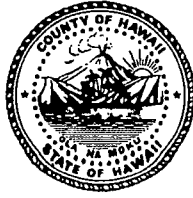


# COUNTY OF HAWAI‘I



# STATE OF HAWAI‘I

BILL NO. 18

(DRAFT 2)

ORDINANCE NO. 25 25

AN ORDINANCE AMENDING SECTION 25-8-7 (NORTH AND SOUTH KOHALA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL - 1 ACRE (A-1a) TO SINGLE FAMILY RESIDENTIAL - 10,000 SQUARE FEET (RS-10) AT ‘ŌULI, SOUTH KOHALA, HAWAI‘I, COVERED BY TAX MAP KEY: 6-2-001:075 (POR.).

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

SECTION 1. Section 25-8-7, Article 8, Chapter 25 (Zoning) 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 ‘Ōuli, South Kohala, Hawai‘i, shall be Single Family Residential – 10,000 Square Feet. (RS-10):

## PROJECT LOT 1

Beginning at the Northwest corner of this parcel of land, the direct azimuth and distance to the Northeast corner of Lot 6 being 116° 09' 05" 1,312.11 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 11,317.19 feet North and 20,949.57 feet West thence running by azimuths measured clockwise from true South:

1. 294° 06' 232.45 feet along the remainder of Lot D, along the remainder of R.P. 2237, L.C. Aw. 8518-B, Ap. 1 to James Young Kanehoa;  
  
Thence along the same on a curve to the right with a radius of 767.00 feet,

|     |      |     |     |        |  |
|-----|------|-----|-----|--------|--|
|     |      |     |     |        | the chord azimuth and distance<br>being:   |
| 2.  | 215° | 49' | 42" | 223.52 | feet;  |
| 3.  | 313° | 50' |     | 326.51 | feet along the remainder of Lot D,<br>along the remainder of R.P. 2237,<br>L.C. Aw. 8518-B, Ap. 1 to James<br>Young Kanehoa; |
| 4.  | 43°  | 50' |     | 118.84 | feet along the remainder of Lot D,<br>along the remainder of R.P. 2237,<br>L.C. Aw. 8518-B, Ap. 1 to James<br>Young Kanehoa; |
| 5.  | 326° | 31' |     | 108.98 | feet along the same;   |
| 6.  | 290° | 50' |     | 202.87 | feet along the same;   |
| 7.  | 232° | 00' |     | 137.76 | feet along the same;   |
| 8.  | 316° | 19' |     | 540.37 | feet along the same;   |
| 9.  | 327° | 16' |     | 142.01 | feet along the same;   |
| 10. | 57°  | 51' |     | 159.53 | feet along the same;   |
|     |      |     |     |        | Thence along the same on a curve to<br>the left with a radius of 833.00 feet,<br>the chord azimuth and distance<br>being:    |
| 11. | 51°  | 46' | 21" | 176.39 | feet;  |
| 12. | 147° | 51' |     | 162.67 | feet along the remainder of Lot D,<br>along the remainder of R.P. 2237,<br>L.C. Aw. 8518-B, Ap. 1 to James<br>Young Kanehoa; |
| 13. | 137° | 51' |     | 42.56  | feet along the same;   |
| 14. | 110° | 50' |     | 442.33 | feet along the same;   |
| 15. | 115° | 50' |     | 89.41  | feet along the same;   |

|     |      |         |        |  |
|-----|------|---------|--------|--|
| 16. | 123° | 50'     | 92.40  | feet along the same;   |
| 17. | 131° | 50'     | 89.85  | feet along the same;   |
| 18. | 145° | 31'     | 170.00 | feet along the same;   |
| 19. | 106° | 26'     | 287.91 | feet along the same;   |
| 20. | 196° | 26'     | 183.00 | feet along the same;   |
| 21. | 287° | 16' 30" | 0.70   | feet along the same;   |
| 22. | 197° | 16' 30" | 140.57 | feet along the same, to the point of beginning and containing an area of 13.005 Acres. |

## PROJECT LOT 2

Beginning at the Southwest corner of this parcel of land, the direct azimuth and distance to the Northeast corner of Lot 6 being 106° 25' 44" 2,185.73 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 11,277.32 feet North and 20,030.88 feet West thence running by azimuths measured clockwise from true South:

|    |      |     |        |  |
|----|------|-----|--------|--|
| 1. | 201° | 25' | 181.24 | feet along the remainder of Lot D, along the remainder of R.P. 2237, L.C Aw. 8518-B, Ap. 1 to James Young Kanehoa; |
|    |      |     |        | Thence along the same on a curve to the left with a radius of 666.00 feet, the chord azimuth and distance being:   |
| 2. | 287° | 46' | 84.80  | feet;  |
|    |      |     |        | Thence along the same on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:    |
| 3. | 237° | 13' | 29.21  | feet;  |

|    |      |     |     |       |   |
|----|------|-----|-----|-------|---|
| 4. | 190° | 19' |     | 1.00  | feet along the remainder of Lot D,<br>along the remainder of R.P. 2237,<br>L.C. Aw. 8518-B, Ap. 1 to James<br>Young Kanehoa;  |
|    |      |     |     |       | Thence along the same on a curve to<br>the left with a radius of 20.00 feet,<br>the chord azimuth and distance<br>being:  |
| 5. | 147° | 13' | 10" | 27.33 | feet;   |
|    |      |     |     |       | Thence along the Waiula Drive on a<br>curve to the left with a radius of<br>625.00 feet, the chord azimuth and<br>distance being:   |
| 6. | 282° | 01' | 06" | 45.89 | feet;   |
|    |      |     |     |       | Thence along the same on a curve to<br>the left with a radius of 1,025.00<br>feet, the chord azimuth and distance<br>being:   |
| 7. | 279° | 01' | 07" | 32.05 | feet;   |
|    |      |     |     |       | Thence along the remainder of Lot<br>D, along the remainder of R.P. 2237,<br>L.C. Aw. 8518-B, Ap. 1 to James<br>Young Kanehoa on a curve to the<br>left with a radius of 20.00 feet, the<br>chord azimuth and distance being: |
| 8. | 54°  | 13' | 11" | 27.74 | feet;   |
| 9. | 10°  | 19' |     | 1.00  | feet along Waiula Drive;  |
|    |      |     |     |       | Thence along the remainder of Lot<br>D, along the remainder of R.P. 2237,<br>L.C. Aw. 8518-B, Ap. 1 to James<br>Young Kanehoa on a curve to the<br>left with a radius of 20.00 feet, the<br>chord azimuth and distance being: |

|     |      |     |     |        |   |  |
|-----|------|-----|-----|--------|---|--|
| 10. | 324° | 13' | 15" | 28.82  | feet;   |  |
|     |      |     |     |        |   | Thence along the same on a curve to the left with a radius of 1,066.00 feet, the chord azimuth and distance being: |
| 11. | 275° | 24' | 45" | 100.90 | feet;   |  |
| 12. | 2°   | 42' |     | 188.00 | feet;   |  |
| 13. | 94°  | 42' |     | 75.20  | feet;   |  |
| 14. | 98°  | 42' |     | 80.41  | feet;   |  |
| 15. | 102° | 42' |     | 80.41  | feet;   |  |
| 16. | 111° | 25' |     | 92.67  | feet along the same, to the point of beginning and containing an area of 1.316 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, Article 8, Chapter 25 (Zoning), 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(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 construct necessary water system improvements as required by the Department of Water Supply.
- C. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance. The time during which required plans, reports, studies, or relevant permit applications are under review for approvals by government agencies shall not count towards the deadline established in this ordinance. To justify this tolling, the applicant shall provide evidence of the excluded time period to the Planning Department for its review and approval, which shall consist of dates obtained from a government agency website, permitting program, or office indicating when the required plans, reports, studies, or permit applications were submitted, approved, denied, or returned by the government agency.
- D. All subdivision roadway connections and construction within the Waiula Drive right-of-way shall conform to Chapter 22, County Streets, of the Hawai‘i County Code and include the provision of adequate sight distances, shall meet with the approval of the Department of Public Works, engineering division.
- E. 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.
- F. The Applicant shall comply with Chapter 27, Flood Control, of the Hawai‘i County Code.

- G. All earthwork and grading activity 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. The method of sewage disposal shall meet with the requirements of the Department of Health.
- J. 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.
- 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. Pursuant to Concurrency requirements (Section 25-2-46(o)), of the Hawai'i County Code the applicant shall provide a civil defense siren and associated maintenance access easements within the project area as required by the State Civil Defense prior to issuance of a Certificate of Occupancy for any phase of the project.

- M. As represented by the Applicant, 100% of the proposed 43-lot single-family residential project shall be set aside for affordable housing, in accordance with mutually agreeable terms between the Applicant and the County Office of Housing and Community Development, using the provisions of Chapter 11, Article 1, Hawai'i County Code relating to Affordable Housing Policy. Said agreement shall be executed prior to receipt of Final Subdivision Approval and a copy of the executed agreement shall be provided to the Planning Department by the Applicant.
- 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.

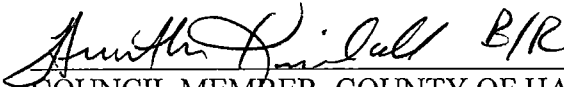
In lieu of paying the fair share contribution, the applicant may contribute land and/or construct improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development, subject to the review and recommendation 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. This condition shall not apply to any affordable lots included in the executed affordable housing agreement referenced in Condition M.

- O. 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.
- P. The Applicant shall comply with all applicable County, State, and Federal codes, laws, rules, regulations, and requirements for the proposed development.
- 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 any conditions have not been completed by the deadline, or if a time extension request has not been submitted in accordance with section 25-2-44(c) of the Hawai'i County Code, the Planning Department shall inform the Applicant that this ordinance is null and void without further action by the County. In that event, the zoning designation of the property affected by this ordinance shall automatically revert to its immediate prior zoning designation.

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.

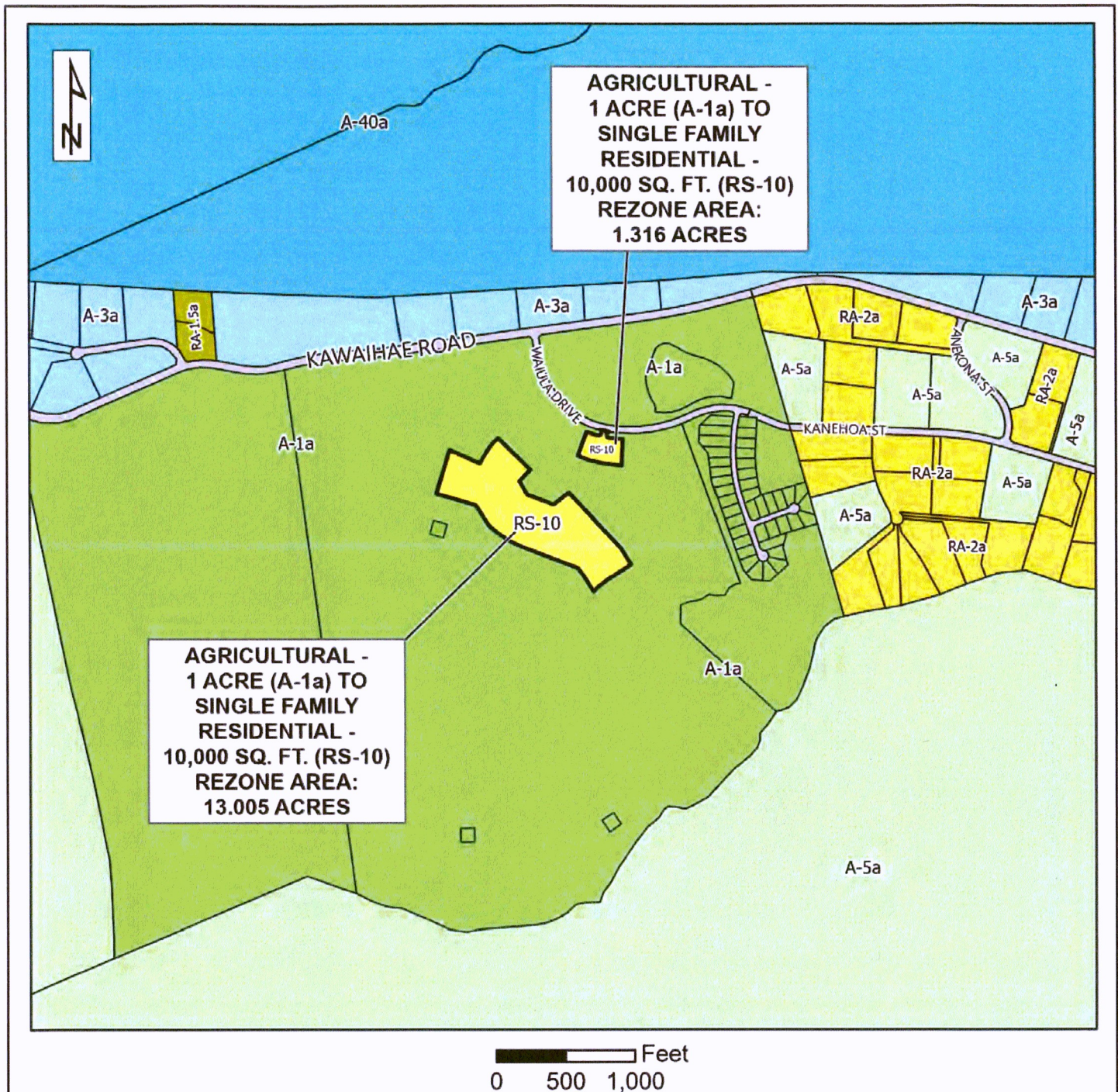
INTRODUCED BY:

 B/R  
COUNCIL MEMBER, COUNTY OF HAWAII

Kona, Hawai'i  
Date of Introduction: February 5, 2025  
Date of 1st Reading: February 5, 2025  
Date of 2nd Reading: February 19, 2025  
Effective Date: March 4, 2025

REFERENCE Comm. 77.4





# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-7 (NORTH AND SOUTH KOHALA DISTRICT ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL - 1 ACRE (A-1a) TO SINGLE FAMILY RESIDENTIAL - 10,000 SQ. FT. (RS-10) AT 'ŌULI, SOUTH KOHALA, HAWAII

MAP PREPARED BY:  
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 6-2-001: 075

DATE: September 4, 2024

EXHIBIT "A"

James Young Kanehoa  
Map:

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

COUNTY CLERK  
COUNTY OF HAWAII

2025 MAR -4 AM 9:38

(Draft 2)

Introduced By: Heather L. Kimball (B/R)  
Date Introduced: February 5, 2025  
First Reading: February 5, 2025  
Published: February 14, 2025

REMARKS:

Second Reading: February 19, 2025

To Mayor: February 27, 2025

Returned: March 4, 2025

Effective: March 4, 2025

Published: March 14, 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    | 1    | 0   | 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    |     |    |
|                       | 6    | 3    | 0   | 0  |

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



Approved/Disapproved this 4th day  
of March, 2025

MAYOR, COUNTY OF HAWAII

  
COUNCIL CHAIRPERSON  
COUNTY CLERK

Bill No.: 18 (Draft 2)  
Reference: C-77.4/LAAC-7  
Ord No.: 25 25