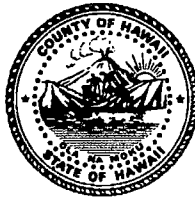


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 15 96 BILL NO. 86

AN ORDINANCE AMENDING ORDINANCE NO. 08 72, WHICH AMENDED ORDINANCE NO. 95 55, WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – 10 ACRES (A-10a) AND AGRICULTURAL – 3 ACRES (A-3a) TO AGRICULTURAL – 1 ACRE (A-1a) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-2-48:93 AND PORTION OF 13.

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

SECTION 1. Ordinance No. 08 72 is amended as follows:

“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~~] Waiākea, South Hilo, Hawai'i, shall be Agricultural - 1 acre (A-1a):

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, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Plans for the proposed subdivision shall be submitted to the Planning Department and Final Subdivision Approval secured within five (5) years from the effective date of this [~~amendment~~] amended ordinance. The proposed residential-agricultural subdivision shall not exceed a maximum limit of 25 lots.
- C. As agreed to by the applicant, restrictive covenants in the deeds of all the proposed residential-agricultural lots shall prohibit the construction of a second dwelling unit on each lot. A copy of the proposed covenant(s) to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval. A copy of the approved covenant shall be recited in an instrument executed by the applicant and the County, recorded with the Bureau of Conveyances, and a copy of the recorded covenant filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- D. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to Final Subdivision Approval.
- E. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls 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 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 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 Subdivision 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 [~~\$10,976.69~~]\$13,506.70 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:

1. [~~\$5,293.15~~]\$6,513.17 per single family residential unit to the County to support park and recreational improvements and facilities;
2. [~~\$255.34~~]\$314.20 per single family residential unit to the County to support police facilities;
3. [~~\$504.33~~]\$620.58 per single family residential unit to the County to support fire facilities;
4. [~~\$220.80~~]\$271.70 per single family residential unit to the County to support solid waste facilities; and
5. [~~\$4,703.06~~]\$5,787.06 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.

- 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. 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 Hawai'i County Code, Chapter 11, as it relates to affordable housing. Compliance with Chapter 11 shall be approved by the Administrator of the Office of Housing and Community Development prior to receipt of Final Plan Approval and/or Final Subdivision Approval.
- I. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- J. Should the applicant require an additional extension of time, the Planning Director shall submit the applicant's request to the Planning Commission and the Hawaii County Council for appropriate action.
- K. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area to its original or more appropriate designation.”

SECTION 2. Material to be deleted is bracketed and struck through. New material is underscored.

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.

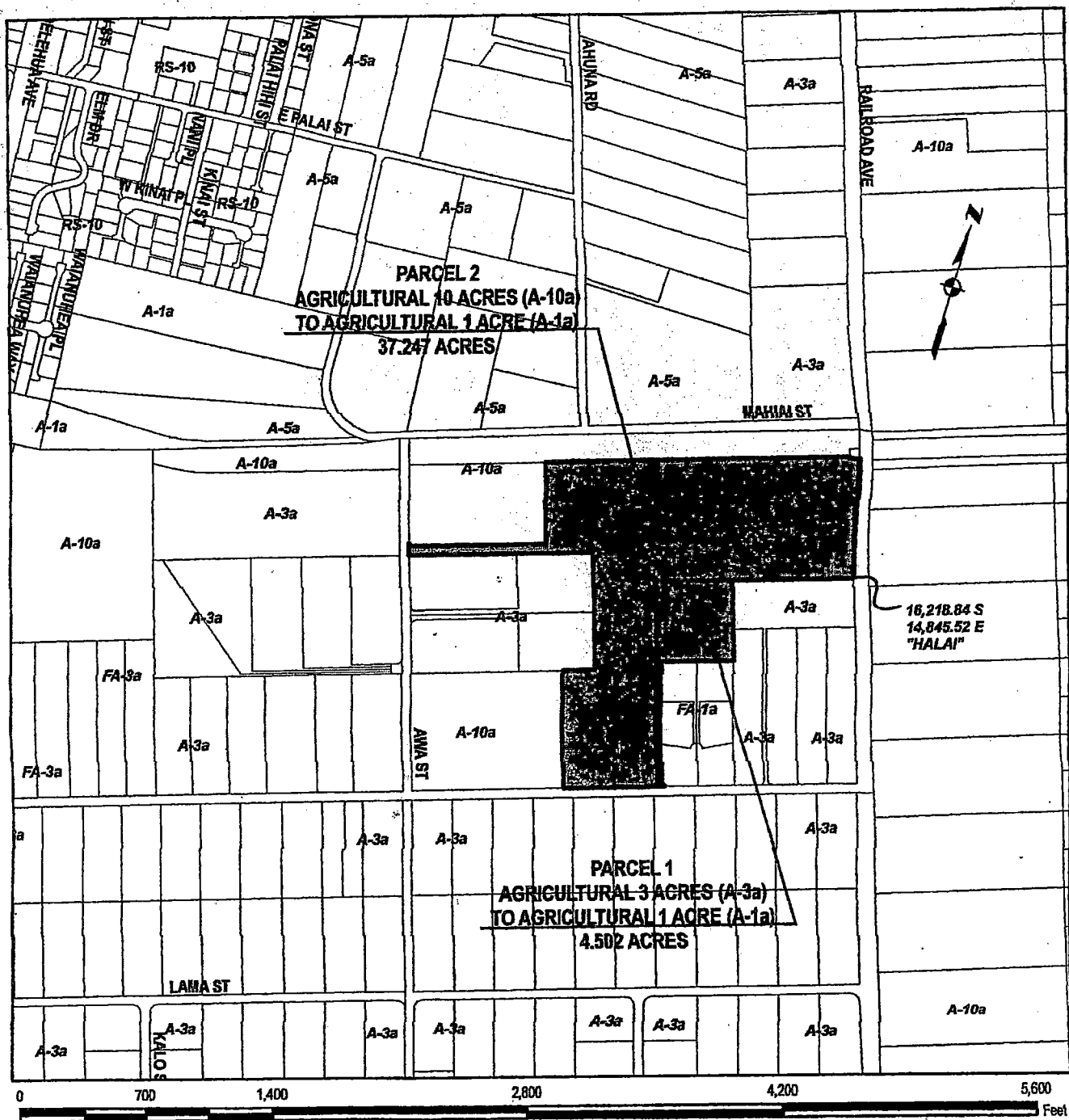
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Kona, Hawai'i

Date of Introduction: October 7, 2015
Date of 1st Reading: October 7, 2015
Date of 2nd Reading: October 20, 2015
Effective Date: November 10, 2015

REFERENCE Comm. 447



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 AGRICULTURAL 10 ACRES (A-10a) AND AGRICULTURAL 3 ACRES (A-3a)
 TO AGRICULTURAL 1 ACRE (A-1a)
 AT WAIAKEA, SOUTH HILO, HAWAII

MAP PREPARED BY:
 COUNTY OF HAWAII, PLANNING DEPARTMENT

DATE: January 28, 2008
 (Nani Mau, Inc.:1242)

TMK: 2-2-048:93 & Por. 13

EXHIBIT "A" Glory Nani Mau

FOR REFERENCE ONLY

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

COUNTY CLERK
COUNTY OF HAWAII
2015 NOV 12 AM 11:06

Introduced By: Greggory Ilagan (B/R)
Date Introduced: October 7, 2015
First Reading: October 7, 2015
Published: October 17, 2015

REMARKS: _____

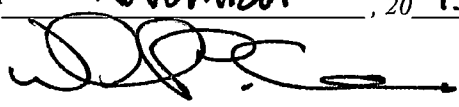
Second Reading: October 20, 2015
To Mayor: October 28, 2015
Returned: November 12, 2015
Effective: November 10, 2015
Published: November 21, 2015



REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Ilagan	X			
Kanuha	X			
Onishi	X			
Paleka			X	
Poindexter	X			
Wille	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Ilagan	X			
Kanuha			X	
Onishi	X			
Paleka	X			
Poindexter			X	
Wille	X			
	7	0	2	0

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

Approved/Disapproved this 10th day
of November, 2015

MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRPERSON

COUNTY CLERK

Bill No.: 86
Reference: C-447/PC-26
Ord No.: 15 96