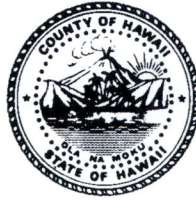


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 21 62 BILL NO. 58

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-10,000 SQUARE FEET (RS-10) TO GENERAL COMMERCIAL -7,500 SQUARE FEET (CG-7.5) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-024:022.

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, South Hilo, Hawai'i, shall be General Commercial – 7,500 square feet (CG-7.5):

Beginning at a railroad spike found at the north corner of this parcel of land, being a point on the southeast line of Lono Street, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station, "HALAI" being 3,241.46 feet south and 6,393.73 feet east and running by azimuths measured clockwise from True South:

- 1. Along Lot 8-A as shown on the public works subdivision approved Oct. 5, 1971 by HCPD as SUB #3038h, on a curve to the right having a radius of 20 ft., the direct chord azimuth and distance being:

283° 10' 00" 28.28 ft. to a spike found, thence:

2.	328°	10'	00"	62.70	ft. along Kino'ole Street, 60 ft. wide, to a nail found at the north corner of Lot 7, thence;
3.	58°	10'	00"	237.00	ft. along Lot 7, Grant 9278 to Mrs. Eugina I. Lau to a 1/2" pipe found at the east side of abandoned railroad right-of-way, thence;
4.	148°	10'	00"	2.42	ft. along abandoned railroad right-of-way to a 1/2" pipe found, thence;
5.					along same on a curve to the right having a radius of 395.28 ft., the direct chord azimuth and distance being;
	154°	01'	30"	80.70	ft. to a 1/2" pipe found, thence;
6.	238°	10'	00"	208.76	ft. along Lono Street to the Point of Beginning and enclosing an area of 19.295 sq. ft., 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(s), its successor(s) or assign(s) shall be responsible for complying with all of the stated conditions of approval.
  
- B. Plan approval shall be required prior to establishment of a new land use permitted within the CG zoning district, or any addition to an existing structure or development according to Section 25-2-71(a) of the Zoning Code. A drainage study shall be prepared by professional civil engineer licensed in the State of Hawai'i and submitted to the Department of Public Works prior to issuance of a construction permit. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy for the new use.
  
- C. Prior to the establishment of a new land use permitted in the CG zoning district, the applicants shall submit anticipated maximum daily water usage calculations, as prepared by a professional engineer licensed in the State of Hawai'i to the DWS. A water commitment deposit shall be paid to the Department of Water Supply in accordance with Rule 5 of the Department of Water Supply's Rules and Regulations. The applicants are responsible for maintaining valid water commitments until such time that required water facilities charges are paid in full.
  
- D. The applicants shall install a reduced pressure type backflow prevention assembly within five (5) feet of the existing water meter and any additional water meters on private property, which must be inspected and approved by the Department of Water Supply.
  
- E. All development generated runoff shall be disposed of on site and not be directed toward any adjacent properties.
  
- F. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.



- G. Prior to the establishment of a new land use permitted in the CG zoning district, or any addition to an existing structure or development, the applicants, successors, or assigns shall provide improvements to the subject property's entire Kino'ole Street frontage consisting of a "full width" concrete sidewalk of 10-foot width or as wide as the present property line and paved right of way will allow, and meeting with the requirements of the Americans with Disabilities Act and the approval of the Department of Public Works.
- H. Construction within the County right-of-way shall comply with Hawai'i County Code, Chapter 22, County Streets.
- I. Should the applicants, successors, or assigns develop a land use which the Planning Department, in consultation with the Department of Public Works, determines will generate over 50 peak hour trips, a Traffic Impact Analysis Report (TIAR) shall be submitted for review and approval by the Department of Public Works prior to Final Plan Approval. The applicants shall implement, when required by the Department of Public Works, at no cost to the County, any transportation system improvements to Lono Street and Kino'ole Street that may be deemed necessary by the Department of Public Works.
- J. The property shall connect to the public sewer in accordance with Section 21-5 of the Hawai'i County Code within 180 days of the effective date of this ordinance. If required by the Director of the Department of Environmental Management, the applicants shall conduct a sewer study prior to connection to the County sewer system. The applicants shall provide sewer line or other facility improvements as the Director of Environmental Management may reasonably require, which the sewer study may indicate are advisable for mitigation of impacts of the proposed project.
- K. In the 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, the applicants 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. 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 development with respect to parks and recreation, fire, police, solid waste disposal facilities and roads. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval or Final Subdivision Approval, whichever is applicable, and shall be based on the actual number of additional residential units or 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 **\$9,662.28** per multiple family residential unit or lot (**\$15,057.57** per single family residential unit or lot). The total amount shall be determined with the actual number of residential lots according to the calculation and payment provisions set forth in this condition. The fair share contribution per multiple family residential unit or lot (single family residential unit or lot) shall be allocated as follows:

1. **\$4,766.13** per multiple family residential unit or lot (**\$7,261.03** per single family residential unit or lot) to the County to support park and recreational improvements and facilities;
2. **\$150.63** per multiple family residential unit or lot (**\$350.27** per single family residential unit or lot) to the County to support police facilities;
3. **\$463.37** per multiple family residential unit or lot (**\$691.83** per single family residential unit or lot) to the County to support fire facilities;

4. **\$206.52** per multiple family residential unit or lot (**\$302.89** per single family residential unit or lot) to the County to support solid waste facilities; and
5. **\$4,075.63** per multiple family residential unit or lot (**\$6,451.55** per single family residential unit or lot) to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the applicants 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 applicants, their successors and/or assigns shall comply with all applicable County, State and Federal codes, laws, rules, regulations and requirements for the proposed development, including but not limited to the Fire Department, Department of Public Works, Department of Water Supply and Department of Health.
- 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.

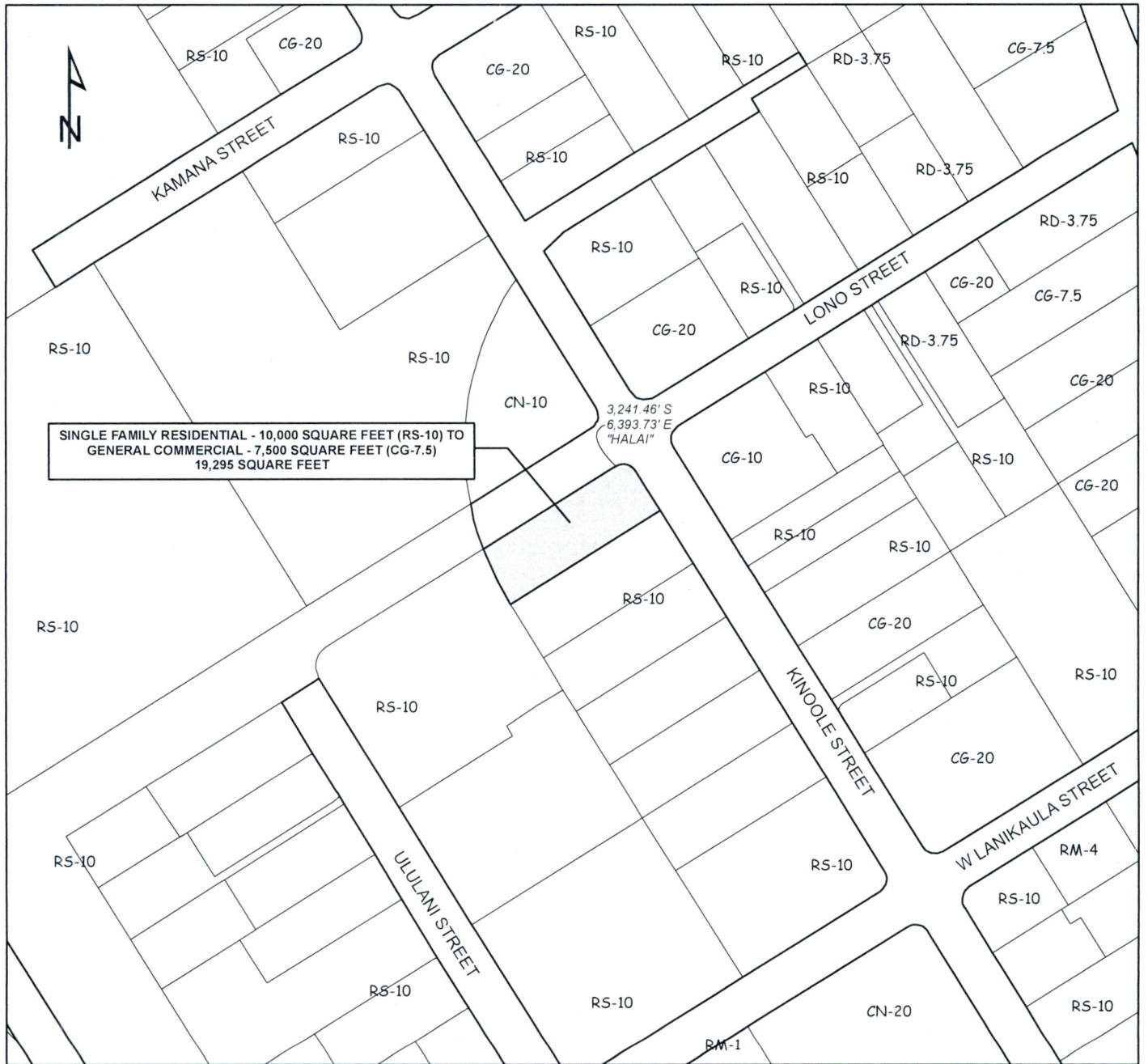
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
\_\_\_\_\_  
COUNCIL MEMBER, COUNTY OF HAWAI'I

          Hilo          , Hawai'i  
Date of Introduction: August 18, 2021  
Date of 1st Reading: August 18, 2021  
Date of 2nd Reading: September 8, 2021  
Effective Date: September 22, 2021

REFERENCE Comm.           332



# **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 - 10,000 SQUARE FEET (RS-10) TO  
 GENERAL COMMERCIAL - 7,500 SQUARE FEET (CG-7.5)  
 AT WAIAKEA, SOUTH HILO, HAWAII

MAP PREPARED BY:  
 COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 2-2-024:022

DATE: April 4, 2021

**EXHIBIT "A"**

Wagner/Iboshi  
 Map: 1421



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

COUNTY CLERK  
 COUNTY OF HAWAII

2021 SEP 22 PM 3:45

Introduced By: Ashley Kierkiewicz (B/R)  
 Date Introduced: August 18, 2021  
 First Reading: August 18, 2021  
 Published: September 3, 2021

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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Second Reading: September 8, 2021  
 To Mayor: September 17, 2021  
 Returned: September 22, 2021  
 Effective: September 22, 2021  
 Published: October 8, 2021

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung			X	
David	X			
Inaba	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Richards			X	
Villegas			X	
	6	0	3	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Inaba	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	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.

Approved/Disapproved this 22<sup>nd</sup> day  
 of September, 2021.

  
 MAYOR, COUNTY OF HAWAII

  
 COUNCIL CHAIRPERSON

  
 COUNTY CLERK

Bill No.: 58  
 Reference: C-332/PC-27  
 Ord No.: 21 62