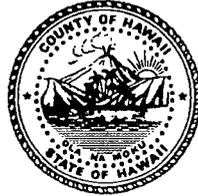


COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 85
(DRAFT 3)

ORDINANCE NO. 23 96

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 – 3 ACRES (A-3a) TO FAMILY AGRICULTURAL – 1 ACRE (FA-1a) AT HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-048:092.

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, Hawai'i, shall be Family Agricultural – 1 Acre (FA-1a):

Beginning at the southwest corner of this parcel of land, being also the southeast corner of Lot 2-B and on the northerly side of Makalika Street, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "HALAI" being 15,908.51 feet south and 15,746.79 feet east, thence running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|-----------------------------------------------------------------------------------------------|
| 1. | 161° 00' | 853.00 | feet along the remainder of the Grant 13,030 to Tsugio and Asako Miyamoto (Lots 2-B and 2-D); |
| 2. | 251° 00' | 161.48 | feet along the remainder of the Grant 13,030 to Tsugio and Asako Miyamoto (Lot 2-E); |
| 3. | 341° 00' | 833.00 | feet along same; |

4. Thence along same on a curve to the right having a radius of 20.00 feet, the chord azimuth and distance being:
26° 00' 28.28 feet;
5. 71° 00' 141.48 feet along Makalika Street to the Point of Beginning and containing an area of 3.160 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 ("Applicant") shall be responsible for complying with all of the stated conditions of approval.
- B. The Applicant shall be responsible for complying with all requirements of Chapter 205, Hawai'i Revised Statutes, relating to permissible uses within the State Land Use Agricultural District.

- C. Prior to issuance of Final Subdivision Approval, the Applicant shall remit a water commitment deposit to the Department of Water Supply (DWS) in accordance with Rule 5 of DWS Rules and Regulations. The Applicant is responsible for maintaining valid water commitments to support the proposed development until such time that required water facilities charges are paid in full.
- D. Prior to issuance of Final Subdivision Approval, the Applicant shall construct necessary water improvements meeting with the approval of the Department of Water Supply.
- E. All earthwork activities including grading, grubbing, and stockpiling shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
- F. All driveway connections and construction within Makalika Street shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
- G. All development-generated runoff shall be disposed of on-site and not directed toward any adjacent properties. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works (DPW) prior to the issuance of Final Subdivision Approval. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of DPW prior to construction of any structures on the subject property.
- H. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- I. 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.

J. 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 number of additional residential lots without existing dwellings that are created. The fair share contribution in the 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 **\$16,641.15** per single family residential lot. The fair share contribution per single family residential lot shall be allocated as follows:

1. **\$8,024.66** per residential lot to the County to support park and recreational improvements and facilities;
2. **\$387.11** per residential lot to the County to support police facilities;
3. **\$764.59** per residential lot to the County to support fire facilities;
4. **\$334.75** per residential lot to the County to support solid waste facilities;
and

5. **\$7,130.04** 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.

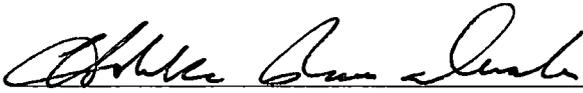
- K. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- L. The Applicant shall comply with all applicable 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.
- M. Final Subdivision Approval for the proposed subdivision shall be secured within five (5) years from the effective date of this ordinance.
- N. If the applicant fails to fulfill any conditions of the zone change within the specified time limitations, the Planning Director or County Council may initiate the process for enactment of an ordinance reverting the affected property back to its original zoning designation or a more appropriate zoning designation in accordance with Section 25-2-43 of the Hawai'i County Code.

- O. An initial extension of time for the performance of conditions within this ordinance may be requested in accordance with Section 25-2-44, subsections (c) and (d), of the Hawai'i County Code.

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.

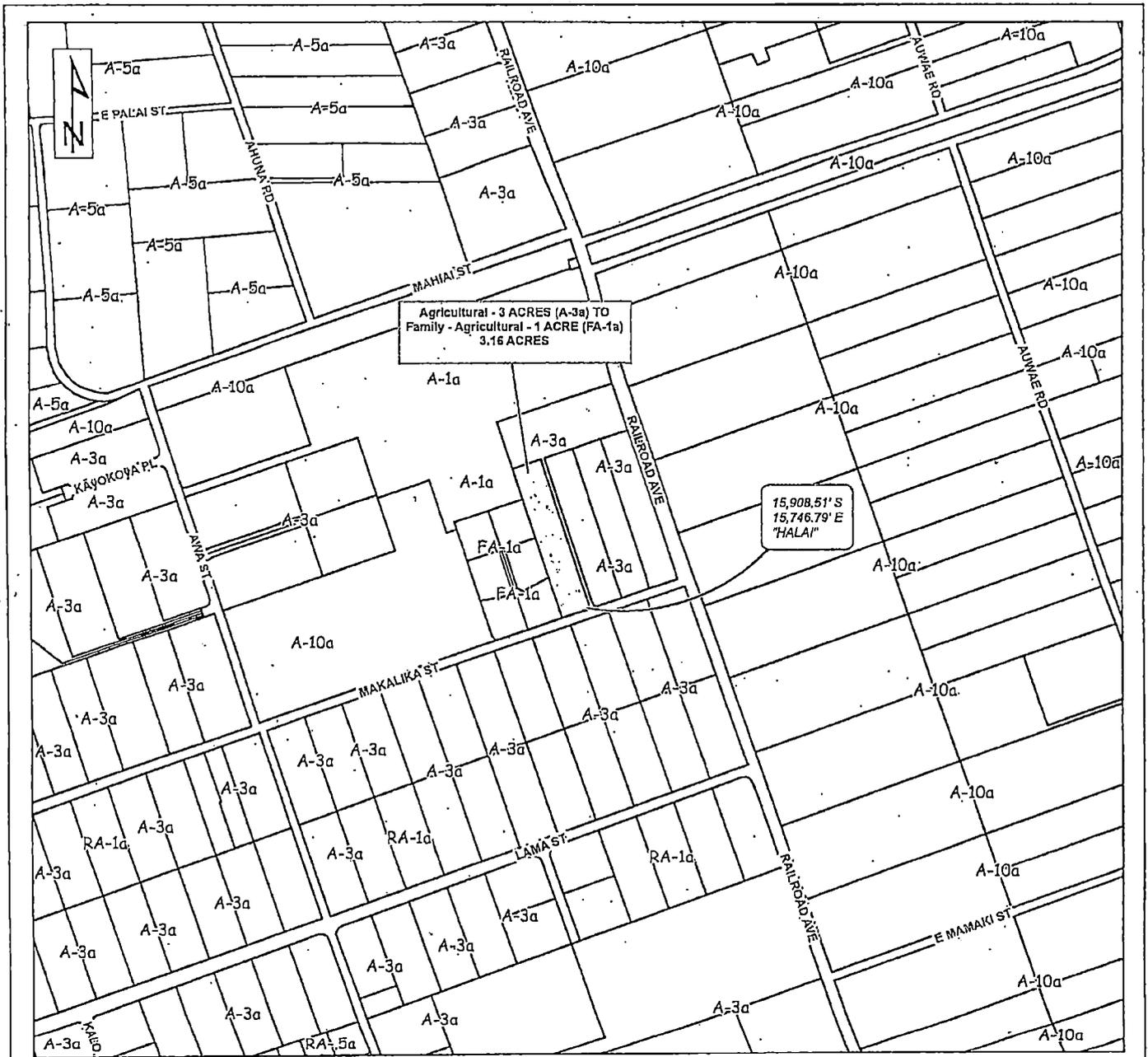
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

 Kona , Hawai'i
Date of Introduction: November 1, 2023
Date of 1st Reading: November 1, 2023
Date of 2nd Reading: November 15, 2023
Effective Date: December 6, 2023

REFERENCE Comm. 518.4



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO DISTRICT ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL - 3 ACRES (A-3a) TO FAMILY - AGRICULTURAL - 1 ACRE (FA-1a) AT HILO, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 2-2-048:092

DATE: June 20, 2023

EXHIBIT "A"

Sandra Kaneshiro
Map: 1455

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

COUNTY CLERK
 COUNTY OF HAWAII

2023 DEC -7 AM 8:15

(Draft 2)

Introduced By: Dr. Holeka Goro Inaba (B/R)
 Date Introduced: November 1, 2023
 First Reading: November 1, 2023
 Published: November 10, 2023

REMARKS: _____

Second Reading: November 15, 2023
 To Mayor: December 4, 2023
 Returned: December 7, 2023
 Effective: December 6, 2023
 Published: December 29, 2023

REMARKS: _____

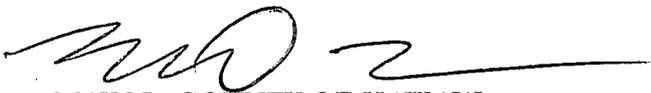
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans			X	
Galimba	X			
Inaba			X	
Kagiwada	X			
Kāneali'i-Kleinfelder		X		
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Villegas			X	
	5	1	3	0

(Draft 3)

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	
	5	0	4	0

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

Approved/Disapproved this 6th day
 of December, 2023.


 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON


 COUNTY CLERK

Bill No.: 85 (Draft 3)
 Reference: C-518.4/LAAC-37
 Ord No.: 23 96