

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 AGRICULTURAL – THREE ACRES (A-3a) TO RESIDENTIAL AND AGRICULTURAL – ONE ACRE (RA-1a) AT PANA'EWA HOUSE LOTS, WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-051:003.

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 Pana'ewa House Lots, Waiākea, South Hilo, Hawai'i, shall be Residential and Agricultural – One Acre (RA-1a):

Beginning at a 1-inch pipe at the northeast corner of this lot, the northwest corner of Lot 24 of Pana'ewa House Lots and on the south side of Government Road (50.00 feet wide), the coordinates of said point of beginning referred to Government Survey Triangulation Station "HĀLA'I" being 16,948.23 feet South and 16,341.08 feet East, as shown on Government Survey Registered Map H.T.S. Plat. 922, thence running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|--------|--|
| 1. | 341° 00' | 538.27 | feet along Lot 24 of Pana'ewa House Lots to a 1-inch pipe; |
| 2. | 71° 00' | 221.24 | feet along Government Land to a spike; |
| 3. | 161° 00' | 538.27 | feet along Lot 26 of Pana'ewa House Lots to a 1-inch pipe; |

4. 251° 00' 221.24 feet along the south side of Government Road (50.00 feet wide) to the point of beginning.

Bearing Tax Map Key 2-2-51:3, containing an area of 2.73 acres, 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:

- (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 applicant, successors, or assigns shall notify prospective purchasers, tenants, or lessees of all lots that farming operations and practices on adjacent or contiguous land in the State Land Use Agricultural District are protected under Hawai'i Revised Statutes Chapter 165, the Hawai'i Right to Farm Act. This notice shall be included in any disclosure required for the sale or transfer of all of the proposed lots.
- C. Any action that would interfere with or restrain farming operations on adjacent or contiguous properties shall be prohibited under Hawai'i Revised Statutes Chapter

165, the Hawai'i Right to Farm Act; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the Agricultural District.

- D. Final Subdivision Approval of the subject property shall be secured within five (5) years from the effective date of this ordinance.
- E. A water commitment deposit shall be paid to the Department of Water Supply within 180 days from the effective date of this ordinance in accordance with Rule 5 of the Department of Water Supply's Rules and Regulations. The applicant is responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full.
- F. Prior to issuance of Final Subdivision Approval, the applicant shall construct necessary water system improvements as required by the Department of Water Supply, which may include, but not be limited to, (a) extension of the existing water mains capable of delivering water at adequate pressure under peak-flow and fire-flow conditions; the minimum diameter of which shall be 6 inches, (b) service laterals that will accommodate a 5/8-inch meter to each lot, (c) subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affecting the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary, and (d) installation of a reduced pressure type backflow prevention assembly within five (5) feet of the existing/proposed meter on private property, which must be inspected and approved by the Department of Water Supply before commencement of water service.
- G. All driveway connections to Lama Street shall conform to Chapter 22, County Streets, of the Hawai'i County Code.

- H. 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) and Planning Department 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.
- I. The applicant 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 transportation facilities. The fair share contribution shall become due and payable prior to receipt of Final Subdivision Approval. The fair share contribution for each newly created lot shall be based on the actual number of residential units developed. 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 combined value of **\$13,506.70** per single family residential unit. The total amount shall be determined based on the actual number of units or lots created according to the calculation and payment provisions set forth in this condition. The fair share contribution per single family residential unit shall be allocated as follows:
1. **\$6,513.17** per single family residential unit to the County to support park and recreational improvements and facilities;
 2. **\$314.20** per single family residential unit to the County to support police facilities;
 3. **\$620.58** per single family residential unit to the County to support fire facilities;

4. **\$271.70** per single family residential unit to the County to support solid waste facilities; and
5. **\$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.

- J. 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.
- K. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations, and requirements.
- L. 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 property 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.

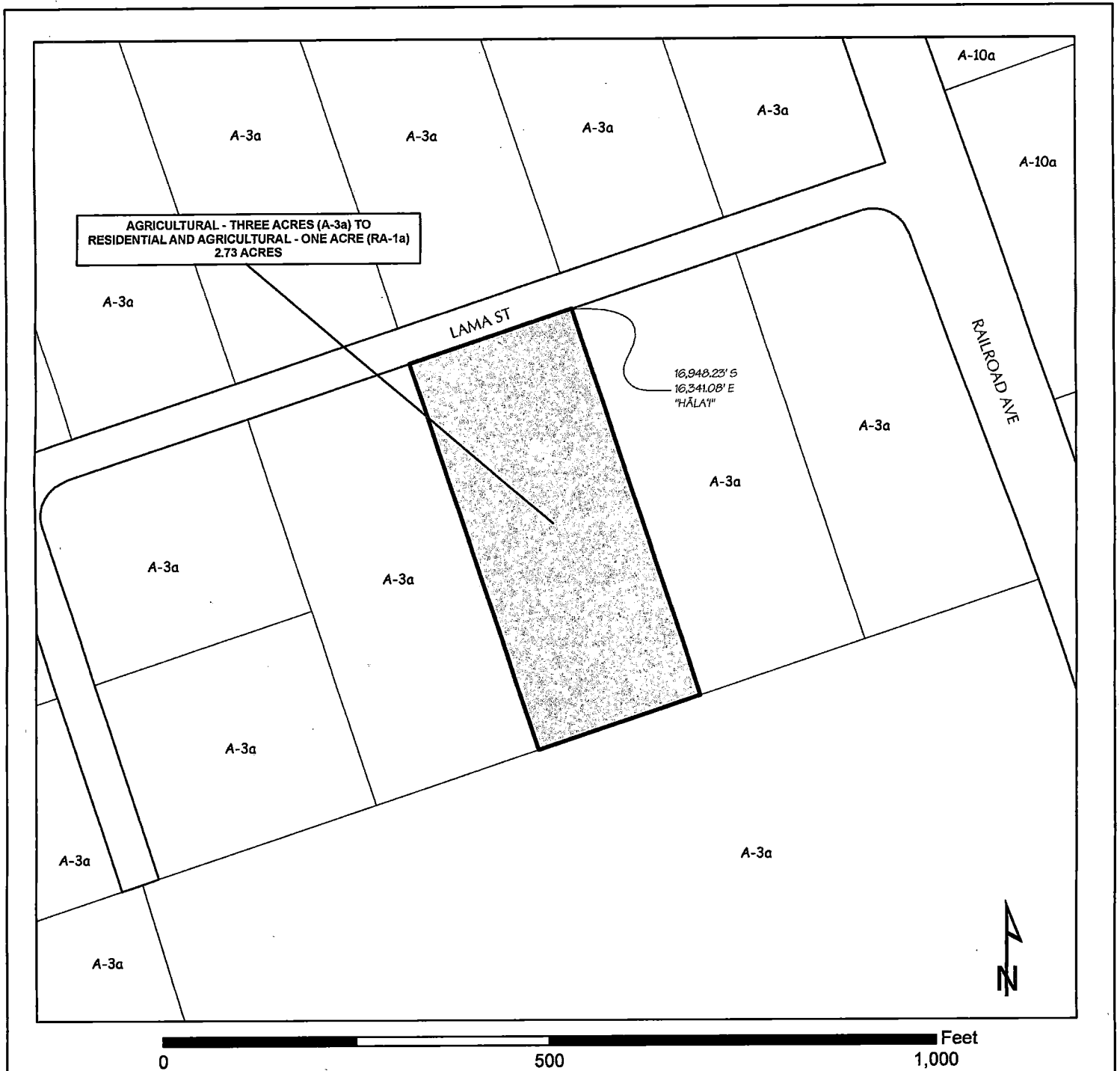
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I

 Kona , Hawai'i
Date of Introduction: April 6, 2016
Date of 1st Reading: April 6, 2016
Date of 2nd Reading: April 20, 2016
Effective Date: May 4, 2016

REFERENCE Comm. 728



AMENDMENT TO THE ZONING CODE

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
 AGRICULTURAL - THREE ACRES (A-3a) TO
 RESIDENTIAL AND AGRICULTURAL - ONE ACRE (RA-1a)
 AT PANA'EWA HOUSELOTS, WAIĀKEA, SOUTH HILO, HAWAI'I

MAP PREPARED BY:
 COUNTY OF HAWAI'I, PLANNING DEPARTMENT

TMK: (3) 2-2-051:003

DATE: December 17, 2015

EXHIBIT "A"

Watanabe
 Map: 1368

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

COUNTY CLERK
 COUNTY OF HAWAII

2016 MAY -5 AM 11: 17

Introduced By: Greggor Ilagan (B/R)
 Date Introduced: April 6, 2016
 First Reading: April 6, 2016
 Published: April 16, 2016

REMARKS: _____

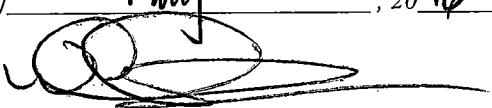
Second Reading: April 20, 2016
 To Mayor: April 28, 2016
 Returned: May 5, 2016
 Effective: May 4, 2016
 Published: May 21, 2016



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			
	7	0	2	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			
	9	0	0	0

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

Approved/Disapproved this 4th day
 of May, 20 16

 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON

 COUNTY CLERK

Bill No.: 158
 Reference: C-728/PC-49

Ord No.: 16 34