

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 76

ORDINANCE NO. 85 75

AN ORDINANCE AMENDING SECTION 25-91(19), THE NORTH AND SOUTH KOHALA ZONE MAP, OF CHAPTER 25 (ZONING CODE), HAWAII COUNTY CODE, AS AMENDED, RELATING TO THE MODIFICATION OF CERTAIN CONDITIONS TO THE DISTRICT CLASSIFICATIONS AT ANAEHOOMALU, SOUTH KOHALA, HAWAII (FORMERLY CHANGE OF ZONE ORDINANCE NO. 265), COVERED BY TAX MAP KEY 6-9-07 (PORTION).

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

SECTION 1. Section 2 of Ordinance No. 265 (effective April 28, 1977) is hereby amended to read as follows:

"SECTION 2. Section 1 of this ordinance shall take effect upon the conditions that (A) the overall development shall conform substantially to the plans submitted and the representations made by the petitioner, as described in the Waikoloa Beach Resort environmental impact statement [hereinafter] identified as "File Exhibit 1" on file in the Planning Department [.] except as further amended by subsequent ordinances; (B) development shall occur in two [(2)] increments as spelled out in "File Exhibit 1" on file in the Planning Department[.] except as further amended by subsequent ordinance. The effective date of zoning for the second increment shall be after development has occurred in the first increment. Development is defined as building permits issued, ground broken and construction commenced on permanent structures on twenty-five [(25)] percent of the zoned area for hotel development and fifteen [(15)] percent of the zoned area

multiple family residential development, in addition to the required amenities; (C) the petitioner or its authorized representative(s) shall submit plans for the consolidation and resubdivision of Increment One within six (6) months of the effective date of approval of the change of zone request. The petitioner/representative(s) shall also be responsible for securing final approval; (D) the method of sewage disposal shall conform to the rules and regulations of the State Department of Health. The petitioner shall also comply with other rules and regulations of the Department of Health; (E) prior to the development of each increment, water shall be made available in compliance with the requirements of the Department of Water Supply; (F) a minimum of 19.5 acres of land shall be set aside for park and active recreational purposes for the petitioner's total proposed resort development, which includes the multi-family sites, and makai of the King's Trail and encompassing approximately 501 acres. This area shall be in addition to the golf course historic site areas, and the 16+ acre beach area. The actual amount of these recreational lands to be incorporated within the 501-acre area makai of the King's Trail and covered by this rezoning action shall be determined by the Planning Director as the development progresses. It is understood that recreational areas within a multi-family site shall be credited towards the 19.5-acre requirement. This park area shall remain in private ownership and maintenance until

such time that the petitioner decides to dedicate the area to and it is accepted by the County. There shall also be adequate assurance, as determined by the Corporation Counsel, for the maintenance of the private park by recorded covenant running with the land; (G) any golf cart and/or golf course maintenance vehicle crossing of public thoroughfares shall be in compliance with Article 5 of Chapter 6, Traffic Code, of the Hawaii County Code, as amended; (H) the petitioner or its authorized representative(s) shall submit an Employee Housing Needs Study for Step 1A of the proposed development to the Planning Director. The Director shall accept or reject the study within thirty (30) days of submittal of the study with reasons stated thereof. If there is no response within the thirty (30) day limitation, the study shall be deemed acceptable. To the extent the study shows sufficient employee housing is not available, the petitioner/representative(s) shall submit plans for the provision of permanent resort employee housing for Step 1A of the proposed development to the Planning Director for approval. Such plans shall include, but not be limited to, the manner in which housing will be provided and the number of units to be provided. The required housing shall be made available prior to the issuance of the occupancy permit for the first operational hotel. Subsequent resort employee housing requirements due to hotel development shall be based on additional housing need studies and shall be determined prior

to the issuance of occupancy permits for each hotel; (I) the petitioner shall also provide temporary quarters for construction workers, meeting with the approval of the Planning Director; (J) the petitioner shall reserve a minimum area of ten (10) acres for a future school site. The location of the school site shall meet with the approval of the Department of Education and the Planning Director; (K) the petitioner or its authorized representative(s) shall submit an annual progress report to the Planning Director within thirty (30) days of the anniversary of the effective date of approval of the change of zone request. The annual report shall include but not be limited to a listing of the work completed and in progress, the manner in which the stipulated conditions of approval of the change of zone request and other permits granted by the Planning Commission are being met, the amount of direct employment generated, any programs initiated which relate directly to the overall development, and any additional information which would supplement and/or alter the conclusions arrived at in the environmental impact statement identified as "File Exhibit 1" on file with the Planning Department; and (L) all other applicable rules and regulations be complied with, including the Special Management Area, Planned Development Permit, and Plan Approval processes. In addition, any conditions of approval stipulated by the Planning Commission in the granting of requested permits, such as the

Special Management Area Use Permit, Planned Unit Development Permits, Planned Development Permits, and State Land Use Special Permits shall be incorporated herein by reference. Should the foregoing conditions not be met, rezoning of the area to its original zoning designation may be initiated."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, the brackets, bracketed material and underscoring need not be included.

SECTION 3. In the event that any portion of the ordinance is declared invalid, such invalidity shall not the affect other parts of this ordinance.

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

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	August 21, 1985
Date of 1st Reading:	August 21, 1985
Date of 2nd Reading:	September 4, 1985
Effective Date:	September 9, 1985