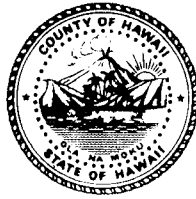


COUNTY OF
HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. **12 132** BILL NO. 178

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 – 3,000 SQUARE FEET (RM-3) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-2-038:017.

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 Waiākea, South Hilo, Hawai'i, shall be Multiple-Family Residential – 3,000 square feet (RM-3):

Beginning at the northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 6,022.35 feet South and 8,213.17 feet East, and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 238° 10' | 237.00 | feet along Lots 15-A and 15-D (Grant 8356 to Frank Amaral); |
| 2. | 328° 10' | 180.00 | feet along Lots 3-B and 3-A (Grant 10697 to Mrs. Shizue Okino); |
| 3. | 58° 10' | 237.00 | feet along Lots 17-B and 17-A (Grant S-15256 to Peter K. Mehau Jr., et al.) |
| 4. | 148° 10' | 180.00 | feet along Parcel 141 (Kino'ole Street Road Widening) to the point of beginning and containing an area of 42,660 square feet, more or less. |

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a 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:

Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or

- (1) 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 applicants, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Construction of the development shall be completed within five (5) years from the effective date of this ordinance. Prior to construction, the applicants, successors or assigns shall secure Final Plan Approval for the development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structures, paved driveway access and parking stalls associated with the proposed development. Landscaping shall 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) and Chapter 25 (Zoning Code), Hawai'i County Code.

- C. Prior to the issuance of a water commitment by the Department of Water Supply, the applicants shall submit the anticipated maximum daily water usage calculations prepared by a professional engineer licensed in the State of Hawai'i, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within 180 days from the effective date of this ordinance.
- D. The applicants shall install a reduced pressure type backflow prevention assembly within five (5) feet of the existing water meter and any additional water meters on private property, which must be inspected and approved by the Department of Water Supply.
- E. Should the applicants, successors or assigns develop a land use which the Planning Department, in consultation with the Department of Public Works, determines will generate over 50 peak hour trips, a Traffic Impact Analysis Report (TIAR) shall be submitted for review and approval by the Department of Public Works prior to Final Plan Approval. The applicants shall implement, when required by the Department of Public Works, at no cost to the County, any transportation system improvements to Kino'ole Street that may be deemed necessary by the Department of Public Works.
- F. Driveway connection(s) to the Kino'ole Street shall conform to Chapter 22, Streets and Sidewalks, of the Hawai'i County Code.
- G. Streetlights and traffic control devices, as may be required by the Traffic Division, Department of Public Works, shall be installed by the applicants at no cost to the County.
- H. The method of sewage disposal shall meet with the requirements of the Department of Health.

- I. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
- J. All earthwork activity shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code.
- 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-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- L. The applicants, successors or assigns shall make its fair share contribution to mitigate the potential regional impacts of the development 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 **\$7,903.35** per multiple family residential unit (**\$12,316.47** per single family residential unit). The total amount shall be determined by 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:

\$3,898.50 per multiple family residential unit (**\$5,939.22** per single family residential unit) to the County to support park and recreational improvements and facilities;

\$123.21 per multiple family residential unit (**\$286.51** per single family residential unit) to the County to support police facilities;

\$379.01 per multiple family residential unit (**\$565.89** per single family residential unit) to the County to support fire facilities;

\$168.93 per multiple family residential unit (**\$247.75** per single family residential unit) to the County to support solid waste facilities; and

\$3,333.69 per multiple family residential unit (**\$5,277.10** per single family residential unit) to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the applicants, successors or assigns 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.

- 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 applicants shall comply with the requirements of Chapter 11, Article 1, Hawai'i County Code relating to the Affordable Housing Policy. This requirement shall be approved by the Administrator of the Office of Housing and Community Development prior to Final Plan Approval.
- O. The applicants, successors or assigns 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 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 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).

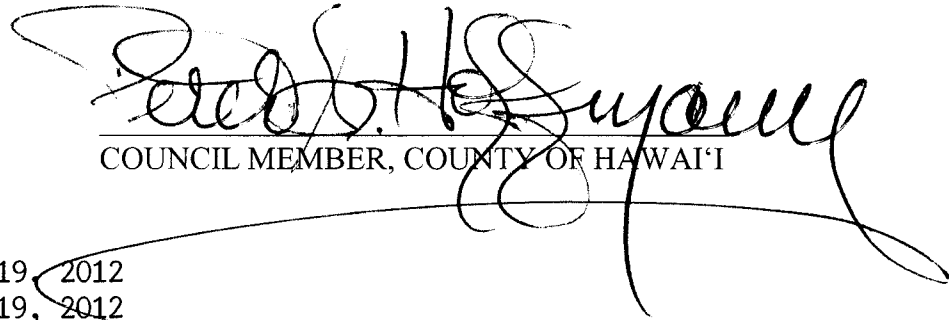
5. If the applicants should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the subject 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.

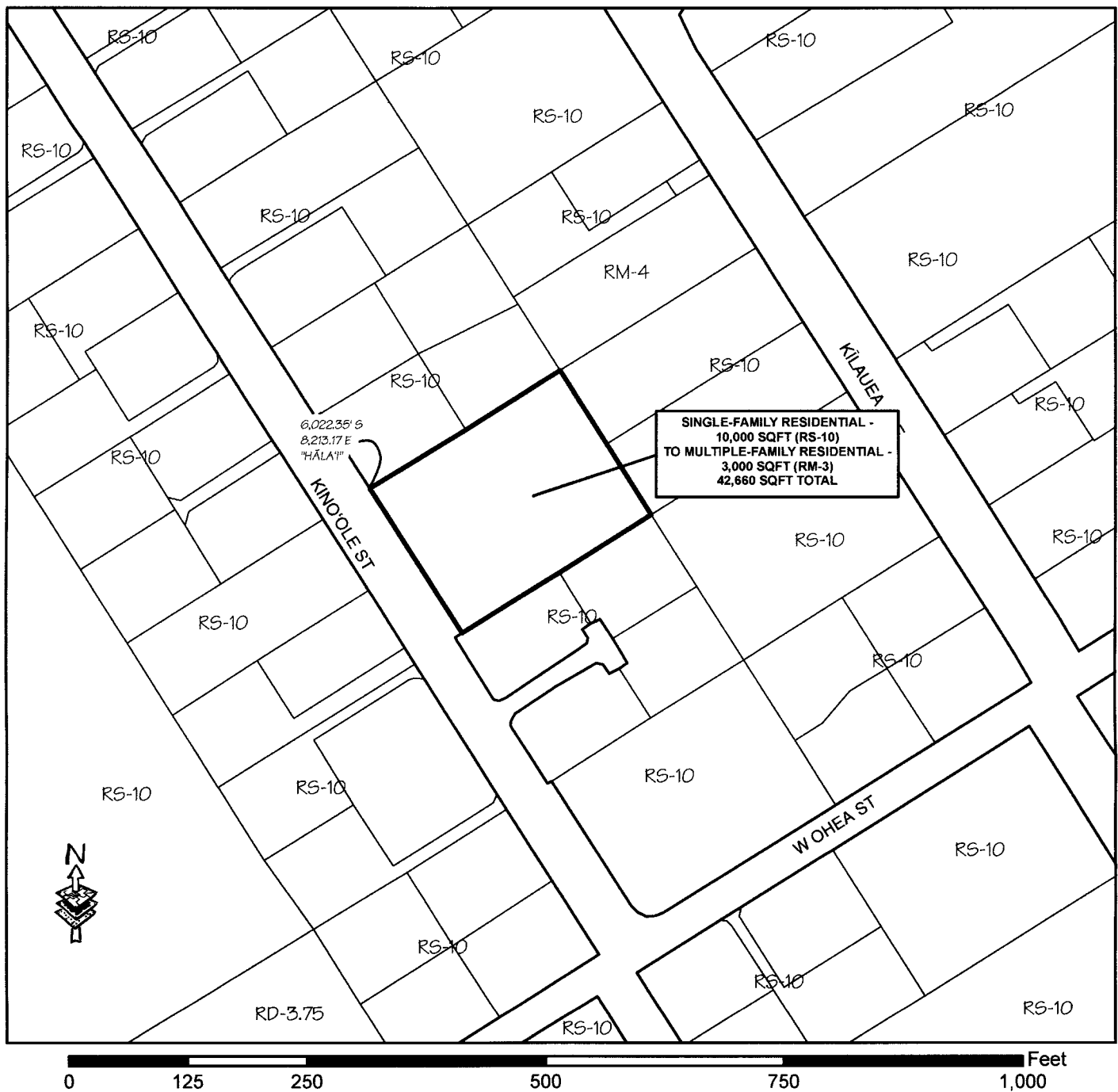
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i
Date of Introduction: September 19, 2012
Date of 1st Reading: September 19, 2012
Date of 2nd Reading: October 3, 2012
Effective Date: October 25, 2012

REFERENCE Comm. 555



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 SQFT (RS-10) TO
MULTIPLE-FAMILY RESIDENTIAL - 3,000 SQFT (RM-3),
AT WAIĀKEA, SOUTH HILO, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

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

2012 OCT 17 11:16

Introduced By: Pete Hoffmann
Date Introduced: September 19, 2012
First Reading: September 19, 2012
Published: September 29, 2012

REMARKS: _____

Second Reading: October 3, 2012
To Mayor: October 12, 2012
Returned: October 26, 2012
Effective: October 25, 2012
Published: November 7, 2012

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Blas	X			
Ford	X			
Hoffmann			X	
Ikeda	X			
Onishi	X			
Pilago	X			
Smart	X			
Yagong	X			
Yoshimoto	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Blas	X			
Ford	X			
Hoffmann		X		
Ikeda	X			
Onishi	X			
Pilago		X		
Smart	X			
Yagong	X			
Yoshimoto		X		
	6	3	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 OCT 17 2012

Approved/Disapproved this 25th day
of October, 20 12


MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRPERSON


COUNTY CLERK

Bill No.: 178
Reference: C-555/PC-64
Ord No.: 12 132