BILL NO. 30

(DRAFT 4)

ORDINANCE NO. 25 36

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE ZONE MAP CLASSIFICATION FROM SINGLE-FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL – 10,000 SQUARE FEET (CN-10) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-036:113.

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 Waiākea, South Hilo, Hawai'i, shall be Neighborhood Commercial – 10,000 square feet (CN-10):

Beginning at the Northeast corner of this parcel of land and Southeast corner of Lot 12-A and on the West side of Manono Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HĀLA'I", being 2,403.00 feet South and 9,083.00 feet East, thence running by azimuths measured clockwise from true South:

- | | | | |
|----|---------|--------|--|
| 1. | 0° 00' | 100.00 | feet along the West side of Manono Street; |
| 2. | 90° 00' | 195.00 | feet along Lot 16-A and 16-B, being portions of Lot 16, Block 26 of Waiākea House Lots, 1 st Series and Grant 8678 to Esther Kahawai; |

- | | | | | |
|----|------|-----|--------|---|
| 3. | 180° | 00' | 100.00 | feet along Lot 13, Block 26 of
Waiākea House Lots, 1 st Series,
Grant 8704 to Sanuske Onishi; |
| 4. | 270° | 00' | 195.00 | feet along Lot 12-A, being portions
of Lot 12, Block 26 of Waiākea
House Lots, 1 st Series and Grant
8703 to Herman N. Kamai to the
point of beginning and containing an
area of 19,500 square feet, more or
less. |

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) ("Applicants") shall be responsible for complying with all of the stated conditions of approval.
- B. Prior to the issuance of a water commitment by the Department of Water Supply (DWS), the Applicants 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 in accordance with Rule 5 of the Department of Water Supply's Rules and Regulations. The Applicants are responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full.

- C. The Applicants shall construct necessary water system improvements as required by the Department of Water Supply (DWS), which includes, but may not be limited to, the installation of a reduced pressure type backflow prevention assembly, within 5 feet of the meter on private property, meeting with the approval of DWS.
- D. Construction of the proposed development shall be as substantially represented by the Applicants, or as permitted by the zoning district classification, and shall be completed 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 Applicants 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.
- E. Prior to construction, Applicants shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structure(s), paved driveway access and parking stalls associated with the proposed development. Landscaping shall be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule

No. 17 (Landscaping Requirements) and Chapter 25 (Zoning Code), Hawai'i County Code.

- F. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code.
- G. Access from Manono Street shall be restricted to one (1) driveway access point. If required by the Department of Public Works (DPW), the Applicants will be required to install new striping for the middle lane divider fronting the subject property on Manono Street, subject to the approval of the DPW, prior to issuance of a Certificate of Occupancy for any commercial use.
- H. All driveway connections and construction within Manono Street shall conform to Chapter 22, County Streets, of the Hawai'i County Code. Driveway access plans shall be submitted for the review and approval of the Department of Public Works and shall include the provision of adequate site distances. The required and/or appropriate mitigation(s) shall be in place prior to issuance of a Certificate of Occupancy for any commercial use.
- I. Should the Applicants submit plans to develop a land use that the Planning Department, in consultation with the Department of Public Works, determines will generate over fifty (50) peak hour trips, a Traffic Impact Analysis Report (TIAR) shall be submitted for review and approval by the Department of Public Works prior to Final Plan Approval. The Applicants shall implement, at no cost to the County, any transportation improvements deemed necessary by the Department of Public Works.
- J. All development-generated runoff shall be disposed of onsite and shall not be directed toward any adjacent properties. Additionally, a drainage study shall be prepared prior to Plan Approval, and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works, Engineering Division, prior to the issuance of a Certificate of Occupancy.

- K. All uses on the subject property shall be served by the public sewer in accordance with Section 21-5 of the Hawai‘i County Code.
- L. Should the Applicants develop residential units on the subject property, the Applicants 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 to be created. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval, and shall be based on the actual number of additional residential units 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. The total amount shall be determined with the actual number of residential units according to the calculation and payment provisions set forth in this condition. The fair share contribution per multiple family residential unit shall be allocated as follows:
1. **\$5,435.24** per multiple family residential unit to the County to support park and recreational improvements and facilities;
 2. **\$171.78** per multiple family residential unit to the County to support police facilities;
 3. **\$528.42** per multiple family residential unit to the County to support fire facilities;
 4. **\$235.52** per multiple family residential unit to the County to support solid waste facilities; and
 5. **\$4,647.80** per multiple family residential unit to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the Applicants 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 Applicants 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. 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 Applicants 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.
- P. The Applicants shall comply with all applicable County, State and Federal codes, laws, rules, regulations, and requirements.

- 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 Applicants 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.

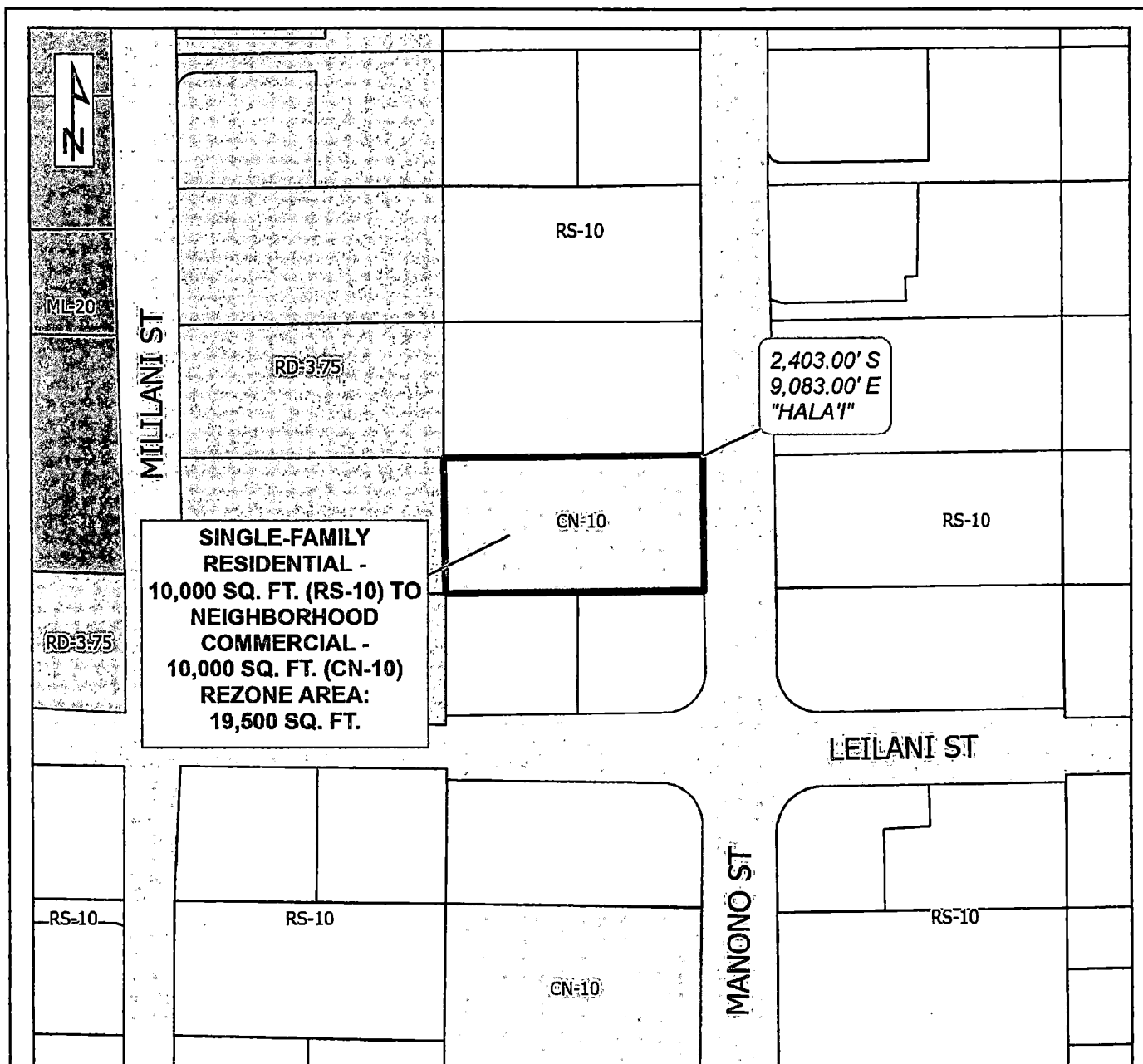
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

 B/R
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i
Date of Introduction: March 19, 2025
Date of 1st Reading: March 19, 2025
Date of 2nd Reading: April 2, 2025
Effective Date: April 16, 2025

REFERENCE Comm. 157.7



0 125 250 500 Feet

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO 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 WAIĀKEA, SOUTH HILO, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 2-2-036:113

DATE: December 6, 2024

EXHIBIT "A"

Jack Vanderhoff & Sau-Yin Yeung
Map: 24-72

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

COUNTY CLERK
COUNTY OF HAWAII

2025 APR 16 PM 1:26

(Draft 3)

Introduced By: Heather L. Kimball (B/R)
Date Introduced: March 19, 2025
First Reading: March 19, 2025
Published: March 28, 2025

REMARKS: _____

Second Reading: April 2, 2025
To Mayor: April 10, 2025
Returned: April 16, 2025
Effective: April 16, 2025
Published: May 2, 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			
	7	0	2	0

(Draft 4)

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.

Disapproved this 16th day
of April, 2025.


MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRPERSON


COUNTY CLERK

Bill No.: 30 (Draft 4)
Reference: C-157.7/LAAC-10
Ord No.: 25 36