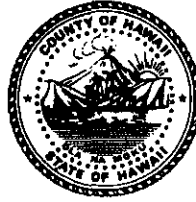


COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 332
ORDINANCE NO. 06 143

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO GENERAL COMMERCIAL – 20,000 SQUARE FEET (CG-20) AT WALAKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-2-28:31.

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

SECTION 1. Section 25-8-33, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waiakea, South Hilo, Hawai'i, shall be General Commercial – 20,000 square feet (CG-20):

Beginning at the southeast corner of this parcel of land and on the northerly side of Lanikaula Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 3,444.03 feet South and 7,581.79 feet East, thence running by azimuths measured clockwise from true South:

1. 90° 00' 183.08 feet along Lanikaula Street;
2. Thence along the north corner of the intersection of Lanikaula Street and Kilauea Avenue on a curve to the right with a radius of 25.00 feet, the chord azimuth and distance being:
125° 03' 28.71 feet;
3. 160° 06' 100.87 feet along Kilauea Avenue;
4. 250° 45' 30" 169.75 feet along the remainder of Grant 4777 to T. Clive Davies;

- | | | | |
|----|----------|--------|--|
| 5. | 254° 25' | 76.92 | feet along the remainder of Grant 4777 to T. Clive Davies; |
| 6. | 358° 00' | 188.06 | feet along the remainder of Grant 4777 to T. Clive Davies and 8243 to D. McHattie Forbes to the point of beginning and containing an area of 33,803 Square Feet. |

All as shown on the map attached hereto, marked Exhibit "A" and by reference made part hereof.

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2005 Edition), the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
 - (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.
- A. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
 - B. The height limit of any structure on the project site shall be limited to 35 feet, as allowed in a RS-zoned district.
 - C. All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
 - D. Any new construction within the designated flood zone shall conform to Chapter 27, Flood Control, of the Hawaii County Code. No additional structure shall be

constructed in the "AE" zone or shaded Zone "X " Flood Zones. Such construction in the areas currently mapped in the "AE" or shaded "X" Flood Zones shall be allowed if the owner secures a letter of map revision.

- E. If the applicant, successors, or assigns develops residential units on the subject property, the applicant shall make its fair share contribution to mitigate the potential regional impacts of the property with respect to parks and recreation, fire, police, solid waste disposal facilities and roads. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval. The fair share contribution for each lot shall be based on the actual number of residential units developed. The fair share contribution in a form of cash, land, facilities or any combination thereof shall be determined by the County Council. The fair share contribution may be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a combined value of **\$6,653.40** per multiple family residential unit (**\$10,368.57** per single family residential unit). The total amount shall be determined with the actual number of units according to the calculation and payment provisions set forth in this condition.

The fair share contribution per multiple family residential unit shall be allocated as follows:

1. **\$3,281.93** per multiple family residential unit (**\$4,999.91** per single family residential unit) to the County to support park and recreational improvements and facilities;
2. **\$103.73** per multiple family residential unit (**\$241.20** per single family residential unit) to the County to support police facilities;

3. **\$319.07** per multiple family residential unit (**\$476.39** per single family residential unit) to the County to support fire facilities;
4. **\$142.21** per multiple family residential unit (**\$208.57** per single family residential unit) to the County to support solid waste facilities; and
5. **\$2,806.46** per multiple family residential unit (**\$4,442.50** per single family residential unit) to the County to support road and traffic improvements.

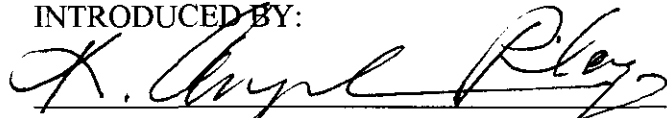
In lieu of paying the fair share contribution, the applicant may contribute land and/or construct improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development, subject to the review and recommendation of the Planning Director, upon consultation with the appropriate agencies and approval of the County Council.

- F. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exaction or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- G. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

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.

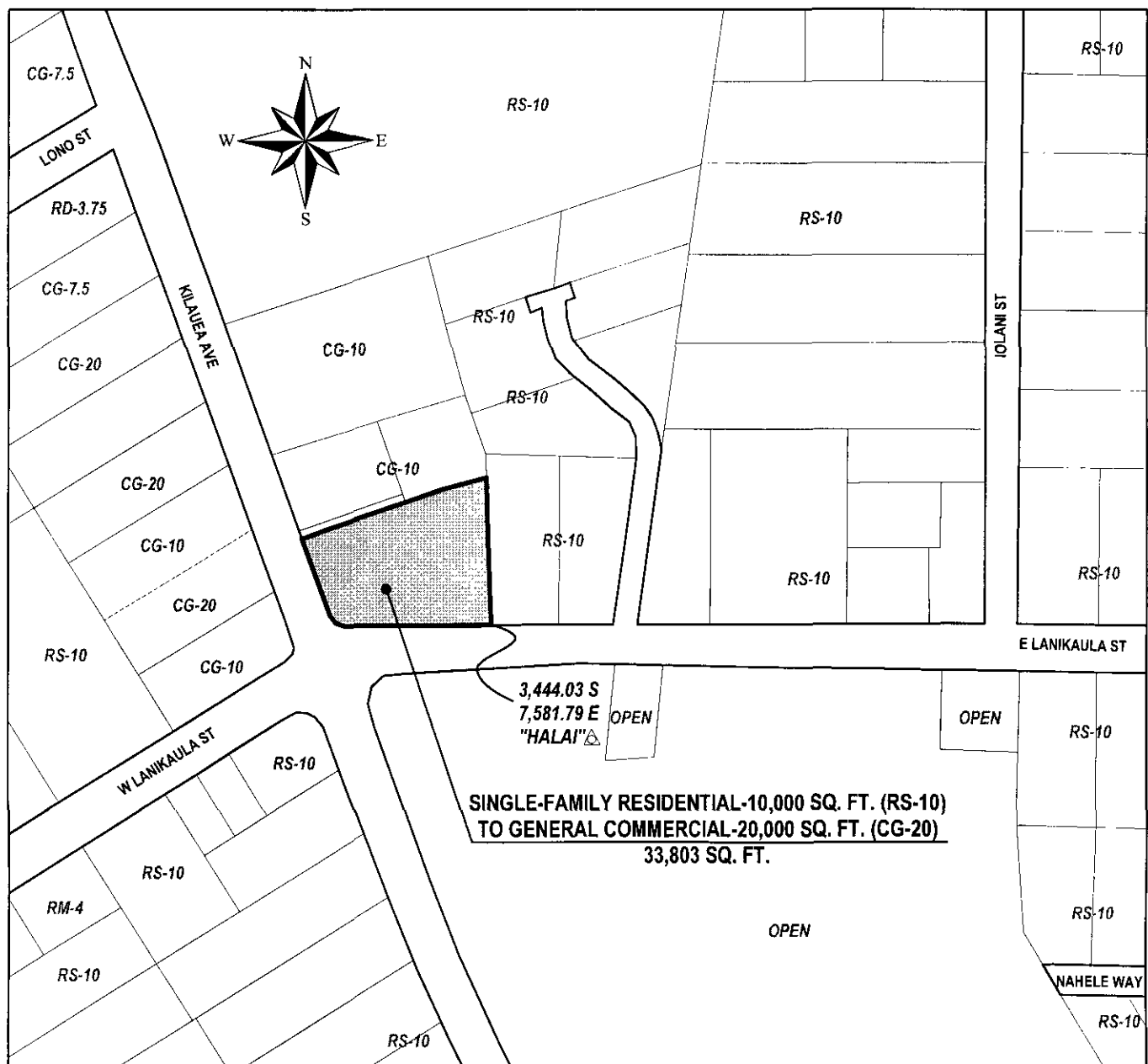
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i

Date of Introduction: October 31, 2006
Date of 1st Reading: October 31, 2006
Date of 2nd Reading: November 15, 2006
Effective Date: November 28, 2006

REFERENCE: Comm. 1045



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP)
 ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE
 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION
 FROM SINGLE FAMILY RESIDENTIAL-10,000 SQ. FT. (RS-10)
 TO GENERAL COMMERCIAL-20,000 SQ. FT. (CG-20)
 AT WAIAKEA, SOUTH HILO, HAWAII

PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

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

RE FILED

Introduced By: K. Angel Pilago
Date Introduced: October 31, 2006
First Reading: October 31, 2006
Published: November 9, 2006

REMARKS: _____

Second Reading: November 15, 2006
To Mayor: November 17, 2006
Returned: November 30, 2006
Effective: November 28, 2006
Published: December 15, 2006

REMARKS: _____

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			
	7	1	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	
	5	1	3	0

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

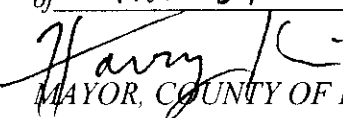
APPROVED AS TO
FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date November 27, 2006


COUNCIL CHAIRMAN

COUNTY CLERK

Bill No.: 332
Reference: C-1045/PC-114
Ord No.: 06 143

Approved/Disapproved this 28th day
of November, 2006.

MAYOR, COUNTY OF HAWAII