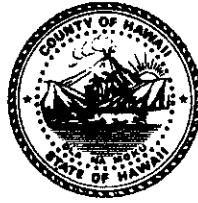


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 07 26 BILL NO. 26

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 OPEN (O) TO MULTIPLE FAMILY RESIDENTIAL – 1,000 SQUARE FEET (RM-1) AT WAIAKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-4-057:029, POR. 030 & POR. 031 (FORMERLY 2-4-057:001).

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 the southeast corner of this parcel, being also the south corner of an Abandoned Railroad Right-Of-Way and on the northwesterly side of Kawili Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 5,217.14 feet South and 7,329.63 feet East, thence running by azimuths measured clockwise from true South:

1. 58° 10' 752.06 feet along Kawili Street;
2. Thence along the north corner of the intersection of Kawili and Kapiolani Streets on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being: 103° 10' 42.43 feet;
3. 148° 10' 297.86 feet along Kapiolani Street;
4. 238° 10' 540.89 feet along Grant S-14,064 to The Protestant Episcopal Church in the Hawaiian Islands, the remainder of Governor's Executive

Order No. 4014 and the remainder of
Government (Crown) Land;

- | | | | |
|----|----------|--------|--|
| 5. | 328° 10' | 179.52 | feet along Grant S-14,827 to Hilo Meishoin; |
| 6. | 238° 10' | 241.17 | feet along Grant S-14,827 to Hilo Meishoin; |
| 7. | 328° 10' | 148.34 | feet along an Abandoned Railroad Right-Of-Way to the point of beginning and containing an area of 4.888 Acres. |

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 required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within one hundred and eighty days from the effective date of this ordinance.
- C. 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 for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. 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 for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements). The applicant shall comply with landscaping requirements for RM zoning.

- D. All driveway connections to Kawili Street, Kapiolani Street and Ululani Street shall conform to Chapter 22, County Streets, of the Hawaii County Code.
- E. The applicant shall provide full improvements to the entire frontage along Kapiolani Street consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements, and any required utility relocation, meeting with the approval of the Department of Public Works.
- F. The applicant shall also install street lights and traffic controls as required by the Traffic Division, Department of Public Works. The applicant shall be responsible for the design, purchase, and installation of such devices.
- G. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
- H. All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.

- I. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to issuance of a construction permit. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.
- J. All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawaii County Code.
- K. Sewer lines shall be installed within the development to connect with the County's sewer system, meeting with the approval of the Department of Environmental Management, prior to the issuance of a Certificate of Occupancy.
- L. In lieu of paying the fair share contribution, the applicant shall develop a multi-purpose facility.
- M. 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.
- N. 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, or prior to issuance of building permits in the site is developed with single-family dwellings.
- O. 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 Resource – State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

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

- Q. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of enactment of the ordinance. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

- R. 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).
 5. If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.
- S. 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.

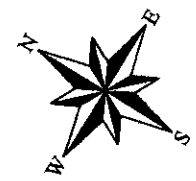
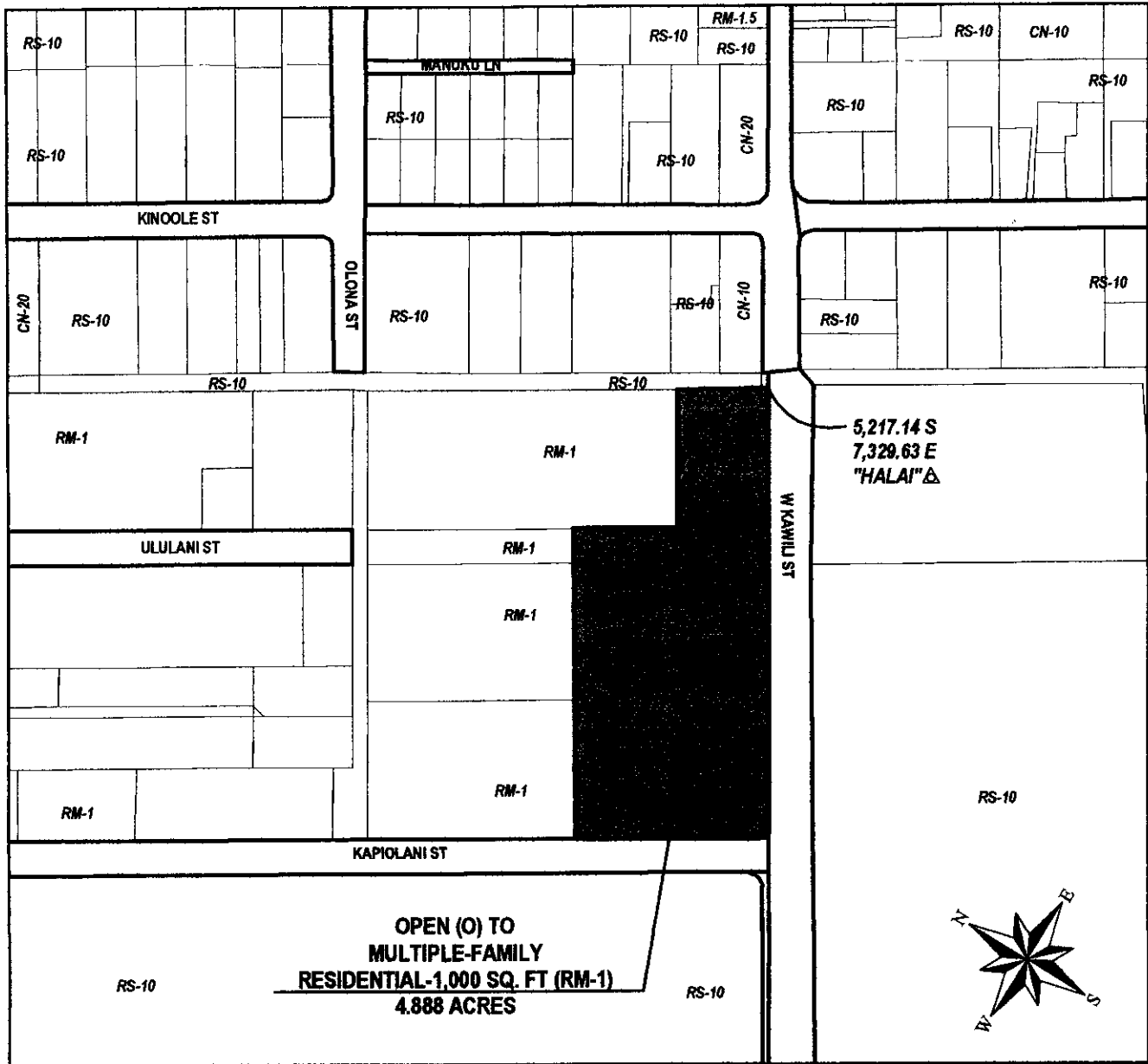
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i

Date of Introduction: February 22, 2007
Date of 1st Reading: February 22, 2007
Date of 2nd Reading: March 9, 2007
Effective Date: March 20, 2007

REFERENCE: Comm. 87



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 OPEN (O)
 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: February 22, 2007
First Reading: February 22, 2007
Published: March 2, 2007

REMARKS: _____


Second Reading: March 9, 2007
To Mayor: March 14, 2007
Returned: March 21, 2007
Effective: March 20, 2007
Published: March 29, 2007

REMARKS: _____



2007 MAR 21 11:23 AM ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Ford	X			
Higa			X	
Hoffmann	X			
Ikeda			X	
Jacobson	X			
Naeole			X	
Pilago	X			
Yagong	X			
Yoshimoto			X	
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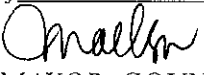
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Ford	X			
Higa	X			
Hoffmann	X			
Ikeda			X	
Jacobson	X			
Naeole	X			
Pilago	X			
Yagong	X			
Yoshimoto	X			
	8	0	1	0

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 MAR 15 2007


COUNCIL CHAIRMAN

COUNTY CLERK

Approved Disapproved this 20th day
of March, 2007

ACTING MAYOR, COUNTY OF HAWAII

Bill No.: 26
Reference: C-87/PC-9
Ord No.: **07 26**