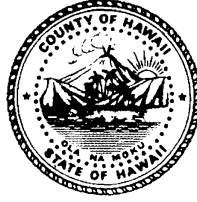


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 19 16 BILL NO. 5

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO 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 – THREE ACRE (A-3a) TO SINGLE-FAMILY RESIDENTIAL – 15,000 SQUARE FEET (RS-15) AT WAIĀKEA HOMESTEADS 2ND SERIES, WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-4-039:026.

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

SECTION 1. Section 25-8-3, 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 2<sup>nd</sup> Series, Waiākea, South Hilo, Hawai'i, shall be Single-Family Residential – 15,000 square feet (RS-15):

Beginning at the northeast corner of this parcel of land, being the northwest corner of Lot 1-B-2, being a portion of Grant 11, 642 to Kikumi Higa Maedo and on the south side of Haihai Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 16,040.81 feet South and 367.85 feet East, thence running by azimuths measured clockwise from True South:

- |    |          |        |                       |
|----|----------|--------|-----------------------|
| 1. | 355° 40' | 213.00 | feet along Lot 1-B-2; |
| 2. | 265° 40' | 58.90  | feet along Lot 1-B-2; |
| 3. | 355° 40' | 195.30 | feet along Lot 1-B-2; |
| 4. | 2° 38'   | 110.32 | feet along Lot 1-B-2; |

5. Thence along Lot 1-B-2, along a curve to the left with a radius of 475.00 feet, the chord azimuth and distance being:  
89° 09' 57.72 feet;
6. 85° 40' 54.40 feet along Lot 1-B-2;
7. 355° 40' 50.00 feet along Lot 1-B-2;
8. 85° 40' 70.00 feet along Lot 1-B-2;
9. 355° 40' 144.25 feet along Lot 1-B-2;
10. 85° 40' 161.70 feet along Lot 1-B-2;
11. 355° 40' 99.60 feet along Lot 1-B-2;
12. 85° 40' 60.87 feet along Lot 1-B-2;
13. 355° 40' 151.61 feet along Lot 1-B-2;
14. 85° 40' 109.56 feet along Lot 1-A, being a portion of Grant 11,642 to Kikumi Higa Maedo;
15. 355° 40' 217.89 feet along Lot 1-A, being a portion of Grant 11,642 to Kikumi Higa Maedo;
16. 85° 40' 165.32 feet along Lot 6 and Lot F, being portions of Grant 9861 to Yoshiko Ikeda;
17. 175° 40' 1,177.65 feet along Lots 16, 15, 14, 13, 12 and 11 of Waiākea Estates Subdivision, Ho'olala Street, Lots 10, 9, 8, 7 and 6 of Waiākea Estates Subdivision, being also portions of Grant 10,493 to Mabel P. Chilson;
18. 265° 40' 633.95 feet along the south side of Haihai Street to the point of beginning and containing an area of 12.728 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 (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, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
  - B. 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.
  - C. The applicant shall construct necessary water improvements, which shall include but not be limited to, 1) water mains capable of delivering water at adequate pressure and volume under peak-flow and fire-flow conditions; minimum diameter of mains shall be six (6) inches, from the end of an existing waterline extending into the subdivision, 2) a service lateral that will accommodate a 5/8-inch meter to the additional lot, 3) fire hydrants spaced no more than 600 feet apart and within 300 feet of the driveway or access for each lot, and 4) subject to

other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the application shall be responsible for the relocation and adjustment of the Department of Water Supply's affected water system facilities, should they be necessary.

- D. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance.
- E. The applicant shall be responsible for design and construction by a licensed engineer for the deepening of the entire length of the open ditch fronting the property along Haihai Street, which will also account for the culvert road crossing for the subdivision, meeting with the approval of the Department of Public Works.
- F. Restrictive covenants in the deeds of all proposed lots fronting the 30-foot wide private road shall require the homeowners of said lots to maintain the one private cul-de-sac road. All other roadways within the subdivision shall be constructed to dedicable standards. There shall be no direct driveway access to Haihai Street from individual lots.
- G. Install street lights, signs and markings, meeting with the approval of the Department of Public Works-Traffic Division.
- H. 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 covenant(s) to be recorded with the State of

Hawaii 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.

- I. All development generated runoff shall be disposed of on site and not be directed toward any adjacent properties. A drainage study shall be prepared, and recommended drainage system shall be constructed meeting with the approval of the Department of Public Works. The drainage study and improvements shall be completed prior to the construction of any proposed structures.
- J. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- K. 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.
- L. 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 **\$14, 329,89** 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. **\$6,910.13** per single family residential unit to the County to support park and recreational improvements and facilities;
2. **\$333.35** per single family residential unit to the County to support police facilities;
3. **\$658.40** per single family residential unit to the County to support fire facilities;
4. **\$288.25** per single family residential unit to the County to support solid waste facilities; and
5. **\$6,139.77** 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.

- M. 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 Chapter 11, Article 1, Hawai'i County Code relating to Affordable Housing Policy. This

requirement shall be approved by the Administrator of the Office of Housing and Community Development prior to Final Subdivision Approval.

- 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 for the proposed development, including the Department of Public Works, Department of Water Supply and Department of Health.
- 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 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 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:

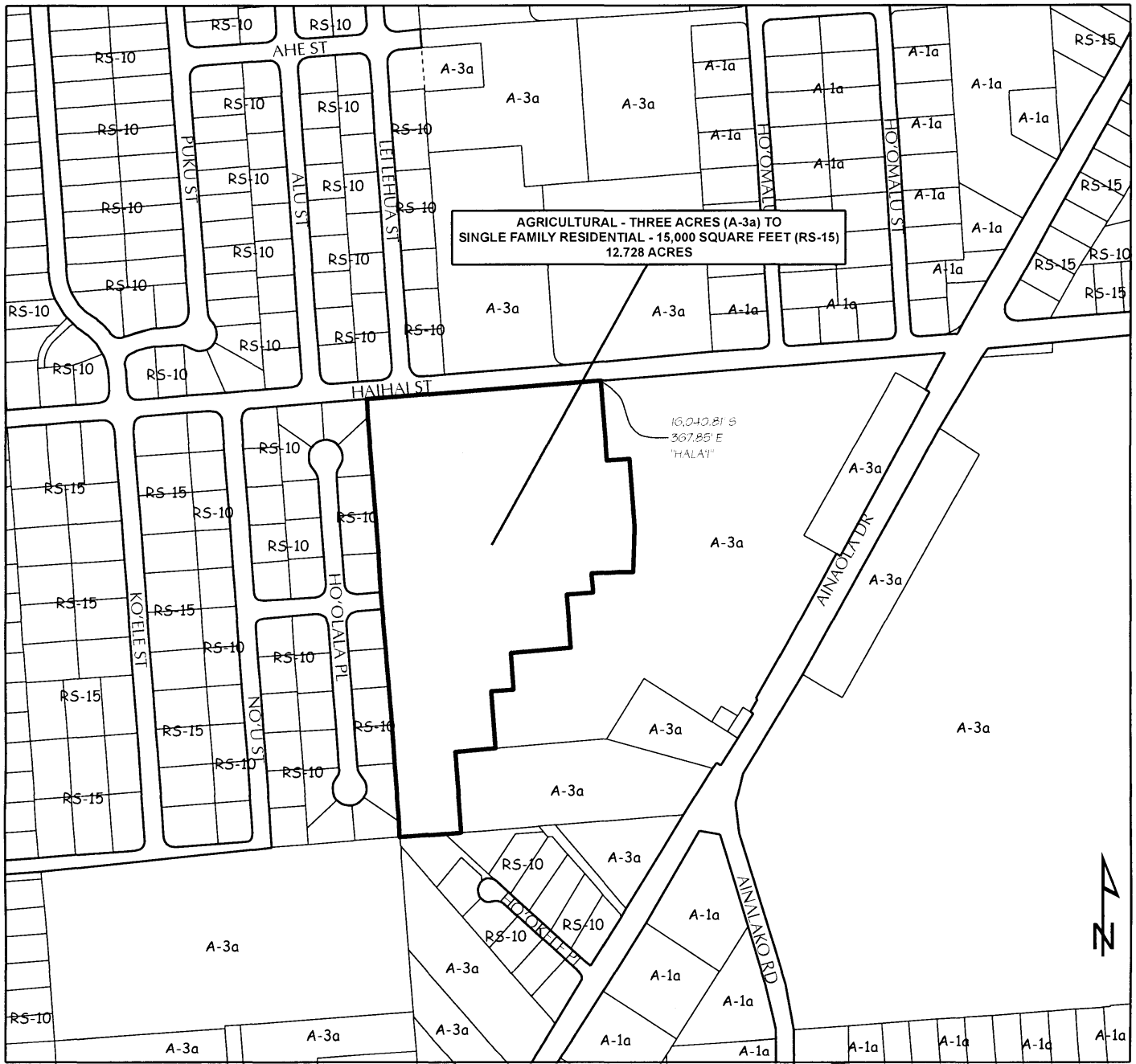
A handwritten signature in black ink, appearing to read "B. M. (B/R)", is written over a horizontal line.

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i  
Date of Introduction: January 23, 2019  
Date of 1st Reading: January 23, 2019  
Date of 2nd Reading: February 5, 2019  
Effective Date: February 20, 2019

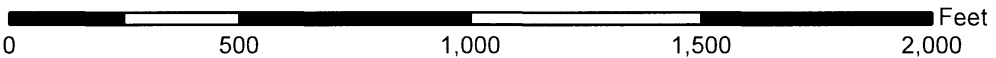
REFERENCE Comm. 27





AGRICULTURAL - THREE ACRES (A-3a) TO  
SINGLE FAMILY RESIDENTIAL - 15,000 SQUARE FEET (RS-15)  
12.728 ACRES

16,040.81 S  
367.85' E  
"HALAI"



# **AMENDMENT TO THE ZONING CODE**

AMENDING SECTION 25-8-33 (CITY OF HILO 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 - THREE ACRES (A-3a) TO  
SINGLE FAMILY RESIDENTIAL - 15,000 SQUARE FEET (RS-15)  
AT WAIĀKEA HOMESTEADS 2ND SERIES, WAIĀKEA, SOUTH HILO, HAWAI'I

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

TMK: (3) 2-4-039:026

DATE: July 31, 2018

EXHIBIT "A"

Hilo One, Inc.  
Map: 1399

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

COUNTY CLERK  
 COUNTY OF HAWAII

2019 FEB 21 AM 9:41

Introduced By: Ashley L. Kierkiewicz (B/R)  
 Date Introduced: January 23, 2019  
 First Reading: January 23, 2019  
 Published: February 2, 2019

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Second Reading: February 5, 2019  
 To Mayor: February 13, 2019  
 Returned: February 21, 2019  
 Effective: February 20, 2019  
 Published: March 2, 2019

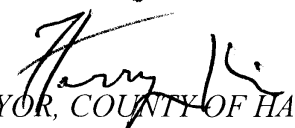
REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung			X	
David	X			
Eoff	X			
Kaneali'i-Kleinfelder	X			
Kierkiewicz	X			
Lee Loy	X			
Poindexter	X			
Richards	X			
Villegas	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kaneali'i-Kleinfelder	X			
Kierkiewicz	X			
Lee Loy	X			
Poindexter	X			
Richards	X			
Villegas	X			
	9	0	0	0

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

Disapproved this 20th day  
 of February, 2019.

  
 MAYOR, COUNTY OF HAWAII

  
 COUNCIL CHAIRPERSON  
  
 COUNTY CLERK

Bill No.: 5  
 Reference: C-27/PC-2  
 Ord No.: 19 16