

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 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL – 15,000 SQUARE FEET (RS-15) TO SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) AT WAIĀKEA HOMESTEADS, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-4-010:028.

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 (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 Waiākea Homesteads, South Hilo, Hawai'i, shall be Single-Family Residential – 10,000 square feet (RS-10):

Beginning at a pipe at the northwest corner of this Lot and on the east boundary of Waiākea Homesteads, Lot 612-B, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 11,493.63 feet south and 7,722.39 feet east, and running by azimuths measured clockwise from true south:

- | | | | |
|----|------------|--------|----------------------------------------------------------------------------------------------------------------------------------|
| 1. | 265° 40' | 222.00 | feet along Lot 4 to a pipe; |
| 2. | 0° 04' 30" | 100.30 | feet along the west side of a 40-foot road to a pipe; |
| 3. | 85° 40' | 214.29 | feet along Lots 2 and 1 to a pipe; |
| 4. | 175° 40' | 100.00 | feet along Waiākea Homesteads, Lot 612-B, to the point of beginning; and containing an area of 21,815 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 (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, their successors or assigns shall be responsible for complying with all of the stated conditions of approval.
 - B. Upon approval of this Change of Zone, the Planning Director will formally revoke Ohana Dwelling Permit No. OHD 95-48 in writing.
 - C. Final Subdivision Approval shall be secured 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. A copy of the proposed covenant(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 immediately filed with the Planning Department upon its receipt from the Bureau of Conveyances.

- E. Subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by 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, which may include conveying the water system improvements and necessary easements to the Water Board.
- F. During the subdivision process, the applicant shall inform the Department of Water Supply in writing of the water meter number assigned to each lot, should the relocation of the existing water meters not be necessary.
- G. All driveway connections to Kehaulani Street shall conform to Hawai'i County Code Chapter 22, County Streets including but not limited to obtaining a driveway permit from the Department of Public Works.
- H. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties.
- I. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawai'i County Code.
- J. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects in the State of Hawai'i.
- K. The method of sewage disposal shall meet with the requirements of the State Department of Health.

L. In the unlikely event that during future construction activities that historic properties such as lava tube openings, concentrations of artifacts, structural remains or human skeletal remains are found during construction activities, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651 for further guidance.

M. 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.

- N. 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.
- O. The applicant, its successors and/or assigns shall comply with all applicable County, State and Federal codes, 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 applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

Q. 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.

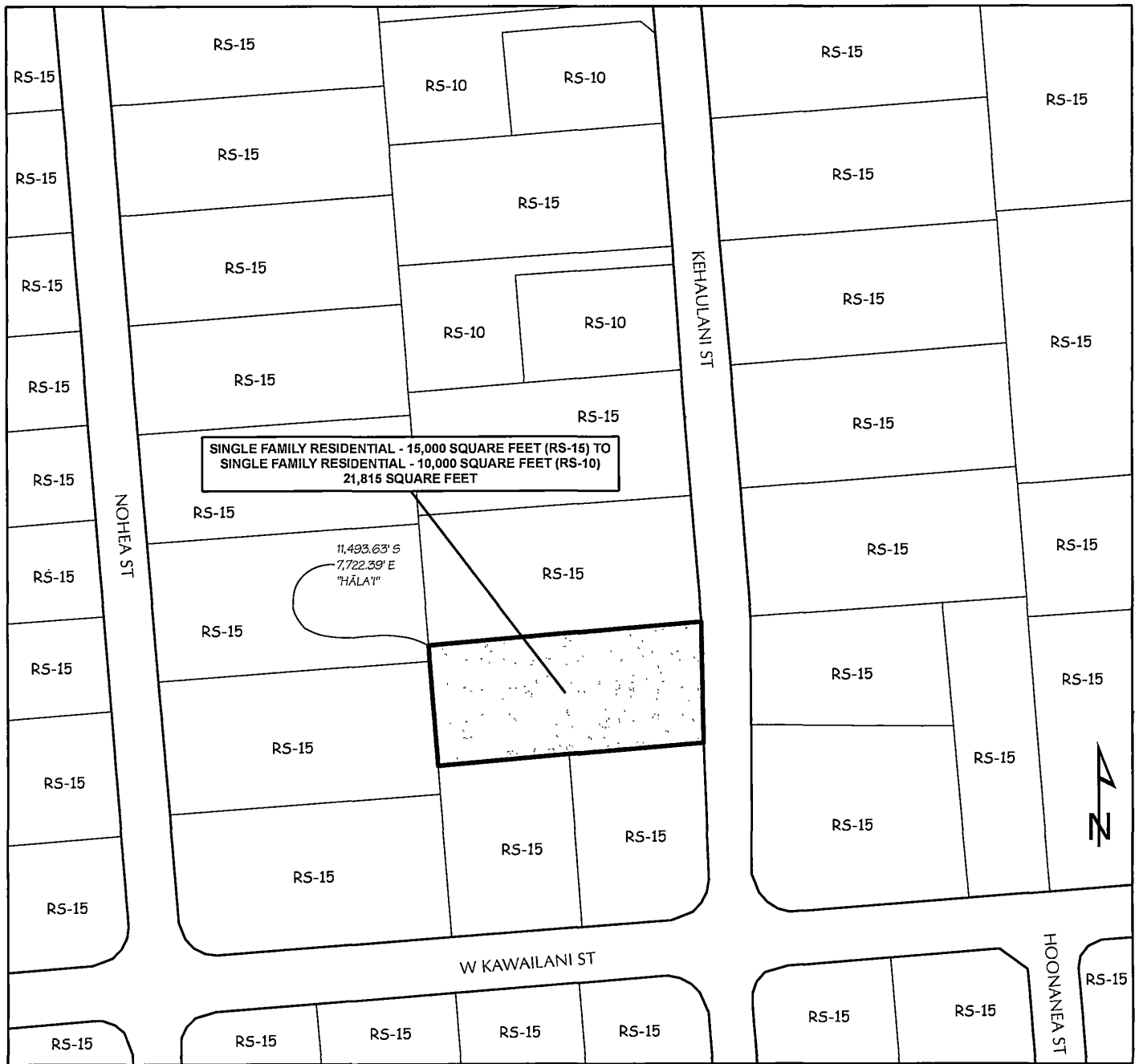
INTRODUCED BY:

 B/R

COUNCIL MEMBER, COUNTY OF HAWAI'I

Hi lo, Hawai'i
Date of Introduction: March 28, 2018
Date of 1st Reading: March 28, 2018
Date of 2nd Reading: April 11, 2018
Effective Date: April 24, 2018

REFERENCE Comm. 753



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8,
 CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),
 BY CHANGING THE DISTRICT CLASSIFICATION FROM
 SINGLE FAMILY RESIDENTIAL - 15,000 SQUARE FEET (RS-15) TO
 SINGLE FAMILY RESIDENTIAL - 10,000 SQUARE FEET (RS-10)
 AT WAIĀKEA HOMESTEADS, SOUTH HILO, HAWAII

MAP PREPARED BY:
 COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 2-4-010-028

DATE: September 12, 2017

EXHIBIT "A"

OYS Properties LLC
 Map: 1394

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

COUNTY CLERK
 COUNTY OF HAWAII

2018 APR 25 AM 9:05

Introduced By: Karen Eoff (B/R)
 Date Introduced: March 28, 2018
 First Reading: March 28, 2018
 Published: April 7, 2018

REMARKS: _____

Second Reading: April 11, 2018
 To Mayor: April 19, 2018
 Returned: April 25, 2018
 Effective: April 24, 2018
 Published: May 5, 2018

REMARKS: _____

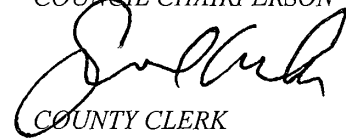
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kanuha	X			
Lee Loy	X			
O'Hara	X			
Poindexter	X			
Richards	X			
Ruggles			X	
	8	0	1	0

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O'Hara	X			
Poindexter	X			
Richards	X			
Ruggles			X	
	8	0	1	0

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

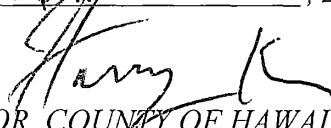


COUNCIL CHAIRPERSON



COUNTY CLERK

~~Approved~~ Disapproved this 24th day
 of April, 20 18.



MAYOR, COUNTY OF HAWAII

Bill No.: 109
 Reference: C-753/PC-52
 Ord No.: 18 31