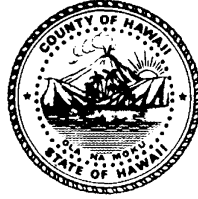


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 19 27 BILL NO. 17

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 SINGLE FAMILY RESIDENTIAL – 15,000 SQUARE FEET (RS-15) TO SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) AT WAIĀKEA HOMESTEADS 1ST SERIES, WAIĀKEA SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-4-021:059.

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 1<sup>st</sup> Series, Waiākea, South Hilo, Hawai'i, shall be Single-Family Residential – 10,000 square feet (RS-10):

Beginning at a spike set at the southwest corner of this parcel of land, being also the northwest corner of Lot 24, and on the easterly side of Nālani Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station 'HALAI' being 16,195.30 feet south and 7,936.88 feet east and thence running by azimuths measured clockwise from true south:

- |    |          |        |  |
|----|----------|--------|--|
| 1. | 175° 40' | 77.77  | feet along the easterly side of Nālani Street to a nail set; |
| 2. | 265° 40' | 301.74 | feet revised along Lot 20-A and Lot 20-B to a 1/2" pipe set; |

- |    |          |        |  |
|----|----------|--------|--|
| 3. | 355° 40' | 77.77  | feet along Lot 5, Huapala Subdivision to a spike set;  |
| 4. | 85° 40'  | 301.74 | feet revised along Lot 24 to the point of beginning and containing an area of 23,466 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, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
  - B. The applicant, successors, or assigns are 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) service laterals that will accommodate a 5/8-inch meter to front each lot; and 2) 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, which may include conveying the water system improvements and necessary easements to the Water Board.

- D. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance.
  
- E. 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.
  
- F. A five (5)-foot wide future road widening strip along the property's Nalani Street frontage shall be subdivided and dedicated, at no cost to the County, prior to receipt of Final Subdivision Approval for the proposed two (2)-lot subdivision. The applicant, successors or assigns shall provide their pro-rata share for the construction of full improvements to the entire property frontage along Nalani Street consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements and any required utility relocation, meeting the approval of the Department of Public Works (DPW). This pro-rata share for roadway improvements specified in this condition shall be determined by the DPW and shall become due and payable to the County of Hawai'i within six (6) months from the date that formal notice is served upon the applicant, its

successors or assigns by the DPW regarding a program for the installation of curb, gutter and sidewalk improvements along the frontage of Nalani Street in proximity to the subject property. Each of the two (2) lot owners shall pay half of the of pro-rata share payment.

- G. All driveway connections to Nalani Street shall conform to Hawai'i County Code Chapter 22, County Streets.
- H. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawai'i County Code.
- I. During demolition and 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.
- J. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- K. In the unlikely event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, 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. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

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 lot 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. 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.
- N. The applicant, successors and/or assigns shall comply with all applicable County, State and Federal codes, laws, rules, regulations and requirements.
- O. 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 Director shall submit the applicant's request to the County Council for appropriate action.

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.

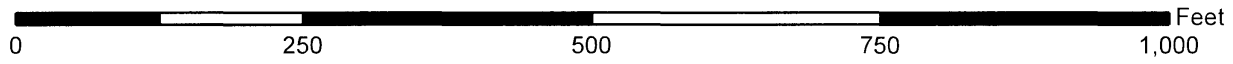
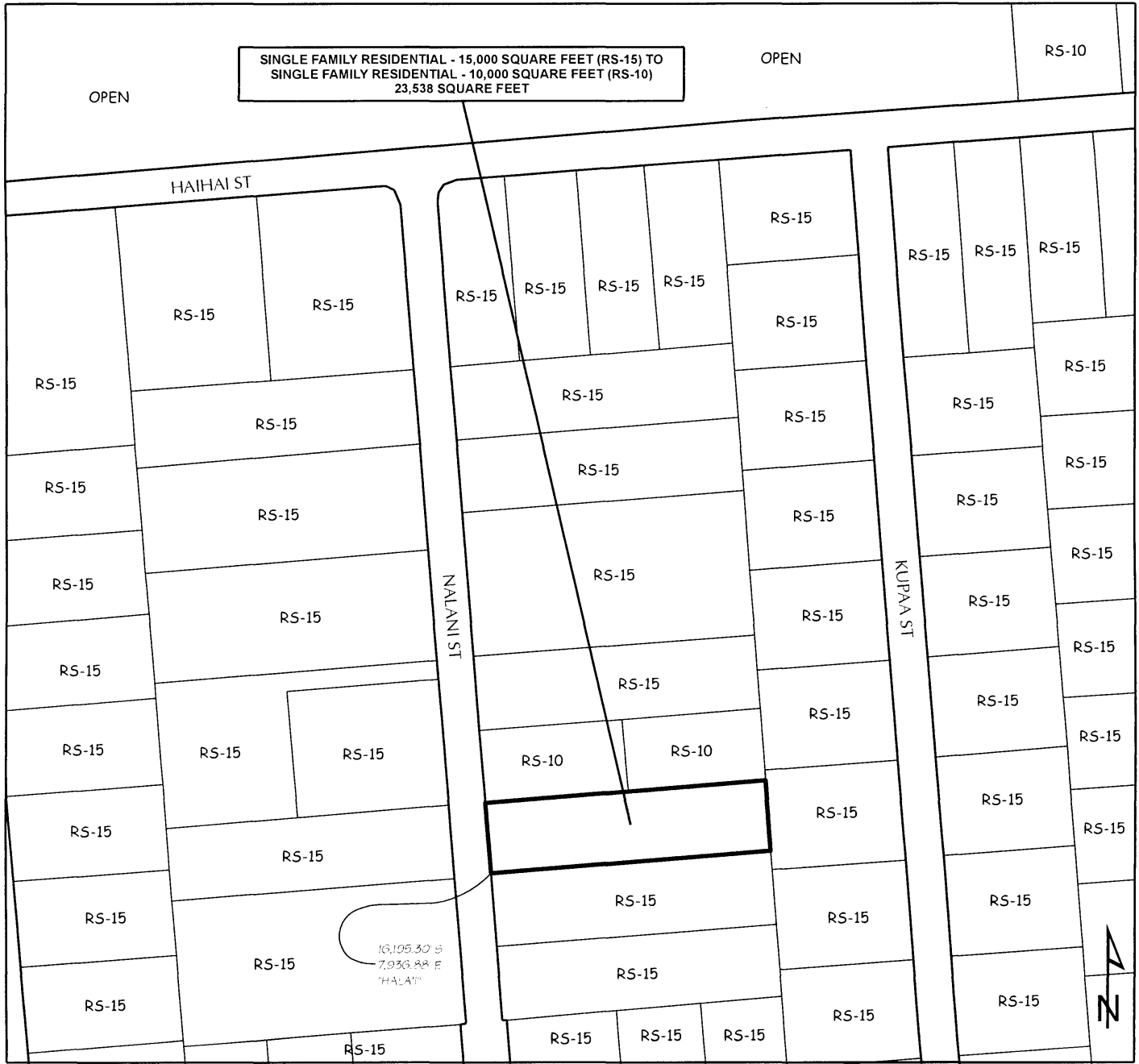
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
\_\_\_\_\_  
COUNCIL MEMBER, COUNTY OF HAWAII

Hi lo, Hawai'i  
Date of Introduction: February 20, 2019  
Date of 1st Reading: February 20, 2019  
Date of 2nd Reading: March 13, 2019  
Effective Date: March 25, 2019

REFERENCE Comm. 65



# 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  
 SINGLE FAMILY RESIDENTIAL - 15,000 SQUARE FEET (RS-15) TO  
 SINGLE FAMILY RESIDENTIAL - 10,000 SQUARE FEET (RS-10)  
 AT WAIĀKEA HOMESTEADS 1ST SERIES, WAIĀKEA, SOUTH HILO, HAWAI'I

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

TMK: (3) 2-4-021-059

DATE: August 20, 2018



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

COUNTY CLERK  
 COUNTY OF HAWAII

2019 MAR 27 AM 8:41

Introduced By: Ashley Kierkiewicz (B/R)  
 Date Introduced: February 20, 2019  
 First Reading: February 20, 2019  
 Published: March 2, 2019

REMARKS: \_\_\_\_\_  
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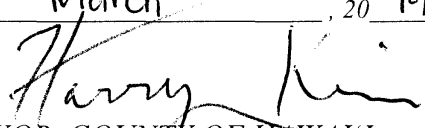
Second Reading: March 13, 2019  
 To Mayor: March 21, 2019  
 Returned: March 27, 2019  
 Effective: March 25, 2019  
 Published: April 6, 2019


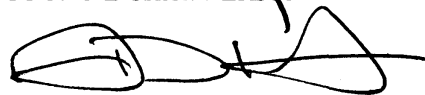
REMARKS: \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kaneali'i-Kleinfelder	X			
Kierkiewicz	X			
Lee Loy	X			
Poindexter	X			
Richards	X			
Villegas	X			
	9	0	0	0

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			
	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 25<sup>th</sup> day  
 of March, 20 19  
  
 MAYOR, COUNTY OF HAWAII

  
 COUNCIL CHAIRPERSON  
  
 COUNTY CLERK

Bill No.: 17  
 Reference: C-65/PC-6  
 Ord No.: 19 27