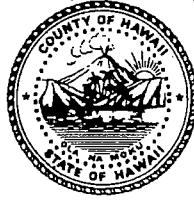


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. ~~23~~ **105** BILL NO. 101
(DRAFT 2)

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO DISTRICT 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 SINGLE-FAMILY RESIDENTIAL - 20,000 SQUARE FEET (RS-20) AT HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-4-079:002.

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 Single-Family Residential - 20,000 square feet (RS-20):

Beginning at the southeast corner of this parcel of land, and on the north side of Kawailani Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 12,479.67 feet South and 2,112.24 feet West, and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|--|
| 1. | 85° 40' | 121.00 | feet along the north side of Kawailani Street; |
| 2. | 175° 40' | 190.18 | feet along Lot A; |
| 3. | 265° 40' | 121.00 | feet; |
| 4. | 355° 40' | 190.18 | feet along Lot B-2-1 to the point of beginning and containing an area of 23,012 square feet. |

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. Final Subdivision Approval of the proposed subdivision shall be secured from the Planning Director within five (5) years from the effective date of this ordinance.
- C. Prior to issuance of Final Subdivision Approval, the Applicant shall designate in writing which lot within the proposed subdivision will be assigned the existing water service, show the existing meter locations with the meter numbers on the plat map submitted for subdivision review, and, if necessary, relocate the existing water meter or service lateral, meeting with the approval of the Department of Water Supply.

- D. 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 the 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.
- 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. Access to the proposed lots 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. A drainage study shall be prepared by a licensed civil engineer and the recommended drainage system shall be constructed meeting with the approval of the Department of Public Works prior to the issuance of Final Subdivision Approval.
- H. A 10-foot-wide road widening strip along the Kawaihina 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. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- J. 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

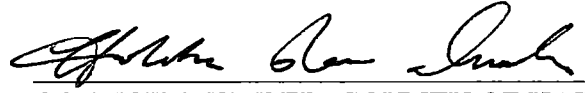
contact the Department of Land and Natural Resources - State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

- 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.
- M. 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.
- N. 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.

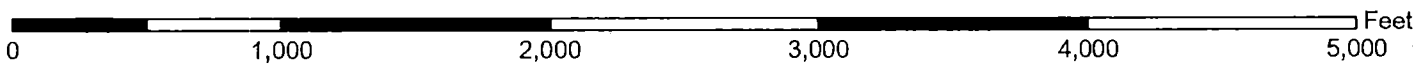
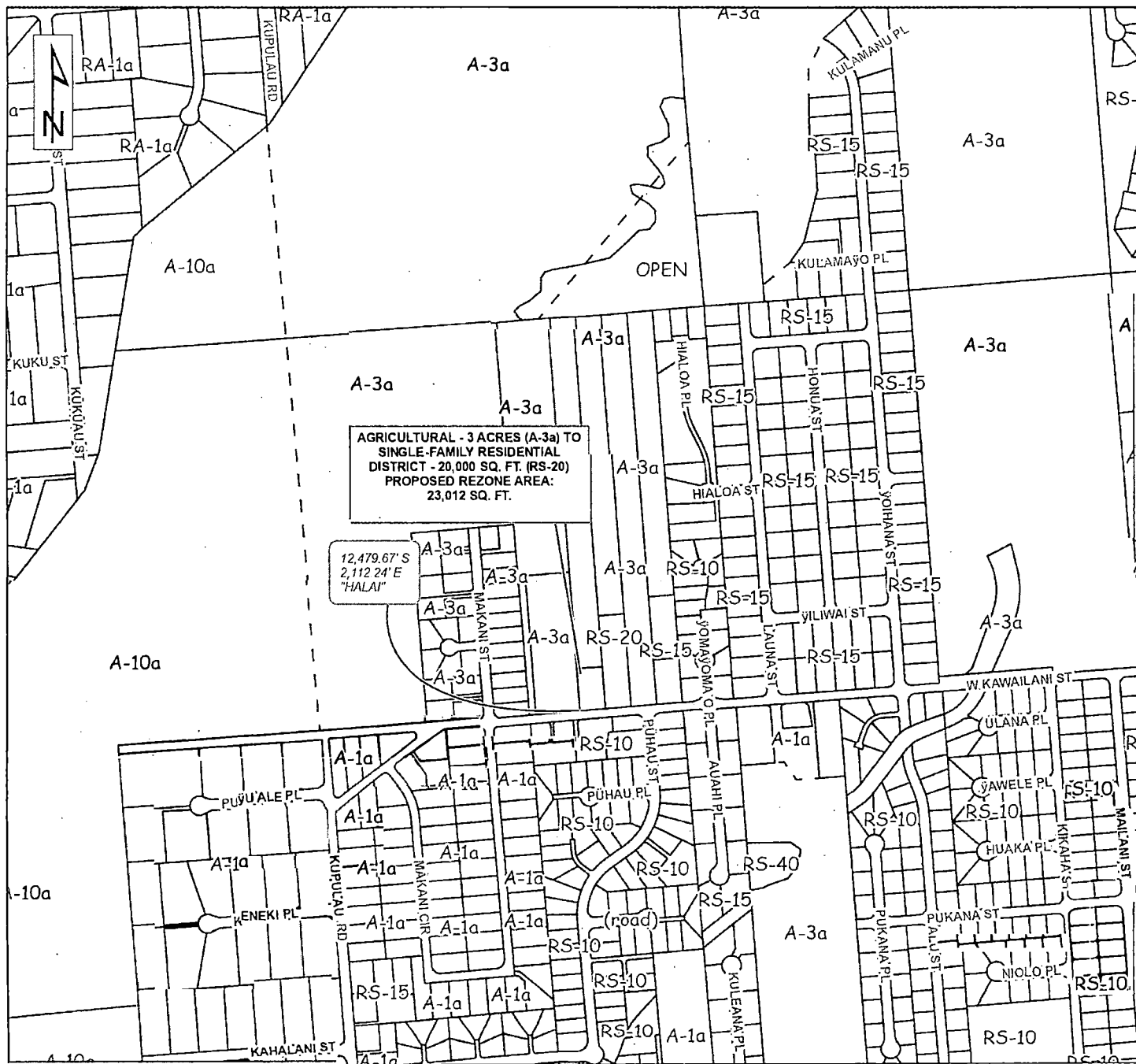
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

 Kona _____, Hawai'i
Date of Introduction: December 6, 2023
Date of 1st Reading: December 6, 2023
Date of 2nd Reading: December 20, 2023
Effective Date: December 29, 2023

REFERENCE Comm. 590.2



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 SINGLE-FAMILY RESIDENTIAL - 20,000 SQ. FT. (RS-20) AT HILO, HAWAII

MAP PREPARED BY:
 COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 2-4-079:002

DATE: July 20, 2023
 Constance Imamura
 Map: 1457

EXHIBIT "A"

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

COUNTY CLERK
 COUNTY OF HAWAII

2024 JAN -2 PM 2:17

(Draft 2)

Introduced By: Dr. Holeka Goro Inaba (B/R)
 Date Introduced: December 6, 2023
 First Reading: December 6, 2023
 Published: December 15, 2023

REMARKS: _____

Second Reading: December 20, 2023
 To Mayor: December 27, 2023
 Returned: January 2, 2024
 Effective: December 29, 2023
 Published: January 19, 2024

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			
	8	0	1	0

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

Approved Disapproved this 29th day
 of December, 2023.


 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON


 COUNTY CLERK

Bill No.: 101 (Draft 2)
 Reference: C-590.2/LAAC-43
 Ord No.: 24 2

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

COUNTY CLERK
 COUNTY OF HAWAII

2024 JAN -2 PM 2:17

(Draft 2)

Introduced By: Dr. Holeka Goro Inaba (B/R)
 Date Introduced: December 6, 2023
 First Reading: December 6, 2023
 Published: December 15, 2023

REMARKS: _____

Second Reading: December 20, 2023
 To Mayor: December 27, 2023
 Returned: January 2, 2024
 Effective: December 29, 2023
 Published: January 19, 2024

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			
	8	0	1	0

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

Disapproved this 29th day
 of December, 2023.


 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON


 COUNTY CLERK

Bill No.: 101 (Draft 2)
 Reference: C-590.2/LAAC-43
 Ord No.: 23 105