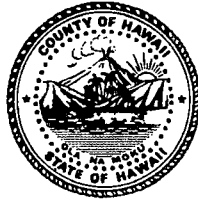


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 24 90 BILL NO. 209

AN ORDINANCE AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED) BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – 20 ACRES (A-20a) TO FAMILY – AGRICULTURAL – 1 ACRES (FA-1a) AT NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY: 7-3-004:011.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-3, 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 North Kona, Hawai'i, shall be Family-Agricultural-1 acres (FA-1a):

Beginning at a 1/2 inch pipe (found) at the Southeasterly corner of this parcel of land, being also the Northwesterly corner of Lot 3-A and being a point on the Easterly side of Mamalahoa Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIHEA" being 7,944.37 feet South and 8,7171.07 feet West and running by azimuths measured clockwise from True South:

Thence, for the next four (4) course following along the Easterly side of Mamalahoa Highway:

- |    |              |        |                                  |
|----|--------------|--------|----------------------------------|
| 1. | 164° 57' 30" | 62.92  | feet to a spike (found);         |
| 2. | 155° 10'     | 25.65  | feet to a point;                 |
| 3. | 166° 28' 30" | 106.61 | feet to a point;                 |
| 4. | 184° 31'     | 18.21  | feet to a 1/2 inch pipe (found): |

5.	268° 45' 10"	595.92	feet long Lot 1, Lot 2-A and Lot 3 and along the remainder of Grant 1609 to Kama to a point;
6.	358° 45' 10"	181.90	feet along Lot A-2 and along the remainder of Grant 1609 to Kama to a point;
7.	268° 45' 10"	226.88	feet along Lot A-2 and along the remainder of Grant 1609 to Kama to a point;
8.	178° 45' 10"	181.90	feet along A-2 and along the remainder of Grant 1609 to Kama to a point;
9.	268° 45' 10"	433.14	feet along Lot 4 and Lot 5 and along the remainder of Grant 1609 to Kama to a point;
10.	352° 04	208.31	feet along Makaula-Ooma Mauka Tract (State of Hawaii- Owner) to a point;
11.	88° 45' 10"	1,234.02	feet along Lot 3-A and along the remainder of Grant 1609 to Kama to the point of beginning and containing an area of 4.985 Acres.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. In accordance with Section 25-8-11, 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, 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. Final Subdivision Approval for the proposed development shall be secured within five (5) years from the effective date of this ordinance.
- D. The applicant shall install a private pump and storage system to increase water pressure to each of the proposed lots, and if required by the Department of Water Supply execute an out-of-bounds agreement and elevation agreement. Additionally, if a variance is required by the subdivision code, the applicant shall apply and receive approval of such.
- E. An Archaeological Field Inspection, including proposed mitigation measures, shall be submitted for the review and approval of the Department of Land and Natural Resources – State Historic Preservation Division (DLNR-SHPD) prior to the issuance of any land alteration permits or the submittal of plans for Final Subdivision Approval, whichever occurs first. If DLNR-SHPD requires that an Archaeological Inventory Survey (AIS) be completed, the applicant shall complete and submit an AIS to DLNR-SHPD for review and approval. The applicant shall comply with any proposed recommendations from DLNR-SHPD

prior to the issuance of any land alteration permits or the submittal of plans for Final Subdivision Approval, whichever occurs first.

- F. Access to Old Government Road, including the provision of adequate sight distances, shall meet with the approval of the Department of Public Works. Driveways shall conform to Chapter 22 (County Streets), Hawai'i County Code.
- G. All earthwork and grading shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code.
- H. A National Pollutant Discharge Elimination System (NPDES) permit and an Underground Injection Control (UIC) permit, if required, shall be secured from the State Department of Health before the commencement of construction activities.
- I. All development generated runoff shall be disposed of on-site and not be directed toward any adjacent properties. A drainage study shall be prepared for review and approval by the Department of Public Works, prior to submittal of plans for subdivision review. Drainage improvements, if required, shall be constructed in a manner meeting with the approval of the Department of Public Works prior to the issuance of Final Subdivision Approval.
- J. The method of sewage disposal shall meet with the requirements of the Department of Health.
- K. 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.

- L. 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.
- M. 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. The fair share contribution shall become due and payable prior to receipt of Final Subdivision Approval. The fair share contribution for each lot shall be based on the number of lots created. 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 maximum combined value of **\$17,171.49** per single family residential lot. The fair share contribution per single family residential lot shall be allocated as follows:
1. **\$8,280.39** per single family residential lot to the County to support park and recreational improvements and facilities;
  2. **\$399.45** per single family residential lot to the County to support police facilities;
  3. **\$788.96** per single family residential lot to the County to support fire facilities;

4. **\$345.41** per single family residential lot to the County to support solid waste facilities; and
5. **\$7,357.27** per single family residential lot to the County to support 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 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 the 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. The applicant, successors or assigns shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- P. 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.
- Q. 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.

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.

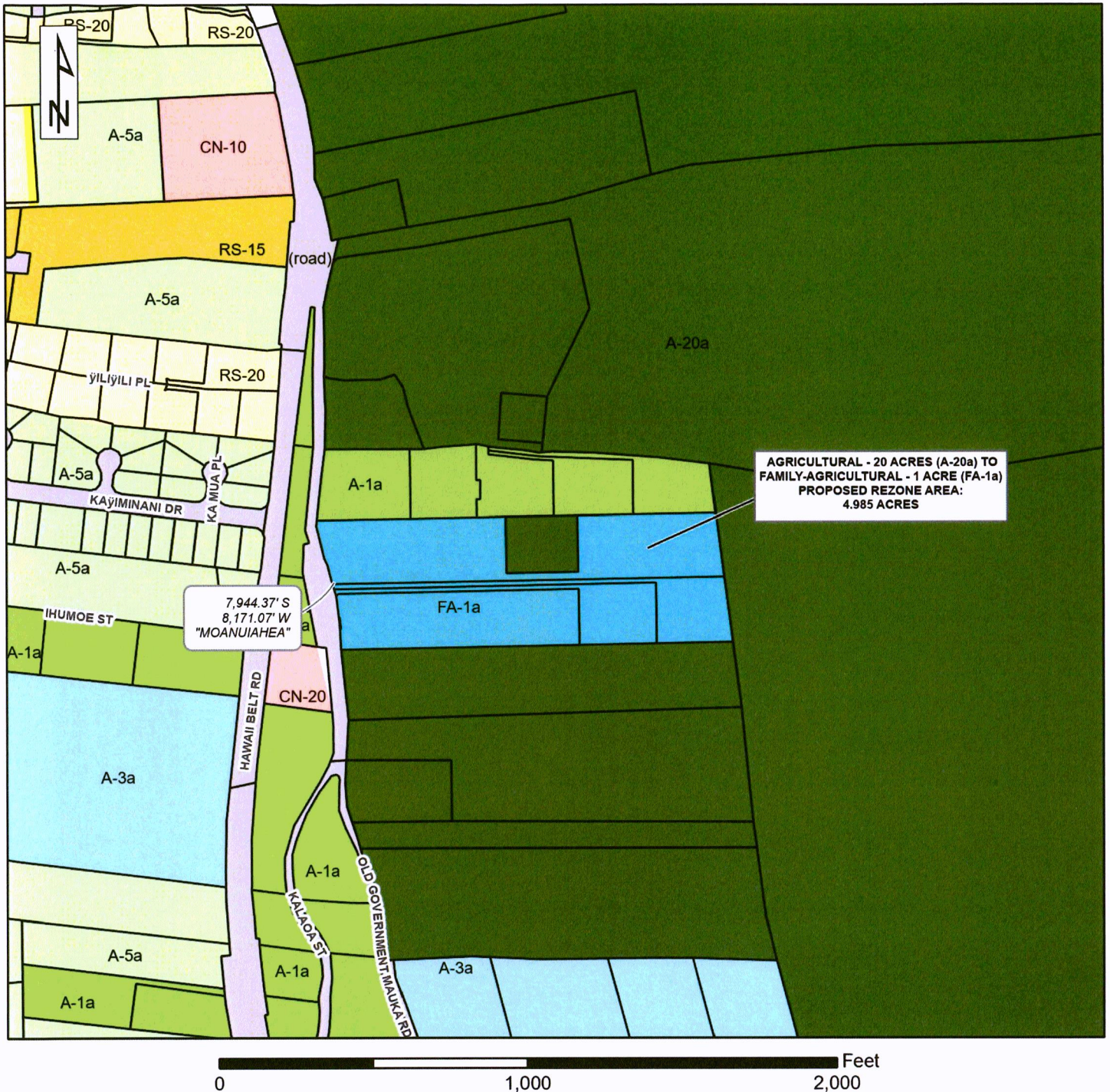
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i  
Date of Introduction: October 16, 2024  
Date of 1st Reading: October 16, 2024  
Date of 2nd Reading: November 8, 2024  
Effective Date: November 25, 2024  
Reference Comm. 1051





# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP)  
ARTICLE 8, CHAPTER 25 (ZONING CODE) OF  
THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),  
BY CHANGING THE DISTRICT CLASSIFICATION FROM  
AGRICULTURAL - 20 ACRES (A-20a) TO FAMILY-AGRICULTURAL - 1 ACRE (FA-1a)  
AT NORTH KONA, HAWAII

MAP PREPARED BY:  
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 7-3-004:011

DATE: July 17, 2024

EXHIBIT "A"

Wattie Elizabeth Kaiokalani Green  
Map: 1463



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

COUNTY CLERK  
COUNTY OF HAWAII

2024 NOV 27 PM 4:16

Introduced By: Dr. Holeka Goro Inaba (B/R)  
Date Introduced: October 16, 2024  
First Reading: October 16, 2024  
Published: October 25, 2024

REMARKS:

Second Reading: November 8, 2024  
To Mayor: November 15, 2024  
Returned: November 27, 2024  
Effective: November 25, 2024  
Published: December 13, 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				
Villegas			X	
	6	0	2	0

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

Approved/Disapproved this 27<sup>th</sup> day  
of November, 2024.

M. Goro Inaba  
MAYOR, COUNTY OF HAWAII

Kimball  
COUNCIL CHAIRPERSON

[Signature]  
COUNTY CLERK

Bill No.: 209  
Reference: C-1051/LAAC-70  
Ord No.: 24 90