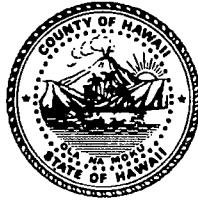


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 25 2 BILL NO. 220

AN ORDINANCE AMENDING SECTION 25-8-6 (KAILUA-HONALO URBAN 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 SINGLE-FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL – 10,000 SQUARE FEET (CN-10) AT HŌLUALOA, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY: 7-7-009:008.

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

SECTION 1. Section 25-8-6, 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 Hōlualoa, North Kona, Hawai'i, shall be Neighborhood Commercial – 10,000 square feet (CN-10):

Beginning at a 1/2 inch pipe (found) at the Westernmost corner of this parcel of land, being also the Southwesterly corner of Lot 9 of Sunset View Terrace Lots – Unit 1 and being a point on the Northeasterly side of Kuakini Highway (F.A.S.P. No. S-229(1)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 14,230.14 feet South and 11,122.36 feet East and running by azimuths measured clockwise from True South:

1. 244° 11' 133.33 feet along Lot 9 of Sunset View Terrace Lots – Unit 1 and along the remainder of Land Patent 8289, Land Commission Award 7228 to Loe to a 3/4 inch pipe (found);

- | | | | |
|----|----------|--------|---|
| 2. | 334° 11' | 158.05 | feet along Lot 33 and Lot 34 of Sunset View Terrace Lots – Unit 1 and along the remainder of Land Patent 8289, Land Commission Award 7228 to Loe to a 3/4 inch in concrete (found); |
| 3. | 93° 00' | 140.35 | feet along the Northerly side of Sunset Drive to a nail (found); |
- Thence, following along the Northerly side of Sunset Drive on a curve to the right a radius of 20.00 feet, the chord azimuth and distance being:
- | | | | |
|----|--------------|-------|--|
| 4. | 123° 35' 30" | 20.36 | feet to a 1/2 inch pipe (found); |
| 5. | 154° 11' | 72.88 | feet along the Northeasterly side of Kuakini Highway (F.A.S.P. No. S-229(1)) to the point of beginning and containing an area of 16,161 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(s), its successor(s), or assign(s) ("Applicant") shall be responsible for complying with all of the stated conditions of approval.
- B. Prior to commencement of a new commercial use on the property, the Applicant shall secure and finalize all building permits as required by the Department of Public Works Building Division.
- C. Prior to the establishment of a new commercial use on the property, the Applicant shall implement any improvements required by the Fire Department and/or Department of Water Supply to ensure that fire protection requirements can be met for commercial zoning.
- D. Should the type of use within any of the existing building units change from the current use, the Applicant shall submit estimated maximum daily water usage calculations prepared by a professional engineer licensed in the State of Hawai'i.
- E. Upon receipt of the estimated water usage calculations, if the existing 1-inch meter cannot accommodate the estimated demand, a larger or additional meter shall be installed and remittance of the prevailing facilities charge, which is subject to change, will be required. Construction plans for the meter installation will also be required, meeting with approval of the Department of Water Supply.
- F. Should a larger or additional meter be required, a reduced pressure type backflow prevention assembly shall be installed within 5 feet of the meter, which must be inspected and approved by the Department of Water Supply.
- G. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentary Control, of the Hawai'i County Code.

- H. A 3-foot-wide future road widening strip along the property's Sunset Drive frontage shall be subdivided and dedicated, at no cost to the County, when required by the Department of Public Works (DPW). The Applicant shall provide their pro-rata share for the construction of full improvements to the entire property frontage along Sunset Drive consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements and any required utility relocation, meeting the approval of the DPW. This pro-rata share for roadway improvements specified in this condition shall be determined by the DPW and shall become due and payable to the County of Hawai'i within 6 months from the date that formal notice is served upon the applicant, its successors or assigns by the DPW regarding a program for the installation of curb, gutter and sidewalk improvements along the frontage of Sunset Drive in proximity to the subject property.
- I. All development-generated runoff shall be disposed of onsite and shall not be directed toward any adjacent properties. Prior to commencement of a new commercial use on the property, a drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works (DPW). Any recommended drainage improvements, if required, shall be constructed meeting with the approval of DPW prior to the issuance of a Certificate of Occupancy.
- J. Prior to commencement of a new commercial use on the property, the Applicant shall be responsible for the design, purchase, and installation of streetlights and traffic control devices as may be required by the Traffic Division, Department of Public Works.
- K. The method of sewage disposal shall meet with the requirements of the Department of Health for any new commercial use on the property.

L. Should the Applicant develop residential units on the subject property, 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 for the additional residential units or lots to be created. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval or Final Subdivision Approval, whichever is applicable, and shall be based on the actual number of additional residential units or 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 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 combined value of **\$11,018.76** per multiple family residential unit or lot. The total amount shall be determined with the actual number of residential units or lots according to the calculation and payment provisions set forth in this condition. The fair share contribution per multiple family residential unit or lot shall be allocated as follows:

1. **\$5,435.24** per multiple family residential unit or lot to the County to support park and recreational improvements and facilities;
2. **\$171.78** per multiple family residential unit or lot to the County to support police facilities;
3. **\$528.42** per multiple family residential unit or lot to the County to support fire facilities;
4. **\$235.52** per multiple family residential unit or lot to the County to support solid waste facilities; and

5. **\$4,647.80** per multiple family residential unit or 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.

- M. 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.
- 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 Plan Approval.
- O. The Applicant shall comply with all applicable County, State and Federal codes, 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.

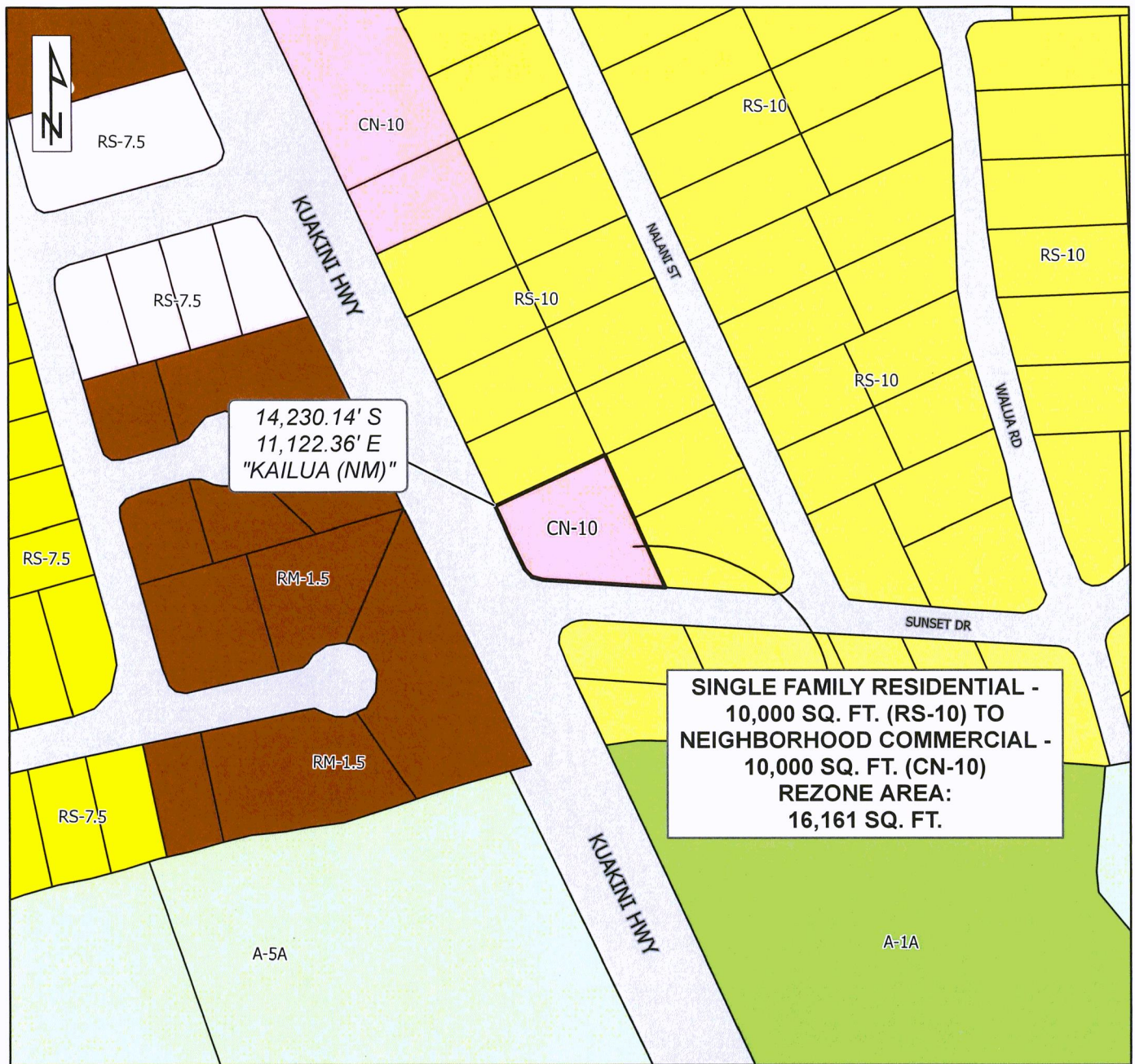
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

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

REFERENCE Comm. 1123



0 500 1,000 Feet

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-6 (KAILUA-HONALO URBAN ZONE MAP) ARTICLE 8,
CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),
BY CHANGING THE ZONE MAP CLASSIFICATION FROM
SINGLE FAMILY RESIDENTIAL - 10,000 SQ. FT. (RS-10) TO
NEIGHBORHOOD COMMERCIAL - 10,000 SQ. FT. (CN-10)
AT HOLUALOA, NORTH KONA, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 7-7-009:008

DATE: May 11, 2024

EXHIBIT "A"

Dr. Loi Chang-Stroman
Map: 24-61

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

COUNTY CLERK
COUNTY OF HAWAII

2025 JAN -6 AM 8:23

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			
	7	0	2	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 January, 2025


MAYOR, COUNTY OF HAWAII



COUNCIL CHAIRPERSON


COUNTY CLERK

Bill No.: 220
Reference: C-1123/LAAC-72
Ord No.: 25 2