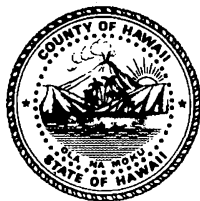


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 18 1 BILL NO. 78

AN ORDINANCE AMENDING SECTION 25-8-11 (LĀLĀMILO-PU'UKAPU ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – ONE ACRE (A-1a) TO SINGLE-FAMILY RESIDENTIAL – 20,000 SQUARE FEET (RS-20) AT WAIMEA HOMESTEADS, SOUTH KOHALA, HAWAI'I, COVERED BY TAX MAP KEY: 6-5-004:049.

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

SECTION 1. Section 25-8-11, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waimea Homesteads, South Kohala, Hawai'i, shall be Single Family Residential – 20,000 square feet (RS-20):

Beginning at a point at the northeasterly corner of this parcel of land, being also the southeasterly corner of Lot 5-B, said point of beginning being referred to Government Survey Triangulation Station "WEST BASE" being 884.61 ft. North and 1,802.06 ft. West and thence running by azimuths measured clockwise from True South:

- 1. 325° 09' 00" 282.20 feet along the Government Land of Waimea;
- 2. 55° 09' 00" 170.00 feet along Lot 4 and Hōkū'ula Road;

- | | | | | |
|----|------|-----|-----|--|
| 3. | | | | Along Lot 5-B on a curve to the right with a radius of 10.00 feet, the chord azimuth & distance being; |
| 4. | 100° | 09' | 00" | 14.14 feet; |
| 5. | 145° | 09' | 00" | 272.20 feet along Lot 5-B; |
| 6. | 235° | 09' | 00" | 180.00 feet along Lot 5-B to the point of beginning and containing an area of 50,775 sq. ft. |

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 (2016 Edition, as amended), 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. The required water commitment payment for the additional lot shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within one hundred and eighty (180) **days** from the effective date of this ordinance. The applicant shall comply with all requirements in the Department of Water Supply, including the construction of all necessary water improvements prior to final subdivision approval.
- C. Final Subdivision Approval of the proposed subdivision shall be secured from the Planning Director within five (5) years from the effective date of this ordinance.
- D. Restrictive covenants in the deeds of all the proposed lots shall give notice that the terms of the zoning ordinance prohibit the construction of a second dwelling unit and condominium property regimes on each lot. This restriction may be removed by amendment of this ordinance by the County Council. The owners of the property may also impose private covenants restricting the number of dwellings. A copy of the proposed covenants(s) to be recorded with the State of Hawai'i 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 recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- E. A five (5) foot wide future road widening setback along the property's Hōkū'ula Road frontage shall be delineated on plat maps submitted for the subdivision of the subject property. Upon the request of the Department of Public Works, the applicant, successors or assigns shall subdivide the land encumbered by the future road widening and shall dedicate the land to the County of Hawai'i at no cost to the County.

- F. The driveway connection to Hōkū'ula Road shall conform to Chapter 22, Streets and Sidewalks, of the Hawai'i County Code and County standard details R-37 and R-38.
- G. All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
- H. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawai'i County Code.
- I. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- J. 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 DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- K. 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 for the additional lots to be created. The fair share contribution shall become due and payable prior to receipt of Final Subdivision Approval. The fair share contribution shall be based on the actual number of additional lots created. 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 combined value of **\$13,877.36** 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 single family residential unit shall be allocated as follows:

1. **\$6,674.78** per single family residential unit to the County to support park and recreational improvements and facilities;
2. **\$323.59** per single family residential unit to the County to support police facilities;
3. **\$639.13** per single family residential unit to the County to support fire facilities;
4. **\$279.82** per single family residential unit to the County to support solid waste facilities; and
5. **\$5,960.04** per single family residential unit to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the applicant(s) 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.

- L. 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.

- M. The applicant, successors or assigns shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- N. 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 Department shall submit the applicant's request to the Planning Commission and the County Council for appropriate action.
- O. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

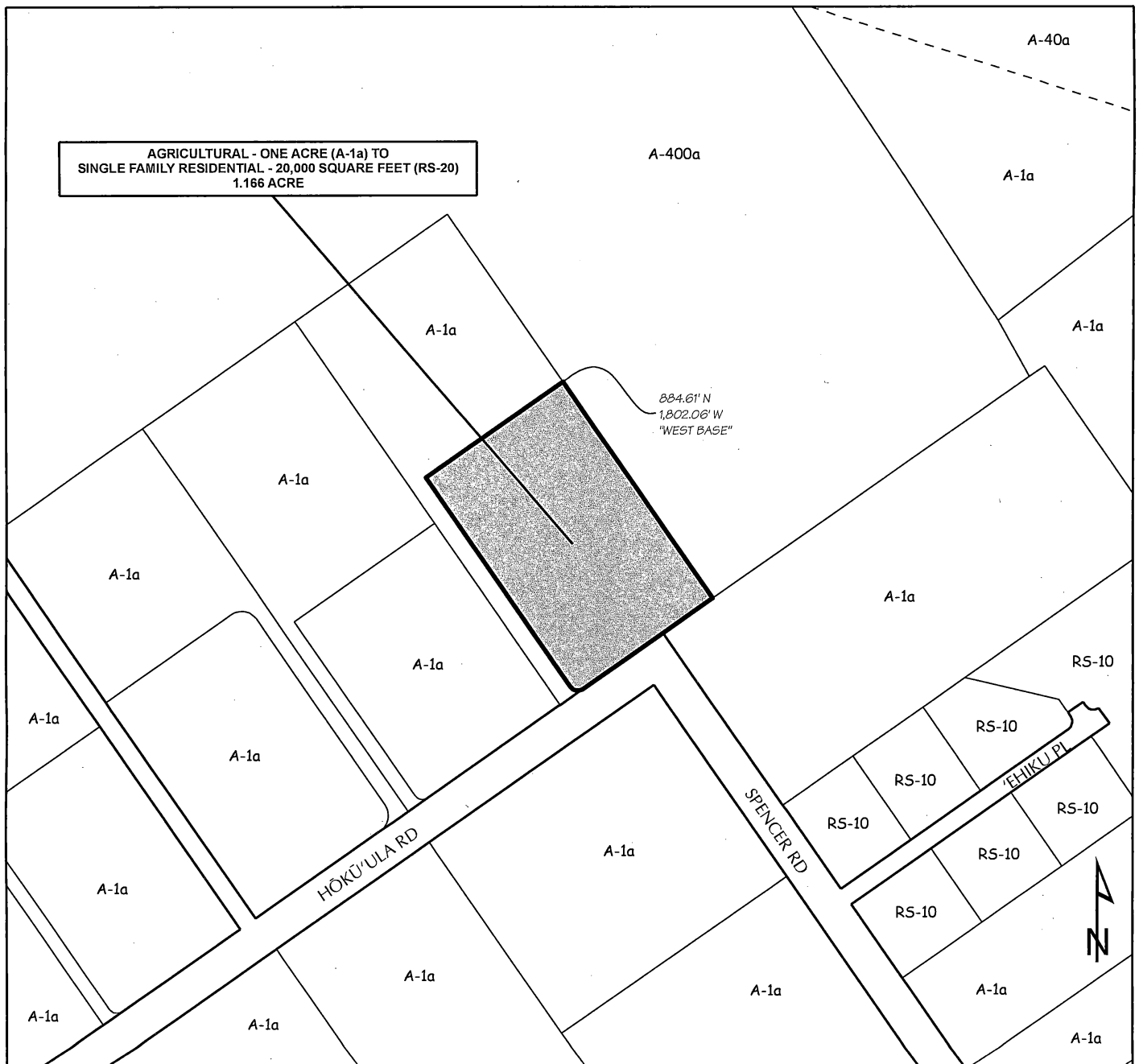
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Karen Eoff B/R
COUNCIL MEMBER, COUNTY OF HAWAII

 Kona, Hawai'i
Date of Introduction: December 5, 2017
Date of 1st Reading: December 5, 2017
Date of 2nd Reading: December 20, 2017
Effective Date: January 4, 2018

REFERENCE Comm. 560



AGRICULTURAL - ONE ACRE (A-1a) TO
SINGLE FAMILY RESIDENTIAL - 20,000 SQUARE FEET (RS-20)
1.166 ACRE

884.61' N
1,802.08' W
"WEST BASE"

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-11 (LĀLĀMILO-PU'UKAPU ZONE MAP) ARTICLE 8,
CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED),
BY CHANGING THE DISTRICT CLASSIFICATION FROM
AGRICULTURAL - ONE ACRE (A-1a) TO
SINGLE FAMILY RESIDENTIAL - 20,000 SQUARE FEET (RS-20)
AT WAIMEA HOMESTEADS, SOUTH KOHALA, HAWAI'I

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

TMK: (3) 6-5-004:049

DATE: June 27, 2017

EXHIBIT "A"

Brilhante
Map: 1393

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

COUNTY CLERK
COUNTY OF HAWAII

2018 JAN -4 AM 9: 20

Introduced By: Karen Eoff (B/R)
Date Introduced: December 5, 2017
First Reading: December 5, 2017
Published: December 16, 2017

REMARKS: _____

Second Reading: December 20, 2017
To Mayor: December 29, 2017
Returned: January 4, 2018
Effective: January 4, 2018
Published: January 13, 2018

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kanuha	X			
Lee Loy			X	
O'Hara	X			
Poindexter	X			
Richards	X			
Ruggles			X	
	7	0	2	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kanuha	X			
Lee Loy	X			
O'Hara	X			
Poindexter	X			
Richards	X			
Ruggles	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 January, 20 18

MAYOR, COUNTY OF HAWAII

COUNCIL CHAIRPERSON

COUNTY CLERK

Bill No.: 78
Reference: C-560/PC-40
Ord No.: 18 1