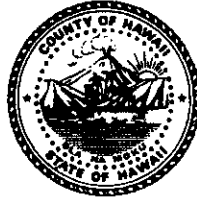


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. **06 117** BILL NO. 298

AN ORDINANCE REPEALING ORDINANCE NO. 96 152 WHICH AMENDED 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 PAPAA-HALEPUNA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-6-12:PORTION OF 4 AND 2-6-13:PORTION OF 7.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Ordinance No. 96 152, which amended Section 25-115 (Papaikou-Onomea Zone Map), Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code is hereby repealed in its entirety.

~~[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 Papaa Halepuna, South Hilo, Hawaii, shall be Single Family Residential (RS-15):~~

~~Beginning at the northeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 10,449.50 feet North and 664.80 feet East, thence running by azimuths measured clockwise from True South:~~

- ~~1. 1° 00' 818.00 feet along the remainders of R.P. 1984, L.C. Aw. 190 to A. Ragdale and Grant 2977 to Maa;~~
- ~~2. 100° 00' 240.00 feet along the remainder of Grant 2977 to Maa;~~
- ~~3. 126° 00' 245.00 feet along the remainders of Grant 2977 to Maa and Grant 2975 to Kekaula;~~
- ~~4. 113° 00' 110.00 feet along the remainder of Grant 2975 to Kekaula;~~

5. ~~91° 00' 60.00 feet along same;~~
6. ~~67° 00' 215.00 feet along same;~~
7. ~~97° 24' 81.43 feet along same;~~
8. ~~171° 00' 553.00 feet along same;~~
9. ~~Thence along same on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:~~
~~221° 00' 45.96 feet;~~
10. ~~Thence along the remainders of Grant 2975 to Kekaula and R.P. 1984, L.C. Aw. 190 to A. Ragsdale on a curve to the left with a radius of 520.00 feet, the chord azimuth and distance being:~~
~~261° 00' 180.59 feet;~~
11. ~~251° 00' 150.00 feet along the remainder of R.P. 1984, L.C. Aw. 190 to A. Ragsdale;~~
12. ~~Thence along same on a curve to the right with a radius of 850.00 feet, the chord azimuth and distance being:~~
~~264° 45' 404.07 feet;~~
13. ~~278° 30' 225.00 feet along same to the point of beginning and containing an Area of 14.690 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 landowner, 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 by the landowner to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy".~~
- ~~C. The landowner shall provide all on-site and off-site water system improvements as may be required, and shall be constructed meeting with the approval of the Department of Water Supply.~~
- ~~D. Final Subdivision Approval for the proposed residential subdivision within the subject property shall be secured by the landowner from the Planning Director within five (5) years from the effective date of this ordinance.~~
- ~~E. In conjunction with the Subdivision review and approval process for the subject property, the realigned and proposed County dedicable 60-foot-wide collector roadway from the Old Mamalahoa Highway to the subject property shall be constructed by the landowner meeting with the approval of the Department of Public Works. In addition, intersection improvements at the access road and Old Mamalahoa Highway shall be constructed by the landowner meeting with the approval of the Department of Public Works.~~
- ~~F. In conjunction with the Subdivision review and approval process for the subject property, driveway accesses and interior subdivision roadways within the subject property shall be constructed by the landowner meeting with the approval of the Department of Public Works.~~
- ~~G. In conjunction with the submittal of subdivision plans for the subject property, a revised Traffic Impact Analysis Report which includes mitigating intersection roadway improvements, if applicable, shall be submitted by the landowner for review and approval to the State Department of Transportation. Prior to the occupancy of the first residential house within the subject property, the landowner~~

shall be responsible for any traffic mitigation measures required by the Traffic Impact Analysis Report for the development within the subject property.

H. ~~To ensure that the goals and policies of the Housing Element of the General Plan are implemented, the landowner shall secure the concurrence of the Office of Housing and Community Development that the landowner's affordable housing requirements, if any, have been mutually agreed to prior to Final Subdivision Approval.~~

I. ~~The landowner shall make its fair share contribution to mitigate the potential regional impacts of the subject property with respect to roads, 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 developed 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 single family residential lot. Based on the landowner's representation of intent to subdivide up to 25 residential lots the indicated total fair share contribution is \$93,707.75. 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 I. The fair share contribution shall be allocated as follows:~~

1. ~~\$168.40 per single family residential lot, for an indicated total of \$4,210.00 to the County to support police facilities;~~

2. ~~\$332.61 per single family residential lot, for an indicated total of \$8,315.25 to the County to support fire facilities;~~
3. ~~\$145.62 per single family residential lot, for an indicated total of \$3,640.50 to the County to support solid waste facilities;~~
4. ~~\$3,101.68 per single family residential lot, for an indicated total of \$77,542.00 to the County to support road and traffic improvements;~~

~~The fair share contribution 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 landowner may construct and contribute land, improvements/facilities related to fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development with the approval of the Planning Director. The cost of constructing the improvements and the fair market value of any land required in Conditions E and G, shall be credited against the sum specified in Condition I(4) for road and traffic improvements. For the purposes of administering Condition I, 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 Planning Director, upon consultation with the appropriate agencies.~~

- J. ~~In lieu of actual construction of infrastructural improvements as conditioned above, the landowner may enter into an agreement with the Planning Director and the Department of Public Works and the Department of Water Supply, if applicable, to assure the County that the infrastructural improvements will be constructed together with the appropriate bond, surety or other security deemed acceptable to the Planning Director and approved by the Corporation Counsel. Upon execution of such agreement and filing of the security with the County, if~~

~~applicable, Final Subdivision Approval for the subject property or portions thereof shall be granted prior to the actual construction of required infrastructural improvements.~~

~~K. — 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.~~

~~L. — 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.~~

~~M. — Comply with all applicable laws, rules, regulations and requirements of other affected agencies for approval of the project.~~

~~N. — An initial extension of time for the performance of conditions within the ordinance may be granted by the 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 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 Planning Director may initiate rezoning of the area to its original or more appropriate designation.~~

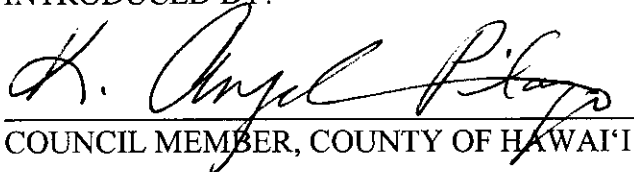
SECTION 3. ~~In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.~~

SECTION 4. ~~This ordinance shall take effect upon its approval.]~~

SECTION 2. Material to be repealed is bracketed and struck through.

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i

Date of Introduction: July 19, 2006
Date of 1st Reading: July 19, 2006
Date of 2nd Reading: August 1, 2006
Effective Date: August 8, 2006

REFERENCE: ~~Comp. 934~~

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Hilo, Hawai'i

Introduced By: K. Angel Pilago
Date Introduced: July 19, 2006
First Reading: July 19, 2006
Published: N/A

REMARKS: _____

Second Reading: August 1, 2006
To Mayor: August 2, 2006
Returned: August 9, 2006
Effective: August 8, 2006
Published: August 15, 2006

REMARKS: _____

2006 AUG 9 AM 7:55

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Higa			X	
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson	X			
Pilago	X			
Safarik	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson	X			
Pilago	X			
Safarik	X			
	9	0	0	0

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

APPROVED AS TO
FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date AUG 03 2006


COUNCIL CHAIRMAN


COUNTY CLERK

Bill No.: 298
Reference: C-934/PC-97
Ord No.: 06 117

Approved/Disapproved this 8th day

of August, 20 06


MAYOR, COUNTY OF HAWAII