

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 415 (Draft 4)

ORDINANCE NO. 87 113

AN ORDINANCE AMENDING SECTION 25-86 (NORTH AND SOUTH KONA DISTRICTS ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (0) AND RESORT HOTEL (V-3) TO RESORT HOTEL (V-7) AT KAUPULEHU, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-2-03:PORTIONS OF 1 & 2.

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

SECTION 1. Section 25-86, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at KAUPULEHU, NORTH KONA, HAWAII, shall be RESORT HOTEL (V-7):

AREA 1:

Beginning at the Southwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KUILI" being 10,782.85 feet North and 6,923.22 feet East, and running by azimuths measured clockwise from true South:

- 1. 244° 00' 322.38 feet;
2. 225° 00' 286.70 feet;
3. 18° 01' 100.00 feet;
4. 355° 32' 125.17 feet;
5. 289° 49' 30" 120.53 feet;

6.	267°	28'		128.54	feet;
7.	162°	31'	30"	120.16	feet;
8.	190°	54'	30"	17.88	feet;
9.	172°	04'		117.54	feet;
10.	272°	40'	40"	111.04	feet;
11.	278°	53'	30"	37.00	feet;
12.	348°	36'		165.87	feet;
13.	25°	23'		94.42	feet;
14.	268°	40'	30"	99.24	feet;
15.	162°	27'		46.39	feet;
16.	209°	52'		135.22	feet;
17.	89°	26'	30"	40.00	feet;
18.	159°	48'	30"	123.00	feet;
19.	242°	45'		236.63	feet;
20.	222°	30'		260.55	feet;
21.	359°	38'		152.01	feet;
22.	264°	39'	30"	58.53	feet;
23.	14°	32'	30"	148.76	feet;
24.	75°	06'		103.87	feet;
25.	32°	14'	30"	49.86	feet;
26.	114°	32'		47.99	feet;
27.	65°	36'	30"	135.86	feet;
28.	341°	48'	30"	146.92	feet;
29.	328°	46'		133.21	feet;
30.	94°	00'		353.78	feet;

- |     |      |     |        |  |
|-----|------|-----|--------|--|
| 31. | 54°  | 20' | 628.94 | feet:  |
| 32. | 144° | 20' | 410.00 | feet to the point of beginning and containing an area of 8.102 Acres. (Refer to Area 1 as shown on Exhibit "A"). |

The district classification of the following area situated at KAUPULEHU, NORTH KONA, HAWAII, shall be RESORT HOTEL (V-7):

AREA 2:

Beginning at the South corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KUILI" being 10,862.80 feet North and 8,114.38 feet East, and running by azimuths measured clockwise from true South:

- |     |      |     |        |       |
|-----|------|-----|--------|-------|
| 1.  | 145° | 49' | 98.38  | feet; |
| 2.  | 242° | 48' | 103.90 | feet; |
| 3.  | 250° | 31' | 81.16  | feet; |
| 4.  | 175° | 23' | 55.83  | feet; |
| 5.  | 259° | 16' | 145.29 | feet; |
| 6.  | 176° | 14' | 79.90  | feet; |
| 7.  | 203° | 36' | 99.32  | feet; |
| 8.  | 277° | 16' | 107.15 | feet; |
| 9.  | 263° | 00' | 35.00  | feet; |
| 10. | 174° | 00' | 45.50  | feet; |
| 11. | 256° | 00' | 11.50  | feet; |
| 12. | 328° | 00' | 35.50  | feet; |
| 13. | 294° | 00' | 96.46  | feet; |
| 14. | 353° | 00' | 33.53  | feet; |

15.	59° 47'	177.98	feet;
16.	336° 00'	54.61	feet;
17.	63° 30'	461.80	feet to the point of beginning and containing an area of 1.912 Acres. (Refer to Area 2 as shown on Exhibit "A").

The district classification of the following area situated at KAUPULEHU, NORTH KONA, HAWAII, shall be RESORT HOTEL (V-7):

AREA 3:

Beginning at the Southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KUILI" being 11,188.25 feet North and 9,385.24 feet East, and running by azimuths measured clockwise from true South:

1.	193° 13' 30"	70.11	feet;
2.	158° 26'	101.74	feet;
3.	167° 51' 30"	79.12	feet;
4.	150° 28'	151.37	feet;
5.	77° 47' 30"	159.16	feet;
6.	83° 14' 30"	153.20	feet;
7.	88° 13' 30"	146.32	feet;
8.	84° 07' 30"	128.41	feet;
9.	77° 29'	139.48	feet;
10.	71° 23' 30"	81.37	feet;
11.	348° 53'	50.58	feet;
12.	32° 22'	6.70	feet;
13.	159° 37' 30"	492.98	feet;

14.	69°	14'		230.62	feet;
15.	114°	15'		90.00	feet;
16.	203°	00'		109.56	feet;
17.	164°	00'		210.00	feet;
18.	198°	56'		85.39	feet;
19.	136°	50'		58.11	feet;
20.	182°	30'		110.00	feet;
21.	236°	15'		105.00	feet;
22.	134°	30'		108.54	feet;
23.	165°	30'		84.41	feet;
24.	255°	30'		245.00	feet;
25.	226°	45'		295.00	feet;
26.	245°	15'		250.00	feet;
27.	234°	00'		279.19	feet;
28.	314°	00'		278.66	feet;
29.	02°	41'	10"	132.37	feet;
30.	51°	45'		725.64	feet;
31.	331°	30'		540.60	feet;
32.	258°	32'	40"	276.63	feet;
33.	258°	32'	40"	288.52	feet;
34.	348°	32'	40"	120.45	feet;
35.	33°	32'	40"	158.80	feet;
36.	336°	00'		474.64	feet;
37.	43°	06'		96.74	feet to the point of beginning and containing an area of 24.683 Acres. (Refer to Area 3 as shown on Exhibit "A").

The district classification of the following area situated at KAUPULEHU, NORTH KONA, HAWAII, shall be RESORT HOTEL (V-7):

PARCEL A:

Beginning at a spike in lava rock at the Southwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KUILI" being 10,907.02 feet North and 7,394.52 feet East, and running by azimuths measured clockwise from true South:

- |    |              |        |   |
|----|--------------|--------|---|
| 1. | 175° 32'     | 125.17 | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha; |
| 2. | 198° 01'     | 100.00 | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha; |
| 3. | 272° 10'     | 171.82 | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha; |
| 4. | 352° 04'     | 117.54 | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha; |
| 5. | 10° 54' 30"  | 17.88  | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha; |
| 6. | 342° 31' 30" | 120.16 | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha; |
| 7. | 87° 28'      | 128.54 | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha; |

8.	109° 49' 30"	120.53	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha, to the point of beginning and containing an area of 1.197 Acres. (Refer to Parcel A as shown on Exhibit "A").
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The district classification of the following area situated at KAUPULEHU, NORTH KONA, HAWAII, shall be RESORT HOTEL (V-7):

PARCEL B:

Beginning at a PK nail in lava rock at the Southwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KUILI" being 10,861.60 feet North and 7,727.18 feet East, and running by azimuths measured clockwise from true South:

1.	205° 23'	94.42	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
2.	168° 36'	165.87	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
3.	98° 53' 30"	37.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
4.	178° 00'	10.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
5.	249° 30'	76.49	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;

6.	292° 40'	30.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
7.	339° 48' 30"	123.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
8.	269° 26' 30"	40.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
9.	29° 52'	135.22	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
10.	342° 27'	46.39	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
11.	88° 40' 30"	99.24	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha, to the point of beginning and containing an area of 0.547 Acre. (Refer to Parcel B as shown on Exhibit "A").

The district classification of the following area situated at KAUPULEHU, NORTH KONA, HAWAII, shall be RESORT HOTEL (V-7):

PARCEL C:

Beginning at a PK nail in lava rock at the South corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KUILI" being 10,791.80 feet North and 8,026.16 feet East, and running by azimuths measured clockwise from true South:



1.	148° 46'	133.21	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
2	161° 48' 30"	146.92	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
3.	245° 36' 30"	135.86	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
4.	294° 32'	47.99	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
5.	212° 14' 30"	49.86	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
6.	255° 06'	103.87	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
7.	194° 32' 30"	148.76	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
8.	84° 39' 30"	58.53	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
9.	179° 38'	159.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
10.	171° 10'	40.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;

11.	183° 40'	92.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
12.	152° 30'	120.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
13.	157° 00'	80.42	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
14.	249° 14'	230.62	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
15.	339° 37' 30"	492.98	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
16.	69° 26'	75.19	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
17.	36° 50'	78.28	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
18.	297° 46' 30"	38.76	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
19.	23° 36'	99.32	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
20.	356° 14'	79.90	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;

21.	79° 16'	145.29	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
22.	355° 23'	55.83	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
23.	70° 31'	81.16	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
24.	62° 48'	103.90	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
25.	325° 49'	98.38	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
26.	51° 10' 30"	113.24	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha, to the point of beginning and containing an area of 4.880 Acres. (Refer to Parcel C as shown on Exhibit "A").

The district classification of the following area situated at KAUPULEHU, NORTH KONA, HAWAII, shall be RESORT HOTEL (V-7):

PARCEL D:

Beginning at a spike in the North corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KUILI" being 11,560.17 feet North and 9,272.63 feet East, and running by azimuths measured clockwise from true South:

1.	330°	28'	151.37	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
2.	347°	51' 30"	79.12	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
3.	338°	26'	101.74	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
4.	13°	13' 30"	70.11	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
5.	144°	21' 30"	72.92	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
6.	233°	40'	39.98	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
7.	130°	39' 30"	91.20	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
8.	111°	27'	185.78	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
9.	90°	51'	65.82	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
10.	124°	33'	29.21	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;

11.	12° 30' 30"	36.20	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
12.	82° 12'	252.17	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
13.	106° 21'	168.06	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
14.	93° 21'	111.12	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
15.	59° 08' 30"	29.94	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
16.	168° 53'	50.58	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
17.	251° 23' 30"	81.37	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
18.	257° 29'	139.48	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
19.	264° 07' 30"	128.41	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
20.	268° 13' 30"	146.32	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;

- |     |              |        |   |
|-----|--------------|--------|---|
| 21. | 263° 14' 30" | 153.20 | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;   |
| 22. | 257° 47' 30" | 159.16 | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha, to the point of beginning and containing an area of 2.723 Acres. (Refer to Parcel D as shown on Exhibit "A"). |

The district classification of the following area situated at KAUPULEHU, NORTH KONA, HAWAII, shall be RESORT HOTEL (V-7):

PARCEL E:

Beginning at a 1/2" pipe at the Southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KUILI" being 10,644.44 feet North and 8,886.16 feet East, and running by azimuths measured clockwise from true South:

- |    |          |        |   |
|----|----------|--------|---|
| 1. | 108° 00' | 257.55 | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha; |
| 2. | 19° 00'  | 60.25  | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha; |
| 3. | 105° 00' | 96.00  | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha; |
| 4. | 199° 00' | 172.00 | feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha; |

Thence along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha, on a curve to the left with a radius of 130.00 feet, the chord azimuth and distance being:

5.	177° 30"	95.29	feet;
6.	156° 00'	185.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
7.	239° 47'	177.98	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
8.	330° 04' 30"	56.56	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
9.	241° 49'	34.66	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
10.	343° 33' 30"	58.77	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
11.	238° 10' 30"	42.96	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
12.	333° 57' 30"	105.28	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
13.	69° 37' 30"	35.43	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;

14.	317°	26'	65.14	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
15.	268°	32' 30"	42.06	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
16.	225°	18'	177.66	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
17.	309°	22'	130.63	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
18.	233°	58'	43.65	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
19.	126°	57'	100.63	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
20.	208°	01'	37.98	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
21.	287°	08'	40.65	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
22.	211°	21'	39.47	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
23.	154°	46'	90.66	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;



24.	227°	54'	30"	39.68	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
25.	292°	48'		84.62	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
26.	211°	26'		73.44	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
27.	290°	07'		67.24	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
28.	334°	34'		65.97	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
29.	323°	34'	30"	69.57	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
30.	45°	42'		357.20	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
31.	71°	05'		115.20	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
32.	67°	00'		94.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha;
33.	9°	00'		206.00	feet along remainder of R.P. 7843, L.C.Aw. 7713, Ap. 10 to Lota Kamehameha, to the

point of beginning and containing an area of 5.653 Acres. (Refer to Parcel E as shown on Exhibit "A").

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. These changes in district classification are conditioned upon the following: (A) the applicants, successors or its assigns shall comply with the stated conditions of approval; (B) the petitioner, successors or assigns shall be responsible for satisfying a basic housing requirement by providing or causing the provision of affordable housing units to meet the direct and indirect resort hotel employee housing demands generated by the resort development or by undertaking other related mitigation measures, such as employee training. Prior to Final Plan Approval, an affordable housing need study shall be prepared and submitted to the Planning Director and the Hawaii County Housing Agency estimating the resort hotel employee housing demand to be generated by the existing and proposed hotel development. The Planning Director shall review the study and report his findings to the Hawaii County Housing Agency. The Hawaii County Housing Agency may adjust the resort hotel employee housing requirement based on the findings contained in the report and other applicable information of the

hotel complex. Prior to commencing construction of the additional hotel units, the manner in which the required affordable employee housing units shall be reviewed by the Planning Director and meet with the approval of the Hawaii County Housing Agency. Furthermore, the basis for satisfying requirements of this condition shall be agreed to prior to the commencing operation of the additional units; (C) the method of sewage disposal shall meet with the regulations of the appropriate governmental agencies; (D) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (E) should any unanticipated archaeological sites or features be uncovered during land preparation activities, work within the affected area shall immediately cease and the Planning Department notified. No work within the affected area shall resume until clearance is obtained from the Planning Department; (F) public access to and along the shoreline, including related improvements, shall be provided and maintained in perpetuity, meeting with the approval of the Planning Director. These improvements shall include, but not be limited to, the following: a) public parking, at the ratio of at least one parking stall for every ten hotel rooms at the resort; b) a pathway, at least six feet wide, constructed in such a manner as to safely accommodate

handicapped persons and extending from the parking area to the shoreline; c) public amenities, such as: restroom facilities, an outdoor shower, an outdoor sink and potable water; d) lateral shoreline access along the shoreline fronting the resort and e) readily visible signs identifying the location of the public parking area and pathway; (G) construction of the public parking area and pathway, including the erection of identifying signs, shall commence within six months of the effective date of the Shoreline Management Area permit and shall be completed within three months of the commencement of construction; (H) all other applicable rules, regulations and requirements be complied with; and (I) an initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and (e) if the

applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. Should the council adopt A Uniform Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may be satisfied by performance in accordance with the requirements of the Uniform Impact Fees Ordinance.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

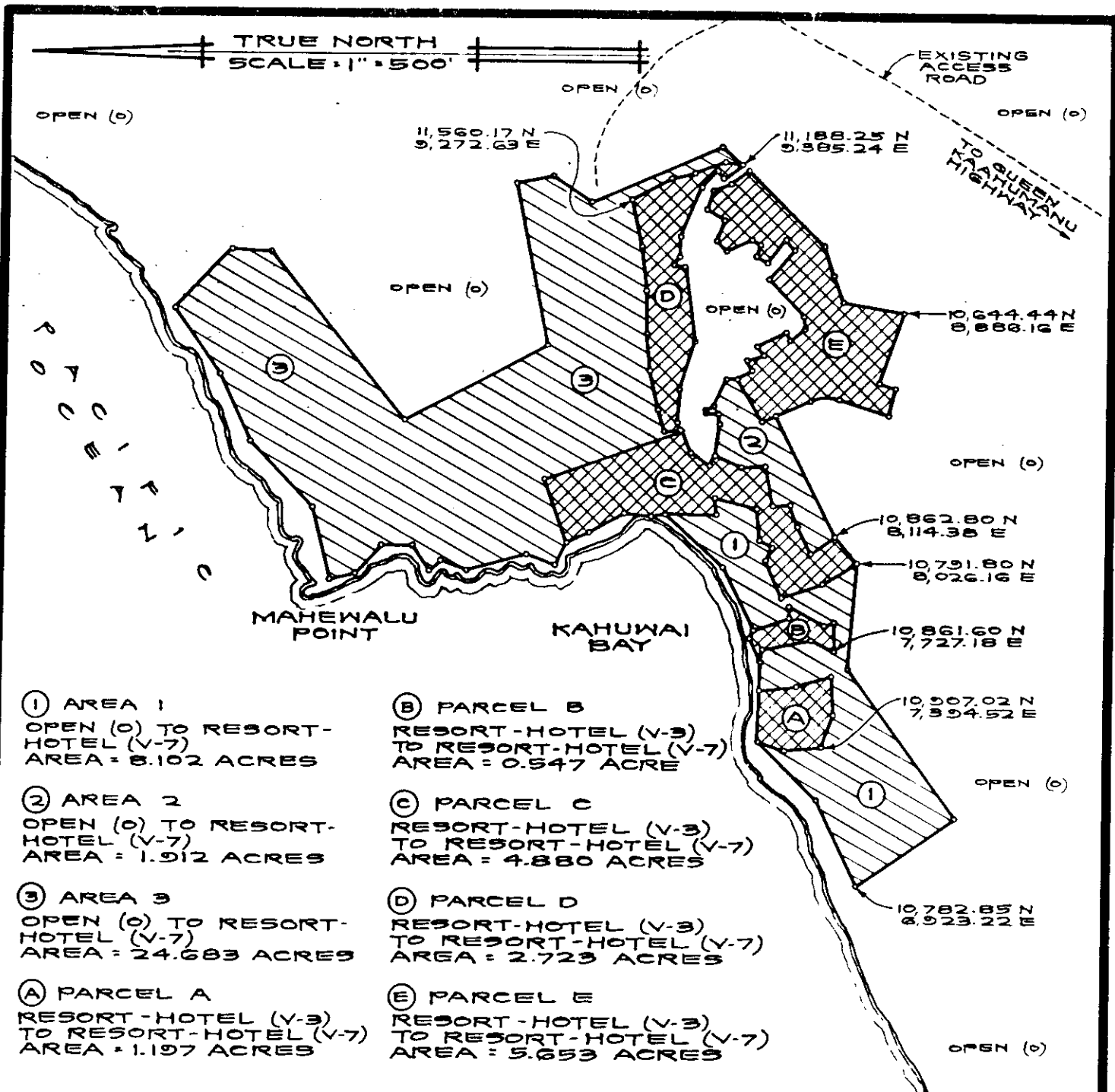
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 7, 1987  
Date of 1st Reading: October 7, 1987  
Date of 2nd Reading: October 21, 1987  
Effective Date: October 28, 1987



## AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-86 (NORTH AND SOUTH KONA DISTRICTS ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (0) AND RESORT-HOTEL (V-3) TO RESORT-HOTEL (V-7) AT KAUPULEHU, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 7-2-03 : PORTIONS OF 1 AND 2

SEPT. 1, 1987

EXHIBIT "A"