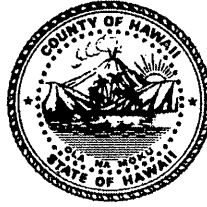


From the office of -  
Council Member  
District 3 - Hilo and Puna



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**SUSAN L.K. LEE LOY**  
25 Aupuni Street, Hilo, Hawai'i 96720

TO: Aaron S.Y. Chung, Chair  
and Members of the Hawai'i County Council

FROM: *PL Co*  
Sue Lee Loy, Council Member

DATE: January 18, 2019

SUBJECT: Proposed Amendments to Bill No. 1; an Ordinance Amending Ordinance No. 99 42 Which Reclassified Lands from Open (O) to Project District (PD) at Kaupulehu, North Kona, Hawai'i, Covered by Tax Map Key 7-2-003: Portion of 1.

COUNTY CLERK  
COUNTY OF HAWAII 'I  
RECEIVED  
Time 2:00 pm By [Signature]  
Date 1-18-19

Please see below proposed amendments to Bill No. 1. These amendments: 1) provide an earlier deadline to complete the implementation of the public access plan; and 2) provide additional direction regarding the computing, crediting, and administering of fair share contributions.

The proposed amendments are illustrated below in Ramseyer format as applied to the current contents of Bill No. 1; material to be deleted is bracketed and stricken, material to be added is underscored.

1. Proposed amendment to SECTION 1 of Bill No. 1, Condition S:

"S. A final comprehensive public access plan, to be developed in consultation with community groups and in accordance with applicable conditions of approval of the Land Use Commission Decision and Order (Docket No. A93-701), shall be submitted to the Planning Director and shall include mauka-makai and lateral shoreline accesses, description of trail width and surfacing, parking area(s), signage, emergency response considerations, restrictions on use (if any), provision of recreational and restroom facilities at appropriate locations, and related improvements. Implementation of the public access plan shall be completed [~~with the opening of the golf course.~~] within one year from the effective date of this amended Project District Ordinance."

2. Proposed amendment to SECTION 1 of Bill No. 1, Condition W:

"W. 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

Comm. No. 13.4  
Ref. To: P/Council  
Ref. Date: JAN 23 2019

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]~~ amended Project District Ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a combined value of \$9,195.34 per multiple family residential unit and ~~[(€)]\$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 and multiple family residential unit shall be allocated as follows:

1. \$4,535.80 per multiple family residential unit ~~[\$6,910.13]~~ and \$6,910.13 per single family residential unit[€] to the County to support park and recreational improvements and facilities;
2. \$143.36 per multiple family residential unit and \$333.35 per single family residential unit[€] to the County to support police facilities;
3. \$440.97 per multiple family residential unit and \$658.40 per single family residential unit[€] to the County to support fire facilities;
4. \$196.54 per multiple family residential unit and \$288.25 per single family residential unit[€] to the County to support solid waste facilities; and
5. \$3,878.67 per multiple family residential unit and \$6,139.77 per single family residential unit[€] to the County to support road and traffic improvements.

The cost of providing and constructing the improvements required in Conditions M and N shall be credited against the sum specified in Condition W (5) for 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.”

3. For illustrative purposes, please see below Condition W as it would appear in Bill No. 1, Draft 2, if these proposed amendments are adopted:

“W. ~~[The applicant shall make its fair share contribution to mitigate potential regional impacts of the subject project with respect to roads, parks and recreation, fire, police and solid waste disposal facilities. The amount of the fair share contribution shall be the sum which is the product of multiplying the number of residential lots proposed to be subdivided by the amounts allocated hereinbelow for each such lot, and shall become due and payable prior to final subdivision approval for any portion of the subject property or its increments. If the subject property is subdivided in two or more increments, the amount of the fair share contribution due and payable prior to final subdivision approval of each increment shall be a sum calculated in the same manner according to the number of proposed residential lots in each such increment. The fair share contribution, in a~~

form of cash, land, facilities or any combination thereof, acceptable to the director in consultation with the affected agencies, shall be determined by the County Council. The fair share contribution shall have a maximum combined value of ~~\$4,645.29 per multiple-family residential unit and \$7,239.16 per single-family residential unit~~. Based upon the applicant's representation of intent to develop up to 1,030 residential units, the indicated total of fair share contribution for 500 multiple-family residential units is ~~\$2,322,645.00~~ and 530 single-family residential units is ~~\$3,836,754.80~~ whichever is applicable. However, the total amount shall be increased or reduced in proportion with the actual number of units according to the calculation and payment provisions set forth in this Condition W. The fair share contribution shall be allocated as follows:

1. ~~\$2,291.39 per multiple-family residential unit for an indicated total of \$1,145,695.00 and \$3,490.85 per single-family residential unit for an indicated total of \$1,850,150.50 to the County to support park and recreational improvements and facilities;~~
2. ~~\$72.42 per multiple-family residential unit for an indicated total of \$36,210.00 and \$168.40 per single-family residential unit for an indicated total of \$89,252.00 to the County to support police facilities;~~
3. ~~\$222.77 per multiple-family residential unit for an indicated total of \$111,385.00 and \$332.61 per single-family residential unit for an indicated total of \$176,283.30 to the County to support fire facilities;~~
4. ~~\$99.29 per multiple-family residential unit for an indicated total of \$49,645.00 and \$145.62 per single-family residential unit for an indicated total of \$77,178.60 to the County to support solid-waste facilities; and~~
5. ~~\$1,959.42 per multiple-family residential unit for an indicated total of \$979,710.00 and \$3,101.68 per single-family residential unit for an indicated total of \$1,643,890.40 to the State or County to support road and traffic improvements.~~

The fair share contributions described above shall be adjusted annually beginning three years after the effective date of the change of zone, based on the percentage change in the Honolulu Consumer Price Index (HCPI). In lieu of paying the fair share contribution, the applicant may construct and contribute 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 approval of the director. The cost of providing and constructing the improvements required in Conditions M and N shall be credited against the sum specified in Condition W (5) for road and traffic improvements. For purposes of administering Condition W, the fair market value of land contributed or the cost of any improvements required or made in lieu of the fair share contribution shall be subject to review and approval of the director, upon consultation with the appropriate agencies.

Upon approval of the fair share contributions or in lieu contributions by the director, the director shall submit a final report to the Council for its information that identifies the specific approved fair share and/or in lieu contributions, as allocated, and further implementation requirements.]

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 amended Project District Ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a combined value of \$9,195.34 per multiple family residential unit and \$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 and multiple family residential unit shall be allocated as follows:

1. \$4,535.80 per multiple family residential unit and \$6,910.13 per single family residential unit to the County to support park and recreational improvements and facilities;
2. \$143.36 per multiple family residential unit and \$333.35 per single family residential unit to the County to support police facilities;
3. \$440.97 per multiple family residential unit and \$658.40 per single family residential unit to the County to support fire facilities;
4. \$196.54 per multiple family residential unit and \$288.25 per single family residential unit to the County to support solid waste facilities; and
5. \$3,878.67 per multiple family residential unit and \$6,139.77 per single family residential unit to the County to support road and traffic improvements.

The cost of providing and constructing the improvements required in Conditions M and N shall be credited against the sum specified in Condition W (5) for 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.”

Due to the limited scope of these amendments, a draft copy of the draft 2 of this bill that would result if these proposed amendments are adopted is not attached.

SL/ps