

**COUNTY OF HAWAII STATE OF HAWAII**

**RESOLUTION NO. 439 06**

**RESOLUTION AUTHORIZING THE EXEMPTION OF CERTAIN ZONING CODE REQUIREMENTS FOR THE WAIKOLOA EMPLOYEE HOUSING PROJECT PURSUANT TO CHAPTER 46-15 OF THE HAWAII REVISIED STATUTES**

WHEREAS, the County of Hawai'i, transferred approximately 276 acres of land in Waikoloa, South Kohala, Hawai'i, to the Hawai'i Island Housing Trust, further described as TMK: 3/6-8-02:26 and 3/6-8-30:179. The property is zoned RS-10 and is undeveloped and is also known as the Waikoloa Employee Housing Project (WEHP); and

WHEREAS, on June 5, 1991, the Hawai'i County Council adopted Resolution No. 328-91 which designated the Schuler Development as the initial phase of the WEHP demonstration and experimental project and exempted the first phase of the WEHP from certain laws, code requirements and standards, as established by the Department of Public Works and the Planning Department; and

WHEREAS, the Office of Housing and Community Development wishes to leave Resolution No. 328-91 intact; and

WHEREAS, on August 21, 1991, the Hawai'i County Council adopted Resolution No. 364-91 which designated the Waikoloa Employee Housing Project (WEHP) as an "Experimental and Demonstration Housing Project" as provided by Section 46-15, Hawai'i Revised Statutes (HRS); and

WHEREAS, the County of Hawai'i, through it's Housing Agency's goals and objectives has established as one of its housing goals, to promote new, innovative and flexible housing developments to meet the changing needs of residents; and

WHEREAS, the Mayor of the County of Hawai'i is empowered to designate areas of land for experimental and demonstration housing projects to research and develop ideas to reduce the cost of housing; and

WHEREAS, the Office of Housing and Community Development wishes to amend Resolution No. 364-91 by re-designating the part of the area covered by the Employee Housing Project (WEHP), further described as TMK: 3/6-8-02:26 and 3/6-8-30:179, which contains approximately 276 acres of land (Exhibit A) as an "Experimental and Demonstration Housing Project" as provided by Section 46-15, Hawai'i Revised Statutes (HRS).

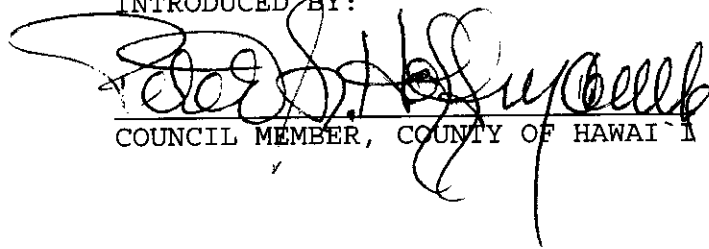
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI`I, that the project site, identified on a map attached hereto as Exhibit "A", shall be exempt from certain laws, code requirements and standards, as established by the Department of Public Works and the Planning Department as identified in Exhibits "B" and "C"; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to designate the Housing Administrator of the County of Hawai`i to serve as the designated County Official to administer the "Experimental and Demonstration Housing Project" as provided by Section 46-15, HRS.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Administrator of the Office of Housing and Community Development and the Hawai`i Island Housing Trust.

Dated at Hilo, this 7th day of September, 2006.

INTRODUCED BY:

  
 COUNCIL MEMBER, COUNTY OF HAWAI`I

COUNTY COUNCIL  
 County of Hawai`i  
 Hilo, Hawai`i

ROLL CALL VOTE

	AYES	NOES	ABS	EX
ARAKAKI	X			
HIGA	X			
HOFFMANN	X			
HOLSCHUH	X			
IKEDA	X			
ISBELL	X			
JACOBSON	X			
PILAGO	X			
SAFARIK	X			
	9	0	0	0

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai`i on September 7, 2006.

ATTEST:



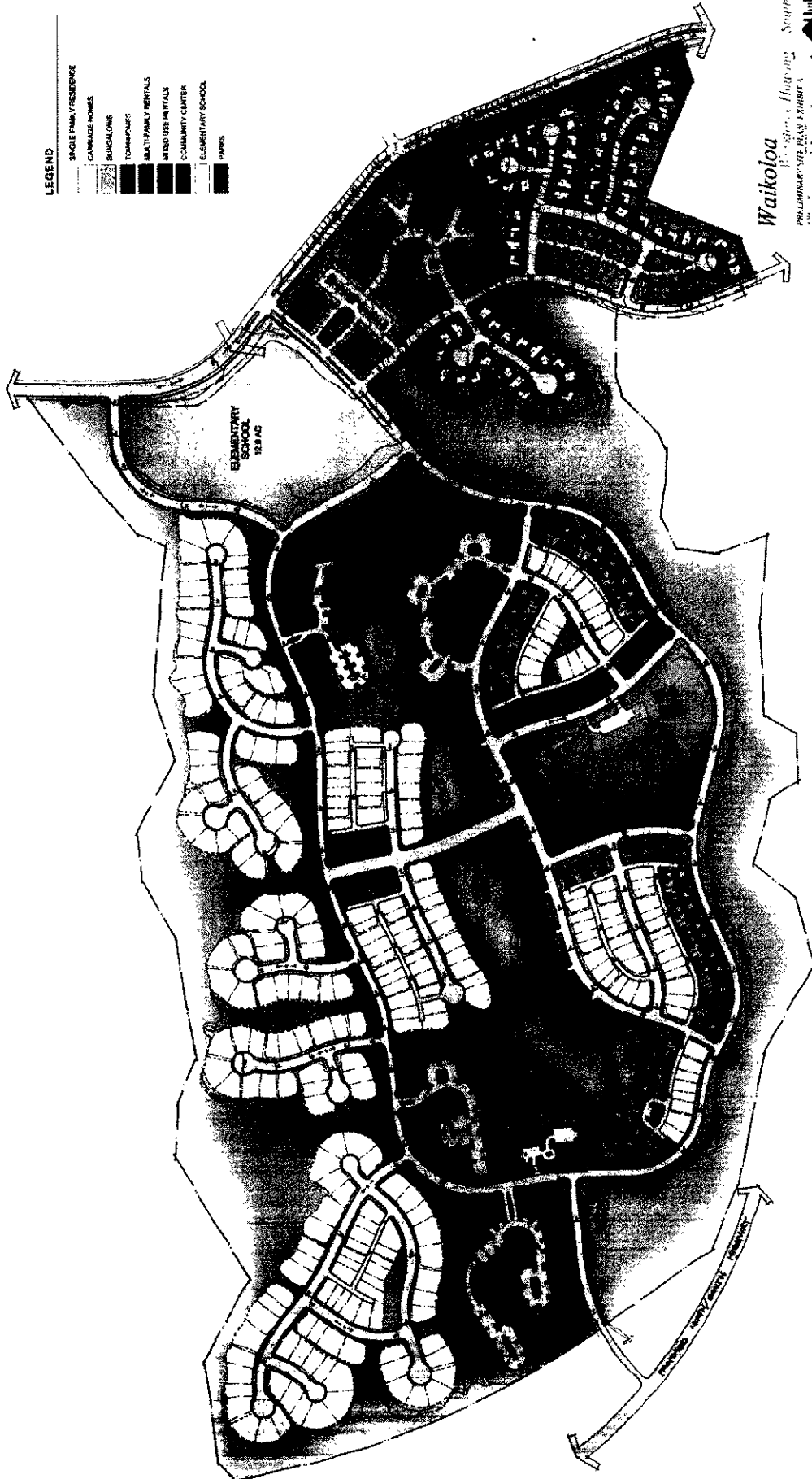
COUNTY CLERK



CHAIRMAN & PRESIDING OFFICER

Reference C-1036 /CHA

RESOLUTION NO. 439 06









**LEGEND**



- SINGLE FAMILY RESIDENCE
- CARRIAGE HOMES
- BUNGALOWS
- TOWNHOMES
- MULTI-FAMILY UNITS
- MIXED USE MIXTALS
- COMMUNITY CENTER
- ELEMENTARY SCHOOL
- PARKS

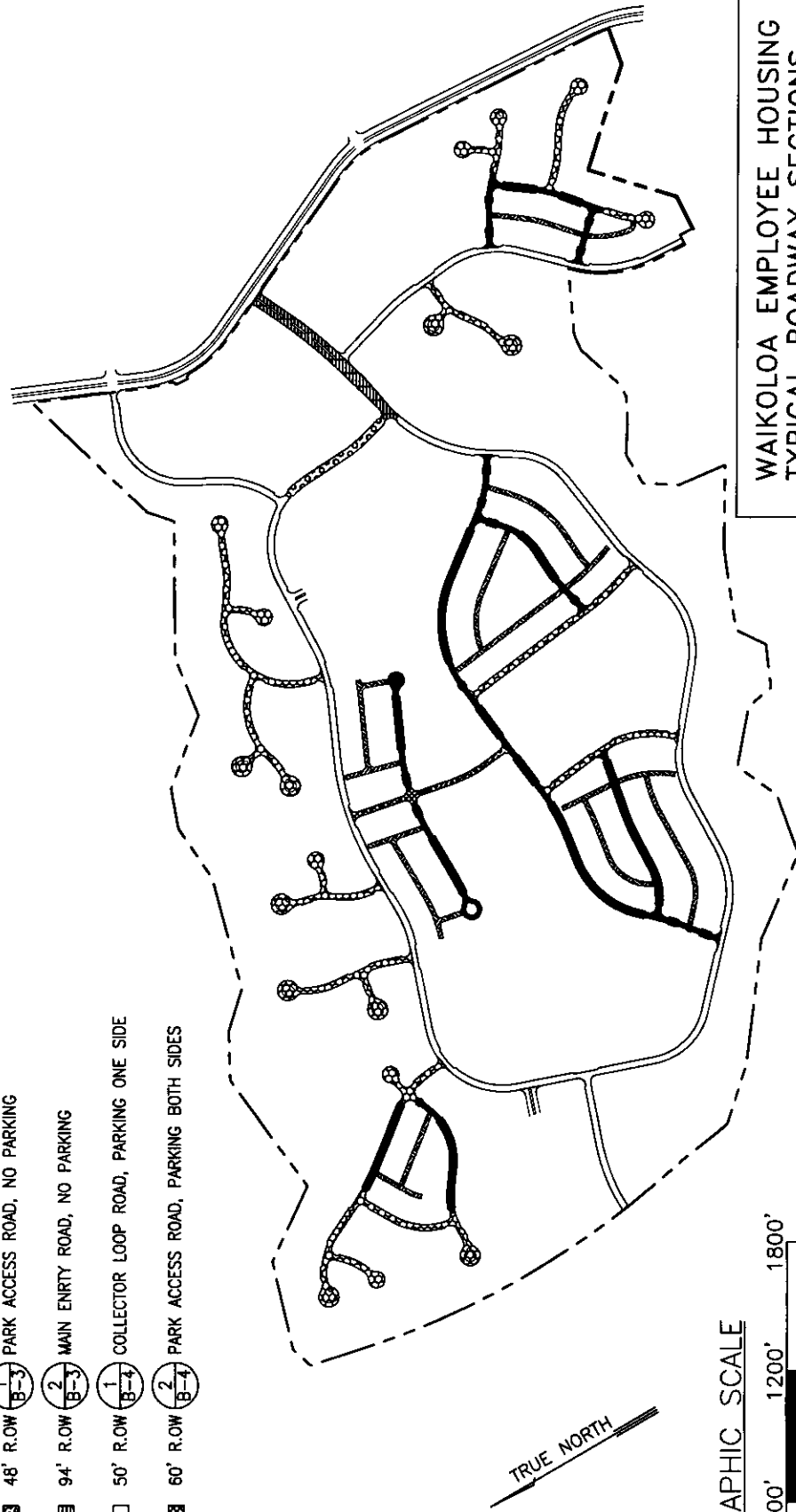
**Waikoloa**

Waikoloa, Hawaii  
 PRELIMINARY LAYOUT PLAN  
 HAWAIIAN LAND DEVELOPMENT  
 HAWAIIAN LAND DEVELOPMENT

EXHIBIT "A"

-  67' R.O.W.  $\frac{1}{B-2}$  ROAD IN FRONT OF SCHOOL, PARKING ON BOTH SIDES
-  50' R.O.W.  $\frac{2}{B-2}$  CUL-DE-SAC, PARKING ONE SIDE
-  48' R.O.W.  $\frac{1}{B-3}$  PARK ACCESS ROAD, NO PARKING
-  94' R.O.W.  $\frac{2}{B-3}$  MAIN ENTRY ROAD, NO PARKING
-  50' R.O.W.  $\frac{1}{B-4}$  COLLECTOR LOOP ROAD, PARKING ONE SIDE
-  60' R.O.W.  $\frac{2}{B-4}$  PARK ACCESS ROAD, PARKING BOTH SIDES

-  20' R.O.W.  $\frac{1}{B-5}$  ALLEY, NO PARKING
-  58' R.O.W.  $\frac{2}{B-5}$  CONNECTOR ROAD, PARKING BOTH SIDES



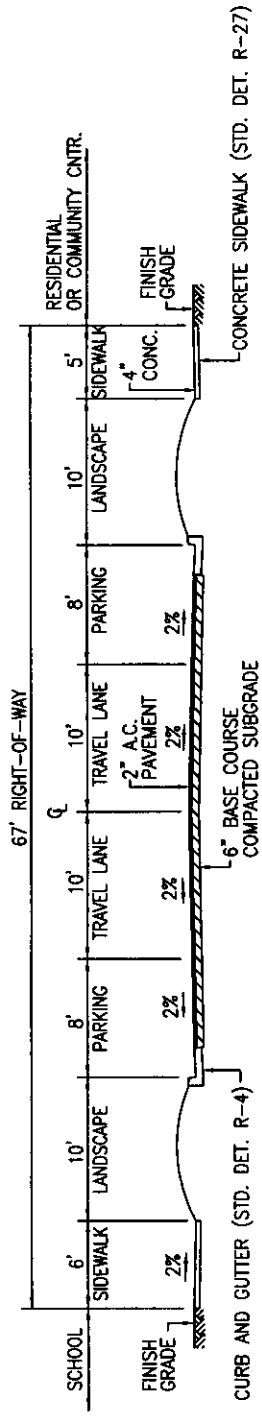
TRUE NORTH

GRAPHIC SCALE

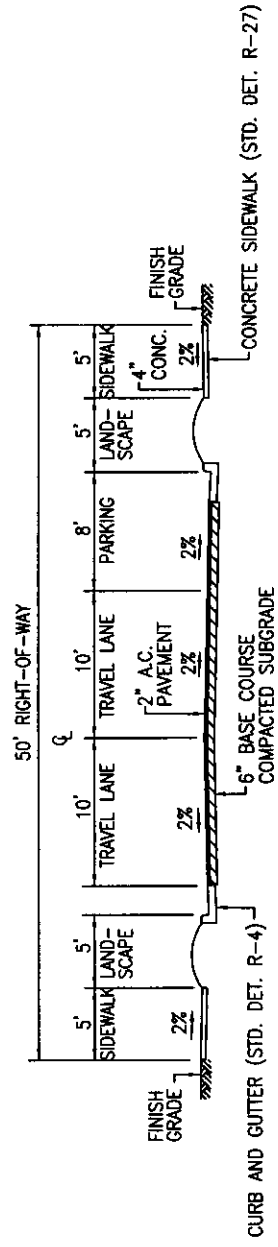


WAIKOLOA EMPLOYEE HOUSING  
TYPICAL ROADWAY SECTIONS  
EXHIBIT B-1

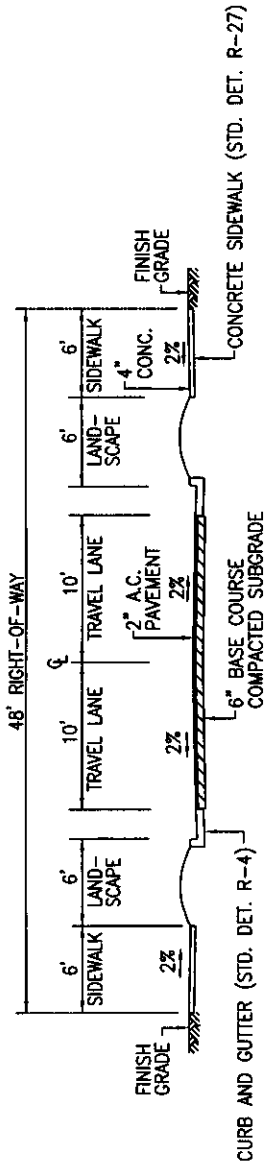
EXHIBIT "B"



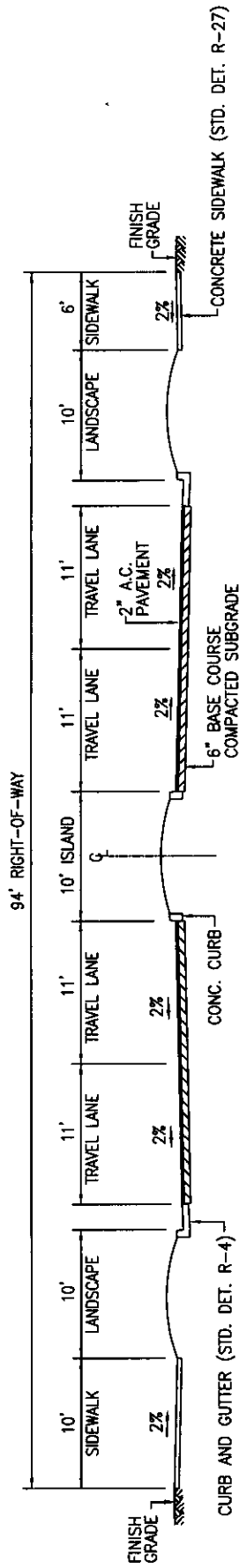
1 67' RIGHT-OF-WAY, ROAD IN FRONT OF SCHOOL, PARKING BOTH SIDES  
 B-2 SCALE: 1"=10'



2 50' RIGHT-OF-WAY, CUL-DE-SAC STREET, PARKING ONE SIDE  
 B-2 SCALE: 1"=10'



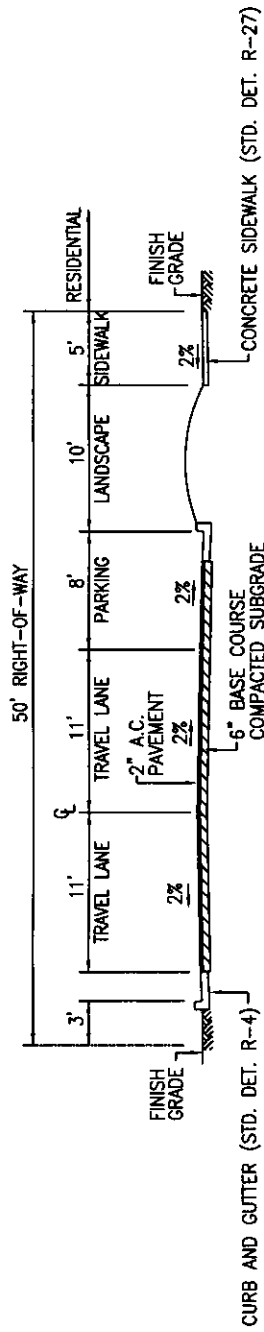
1 48' RIGHT-OF-WAY, PARK ACCESS ROAD, NO PARKING  
 B-3 SCALE: 1"=10'



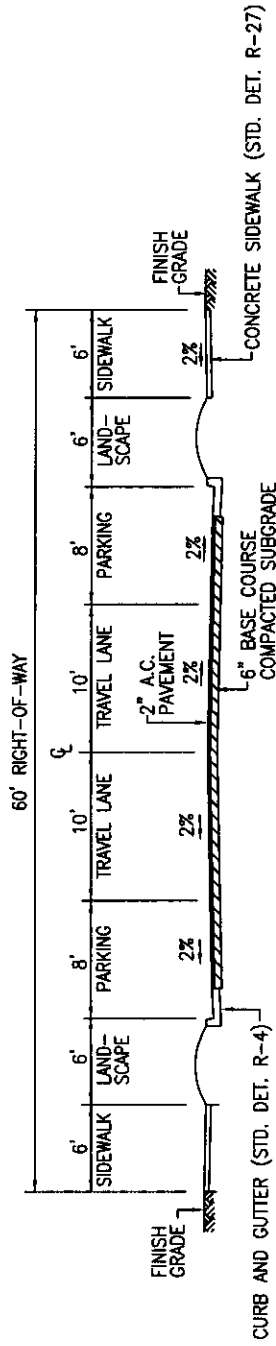
2 94' RIGHT-OF-WAY, MAIN ENTRY ROAD, NO PARKING  
 B-3 SCALE: 1"=10'

WAIKOLOA EMPLOYEE HOUSING  
 TYPICAL ROADWAY SECTIONS

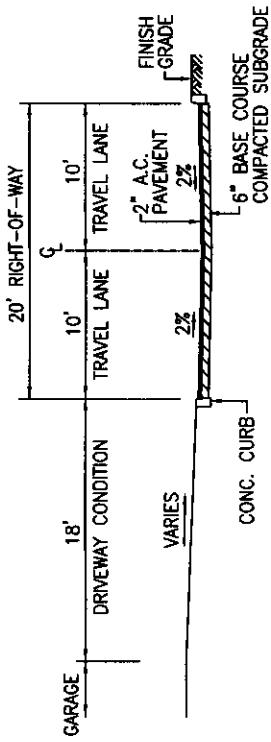
EXHIBIT B-3



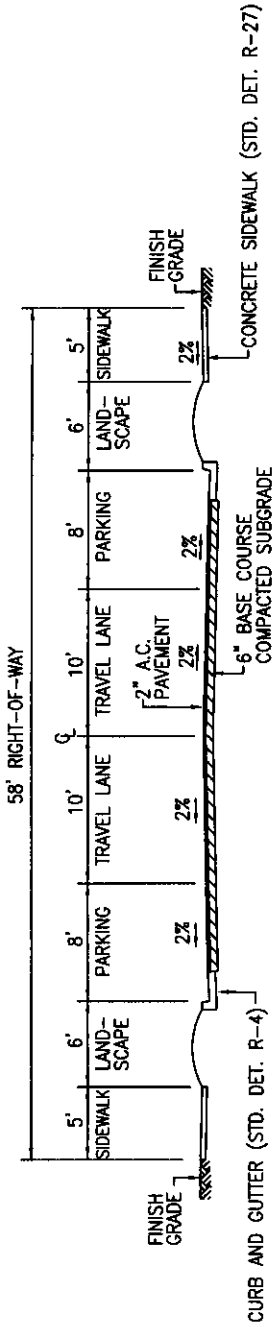
1 50' RIGHT-OF-WAY, COLLECTOR LOOP ROAD, PARKING ONE SIDE  
 B-4 SCALE: 1"=10'



2 60' RIGHT-OF-WAY, PARK ACCESS ROAD, PARKING BOTH SIDES  
 B-4 SCALE: 1"=10'



1 20' RIGHT-OF-WAY, ALLEY, NO PARKING  
 (B-5) SCALE: 1"=10'



2 58' RIGHT-OF-WAY, CONNECTOR ROAD, PARKING BOTH SIDES  
 (B-5) SCALE: 1"=10'



# WAIKOLOA EMPLOYEE HOUSING PROJECT (Project)

## Proposed List of Hawaii County Code Preemption Items

### **1.0 Chapter 10. Erosion and Sedimentation Control**

#### **1.1 Article 2, Section 10-11 (Hawaii County Code), Fees**

Waiving the requirement for grading permit fees.

Grading inspection shall be provided by a Project inspector approved by the Department of Public Works.

#### **1.2 Article 3, Section 10-18 (a) (1), (2), and (3) (Hawaii County Code), Conditions of Permit**

Waiving the requirements of Section 10-18 (a) pertaining to the cut and fill heights and slopes.

Cut and fill heights and slopes shall be determined by the Project's licensed geotechnical engineer.

#### **1.3 Article 3, Section 10-19, Distance from property line for cut or fill slopes.**

Waiving the requirements of Section 10-19 pertaining to the distance from the property line for cut or fill slopes.

Distances shall be determined by the Project's licensed geotechnical engineer.

#### **1.4 Article 3, Section 10-20 (Hawaii County Code), Maximum cleared area.**

Waiving the requirements of Section 10-20 (HCC) that limits the maximum area to be cleared to twenty acres.

Erosion and sedimentation controls shall be per a Department of Public Works approved Erosion and Sedimentation Control Plan.

## **2.0 Chapter 23. Subdivision Code**

### **2.1 Article 3, Division 1, Section 23-22 (Hawaii County Code). Compliance with design standards required.**

Waiving the requirements that each subdivision and the plat thereof conform to the standards set forth in this article (Article 3. Design Standards).

The subdivision will vary from the design standards pertaining to park area dedication, block sizes, pedestrian ways, lot size, shape and setbacks, and street design; and waivers from Sections 23-26, 23-29, 23-31, 23-32, 23-33, 23-41 and 23-48 of the Subdivision Code are sought, as detailed below. The design and construction of the subdivision will conform to project construction plans approved by the appropriate County departments.

### **2.2 Article 3, Division 1, Section 23-26 (Hawaii County Code). Reservation for parks, playgrounds, and public buildings.**

Waiving the requirement that five to ten percent of land area, exclusive of streets, shall be reserved for a period of two years for acquisition by a public agency.

Although the Project will be reserving more than 10% of suitable areas for parks, playgrounds, schools, and other public buildings sites, some of the community facilities may be funded by the project for use by the project residents. The area for such uses, therefore, would not be reserved exclusively for acquisition by a public agency,

### **2.3 Article 3, Division 2, Section 23-29 (c) (Hawaii County Code). Block sizes.**

Waiving the recommended minimum distance between intersections on arterial streets.

The minimum distance between intersections on arterial streets will be less than the recommended eighteen hundred feet to accommodate the two main Project intersections with the planned extension of Paniolo Drive (designated as a secondary arterial street on the County General Plan.) Intersection locations are generally indicated on the attached Exhibit A, Waikoloa Employee Housing Preliminary Site Plan. The location of intersections with the extension of Paniolo Drive will also be reflected on construction plans for the extension of Paniolo Drive being prepared by Waikoloa Heights, developers of the adjoining subdivision. Such plans will be reviewed and approved by the Director of Public Works.

**2.4 Article 3, Division 2, Section 23-31 (Hawaii County Code). Pedestrian ways.**

Waiving the requirement that, for any block over seven hundred fifty feet in length, the director may require creation of a pedestrian way to be constructed to conform to standards adopted by the Department of Public Works.

Sidewalks will be incorporated with roadway designs that will conform to construction plans approved by the Department of Public Works.

**2.5 Article 3, Division 3, Section 23-32 (Hawaii County Code). Lot size, shape, and setback line.**

Waiving the requirement of Section 23-32 that the lot size, width, and minimum building setback lines be in conformance with the provisions of Chapter 25, Zoning Code.

Lot sizes, average minimum width, and setbacks will vary from that specified within the County Code to accommodate a mix of product type, increase the efficiency of the land use, and thus yield a more compact and pedestrian oriented development. The sizes, widths, and setback lines for such lots will conform to specific standards approved by the County Council for the Waikoloa Employee Housing Project (Project), as detailed below pertaining to Sections 23-33 (Item 2.6); and 25-5-5, 25-5-6, and 25-5-7 (Items 3.8, 3.9, and 3.10, respectively).

**2.6 Article 3, Division 3, Section 23-33 (Hawaii County Code). Minimum Lot Sizes**

Waiving the requirement of section 23-33 that the minimum sizes of various types of lots shall be in conformance with the provisions of Chapter 25, Zoning Code.

The minimum lot size for the Waikoloa Employee Housing project shall be two thousand (2,000) square feet.

**2.7 Article 3, Division 4. Section 23-41 (Hawaii County Code). Minimum right-of-way and pavement widths.**

Waiving the requirements of Section 23-41 for streets with curbs and gutters in urban areas, and replacing these with the following minimum requirements:

- (1) Collector street minimum requirement  
60' right-of-way, 36' pavement is replaced with a 50' right-of-way, 28' pavement.
- (2) Minor street minimum requirement  
50' right-of-way, 32' pavement is replaced with a 50' right-of-way, 20' pavement.
- (3) Cul-de-sac minimum requirement  
50' right-of-way, 32' pavement is replaced with a 46' right-of-way, 26' pavement.

**2.8 Article 3, Division 4, Section 23-48 (a) (Hawaii County Code). Cul-de-sacs.**

Waiving the requirements of Section 23-48 (a), which states:

“(a) A cul-de-sac shall be as short as possible and shall not be more than six hundred feet in length nor serve more than eighteen lots: provided that longer streets may be approved by the director when unusual conditions exist.”

Due to the relative smaller lot sizes and topographic constraints of the site, the number of lots on a cul-de-sac shall be twenty six (26) lots and cul-de-sac lengths shall not be more than eight hundred (800) feet in length.

**2.9 Article 4, Division 1, Section 23-60 (Hawaii County Code). Application fees for subdivision plans.**

Waiving the requirements of Section 23-60 pertaining to the payment of application fees (\$250 plus \$25 per lot) for subdivision applications pertaining to the development of the Waikoloa Employee Housing Project.

**2.10 Article 6, Division 1, Sections 23-81, 82 and 83 (Requirements for Bonding)**

Waiving the requirements to either complete subdivision improvements or provide a bond and agreement with the County as a condition of final subdivision approval and offering of sale.

The Project infrastructure will be financed with the County by means of a Community Facilities District (CFD) bond ordinance approved by the County Council. The approval of the CFD Bond by the County Council insures that adequate funding is in place for the construction of all subdivision related infrastructure. Final subdivision approval shall not be issued prior to Council approval of the CFD bond for the subdivision related improvements for the corresponding subdivision increment.

**2.11 Article 6, Division 2, Improvements Required, Section 23-86. Requirements for dedicable streets; Section 23- 89. Sidewalks; Section 23- 90. Pedestrian way; Section 23-91. Curbs and gutters; Section 23-93 Street Lights; Section 23-94 Street name and traffic signs.**

Waiving the requirements of the above sections that dedicable streets be designed in accordance with “specifications on file with the department of public works.”

Dedicable streets will be designed in accordance with construction plans approved by the County Department of Public Works. Plans and dimensions for typical Project roads are shown the attached Exhibit B, Waikoloa Employee Housing - Typical Roadway Sections.

**2.12 Article 7, Section 23-96 (Hawaii County Code) Inspection by director of public works and manager.**

Waiving the requirements of Section 23-96 pertaining to inspection by Director of Public Works and Manager of the Department of Water Supply.

Inspection will be conducted by a Project inspector approved by the Director of Public Works and Manager of the Department of Water Supply.

**2.13 Article 7, Section 23-97 (Hawaii County Code) Inspection fee.**

Waiving the requirement for inspection fee for inspections of subdivision improvements.

Inspections will conducted by a Project inspector approved by the Director of Public Works.

### **3.0 Chapter 25, Zoning Code**

#### **3.1 Article 2, Division 6, Section 25-2-61 (a) (Hawaii County Code). Applicability; use permit required.**

Waiving the provisions within Section 25-2-61 (a) requiring a use permit for meeting facilities, day care facilities, and schools.

Meeting facilities, a day care facility, and a public elementary school are uses specifically proposed for the Project as detailed below with regards to Section 25-5-3, Permitted Uses (Item 3.6), and therefore use permits would not required for such uses.

#### **3.2 Article 3, Section 25-3-5 (Hawaii County Code), Application of district regulations.**

Waiving the requirement of Section 25-3-5 that any land use shall comply with all of the regulations specified in this chapter for the district in which it is located.

The land use will be in accordance with the specific regulations for the existing Residential Single-Family (RS-10) District approved by the County Council for the Project, as detailed below pertaining to Sections 25-5-3 through 25-5-8 (Items 3.6 through 3.11, respectively).

#### **3.3 Article 4, Division 1, Section 25-4-2 (Hawaii County Code). Conditions for construction of buildings designed for human occupancy.**

Waiving the requirements of Section 25-4-2 which states:

- (a) "On any building site, no building designed or intended for human occupancy shall be constructed and no permit therefore shall be issued unless:
  - (1) the building site is served by a County water system or privately owned and operated water system, or other private, individual means of providing water to the building site is demonstrated; and
  - (2) a wastewater treatment system for the proposed building has been approved by the State department of health.
- (b) On any building site in any subdivision approved by the director under chapter 23 of this code, no building designed or intended for human occupancy shall be constructed and no permit issued therefore until either:
  - (1) The streets, drainage improvements, water supply system, if any, and sewage disposal system, if any, have been constructed, inspected and approved by the appropriate County agencies; or

- (2) Final subdivision approval has been secured by the subdivider in accordance with chapter 23, by posting a surety bond or other security guaranteeing the construction of all of the subdivision improvements as shown on approved construction drawings and specifications, provided that final occupancy of any dwelling unit shall not be granted until the subdivision improvements for the particular increment in which such dwelling unit is situated have been constructed, inspected and approved by the appropriate County agencies. “

Construction of the Project water, streets, drainage improvements, and sewage disposal system will be constructed concurrent with the building construction. Therefore, building permits shall be issued prior to such systems having been inspected and approved by the appropriate County agencies. Provided, however, final occupancy of any dwelling unit shall not be granted until the subdivision improvements for the particular increment in which such dwelling unit is situated have been constructed, inspected, and approved by the appropriate County agencies; and a wastewater treatment system for the proposed building has been approved by the State department of health.

Additionally, as detailed above pertaining to Sections 23-81 through 83 (item 2.10), posting of a surety bond or other security will not be required as a condition of final subdivision approval for the Waikoloa Employee Housing Project. The Project infrastructure will be financed with the County by means of a Community Facilities District (CFD) bond ordinance approved by the County Council. The approval of the CFD Bond by the County Council will insure that adequate funding is in place for the construction of the required subdivision related infrastructure. Final subdivision approval, however, shall not be issued prior Council approval of the CFD Bond funding the construction of the subdivision related infrastructure of the corresponding subdivision increment.

**3.4 Article 4, Division 1, Section 25-4-8. (Hawaii County Code). Temporary real estate offices and model homes.**

Waiving the requirements of Sections 25-4-8 (b) (2), (4), and (6) that state:

“(2) The temporary real estate office and/or model home shall not be used for a period longer than twenty-four months from the date of plan approval by the director; provided that extensions may be granted by the director. “

“(4) The temporary real estate office an/or model home shall be used exclusively for marketing of lots and/or units located within the development in which it is to be located. In multi-phased developments, a temporary real estate office or model home may be allowed for each

development phase for a period not to exceed twenty-four months. Time extensions may be granted by the director. “

“(6) The temporary real estate office and/or model home shall comply with the minimum set-back and height requirements of the particular zoning district. “

In that units and homes, if sold by the first and subsequent owners, are to be sold back to the property owner, Waikoloa Workforce Housing, LLC, marketing and sales of homes within the Waikoloa Employee Housing Project will be an ongoing activity of the Project. Therefore real estate office and/or model homes shall be a permitted use in the Waikoloa Employee Housing Project, as specified below pertaining to Section 25-5-3 (Item 3.6), and there shall be no time limit as to their use. Furthermore, the minimum setback and height requirements for a real estate office and/or model home shall be as specified below pertaining to Sections 25-5-4 and 25-5-7 (Items 3.7 and 3.10, respectively).

**3.5 Article 5, Division 1, Section 25-5-2 (Hawaii County Code). Designation of RS districts.**

Waiving the requirements of Section 25-5-2 that establishes the maximum density in the RS district.

The maximum density in the Waikoloa Employee Housing Project shall be no greater than one dwelling unit or separate rental unit per two thousand (2,000) square feet of land.

**3.6 Article 5, Division 1, Section 25-5-3 (Hawaii County Code). Permitted uses.**

Waiving the requirements of Section 25-5-3 (a). The permitted uses within the Waikoloa Employee Housing Project shall be as follows:

1. Adult day care homes
2. Churches, temples and synagogues
3. Commercial or personal service uses on a small scale
4. Community buildings
5. Community parks, playgrounds, tennis courts, swimming pools, or similar community neighborhood recreational areas and uses
6. Convenience and community retail stores
7. Day care centers
8. Dwellings, double-family or duplex
9. Dwellings, multiple-family
10. Dwellings, single-family
11. Family child care homes
12. Home occupations



- 13. Medical clinics
- 14. Meeting facilities
- 15. Model homes
- 16. Public uses and structures
- 17. Restaurants
- 18. Schools
- 19. Temporary real estate offices
- 20. Utility substations
- 21. Mixed use residential

**3.7 Article 5, Division 1, Section 25-5-4 (Hawaii County Code). Height Limit.**

Waiving the requirements of Section 25-5-4.

The height limit within the Waikoloa Employee Housing Project shall be fifty (50) feet. Additionally, the Planning Director may permit by plan approval any non-residential structure to be constructed to a height above forty-five feet if the director determines that additional height above the fifty (50) foot limit is necessary.

**3.8 Article 5, Division 1, Section 25-5-5 (Hawaii County Code). Minimum building area.**

Waiving the requirements of Section 25-5-5 pertaining to minimum building site area.

The minimum building site area in the Waikoloa Employee Housing Project shall be two thousand (2,000) square feet.

**3.9 Article 5, Division 1, Section 25-5-6 (Hawaii County Code). Minimum building site average width.**

Waiving the requirements of Section 25-5-6 pertaining to minimum building site average width.

The minimum building site average width within the Waikoloa Employee Housing Project shall be forty (40) feet.

**3.10 Article 5, Division 1, Section 25-5-7 (Hawaii County Code). Minimum yards.**

Waiving the requirements of Section 25-5-7 pertaining to minimum yards.

The minimum yards in the Waikoloa Employee Housing Project shall be ten (10) feet for front and rear yards and five (5) feet for side yards; except for building sites gaining access from an alley, in which case the minimum yards shall be five (5) feet for the front yard facing the alley, ten (10) feet for rear yards, and five (5) feet for side yards.

**3.11 Article 5, Division 1, Section 25-5-8 (Hawaii County Code). Other regulations.**

Waiving the requirements of Section 25-5-8. Other regulations for the Waikoloa Employee Housing Project shall be as follows:

- a) There may be more than one main building on any building site.
- b) The distance between the main buildings on the same building site shall be as allowed by the County Building Code.
- d) Exceptions to the standards regarding heights, building site areas, building site average widths, and yards may be approved by the Planning Director with Plan Approval.