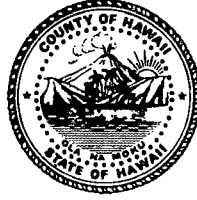


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 25 7 BILL NO. 224

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO 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 – 3 ACRES (A-3a) TO SINGLE FAMILY RESIDENTIAL – 15,000 SQUARE FEET (RS-15) AT CITY OF HILO, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-4-080:017.

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 City of Hilo, South Hilo Hawai'i, shall be Single Family Residential- 15,000 Square Feet (RS-15):

Beginning at the Southwest corner of this parcel of land and on the East side of Ahe Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 15,136.82 feet South and 95.98 feet West and running by azimuths measured clockwise from True South:

- | | | |
|----|----------|---|
| 1. | 175° 40' | 50.00 feet along the east side of Ahe Street; |
| 2. | 265° 40' | 427.56 feet along Lots 4-B and 3; |
| 3. | 355° 40' | 445.73 feet along Lot 1-B; |
| 4. | 85° 40' | 176.85 feet along Lots 1-A and 2-A; |

- | | | |
|-----|----------|---|
| 5. | 175° 40' | 115.70 feet along Lot 2-A; |
| 6. | 85° 40' | 250.71 feet along Lot 2-A; |
| 7. | 175° 40' | 159.59 feet along Lots 14 and 13,
portions of Haihai Estates, Unit 1,
F.P. 1758; |
| 8. | 265° 40' | 166.06 feet along Lot 12-A; |
| 9. | 175° 40' | 120.44 feet along Lot 12-A; |
| 10. | 85° 40' | 166.06 feet along Lot 12-A to the
point of beginning and containing an
area of 3.250 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 25-8-33, Article 8, Chapter 25 (Zoning Code) of the 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 all applicable County, State, and Federal Laws, codes, rules, regulations, and requirements.
- B. Final Subdivision Approval shall be secured within ten (10) years from the effective date of this ordinance.
- C. Prior to the issuance of a water commitment by the Department of Water Supply (DWS), the Applicant shall submit the anticipated maximum daily water usage calculations as prepared by a professional engineer licensed in the State of Hawai'i to the DWS. A water commitment deposit shall be paid to the DWS within 180 days from the effective date of this ordinance in accordance with Rule 5 of the Department of Water Supply's Rules and Regulations. The Applicant is responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full.
- D. 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.
- E. The plat map submitted for final subdivision approval shall delineate a fifty-foot-wide road lot for the Ahe Street and Kikaha Street roadway extensions through the subject property. These road lots shall be dedicated to the County upon request of the Department of Public Works at no cost to the County.
- F. Within the Ahe Street and Kikaha Street roadway lots, the applicant shall provide a paved travel lane width of 16-feet and 2-foot-wide compacted gravel shoulders/swales per DPW standard detail R-25, up to the southern property boundary for the extension of Kikaha Street and the eastern property boundary for the extension of Ahe Street. These improvements shall remain in private ownership

until the 50-foot-wide roadway lots are dedicated to the County as described in Condition E.

- G. Construction within the County right-of-way shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
- 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 licensed civil engineer 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 issuance of Final Subdivision Approval.
- I. The Applicant shall comply with the Department of Health's Hawai'i Administrative Rules (HAR) Chapter 11-55, regarding Water Pollution Control, which requires an NPDES permit for certain construction activities.
- J. All earthwork and grading activity shall conform to the Hawai'i County Code Chapter 10, Erosion and Sedimentation Control, and Chapter 27, Flood Control.
- 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 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.

- L. Individual wastewater system(s), meeting with the approval of the Department of Health, shall be provided by each respective landowner in conjunction with the construction of a dwelling.
- M. As represented by the Applicant, no more than one (1) accessory dwelling unit (ADU) shall be permitted on any lot within the proposed 6-lot subdivision. This ADU restriction shall be implemented via restrictive covenant(s) recorded against title to the property giving notice that the terms of the zoning ordinance prohibit the construction of more than one ADU. 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. 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. The fair share contribution shall become due and payable prior to receipt of Final Subdivision Approval. The fair share contribution for each newly created lot shall be based on the actual number of residential lots developed. 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 **\$17,171.48** per single family residential unit. The total amount shall be determined by the actual number of newly created lots according to the calculation and payment provisions set forth in this condition. The fair share contribution per single family residential unit shall be allocated as follows:

1. **\$8,280.39** per single family residential unit to the County to support park and recreational improvements and facilities;
2. **\$399.45** per single family residential unit to the County to support police facilities;
3. **\$788.96** per single family residential unit to the County to support fire facilities;
4. **\$345.41** per single family residential unit to the County to support solid waste facilities; and
5. **\$7,357.27** per single family residential unit 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, provided, however, that one-half shall be credited to offset the full amount of the fair share for the road and traffic improvements.

- O. 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.

- 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. 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.
- R. 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.

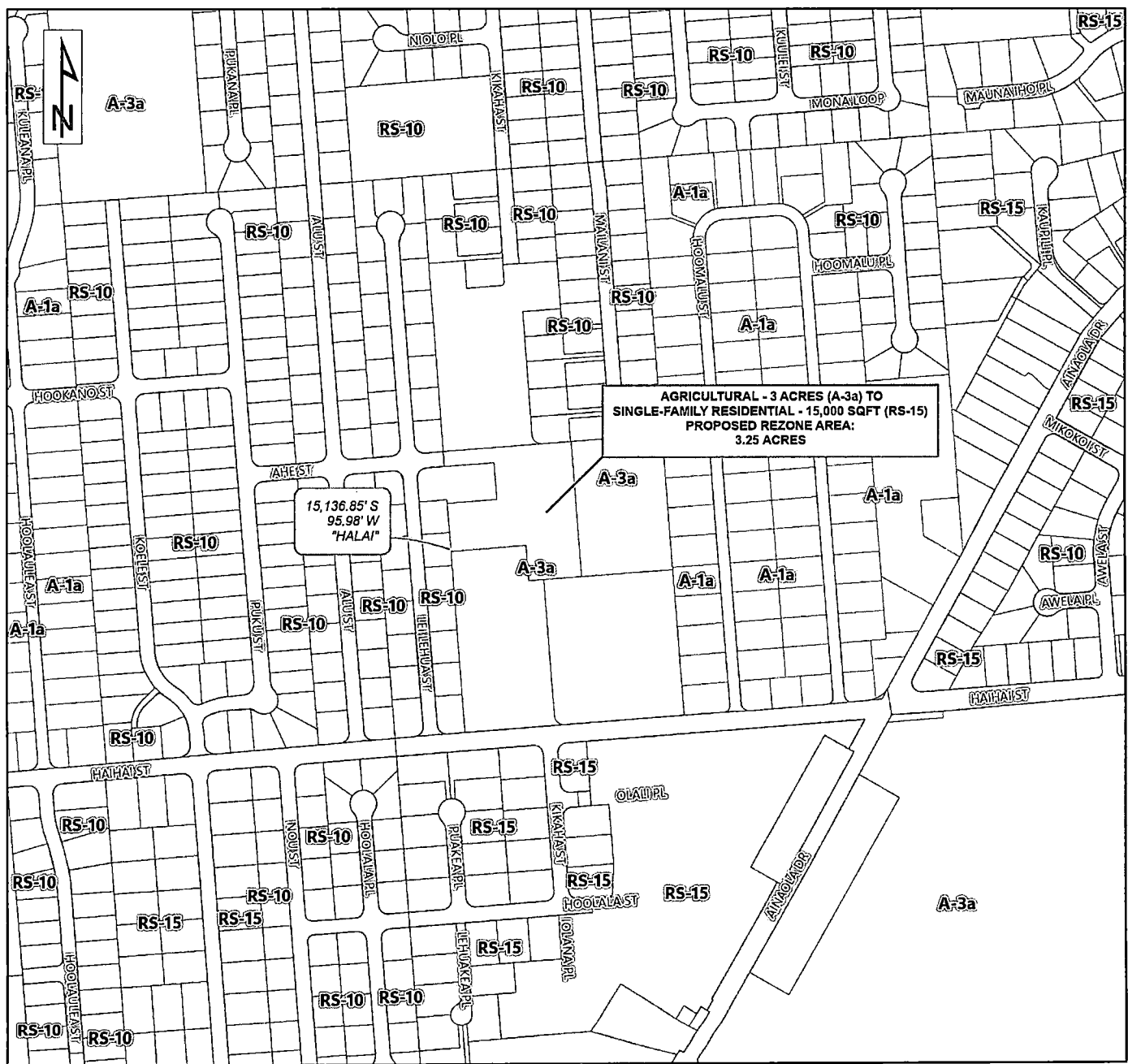
SECTION 3. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this 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: December 18, 2024
Date of 1st Reading: December 18, 2024
Date of 2nd Reading: January 8, 2025
Effective Date: January 27, 2025



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO 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 - 3 ACRES (A-3a) TO
 SINGLE-FAMILY RESIDENTIAL - 15,000 SQUARE FEET (RS-15)
 AT CITY OF HILO, SOUTH HILO, HAWAII

MAP PREPARED BY:
 COUNTY OF HAWAII, PLANNING DEPARTMENT

DATE: July 19, 2024

TMK: (3) 2-4-080:017

Andrew Matsuura
 Map: 1465

EXHIBIT "A"

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

COUNTY CLERK
COUNTY OF HAWAII

2025 JAN 27 AM 10:22

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.: 224
Reference: C-1147/LAAC-78
Ord No.: 25 7