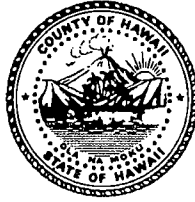


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. **25 1** BILL NO. 219
(DRAFT 2)

AN ORDINANCE AMENDING SECTION 25-8-22 (PUNA DISTRICT 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), KEA'AU, PUNA, HAWAI'I, COVERED BY TAX MAP KEY: 1-6-003:081 AND 129.

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

SECTION 1. Section 25-8-22, Article 8, Chapter 25 (Zoning Code) of the Hawaii 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 Puna, Hawai'i, shall be Family-Agricultural-1 acre (FA-1a):

Beginning at the southeast corner of this parcel of land, being also the northeast corner of Lot 2 and on the southwesterly side of Lot 6-B, Kea'au- Pāhoa Road, F. A. S. P. No. S-0130(6), the coordinates of said point of beginning referred to Government Survey Triangulation Station "ŌLA'A", being 3,035.81 feet North and 8,766.35 feet East, thence running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|----------|--|
| 1. | 52° 18' | 2,162.75 | feet along the remainder of R. P. 7223, L. C. Aw. 8559-B, Ap. 16 to William C. Lunalilo (Lot 2); |
| 2. | 142° 18' | 551.44 | feet along Lot A-18-A-2-A-8, Land Court Application 1053; |

- | | | | |
|----|----------|----------|--|
| 3. | 232° 18' | 2,096.03 | feet along the remainder of R. P. 7223, L. C. Aw. 8559-B, Ap. 16 to William C. Lunalilo (Lots 8, 7, 6, 2, Ohiohi Street and Lot 1, Ola Hou Estates, Unit 2 and along Lots 5, 4, 3, 2, and 1, Ola Hou Estates, Unit 1); |
| 4. | 319° 44' | 404.27 | feet along Lot 6-B, Kea'au- Pāhoa Road, F. A. S. P. No. S-0130(6); |
| 5. | 304° 04' | 155.38 | feet along Lot 6-B, Kea'au- Pāhoa Road, F. A. S. P. No. S-0130(6) to the point of beginning and containing an area of 26.762 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 25-2-44, 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 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 shall be secured within ten (10) years from the effective date of this ordinance.
- D. The Applicant shall remit the required water commitment payment for the additional lots to the Department of Water Supply in accordance with its “Water Commitment Guidelines Policy” within one hundred and eighty (180) days from the effective date of this ordinance. 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. The Applicant shall construct necessary water system improvements as required by the Department of Water Supply.
- F. The applicant shall construct County-dedicable subdivision roadways, including a 20-foot-wide travel lane and 15-foot-wide, paved shoulders within a 50-foot-wide right-of-way. All such roadways shall be dedicated to the County upon Final Subdivision Approval pursuant to requirements of the Department of Public Works.
- G. The proposed subdivision shall provide for County-dedicable standard roadway stub-outs at its northeast (makai adjoining TMK: 1-6-003:081), southwest (mauka adjoining TMK: 1-6-003:089) and southeast (adjoining TMK: 1-6-003:009) project site boundaries to facilitate future roadway connections with adjoining properties and nearby roadway systems. The northeast (makai) roadway stub-out shall not apply should TMK: 1-6-003:081 (Lot 1-A) be acquired by the Hawai‘i

Health Systems Corporation (HHSC) for the purpose of developing a proposed medical center.

- H. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties. A drainage study shall be prepared by a professional civil engineer licensed in the State of Hawai'i and submitted to the Department of Public Works. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to receipt of Final Subdivision Approval.
- I. All earthwork and grading activity shall conform to Hawai'i County Code Chapter 10, Erosion and Sedimentation Control, and Chapter 27 Flood Control.
- J. 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.
- K. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- 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 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.

- M. 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.
- N. 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.
- O. 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 developed. 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 **\$17,171.48** per single family residential lot. The fair share contribution per single family residential lot shall be allocated as follows:
 - A. **\$8,280.39** per single family residential lot to the County to support park and recreational improvements and facilities;
 - B. **\$399.45** per single family residential lot to the County to support police facilities;
 - C. **\$788.96** per single family residential lot to the County to support fire facilities;

- D. **\$345.41** per single family residential lot to the County to support solid waste facilities; and
- E. **\$7,357.27** per single family residential lot to the County to support road and traffic improvements.

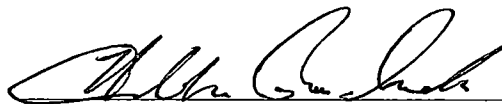
In lieu of paying the fair share contribution, the Applicant(s) may contribute land and/or construct improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development, subject to the review and recommendation 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.

- P. 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.
- Q. The Applicant shall comply with all applicable County, State and Federal Laws, rules, regulations and requirements.
- R. 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.
- S. 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 thereof⁷⁷ 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:

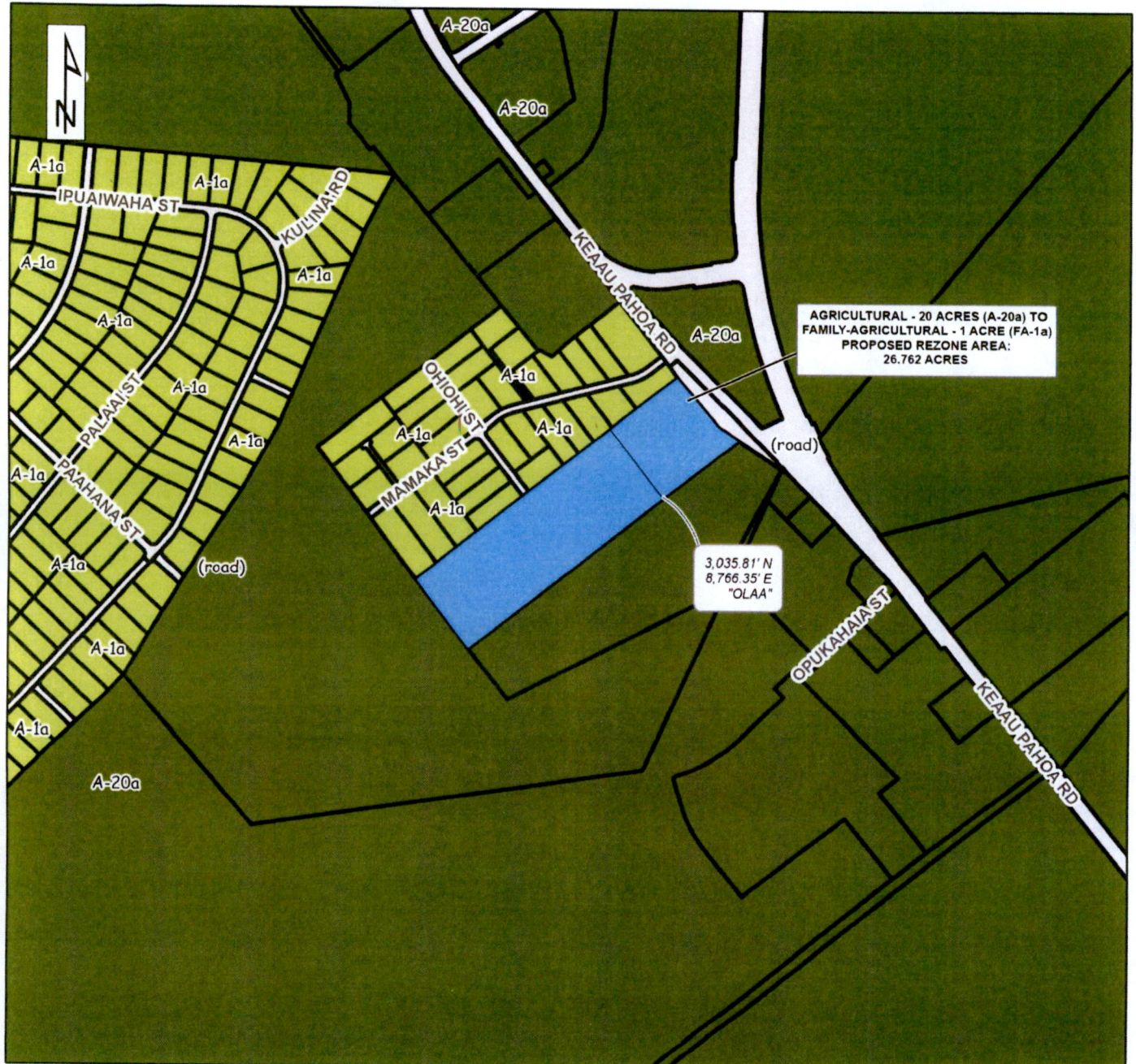


B/R

COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i
Date of Introduction: November 20, 2024
Date of 1st Reading: November 20, 2024
Date of 2nd Reading: December 18, 2024
Effective Date: January 3, 2025

REFERENCE Comm. 1110.3



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-22 (PUNA DISTRICT 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 KEA'AU PUNA, HAWAII

MAP PREPARED BY:
 COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 1-6-003.081 and 129

DATE: July 24, 2024

EXHIBIT "A"

Higashi
 Map: 1464

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

COUNTY CLERK
COUNTY OF HAWAII

2025 JAN -6 AM 8: 23

(Draft 2)

Introduced By: Dr. Holeka Goro Inaba (B/R)
Date Introduced: November 20, 2024
First Reading: November 20, 2024
Published: November 29, 2024

REMARKS: _____

Second Reading: December 18, 2024

To Mayor: January 2, 2025

Returned: January 6, 2025

Effective: January 3, 2025

Published: January 17, 2025

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				
Villegas	X			
	7	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Galimba	X			
Hustace	X			
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder			X	
Kierkiewicz			X	
Kimball				X
Onishi	X			
Villegas		X		
	5	1	2	1

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



COUNCIL CHAIRPERSON



COUNTY CLERK

Approved Disapproved this 3rd day
of January, 2025



MAYOR, COUNTY OF HAWAII

Bill No.: 219 (Draft 2)
Reference: C-1110.3/LAAC-71
Ord No.: 25 1