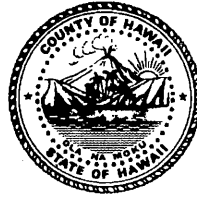


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 23 34 BILL NO. 24
(DRAFT 2)

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 ACRES (A-3a) TO SINGLE-FAMILY RESIDENTIAL – 15,000 SQUARE FEET (RS-15) AT HILO, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-4-003:035.

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 Hilo, South Hilo, Hawai'i, shall be Single-Family Residential – 15,000 square feet (RS-15):

Beginning at the southeast corner of this parcel of land, being the south corner of Tank and Reservoir Site and on the north side of Kawaihine Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 12,214.50 feet South and 1,386.80 feet East, thence running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|----------------------------------------------------------------------------------|
| 1. | 85° 40' | 85.00 | feet along Kawaihine Street; |
| 2. | 175° 40' | 277.45 | feet along Lot A-2, a portion of Grant 10,897 to Leopold F. Sternemann or Heirs; |
| 3. | 85° 40' | 157.00 | feet along Lot A-2, a portion of Grant 10,897 to Leopold F. Sternemann or Heirs; |

- | | | | |
|----|----------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. | 175° 40' | 465.68 | feet along Lot 619-A-1 and Lot 619-A-2, being portions of Grant 10,897 to Leopold F. Sternemann or Heirs; |
| 5. | 265° 40' | 242.00 | feet along Lot A-1-B; |
| 6. | 355° 40' | 743.13 | feet along Komohana Estates, Increment 2 and Tank and Reservoir Site, to the point of beginning and containing an area of 3.1285 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(s), its successor(s), or assign(s) ("Applicant") shall be responsible for complying with all of the stated conditions of approval.
- B. The Applicant shall remit a water commitment fee to the Department of Water Supply (DWS) within 180 days from the effective date of this ordinance in accordance with Rule 5 of the Department of Water Supply's Rules and Regulations. 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. Prior to issuance of Final Subdivision Approval, the Applicant shall construct necessary water improvements meeting with the approval of the Department of Water Supply.
- D. Final Subdivision Approval for the proposed subdivision shall be secured within five (5) years from the effective date of this ordinance.
- E. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentary Control of the Hawai'i County Code.
- F. All driveway connections and construction within the Kawaihāni Street and South Kumuwaina Place right-of-way shall conform to Chapter 22, County Streets, of the Hawai'i County Code. Access to Kawaihāni Street and South Kumuwaina Place, including the provision of adequate sight distances, shall meet with the approval of the Department of Public Works.
- G. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. Prior to the construction of any proposed structures, the Applicant shall prepare a drainage study and construct a drainage system meeting with the approval of the Department of Public Works.
- H. A 10-foot-wide road widening strip along the Kawaihāni Street frontage of the property shall be set aside and delineated on the subdivision plans. All structural setbacks shall be taken from this future road widening line.

- I. Install streetlights and traffic control devices as may be required by the Traffic Division, Department of Public Works. The Applicant shall be responsible for the design, purchase, and installation of such devices.
- J. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- 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 Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the department of Land and Natural Resources- State Historic Preservation Division (DLNR-SHPD) 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. Should any state or federally listed or endangered species be found on the subject property, the Applicant shall comply with all applicable requirements of Department of Land and Natural Resources- Division of Forestry and Wildlife and/or the United States Fish and Wildlife Service.
- M. 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 Subdivision Approval and shall be based on the actual number of additional residential 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 (3) 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 maximum combined value of **\$15,636.59** per single family residential lot. The fair share contribution per single family residential unit shall be allocated as follows:

1. **\$7,540.24** per residential lot to the County to support park and recreational improvements and facilities;
2. **\$363.74** per residential lot to the County to support police facilities;
3. **\$718.44** per residential lot to the County to support fire facilities;
4. **\$314.54** per residential lot to the County to support solid waste facilities;
and
5. **\$6,699.63** per residential lot to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the Applicant 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 pursuant to Section 2-162.1(a) of Hawai'i County Code.

- 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. 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.
- P. The Applicant shall comply with all applicable County, State and Federal codes, laws, rules, regulations, and requirements for the proposed development, including the Fire Department, Department of Public Works, Department of Water Supply and Department of Health.
- Q. 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 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).

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.

- R. 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.

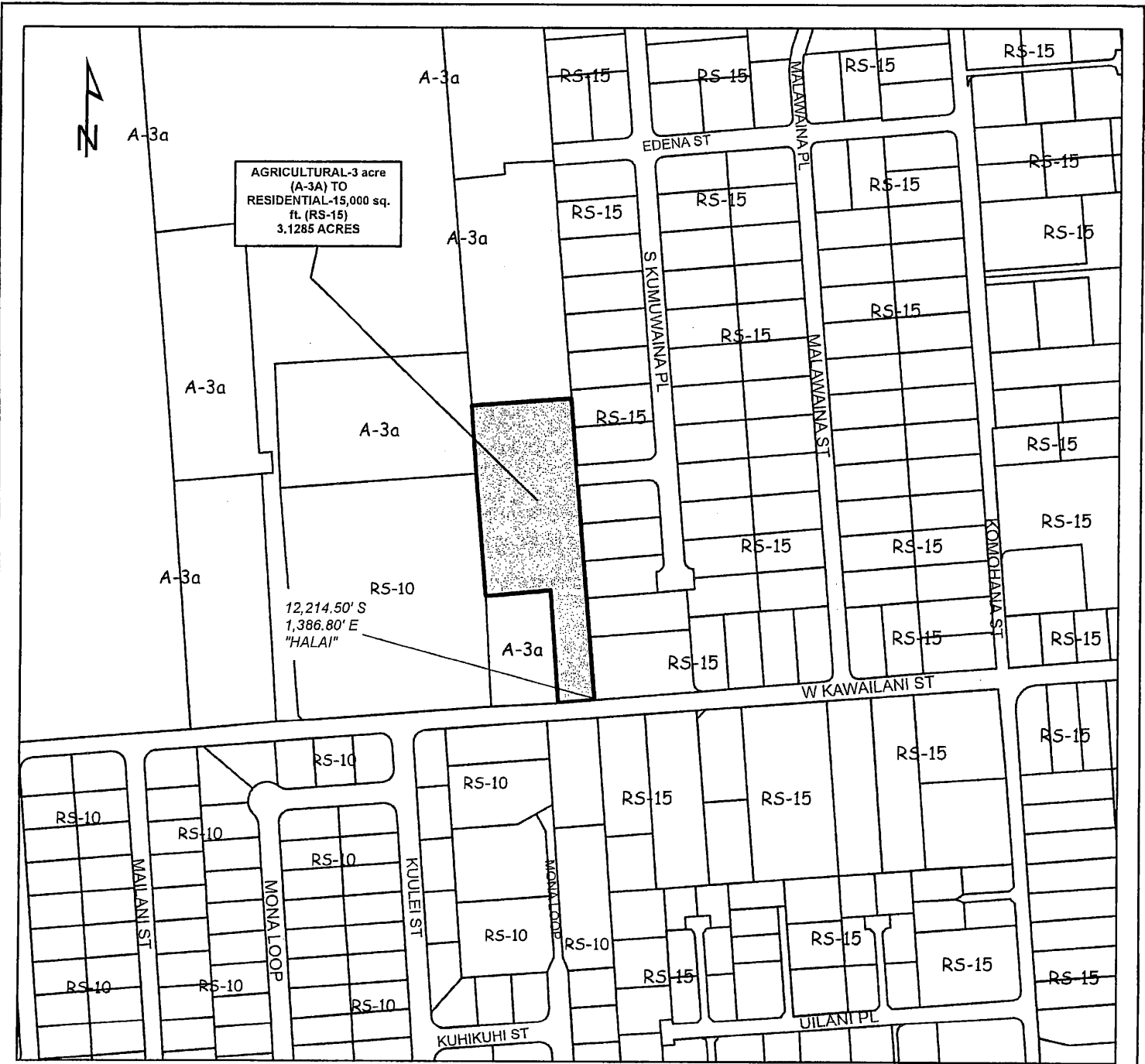
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

Kona, Hawai'i
Date of Introduction: March 8, 2023
Date of 1st Reading: March 8, 2023
Date of 2nd Reading: March 22, 2023
Effective Date: April 3, 2023

REFERENCE Comm. 97.4



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 AGRICULTURAL DISTRICT (A-3A) TO SINGLE-FAMILY RESIDENTIAL DISTRICT (RS-15) AT HILO, SOUTH HILO, HAWAII.

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 2-4-003:035

DATE: October 6, 2022

EXHIBIT "A"

Matthew & Eric Wung

Map: 1447

B-24, DR. 2/c. 97.4

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

COUNTY CLERK
 COUNTY OF HAWAII

2023 APR -5 PM 2: 27

(Draft 2)

Introduced By: Dr. Holeka Goro Inaba (B/R)
 Date Introduced: March 8, 2023
 First Reading: March 8, 2023
 Published: March 17, 2023

REMARKS: _____

Second Reading: March 22, 2023
 To Mayor: March 29, 2023
 Returned: April 5, 2023
 Effective: April 3, 2023
 Published: April 21, 2023

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans	X			
Galimba	X			
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Villegas	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans	X			
Galimba	X			
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	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 3rd day
 of April, 2023



MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON


 COUNTY CLERK

Bill No.: 24 (Draft 2)
 Reference: C-97.4/LAAC-11
 Ord No.: 23 34