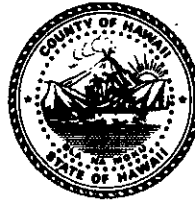


COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 344
ORDINANCE NO. **06 157**

AN ORDINANCE REPEALING ORDINANCE NO. 96 81 WHICH AMENDED 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-3a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY: 2-4-80:15 (FORMERLY 2-4-3:PORTION OF 4).

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

SECTION 1. Ordinance No. 96 81, which amended Section 25-114 (City of Hilo Zone Map), Article 3, Chapter 25 (Zoning Code) of the Hawai'i County Code is hereby repealed in its entirety.

~~[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 Waiakea, South Hilo, Hawaii, shall be Single Family Residential (RS-10):~~

~~Beginning at the northerly corner of this parcel of land, being the southeast corner of Lot 3 and on the west side of Lot 40 of Hoomalu Street Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 15,031.71 feet South and 629.41 feet East, and running by azimuths measured clockwise from True South:~~

- ~~1. 355° 40' 288.05 feet along Lot 40, Road Lot, Lots 39, 32 and 31 of Hoomalu Street Subdivision;~~
- ~~2. 85° 40' 126.85 feet along the remainder of Lot 1;~~
- ~~3. 175° 40' 48.84 feet along same;~~
- ~~4. 85° 40' 50.00 feet along same;~~
- ~~5. 355° 40' 48.84 feet along same;~~

6. ~~85° 40'~~ ~~126.85~~ feet along same;
7. ~~175° 40'~~ ~~288.05~~ feet along Lot 2;
8. ~~265° 40'~~ ~~303.70~~ feet along Lot 3 to the point of beginning and containing an area of 1.952 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, successors or assigns shall be responsible for complying with all of the stated conditions of approval.~~
- B. ~~Final Subdivision Approval of the proposed subdivision development shall be secured within five (5) years from the effective date of this ordinance.~~
- C. ~~A drainage /flood study of the project site shall be prepared for review and approval by the Department of Public Works, prior to submittal of plans for subdivision review. Drainage improvements, as required, shall be constructed in a manner meeting with the approval of the Department of Public Works prior to the issuance of Final Subdivision Approval.~~
- D. ~~To conform with the existing character of the area, Ahe Street shall be extended through TMK: 2-4-42:82 and constructed with a 20-foot wide dedicable pavement within a 40-foot right-of-way with paved shoulders and paved swales meeting with the approval of the Department of Public Works. The applicant shall construct the Ahe Street Extension within the subject property and all other proposed roadways within the proposed subdivision with a 32-foot wide dedicable pavement within a 50-foot right-of-way with paved shoulders and paved swales along the full frontages of all proposed subdivided lots, meeting with the approval of the~~

~~Department of Public Works. All roadways shall be dedicated to the County of Hawaii upon its request.~~

- ~~E. 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 planning director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the planning director in consultation with the Department of Land and Natural Resources—Historic Preservation Division when it finds that sufficient mitigative measures have been taken.~~
- ~~F. The applicant shall make its fair share contribution to mitigate the potential regional impacts of the subject property with respect to 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 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 additional proposed 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 have a maximum combined value of \$3,748.31 per lot. Based upon the applicant's representation of intent to subdivide and develop up to six lots, the indicated total fair share contribution is \$22,489.86, 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 F. The fair share contribution shall be allocated as follows:~~

1. ~~———— \$168.40 per lot, for an indicated total of \$1,010.40 to the County to support police facilities;~~
2. ~~———— \$332.61 per lot, for an indicated total of \$1,995.66 to the County to support fire facilities;~~
3. ~~———— \$145.62 per lot, for an indicated total of \$873.72 to the County to support solid waste facilities;~~
4. ~~———— \$3,101.68 per lot, for an indicated total of \$18,610.08 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 this ordinance, 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 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 constructing the improvements and the fair market value of land contributed required in Condition D shall be credited against the sum specified in Condition F(5) for road and traffic improvements. For purposes of administering Condition F, the value of land contributed or the cost of any improvements required or made in lieu of the fair share contribution shall be such amount as approved by the Planning Director, upon consultation with the appropriate agencies.~~

G. ~~Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.~~

H. ~~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; and~~

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).~~

I. ~~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.~~

SECTION 2. The subject area shall be reclassified back to its original Agricultural – 3 acres (A-3a) zoned district as shown on the map attached hereto, marked Exhibit “A” and by reference made a part hereof.

SECTION 3. Material to be repealed is bracketed and struck through.

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

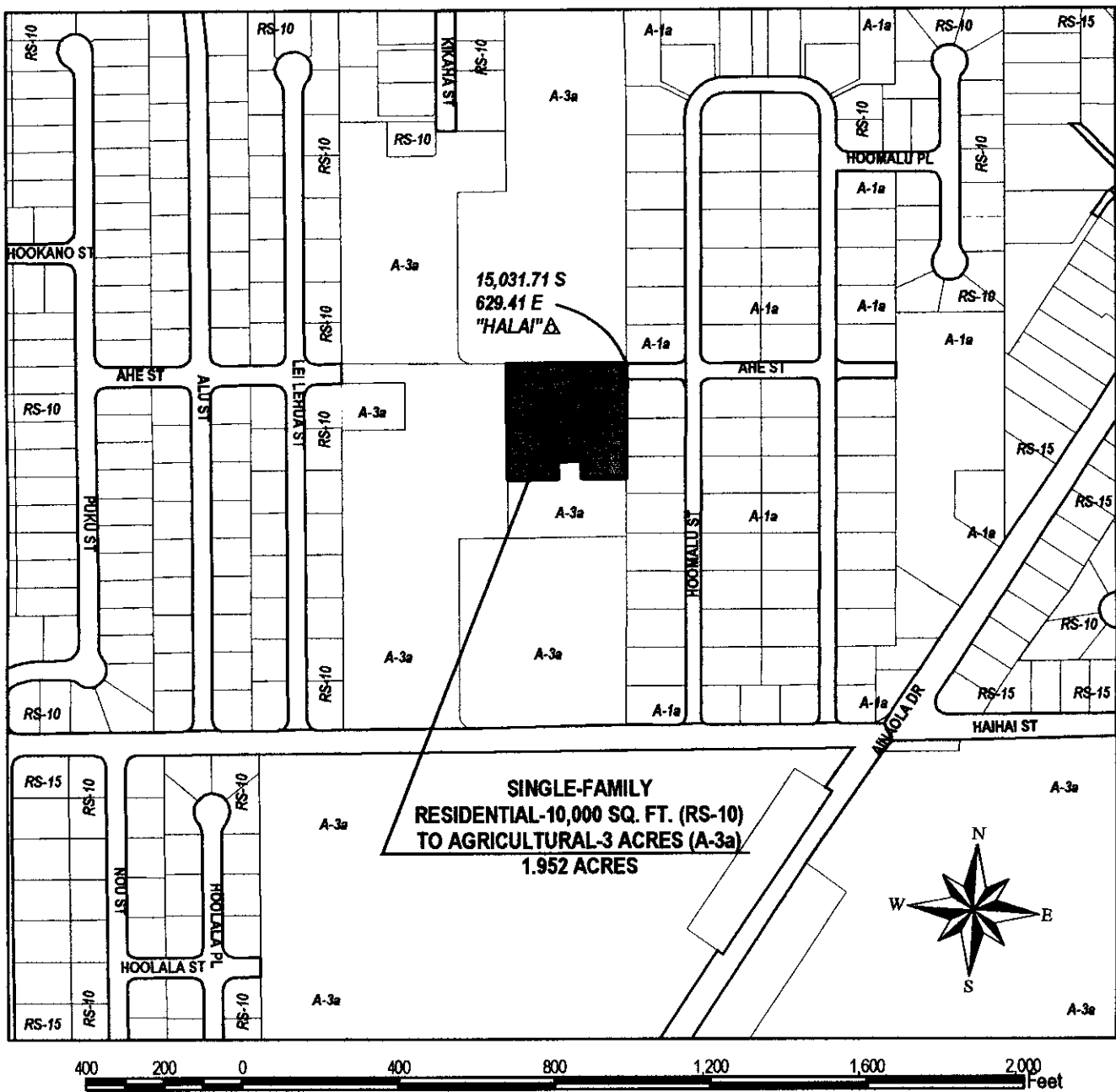
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i

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

REFERENCE: Comm. 1101



AMENDMENT TO THE ZONING CODE

AN ORDINANCE REPEALING ORDINANCE NO. 96 81 WHICH AMENDED 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-3a) TO SINGLE-FAMILY RESIDENTIAL (RS-10) AT WAIACEA, SOUTH HILO, HAWAII

UPON REPEAL OF ORDINANCE NO. 96 81 THE DISTRICT CLASSIFICATION OF THE SUBJECT AREA SHALL BE AGRICULTURAL (A-3a).

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: N/A

REMARKS: _____

Second Reading: November 29, 2006
To Mayor: December 1, 2006
Returned: December 7, 2006
Effective: December 7, 2006
Published: December 22, 2006

REMARKS: _____

2005 DEC 7 PM 1:17

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

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

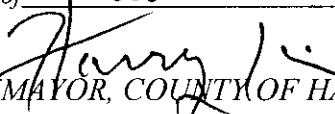
I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
FORM AND LEGALITY:



DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 12/1/06

Approved/Disapproved this 7th day
of December, 20 06


MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRMAN


COUNTY CLERK

Bill No.: 344
Reference: C-1101/PC-123
Ord No.: 06 157