

COUNTY OF HAWAII  STATE OF HAWAII

BILL NO. 332
(Draft 3)

ORDINANCE NO. 99 42

AN ORDINANCE AMENDING SECTION 25-8-3 (NORTH AND SOUTH KONA DISTRICTS ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN TO PROJECT DISTRICT AT KAUPULEHU, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-2-03:PORTION OF 1.

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

SECTION 1. Section 25-8-3, Article 8, 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 Project District:

Beginning at the south corner of this parcel of land, on the northerly side of Queen Kaahumanu Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "AKAHIPUU" being 22,391.70 feet North and 3,282.86 feet West, thence running by azimuths measured clockwise from True South:

1. 158° 20' 48" 3,348.85 feet along Lots 2 and 6 of Hualalai Resort (Amended) (File Plan 2180);
2. 191° 36' 48" 1,579.69 feet along Lot 6 of Hualalai Resort (Amended) (File Plan 2180);
3. 118° 00' 48" 600.00 feet along Lot 6 of Hualalai Resort (Amended) (File Plan 2180);
4. 71° 15' 48" 351.89 feet along Lot 6 of Hualalai Resort (Amended) (File Plan 2180);
5. 157° 05' 48" 241.50 feet along Lot 6 of Hualalai Resort (Amended) (File Plan 2180);

6.	223°	45'	48"	782.31 feet	along Lot 6 of Hualalai Resort (Amended) (File Plan 2180);
7.	296°	22'	28"	256.77 feet	along Kona Village Resort, along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;
8.	207°	13'	28"	1,079.41 feet	along Kona Village Resort, along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;
9.	137°	45'	28"	250.00 feet	along Kona Village Resort, along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;
10.	66°	55'	28"	118.63 feet	along Kona Village Resort, along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;
11.	131°	25'	28"	359.42 feet	along Kona Village Resort, along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;
12.	213°	33'	28"	158.80 feet	along Kona Village Resort, along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;
13.	168°	33'	28"	120.45 feet	along Kona Village Resort, along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;
14.	78°	33'	28"	288.52 feet	along Kona Village Resort, along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;

15.	182°	41'	58"	1,292.06 feet	along Kona Village Resort, along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha; Thence along shoreline as confirmed by the Board of Land and Natural Resources on January 29, 1998 for the next seventy four (74) courses, the direct azimuths and distances between points being:
16.	233°	38'		266.27 feet;	
17.	216°	25'		260.00 feet;	
18.	232°	00'		119.81 feet;	
19.	236°	53'		136.42 feet;	
20.	214°	31'		108.00 feet;	
21.	234°	14'		83.00 feet;	
22.	218°	25'		91.67 feet;	
23.	176°	39'		102.99 feet;	
24.	256°	42'		41.33 feet;	
25.	160°	19'		117.61 feet;	
26.	230°	21'		80.32 feet;	
27.	176°	44'		74.97 feet;	
28.	97°	45'		39.00 feet;	
29.	149°	33'		65.00 feet;	
30.	257°	19'		59.28 feet;	
31.	167°	57'		71.28 feet;	

32.	235° 59'	106.00 feet;
33.	180° 17'	49.00 feet;
34.	138° 00'	88.80 feet;
35.	258° 39'	146.01 feet;
36.	163° 28'	128.70 feet;
37.	214° 06'	94.76 feet;
38.	148° 17'	112.00 feet;
39.	239° 22'	170.17 feet;
40.	197° 52'	210.87 feet;
41.	209° 53'	172.22 feet;
42.	148° 57'	88.00 feet;
43.	239° 26'	175.00 feet;
44.	212° 05'	75.00 feet;
45.	289° 15'	103.00 feet;
46.	200° 29'	68.16 feet;
47.	282° 30'	93.00 feet;
48.	226° 12'	60.11 feet;
49.	277° 28'	115.47 feet;
50.	240° 58'	193.00 feet;
51.	207° 14'	91.00 feet;
52.	197° 05'	149.00 feet;
53.	210° 33'	124.00 feet;

54.	215°	52'	104.97 feet;
55.	256°	28'	70.00 feet;
56.	164°	54'	87.00 feet;
57.	218°	13'	121.63 feet;
58.	277°	35'	104.01 feet;
59.	220°	25'	66.10 feet;
60.	272°	43'	67.00 feet;
61.	246°	47'	282.77 feet;
62.	217°	04'	133.87 feet;
63.	242°	32'	137.00 feet;
64.	224°	14'	320.00 feet;
65.	249°	55'	257.80 feet;
66.	209°	25'	232.99 feet;
67.	281°	34'	198.14 feet;
68.	200°	17'	131.00 feet;
69.	167°	16'	67.08 feet;
70.	224°	22'	35.13 feet;
71.	292°	49'	190.00 feet;
72.	221°	12'	253.00 feet;
73.	242°	29'	115.00 feet;
74.	285°	53'	100.00 feet;
75.	259°	46'	273.00 feet;

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|-----|---|-----|-----|---------------|---|
| 76. | 244° | 02' | | 200.00 feet; | |
| 77. | 188° | 53' | | 127.12 feet; | |
| 78. | 281° | 10' | | 66.02 feet; | |
| 79. | 264° | 13' | | 233.00 feet; | |
| 80. | 243° | 02' | | 208.00 feet; | |
| 81. | 231° | 41' | | 112.80 feet; | |
| 82. | 254° | 32' | | 154.00 feet; | |
| 83. | 208° | 30' | | 112.00 feet; | |
| 84. | 278° | 30' | | 85.02 feet; | |
| 85. | 237° | 52' | | 233.00 feet; | |
| 86. | 243° | 16' | | 180.00 feet; | |
| 87. | 233° | 15' | | 210.00 feet; | |
| 88. | 267° | 59' | | 115.47 feet; | |
| 89. | 229° | 15' | | 79.11 feet; | |
| 90. | 334° | 12' | 50" | 175.28 feet | along the Government (Crown) Land of Puuwaawaa; |
| 91. | 334° | 13' | 35" | 2,065.52 feet | along the Government (Crown) Land of Puuwaawaa; |
| 92. | Thence along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha, on a curve to the left with a radius of 1,800.00 feet, the chord azimuth and distance being: | | | | |
| | | | | 29° 59' 53.5" | 1,413.27 feet; |

93. 6° 53' 111.60 feet along the remainder of R.P. 7843,
L.C. Aw. 7715, Apana 10 to L.
Kamehameha;
94. Thence along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to
L. Kamehameha, on a curve to the
right with a radius of 2,000.00 feet,
the chord azimuth and distance
being:
17° 24' 730.09 feet;
95. 27° 55' 104.25 feet along the remainder of R.P. 7843,
L.C. Aw. 7715, Apana 10
to L. Kamehameha;
96. Thence along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to
L. Kamehameha, on a curve to the
left with a radius of 1,000.00 feet,
the chord azimuth and distance
being:
16° 56' 30" 380.76 feet;
97. 5° 58' 1,086.73 feet along the remainder of R.P. 7843,
L.C. Aw. 7715, Apana 10 to
L. Kamehameha;
98. Thence along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to
L. Kamehameha, on a curve to the
right with a radius of 900.00 feet, the
chord azimuth and distance being:
41° 46' 30" 1,053.14 feet;
99. 77° 35' 229.79 feet along the remainder of R.P. 7843,
L.C. Aw. 7715, Apana 10 to L.
Kamehameha;
100. Thence along the remainder of R.P. 7843, L.C. 7715, Apana 10 to
L. Kamehameha, on a curve to the
left with a radius of 1,400.00 feet,
the chord azimuth and distance
being:
45° 40' 1,480.32 feet;

101. 13° 45' 150.10 feet along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;
102. Thence along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha, on a curve to the right with a radius of 8,000.00 feet, the chord azimuth and distance being:
20° 10' 1,788.13 feet;
103. 26° 35' 573.48 feet along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;
104. Thence along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha, on a curve to the left with a radius of 4,000.00 feet, the chord azimuth and distance being:
23° 10' 476.77 feet;
105. 19° 45' 1,888.55 feet along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;
106. Thence along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha, on a curve to the right with a radius of 2,000.00 feet, the chord azimuth and distance being:
27° 00' 30" 505.37 feet;
107. 34° 16' 155.59 feet along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha;
108. Thence along the remainder of R.P. 7843, L.C. Aw. 7715, Apana 10 to L. Kamehameha, on a curve to the left with a radius of 1,400.00 feet, the chord azimuth and distance being:
16° 25' 26.8" 857.93 feet;

109. Thence along the northerly side of Queen Kaahumanu Highway, on a curve to the left with a radius of 9,430.02 feet, the chord azimuth and distance being:
78° 12' 22.4" 150.63 feet;
110. 347° 44' 55" 30.00 feet along the northerly side of Queen Kaahumanu Highway;
111. Thence along the northerly side of Queen Kaahumanu Highway, on a curve to the left with a radius of 9,400.02 feet, the chord azimuth and distance being:
76° 43' 39" 335.03 feet
to the point of beginning and containing a gross area of 1,117.700 acres and a net area of 1,078.634 acres after excluding and deducting Exclusions 1 and 2 described as follows:

Exclusion 1

Beginning at the west corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "AKAHIPUU" being 28,129.44 feet North end and 3,971.79 feet West, thence running by azimuths measured clockwise from True South:

1. On a curve to the right with a radius of 560.00 feet, the chord azimuth and distance being:
203° 15' 22" 96.20 feet;
2. 208° 11' 89.46 feet;
3. On a curve to the left with a radius of 830.00 feet, the chord azimuth and distance being:
200° 59' 208.05 feet;
4. 193° 47' 72.32 feet;
5. On a curve to the left with a radius of 330.00 feet, the chord azimuth and distance being:
180° 33' 36" 150.97 feet;

6.	281° 00'		83.41 feet;
7.	236° 20'		218.39 feet;
8.	217° 30'		55.00 feet;
9.	272° 40'	25"	288.69 feet;
10.	238° 00'		159.00 feet;
11.	232° 00'		116.00 feet;
12.	283° 00'		135.00 feet;
13.	338° 00'		64.00 feet;
14.	248° 30'		286.00 feet;
15.	317° 00'		249.00 feet;
16.	319° 30'		192.00 feet;
17.	313° 00'		193.00 feet;
18.	44° 00'		555.00 feet;
19.	37° 00'		200.00 feet;
20.	44° 30'		268.00 feet;
21.	48° 00'		336.00 feet;
22.	44° 00'		198.00 feet;
23.	152° 30'		218.00 feet;
24.	126° 30'		156.00 feet;
25.	127° 30'		188.00 feet;
26.	130° 00'		153.00 feet;
27.	138° 00'		150.00 feet;

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| 28. | 106° 30' | 99.00 feet; | |
| 29. | 124° 00' | 88.98 feet | to the point of beginning and containing an area of 37.064 acres. |

Exclusion 2

Beginning at the east corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "AKAHIPUU" being 27,534.29 feet North and 4,555.18 feet West, thence running by azimuths measured clockwise from True South:

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|----|--------------|--------------|--|
| 1. | 51° 00' 48" | 322.80 feet; | |
| 2. | 156° 00' 48" | 294.79 feet; | |
| 3. | 227° 00' 48" | 273.75 feet; | |
| 4. | 326° 00' 48" | 305.00 feet | to the point of beginning and containing an area of 2.002 acres. |

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

SECTION 2. The project area shall consist of 1,078.634 acres which would allow for a maximum development of 1,030 residential units.

SECTION 3. This change in district classification is conditioned upon the following:

- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. This project area shall be called the Kaupulehu Project District. The development period for the Kaupulehu Project District will be 20 years from the effective date of approval of the Project District Ordinance.
- C. The Kaupulehu Project District shall consist of not more than 1,078.634 acres with 869.698 acres for Residential, golf course and ancillary related

development; 197.936 acres for the "Urban" Coastal Planning Area and 11 acres for Commercial development. Any amendment to these acreages shall require an amendment to the Kaupulehu Project District Ordinance.

- D. The maximum number of units to be allowed within the Kaupulehu Project District shall be 1,030 units. Any increase in the number of units shall require an amendment to the Kaupulehu Project District Ordinance.
- E. There shall be no residential, commercial or similar type developments in the Coastal Planning Area other than those specified in the Integrated Resources Management Plan. The Coastal Planning Area shall be described by metes and bounds, and the restrictions shall be specified in the covenant(s) in the property deed. A copy of the metes and bounds, and proposed covenant(s) to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval or Final Plan Approval or land alteration activities, whichever occurs first. A copy of the approved covenant(s) shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances prior to the issuance of Final Subdivision Approval or Final Plan Approval or land alteration activities, whichever occurs first.
- F. The applicant shall disclose to all potential buyers of lots or units within the proposed project that internal infrastructure and community facilities shall be developed and maintained privately and that the County is not obligated to construct any public facilities within the project area.
- G. The following permitted uses as defined in Chapter 25 (Zoning Code) Ordinance No. 96-160 are to be allowed in the Kaupulehu Project District within the 869.698 acres for Residential, golf course and ancillary related development and

the 11 acres for Commercial development:

1. Amusement and recreation facilities, indoor.
2. Art galleries, museums.
3. Automobile service stations.
4. Bars.
5. Business services.
6. Churches, temples and synagogues.
7. Day care centers.
8. Convenience stores.
9. Community buildings
10. Display for products sold elsewhere
11. Dwellings, single-family.
12. Dwellings, double-family or duplex.
13. Dwellings, multiple-family.
14. Farmers Market
15. Financial institutions.
16. Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses.
17. Home Occupations as permitted within Section 25-4-13 of the Zoning Code.
18. Major outdoor amusement and recreation facilities.
19. Medical clinics.
20. Meeting facilities.
21. Model homes.
22. Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
23. Offices.
24. Personal services.
25. Photography studios.

26. Public and private utility uses and structures.
27. Restaurants.
28. Retail establishments.
29. Schools.
30. Telecommunication antennas and towers as permitted under Section 25-4-12 of the Zoning Code.
31. Temporary real estate offices as permitted by Section 25-4-8 of the Zoning Code.
32. Theaters.
33. Time share units.
34. Utility substations, wastewater treatment plants, landscaping and vehicle maintenance service yards.
35. Visitor Information Center.
36. Any uses similar in nature to the above permitted uses shall be permitted upon submittal of a request by the applicant and approved by the Planning Director.
37. Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted.

H. The following design standards shall apply:

1. Landscaping for the development shall comply with the Planning Department's Rule No. 17, Landscaping Requirements.
2. The minimum building site area shall be 7,500 square feet which may include flag lots.
3. The maximum allowable height limit for Single Family Residential units

shall be thirty-five feet.

4. The maximum allowable height limit for Multiple Family Residential and Commercial developments shall be 45 feet.
5. The minimum average lot widths shall be determined by the applicant in conjunction with its development plans.
6. The minimum yards in the Kaupulehu Project District shall be as follows:
 - a. Residential Development
 - (1) Front and rear yards, fifteen feet; and
 - (2) Side yards, eight feet.
 - b. Commercial Development
 - (1) Front and rear yards, fifteen feet; and
 - (2) Side yards, none, except where the adjoining building site is a residential development site, when the side yard adjoins the side yard of a residential development site, there shall be a minimum side yard of eight feet.
7. Exceptions to the regulations for the Project district regarding heights, building site areas, and yards, may be approved by the director within a planned unit development, or cluster plan development.
8. The minimum off-street parking and loading space requirements for the Kaupulehu Project District will comply with the minimum standards as required by the Zoning Code, including compliance with the American Disabilities Act (ADA) requirements.

- I. Final Subdivision or Final Plan Approval, whichever is applicable, shall be secured from the Planning Director for any of the above uses prior to the issuance of any land alteration permits for any development phase in the Kaupulehu Project District.
- J. Construction of the residential units, commercial development, golf course and other related improvements shall commence only after Final Subdivision Approval and Final Plan Approval has been secured.
- K. The applicant shall provide assurance satisfactory to the Department of Water Supply and the Planning Director, upon consultation with the State Department of Health and Department of Land and Natural Resources, that water sources of sufficient quality and quantity has been established. Such satisfactory assurance can be met by the actual drilling and testing of a well site of the water source or by the submittal of a hydrological study certifying that a water sources of sufficient quality and quantity can be established at the designated locations.
- L. Upon compliance with Condition K, the actual development of the water source and its water transmission and distribution system shall be developed in conjunction with the subdivision approval process. Final inspection to the residential structures shall not be issued until the approved water source is developed and its transmission and distribution system for such source to the subject property has been constructed. Residential building permits may be issued for model home complexes, provided that such model homes will not be occupied until the approved water source is developed.
- M. The interior roadway requirements for the Kaupulehu Project District shall be designed to resort standards as allowed by the Subdivision Code and as represented in Section 3.3.1 of the applicant's Project District Application.

N. Access(es) to the project site shall meet with the approval of the Departments of Transportation-Highways Division and Public Works as follows:

1. If warranted, a fully channelized intersection improvements, including but not limited to traffic lights and/or an overpass or underpass, shall be provided meeting with the approval of the Department of Transportation prior to initial occupancy of residential units gaining access from the respective intersection. The cost of such improvements shall be borne by the applicant to the extent of the project's projected traffic impacts and may be credited to or deducted from the applicant's fair share contribution for road and traffic improvements, as required under Condition W.
2. A traffic monitoring program at the intersection of Queen Kaahumanu Highway shall be submitted to and approved by the State Department of Transportation, Highways Division, prior to receiving final plan approval for any portion of the proposed development. If additional intersection improvements such as a fully channelized intersection with acceleration/deceleration lanes, an under pass, or overpass, are required as determined by the findings of subsequent monitoring and analysis, the applicant shall provide the improvements to the extent of the project's projected traffic impacts in conformance with the requirements of the State Department of Transportation, Highways Division.
3. All internal roadways within the proposed development shall be constructed in accordance with the Resort Standards or other applicable provisions of the Zoning Code and the Subdivision Code.

4. A roadway connection to the adjacent property along the southwestern boundary shall be provided meeting with the approval of the Department of Public Works.
5. No lots shall have direct access from the Queen Kaahumanu Highway except through an access point approved by the State Department of Transportation.
- O. A detailed drainage study shall be prepared and submitted for review and approval to the Department of Public Works prior to submittal of plans for Subdivision and/or Plan Approval review of the residential, commercial and golf courses subdivisions. The Study shall take into consideration the tile drainage system, retention basins and 'reduced turf' design to be incorporated into the golf courses. A drainage system for each phase of development in the project area shall be installed meeting with the approval of the Department of Public Works, prior to issuance of Final Subdivision Approval, a Certificate of Occupancy or golf course opening, whichever occurs first.
- P. An Emergency Preparedness and Response Plan shall be submitted for review by the Planning Department in consultation with the Fire Department and the Civil Defense Agency prior to the issuance of a Certificate of Occupancy for any residential unit. The plan shall be limited to a review of the emergency roadway network and emergency contact people or association.

- Q. A Solid Waste Management Plan shall be prepared meeting with the approval of the Department of Public Works prior to submitting plans for subdivision approval. Approved recommendations and mitigation measures shall be implemented in a manner meeting with the approval of the Department of Public Works.
- R. A wastewater treatment system shall be constructed to service the residential and commercial developments meeting with the approval of the Department of Health.
- S. A final comprehensive public access plan, to be developed in consultation with community groups and in accordance with applicable conditions of approval of the Land Use Commission Decision and Order (Docket No. A93-701), shall be submitted to the Planning Director and shall include mauka-makai and lateral shoreline accesses, description of trail width and surfacing, parking area(s), signage, emergency response considerations, restrictions on use (if any), provision of recreational and restroom facilities at appropriate locations, and related improvements. Implementation of the public access plan shall be completed with the opening of the golf course.
- T. To ensure that the goals and policies of the Housing Element of the General Plan are implemented, the applicant shall comply with the requirements of Chapter 11, Article 1, Hawaii County Code, relating to Affordable Housing. This requirement shall be approved by the County Housing Agency prior to Final Subdivision Approval of any portion of the residential area.
- U. The Integrated Resources Management Plan dated June 1998 or any amendments approved thereafter by affected agencies shall be made a part of this ordinance as Appendix A. The implementation recommendations and

management guidelines shall govern the use of the Coastal Planning Area and other resources.

- V. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the State Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) and the Hawaii Island Burial Council, if applicable, shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD and/or the Burial Council when it is found that sufficient mitigative measures have been taken.
- W. The applicant shall make its fair share contribution to mitigate potential regional impacts of the subject project with respect to roads, parks and recreation, fire, police and solid waste disposal facilities. The amount of the fair share contribution shall be the sum which is the product of multiplying the number of residential lots proposed to be subdivided by the amounts allocated hereinbelow for each such lot, and shall become due and payable prior to final subdivision approval for any portion of the subject property or its increments. If the subject property is subdivided in two or more increments, the amount of the fair share contribution due and payable prior to final subdivision approval of each increment shall be a sum calculated in the same manner according to the number of proposed residential lots in each such increment. The fair share contribution, in a form of cash, land, facilities or any combination thereof, acceptable to the director in consultation with the affected agencies, shall be determined by the County Council. The fair share contribution shall have a maximum combined value of **\$4,645.29 per multiple-family residential unit** and **\$7,239.16 per single-family residential unit**. Based upon the applicant's representation of intent to develop up to 1,030 residential units, the indicated total of fair share

contribution for 500 multiple-family residential units is **\$2,322,645.00** and 530 single-family residential units is **\$3,836,754.80** whichever is applicable.

However, the total amount shall be increased or reduced in proportion with the actual number of units according to the calculation and payment provisions set forth in this Condition W. The fair share contribution shall be allocated as follows:

1. **\$2,291.39** per multiple-family residential unit for an indicated total of **\$1,145,695.00** and **\$3,490.85** per single-family residential unit for an indicated total of **\$1,850,150.50** to the County to support park and recreational improvements and facilities;
2. **\$72.42** per multiple-family residential unit for an indicated total of **\$36,210.00** and **\$168.40** per single-family residential unit for an indicated total of **\$89,252.00** to the County to support police facilities;
3. **\$222.77** per multiple-family residential unit for an indicated total of **\$111,385.00** and **\$332.61** per single-family residential unit for an indicated total of **\$176,283.30** to the County to support fire facilities;
4. **\$99.29** per multiple-family residential unit for an indicated total of **\$49,645.00** and **\$145.62** per single-family residential unit for an indicated total of **\$77,178.60** to the County to support solid waste facilities; and
5. **\$1,959.42** per multiple-family residential unit for an indicated total of **\$979,710.00** and **\$3,101.68** per single-family residential unit for an indicated total of **\$1,643,890.40** to the State or County to support road and traffic improvements.

The fair share contributions described above shall be adjusted annually beginning three years after the effective date of the change of zone, based on the

percentage change in the Honolulu Consumer Price Index (HCPI). In lieu of paying the fair share contribution, the applicant may construct and contribute 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 approval of the director. The cost of providing and constructing the improvements required in Conditions M and N shall be credited against the sum specified in Condition W (5) for road and traffic improvements. For purposes of administering Condition W, the fair market value of land contributed or the cost of any improvements required or made in lieu of the fair share contribution shall be subject to review and approval of the director, upon consultation with the appropriate agencies.

Upon approval of the fair share contributions or in lieu contributions by the director, the director shall submit a final report to the Council for its information that identifies the specific approved fair share and/or in lieu contributions, as allocated, and further implementation requirements

- X. Should the Council adopt a Unified Impact Fee 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 Fee Ordinance.
- Y. Comply with all other applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed development within the subject property.
- Z. The applicant shall comply with all other applicable requirements of the Land Use Commission conditions of approval and a copy of the written documentation of compliance with these conditions shall also be

submitted to the Planning Director.

- AA. An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this Project District Ordinance. The report shall address in detail the status of the development, the number of units constructed, the compliance with the conditions of approval of both this ordinance and the State Land Use Commission conditions. This condition shall remain in effect until all of the conditions of approval have been complied with and the Director acknowledges that further reports are not required.

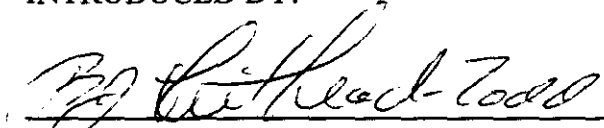
- BB. Twenty (20) years from the effective date of the Kaupulehu Project District Ordinance, the applicant shall submit an overall status report of the project, including the percentage of the completed development. The Planning Director shall also provide an assessment of the development of the Project District and its compliance with conditions of approval for transmittal to the Planning Commission for their review and recommendation and then forwarded to the County Council for their review and action.

- CC. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject area to its original or more appropriate designation.

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:



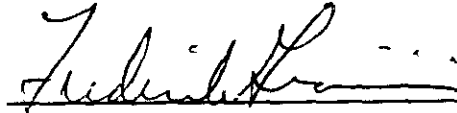
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: December 23, 1998
Date of 1st Reading: March 17, 1999
Date of 2nd Reading: April 6, 1999
Effective Date: April 10, 1999

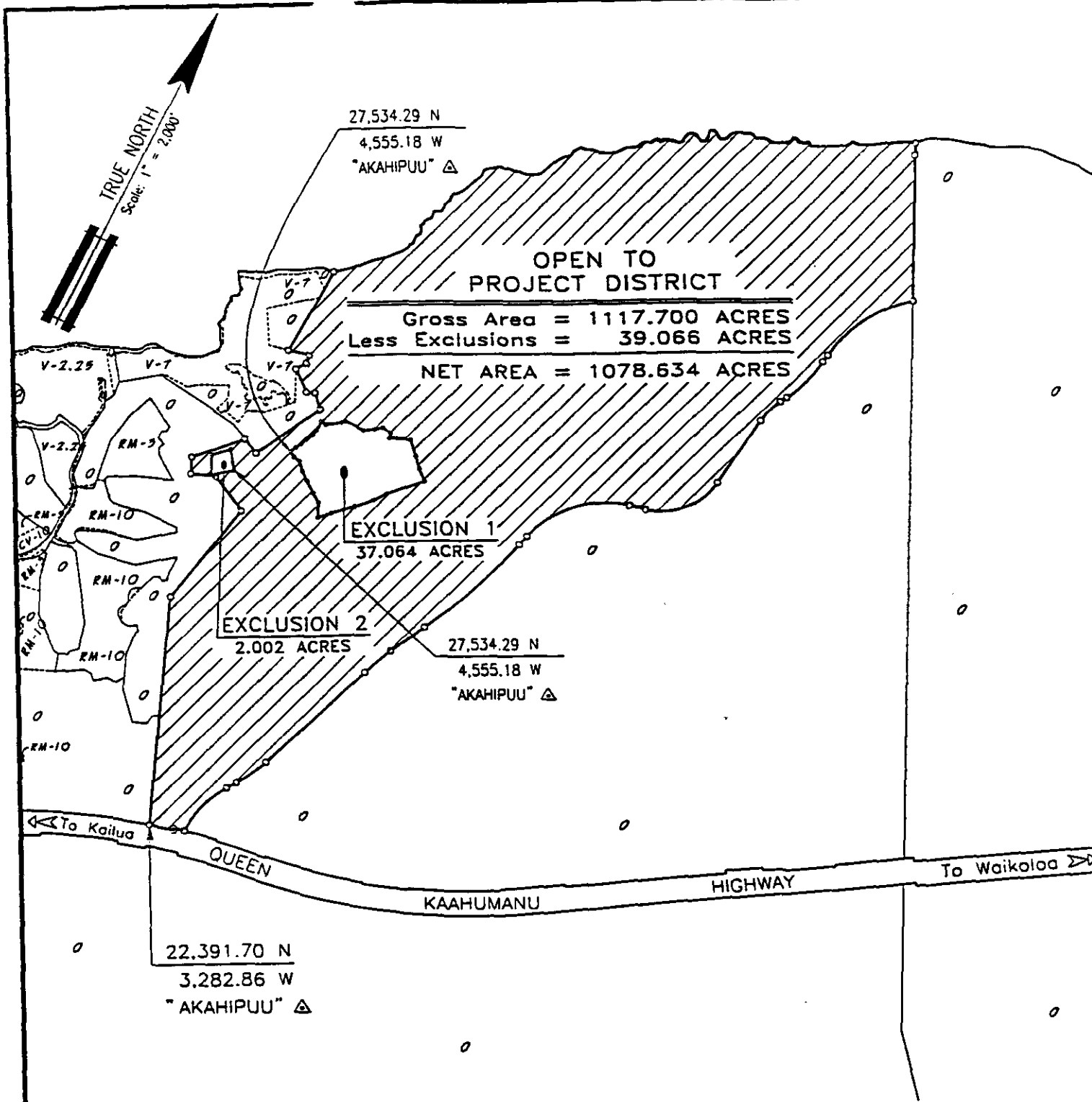
REFERENCE: Comm. 1051.25

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL

DATED: 4/8/99



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-2 (NORTH AND SOUTH KONA DISTRICTS ZONE MAP) ARTICLE 8, CHAPTER 25, (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN TO PROJECT DISTRICT AT KAUPULEHU, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: December 23, 1998
First Reading: March 17, 1999
Published: March 26, 1999

REMARKS: 12/23/99 - Deferred


Second Reading: April 6, 1999
To Mayor: April 7, 1999
Returned: April 12, 1999
Effective: April 10, 1999
Published: April 21, 1999



REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson		X		
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler		X		
Yagong	X			
	7	2	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson		X		
Leithead-Todd	X			
Pisicchio		X		
Smith	X			
Tyler		X		
Yagong	X			
	6	3	0	0

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

APPROVED AS TO
FORM AND LEGALITY:

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII
Date 4/8/99


COUNCIL CHAIRMAN

COUNTY CLERK

Approved/Disapproved this 10 day
of April, 1999


MAYOR, COUNTY OF HAWAII

Bill No.: 332 (Draft 3)
Reference: C-1051/PC-166
Ord. No.: 99 42