

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 237 (Draft 2)

ORDINANCE NO. 98 67

AN ORDINANCE AMENDING SECTION 25-8-11 (LALAMILO - PUUKAPU ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO FAMILY AGRICULTURAL (FA-1a) AT PUUKAPU, WAIMEA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-4-2:148.

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

SECTION 1. Section 25-8-11, 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 Puukapu, Waimea, South Kohala, Hawaii, shall be Family Agricultural (FA-1a):

Beginning at the Northeast corner of this parcel of land on the Southerly side of Mamalahoa Highway, the coordinates of which referred to Government Survey Triangulation Station "EAST BASE" being 6,863.73 feet North and 2,716.87 feet East and running by azimuths measured clockwise from true South:

- 1. 346° 10' 445.85 feet along remainder of Grant 7402 to Piko Bell;
2. 76° 10' 297.19 feet along remainder of Grant 7402 to Piko Bell;
3. 166° 10' 424.14 feet along remainder of Grant 7402 to Piko Bell;

thence along remainder of Grant 7402 to Piko Bell, on a curve to the right with a radius of 10.00 feet, the chord azimuth and distance being:

- 4. 210° 00' 13.85 feet;

5. 253° 50' 287.83 feet along the Southerly side of Mamalahoa Highway to the point of beginning and containing an area of 3.00 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 applicants, successors or assigns shall be responsible for complying with all requirements of Chapter 205, Hawaii Revised Statutes, relating to permissible uses within the State Land Use Agricultural District.
- C. Final Subdivision Approval of the proposed agricultural subdivision shall be secured from the Planning Director within five (5) years from the effective date of this ordinance.
- D. 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.
- E. Access to the subject property from Mamalahoa Highway shall meet with the requirements of the Department of Public Works. The entrance roadway sight distance shall meet the requirements of the Statewide Design Manual.
- F. The applicant, successors or assigns shall dedicate a portion of the subject property along the entire subject property's Mamalahoa frontage, if required by the County of Hawaii for future road widening improvements.

- G. 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.
- H. The applicant shall make its fair share contribution to mitigate potential regional impacts of the subject project with respect to roads, parks and recreation, fire, police and solid waste disposal facilities. 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, in a form of cash, land, facilities or any combination thereof acceptable to the director in consultation with the affected agencies, shall be determined by the County Council. The fair share contribution shall have a maximum combined value of **\$7,239.16 per single-family residential unit**. Based upon the applicant's representation of intent to develop up to three (3) residential units, the indicated total of fair share contribution is **\$21,717.48** for single-family residential units. 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 H. The fair share contribution

shall be allocated as follows:

1. **\$3,490.85 per single-family residential unit for an indicated total of \$10,472.55 to the County to support park and recreational improvements and facilities;**
2. **\$168.40 per single-family residential unit for an indicated total of \$505.20 to the County to support police facilities;**
3. **\$332.61 per single-family residential unit for an indicated total of \$997.83 to the County to support fire facilities;**
4. **\$145.62 per single-family residential unit for an indicated total of \$436.86 to the County to support solid waste facilities; and**
5. **\$3,101.68 per single-family residential unit for an indicated total of \$9,305.04 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 Condition E shall be credited against the sum specified in Condition H (5) for road and traffic improvements. For purposes of administering Condition H, 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 review and approval of the director, upon consultation with the appropriate agencies.

Upon approval of the fair share contributions or in lieu contributions by the

director, the director shall submit a final report to the Council for its information that identifies the specific approved fair share and/or in lieu contributions, as allocated, and further implementation requirements.

- I. 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.
- J. Comply with all applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed development within the subject property.
- K. 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, its 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).

L. 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

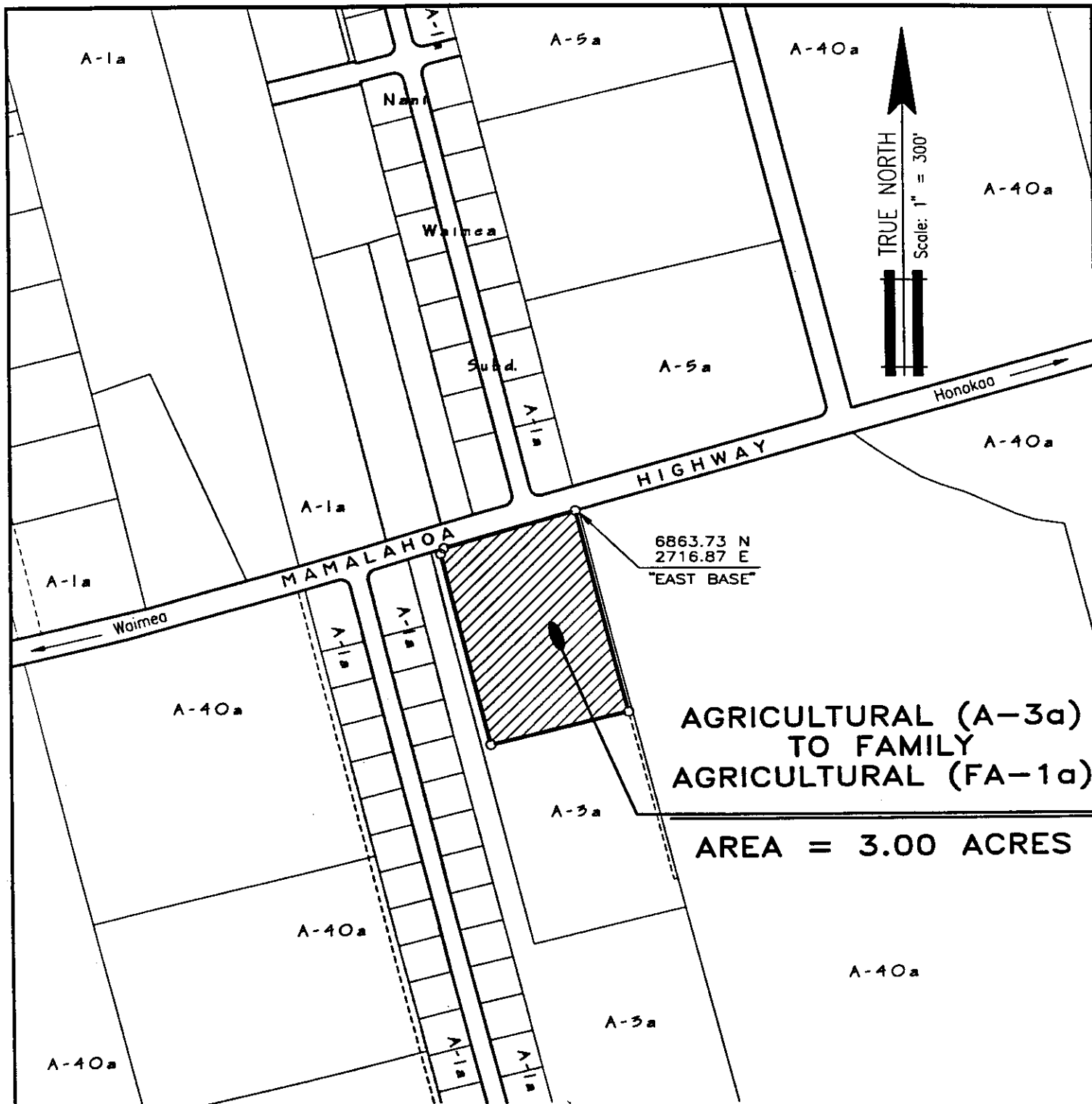
Hilo, Hawaii

Date of Introduction: June 1, 1998
Date of 1st Reading: June 1, 1998
Date of 2nd Reading: June 16, 1998
Effective Date: July 2, 1998

APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL

DATED: _____



**AGRICULTURAL (A-3a)
TO FAMILY
AGRICULTURAL (FA-1a)**

AREA = 3.00 ACRES

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-11 (LALAMILO - PUUKAPU ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO FAMILY AGRICULTURAL (FA-1a) AT PUUKAPU, WAIMEA, SOUTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RECEIVED

(Draft 2) 2 AM 10 50

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: June 1, 1998
 First Reading: June 1, 1998
 Published: June 8, 1998

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray			X	
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	8	0	1	0

Second Reading: June 16, 1998
 To Mayor: June 19, 1998
 Returned: July 2, 1998
 Effective: July 2, 1998
 Published: July 10, 1998

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

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

**APPROVED AS TO
FORM AND LEGALITY:**

Patricia R. O'Leary
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date JUN 23 1998

Approved/Disapproved this 2 day
 of July, 19 98

John Yamane
 MAYOR, COUNTY OF HAWAII

James G. ...
 COUNCIL CHAIRMAN
Donald ...
 COUNTY CLERK

Bill No.: 237 (Draft 2)
 Reference: C-828.01/PC-114
 Ord. No.: 98 67