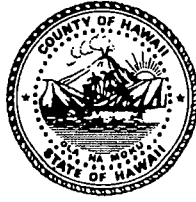


COUNTY OF HAWAII



STATE OF HAWAII

ORDINANCE NO. 25 6 BILL NO. 208
(DRAFT 2)

AN ORDINANCE AMENDING SECTION 25-8-11 (LALAMILO-PU'UKAPU 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 – 40 ACRES (A-40a) TO RESIDENTIAL – AGRICULTURAL – 0.5 ACRES (RA-.5a) AT PU'UKAPU, WAIMEA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY: 6-4-017:001.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 25-8-11, 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 Pu'ukapu, Waimea, South Kohala, Hawaii, shall be Residential-Agricultural-0.5 acres (RA-.5a):

Beginning at a 1-inch pipe (found) at the Southeasterly corner of this parcel of land, being also the Southwesterly corner of Grant 6820 to John McCoy and a point on the Northerly side of Māmalahoa Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "EAST BASE" being 7,409.10 feet North and 4,439.40 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 73° 50' | 280.00 | feet along the Northerly side of Māmalahoa Highway to a point; |
| 2. | 166° 10' | 311.00 | feet along the Easterly side of Alanui 'Ohana Place to a 1-inch pipe (found); |

- | | | | |
|----|----------|--------|--|
| 3. | 253° 50' | 280.00 | feet along Lot M and along the remainder of Grant 6935 to Theodore Vredenberg to a 1-inch pipe (found); |
| 4. | 346° 10' | 311.00 | feet along the Grant 6820 to John McCoy to the point of beginning and containing an area of 1.997 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, its successors or assigns ("Applicant") shall comply with all of the stated conditions of approval.
 - B. Prior to issuance of Final Subdivision Approval, the Applicant shall construct, or cause to be constructed, necessary water improvements meeting with the approval of the Department of Water Supply.
 - C. Prior to Final Subdivision Approval, the Applicant shall cancel the existing Additional Farm Dwelling Agreement with the Planning Department.

- D. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance.
- E. Access to Māmalahoa Highway shall be prohibited.
- F. 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 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 Final Subdivision Approval.
- G. All development shall comply with Chapter 27, Flood Control, of the Hawai'i County Code.
- H. All earthwork activities including grading, grubbing, and stockpiling shall conform to Chapter 10, Erosion and Sedimentary Control, of the Hawai'i County Code.
- I. The Applicant shall comply with the Department of Health, Hawai'i Administrative Rules (HAR) Chapter 11-55, regarding Water Pollution Control, which requires an NPDES permit for certain construction activities.
- J. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- K. 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.

- L. 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 newly created lots, excluding those with a dwelling or previously authorized dwelling. 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.

- M. The deed of each proposed lot shall contain a restrictive covenant prohibiting the construction of more than one (1) accessory dwelling unit thereon. A copy of the proposed covenant(s) to be recorded with the State of Hawai'i Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- N. 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.
- O. The Applicant shall comply with all applicable County, State and Federal codes, laws, rules, regulations, and requirements for the proposed development.
- 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:

 B/R

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i
Date of Introduction: December 18, 2024
Date of 1st Reading: December 18, 2024
Date of 2nd Reading: January 8, 2025
Effective Date: January 27, 2025

REFERENCE Comm. 1050.5

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

COUNTY CLERK
COUNTY OF HAWAII

2025 JAN 27 AM 10:20

Introduced By: Dr. Holeka Goro Inaba (B/R)
Date Introduced: December 18, 2024
First Reading: December 18, 2024
Published: December 27, 2024

REMARKS: _____

Second Reading: January 8, 2025
To Mayor: January 23, 2025
Returned: January 27, 2025
Effective: January 27, 2025
Published: February 7, 2025

REMARKS: _____

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			
	8	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			
	8	0	1	0

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

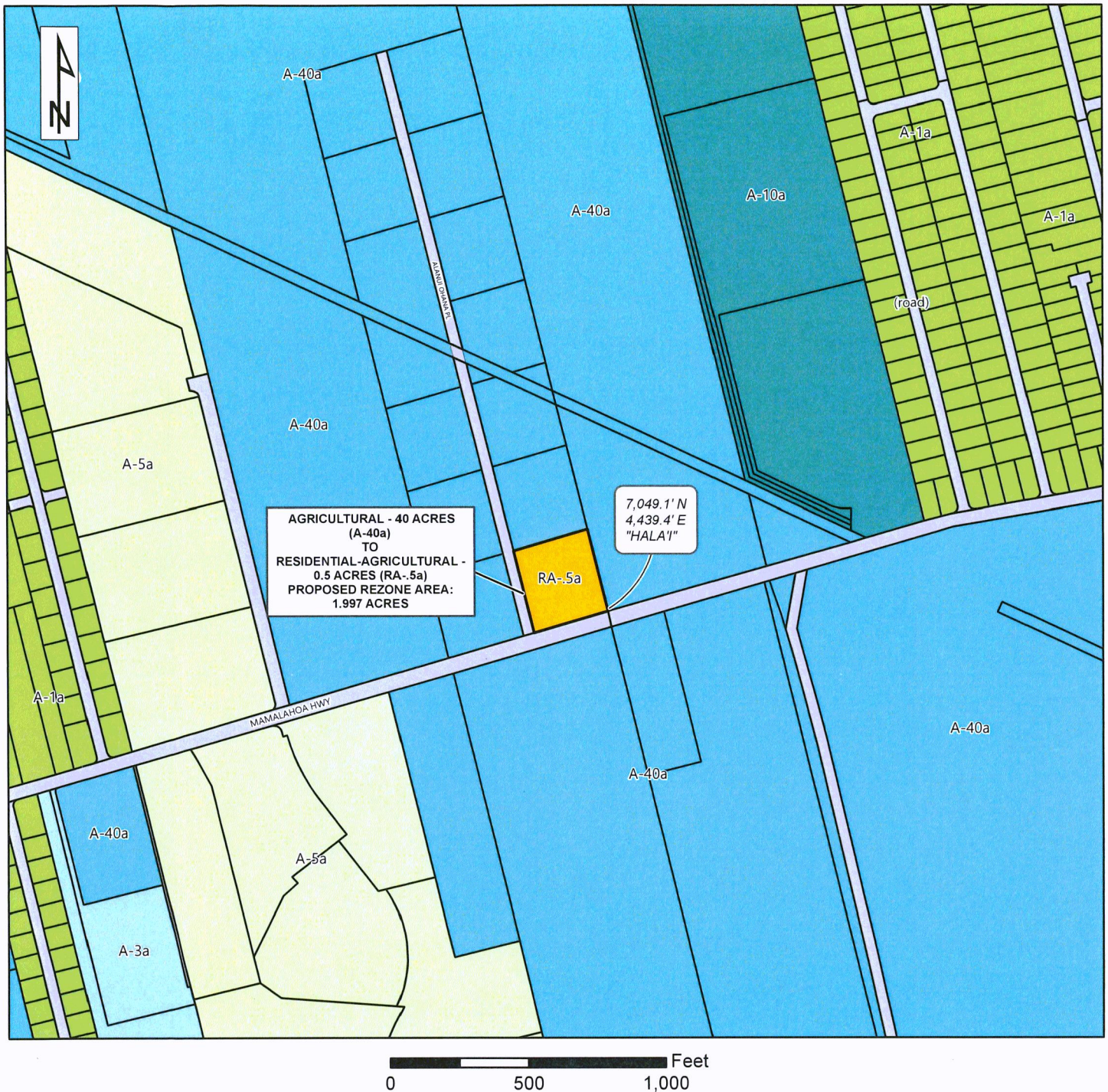
Approved/Disapproved this 27th day
of January, 2025.


MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRPERSON


COUNTY CLERK

Bill No.: 208 (Draft 2)
Reference: C-1050.5/LAAC-77
Ord No.: 25 6



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-11 (LALAMILO-PU'UKAPU ZONE MAP)
 ARTICLE 8, CHAPTER 25
 (ZONING CODE) OF THE HAWAII COUNTY CODE 1996 (2016 EDITION, AS AMENDED),
 BY CHANGING THE DISTRICT CLASSIFICATION FROM
 AGRICULTURAL - 40 ACRES (A-40a)
 TO RESIDENTIAL-AGRICULTURAL - 0.5 ACRES (RA-.5a)
 AT PU'UKAPU, WAIMEA, SOUTH KOHALA, HAWAII

MAP PREPARED BY:
 COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 6-4-017:001

DATE: April 24, 2024

EXHIBIT "A"

Kelvin P. Jarneski
 Map: 1462