, the chord azimuth and distance being;
  - 192° 42' 30" 232.05 feet;
10. 207° 00' 48.57 feet along the easterly side of Wilder Road to the point of beginning and containing an area of 13.863 acres, more or less.

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. In conjunction with the submittal of plans for subdivision review or plan approval review, a master plan for the subject property shall be filed with the Planning Director. Final Plan Approval or final subdivision approval for 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 right-of-way for the proposed Puainako Street (Saddle Road) extension, located along the subject property's southern boundary has been established.

Plans to be submitted for final subdivision approval or final plan approval shall delineate the right-of-way of the proposed Puainako Street (Saddle Road) extension, located along the subject property's southern boundary, and plans shall also comply with the approved master plan and all conditions of approval set forth in this ordinance. The purpose of the master plan is to provide comprehensive principles and guidelines for the commercial and residential development within the subject property in order to assure that the development is compatible with the surrounding area. The master plan shall include, but not be limited to, standards and guidelines relative to open space, architecture building controls (appearance, siting, heights, building materials, signs, etc.), terrain, topography, off-street parking, landscaping, setbacks from property lines and buildings, lot coverage ratio, etc. and enforcement procedures. For the purpose of mitigating any potential adverse noise and visual impacts to adjoining parcels, the landscaping plan shall include landscaping along the subject property's frontages along Wilder Road and the proposed Puainako Street extension (Saddle Road) and a program for the maintenance of the landscaping plan. Any multiple-family residential structures shall be designed to be in keeping with the single family residential character of the surrounding area.

- D. Access to the subject property shall be limited to Wilder Road. Upon the determination of the required right-of-way for the proposed Puainako Street (Saddle Road) extension, located along the subject property's southern boundary, and upon the subdivision of its roadway portion(s), the applicant shall dedicate the Puainako extension right-of-way within the subject property in fee simple to the County upon its request.

- E. Access to the subject property and all proposed 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 prior to issuance of a certificate of occupancy for any development within the subject property.
- F. Prior to issuance of a Certificate of Occupancy for any development within the subject property, the applicant shall provide full roadway improvements to the entire frontage of the subject property along Wilder Road, consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk improvements, street lights, signs and markings, meeting with the approval of the Department of Public Works.
- G. A Traffic Impact Analysis report for the subject property shall include Wilder Road and Kaumana Drive and shall be submitted for review and approval to the Department of Public Works, prior to the submittal of plans for Plan Approval or subdivision review. The applicant shall be responsible for any traffic mitigation measures required by the Traffic Impact Analysis report for the development within the subject property.
- H. A Solid Waste Management Plan shall be submitted for review and approval by the Department of Public Works, prior to the submittal of plans for Plan Approval or subdivision review for any development within the subject property. The Plan shall include, but not be limited to, the management of construction solid waste as well as operating solid waste generated by the proposed development.
- I. A Flood Study for the subject property shall be prepared and submitted for approval by the Department of Public Works prior to submittal of plans for Plan Approval or subdivision review. Drainage improvements shall be constructed

meeting with the approval of the Department of Public Works prior to issuance of a Certificate of Occupancy for any development the subject property.

- 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 units proposed, if any, to be developed by the amounts allocated hereinbelow for each such unit, and shall become due and payable prior to final subdivision approval or final plan approval for any portion of the subject property or its increments. If the subject property is developed in two or more increments, the amount of the fair share contribution due and payable prior to final subdivision approval or final plan approval of each increment shall be a sum calculated in the same manner according to the number of additional proposed residential units 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 **\$4,645.29 per multiple-family residential unit and \$7,239.16 per single-family residential unit**. Should the applicant develop any residential units, the indicated total fair share contribution for the multiple family residential units and for single-family residential units, whichever is applicable,

shall be based upon the applicant's master plan for the subject property. However, the total amount shall be increased or reduced in proportion with the actual number of units according to the calculation and payment provisions set forth in this Condition K. The fair share contribution shall be allocated as follows:

1. \$2,291.39 per multiple-family residential unit and \$3,490.85 per single-family residential unit to the County to support park and recreational improvements and facilities;
2. \$72.42 per multiple-family residential unit and \$168.40 per single-family residential unit to the County to support police facilities;
3. \$222.77 per multiple-family residential unit for an indicated total of **\$5,569.25** and \$332.61 per single-family residential unit for an indicated total of **\$3,991.32** to the County to support fire facilities;
4. \$99.29 per multiple-family residential unit and \$145.62 per single-family residential unit to the County to support solid waste facilities;
5. \$1,959.42 per multiple-family residential unit and \$3,101.68 per single-family residential unit 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 and constructing the improvements required in Conditions D, F, and G 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 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. 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.
- M. The applicant, its successors or assigns shall be responsible for complying with all applicable laws, rules, regulations and requirements of the affected agencies.
- 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. 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).

P. 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

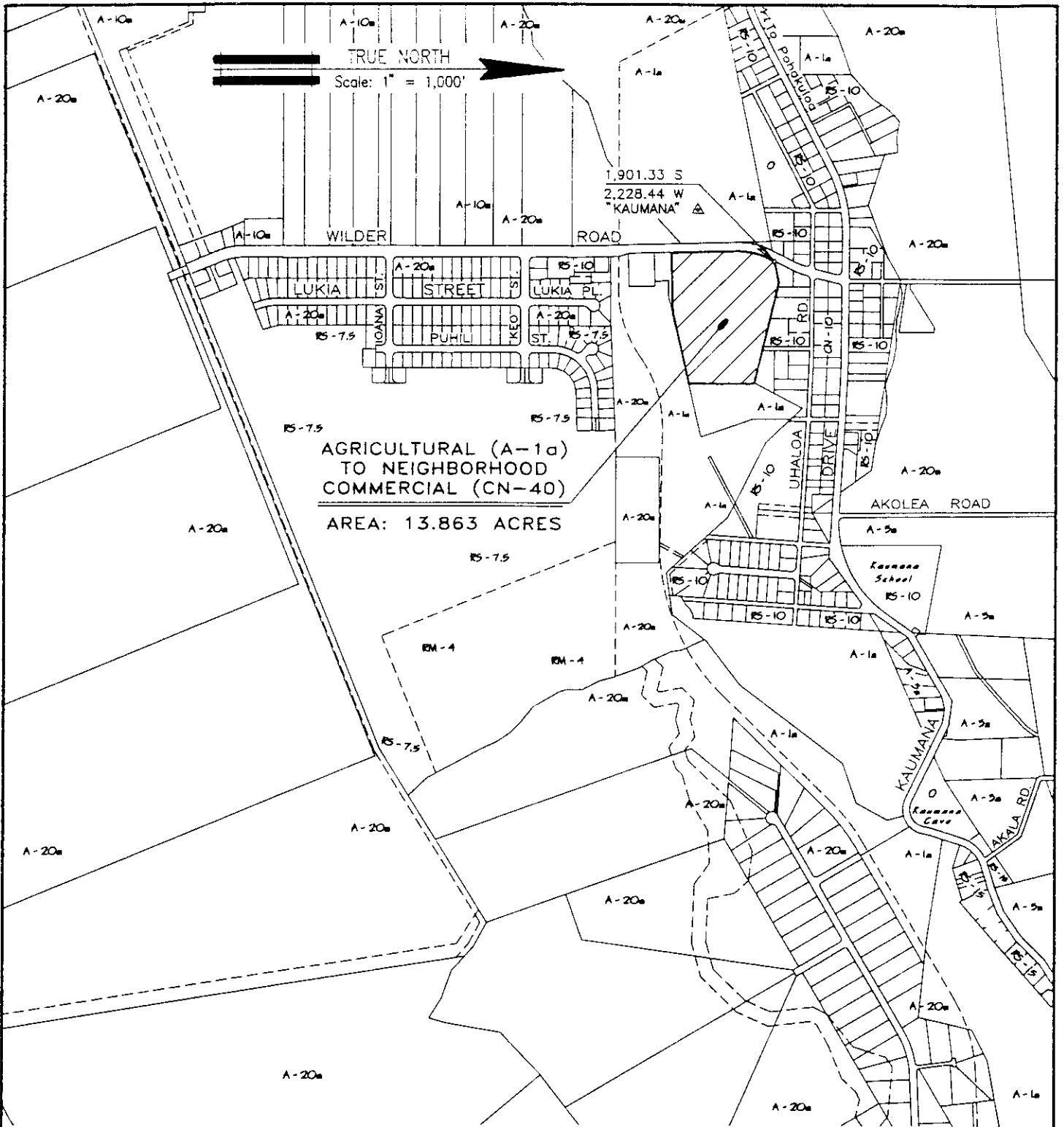
APPROVED AS TO FORM AND LEGALITY

  
 \_\_\_\_\_

DEPUTY CORPORATION COUNSEL

DATED: 11/26/96





## 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-1a) TO NEIGHBORHOOD COMMERCIAL (CN-40) 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 11 0 83

(DRAFT 2)

Introduced By: Takashi Domingo  
 Date Introduced: October 16, 1996  
 First Reading: October 16, 1996  
 Published: N/A

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

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	0	1	0


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


REMARKS:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(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

**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.: 342 (Draft 4)  
 Reference: C-1381/PC-160  
 Ord. No.: 96 150