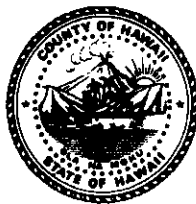


COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 342
(Draft 2)

ORDINANCE NO. 06 156

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 MULTIPLE FAMILY RESIDENTIAL – 1,000 SQUARE FEET (RM-1) AT WAIAKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-2-26:24.

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 Multiple Family Residential – 1,000 square feet (RM-1):

Beginning at a pipe at the North corner of this lot, the East corner of Lot 7, Block 203, and on the West side of Kinoole Street the coordinates of said point of beginning referred to Government Survey Trig. Station "HALAI" being 4640.23 feet South and 7291.56 feet East, as shown on Government Survey Registered Map No. 2705, and running by true azimuths:

- | | | | |
|----|----------|--------|---|
| 1. | 328° 10' | 90.0 | feet along West side of Kinoole Street; |
| 2. | 58° 10' | 242.00 | feet along Lot 5; |
| 3. | 148° 10' | 90.0 | feet along railroad right-of-way (30 feet wide); |
| 4. | 238° 10' | 242.0 | feet along Lot 7 to the point of beginning.
Area 21,780 square feet, more or less. |

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. Prior to the issuance of a water commitment from the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with its "Water Commitment Guidelines Policy" within 180 days from the effective date of this ordinance.
- C. The applicant shall install a reduced pressure type backflow prevention assembly within five (5) feet of the meter on the project site, prior to the issuance of a

Certificate of Occupancy. The installation and assembly of the backflow preventer shall be inspected and approved by the Department of Water Supply.

- D. Construction of the proposed development shall be completed within five (5) years from the effective date of this ordinance. Prior to construction, the applicant, successors, or assigns shall secure Final Plan Approval from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code within one (1) year from the effective date of this ordinance. Plans shall identify all existing and/or proposed structures, paved driveway access and parking stalls associated with the proposed development. Landscaping shall also be indicated on the plans to mitigate any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements).
- E. For a period of twenty (20) years, project uses shall be limited to rental housing.
- F. All driveway connections to Kinoole Street shall conform to Chapter 22, County Streets, of the Hawaii County Code.
- G. The applicant shall construct full improvements to the entire property frontage along Kinoole Street consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk and any required relocation of utilities, meeting

with the approval of the Department of Public Works, prior to issuance of a Certificate of Occupancy.

- H. If required, drainage study shall be prepared and submitted to the Department of Public Works for review and approval, prior to submittal of plans for Plan Approval review. Drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works prior to the issuance of a Certificate of Occupancy.
- I. The project shall connect to the County sewer system.
- J. Street lights and traffic control devices shall be installed as required by the Traffic Division, Department of Public Works.
- K. 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 - State Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-HPD when it finds that sufficient mitigation measures have been taken.
- L. Should the County 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.

- M. To ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the applicant shall comply with the requirements of Chapter 11, Article 1, Hawaii County Code relating to Affordable Housing Policy. This requirement shall be approved by the Administrator of the Office of Housing and Community Development prior to Final Plan Approval for any new residential structures.
- N. 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 maximum 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 (single family residential units) shall be allocated as follows:

- **\$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;
- **\$103.73** per multiple family residential unit (**\$241.20** per single family residential unit) to the County to support police facilities;
- **\$319.07** per multiple family residential unit (**\$476.39** per single family residential unit) to the County to support fire facilities;
- **\$142.21** per multiple family residential unit (**\$208.57** per single family residential unit) to the County to support solid waste facilities; and
- **\$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.

- O. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

- 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 applicant, 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).

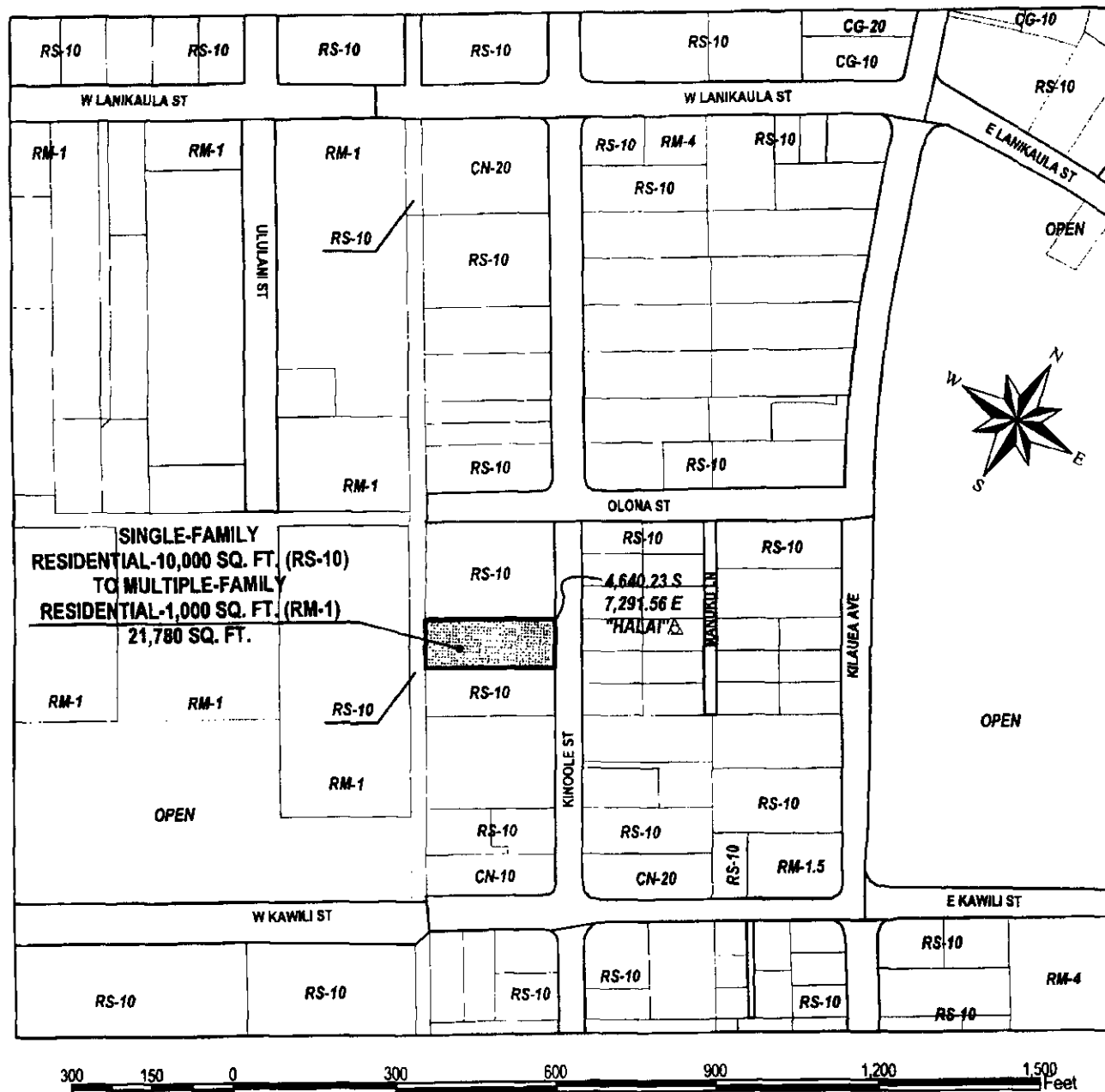
- Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the area to its original or more appropriate designation.

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

INTRODUCED BY: H. Angel Pelys B/K
COUNCIL MEMBER, COUNTY OF HAWAII

Date of Introduction: November 15, 2006
Date of 1st Reading: November 15, 2006
Date of 2nd Reading: November 29, 2006
Effective Date: December 7, 2006

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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 MULTIPLE-FAMILY RESIDENTIAL-1,000 SQ. FT. (RM-1)
AT WAIAKEA, SOUTH HILO, HAWAII

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

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

Introduced By: K. Angel Pilago
Date Introduced: November 15, 2006
First Reading: November 15, 2006
Published: November 26, 2006

REMARKS: _____

Second Reading: November 29, 2006
To Mayor: December 1, 2006
Returned: December 7, 2006
Effective: December 7, 2006
Published: December 22, 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			
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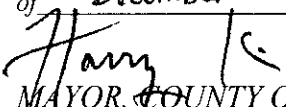
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson	X			
Pilago	X			
Safarik			X	
	8	0	1	0

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 12/01/06

Approved/Disapproved this 7th day
of December, 2006

MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRMAN


COUNTY CLERK

Bill No.: 342 (Draft 2)
Reference: C-1097.1/PC-122
Ord No.: 06 156