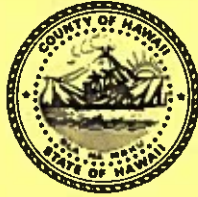


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

September 28, 1995

Honorable Keiko Bonk-Abramson, Chairwoman  
and Members of the County Council  
County of Hawaii  
25 Aupuni Street  
Hilo, HI 96720

Dear Chairwoman Bonk-Abramson and Members:

Applicant: Oceanside 1250 dba 1250 Oceanside Partners  
Change of Zone Application No. 95-12  
Request: Unplanned to A-1a  
Tax Map Key: 7-9-12:11 and Portions of 3 and 4; 8-1-4:Portion of 3

The Planning Commission, after a duly held public hearing on September 14, 1995, voted to recommend for your approval the proposed legislative bill to change the district classification for approximately 756 acres of land from an Unplanned (U) to an Agricultural - 1 acre (A-1a) zoned district. The application represents a portion of the approximately 1,540 acres master planned community known as the Villages of Hokukano. The property is located makai of Mamalahoa Highway and Kealakekua Village, Haleki'i, Keekee, North and South Kona, Hawaii.

The change of zone, should it be approved, would allow the second phase of residential/agricultural development for an approximately 400-lot agricultural subdivision consisting of lots ranging in size from one to three acres. Development of the agricultural subdivision is anticipated to begin in 1996 or 1997 and completed within 20 years when buildout of the proposed subdivision is anticipated.

The Commission concurs with the following Planning Director's reasons for recommending a favorable consideration of the change of zone:

In order to consider an area for any type of zoning designation, the applicable goals, policies and standards of the General Plan must be adequately addressed. It is

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only through a comprehensive policy analysis approach that evaluations and decisions can be made to better time or stage developments to achieve quality growth. The implication of these evaluations and decisions must also be considered as they may have an impact on other similar areas in the County.

The proposed A-1a zoning will conform to the following goals, policies and standards of the Land Use Element of the General Plan:

- \* Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural and physical environments of the County.
- \* Zoning requests shall be reviewed with respect to General Plan designation, district goals, State Land Use District, compatibility with adjacent zoned uses, availability of public service and utilities, access and public need.
- \* The compatibility of agricultural and non-agricultural uses should be carefully reviewed and, where appropriate, buffers required.
- \* Rural-style residential-agricultural developments, such as new small-scale rural communities or extensions of existing rural communities, shall be encouraged in appropriate locations.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a graphic representation of the document's goals, policies, standards and courses of action. It is also a depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County.

The requested zone change conforms to the LUPAG Map which designates the area for Orchards and Extensive Agricultural uses. Extensive Agricultural uses are defined by the General Plan as "Pasturage and range lands." Orchards are defined as "Those agricultural lands which though rocky in character and content support productive macadamia nuts, papaya, citrus and other similar agricultural products." The applicant's proposal to develop approximately 400 agricultural lots, ranging one acre and larger in size, is consistent with the General Plan Goals, Policies and the Land Use Pattern Allocation Guide Map. Such a rural-style of subdivision development provides opportunities for a mix of dwelling, hobby or limited agricultural activities. While the result would be the creation of large lots for dwelling purposes, the proposal could still enhance an individual's interest to pursue various forms of agriculture.

While the potential for extensive agricultural uses exist, the project site is comprised primarily of soils which have been classified as "Poor" or "Very Poor" for agricultural productivity by the Land Study Bureau's Detailed Land Classification System. The major portion of the project site under consideration is "Unclassified" by the Agricultural Lands Of Importance to the State of Hawaii (ALISH) system. Isolated pockets of lands designated as "Other Important Agricultural Land" are also located on the site.

The applicant is exploring options aimed at integrating agricultural easements within the proposed agricultural lot subdivision. These agricultural easements would be configured to cover, at a minimum, 20 percent of each lot for floraculture and orchard uses. It is anticipated that these agricultural easements will be provided to farmers through a leasing arrangement at a nominal cost with the applicant to provide the necessary infrastructural development to sustain such agricultural activity. Along with the provision of housing sites, the proposed agricultural lots will provide opportunities for gardening, hobby activities and reasonable-scaled agricultural endeavors on primarily marginal agricultural lands. This combination of uses will provide a balance between the agricultural potential of the project site and the residential and commercial uses located in Kealahou. It is recommended that an agricultural plan be developed by the applicant to implement its proposed agricultural zones within the project site. Therefore, favorable consideration of this request would result in land uses in appropriate proportions and mix which would be in keeping with the social, cultural and physical environments of the County.

Properties located to the north and south of the project site are designated as Agricultural by the State Land Use Commission and Agricultural-5 acres (A-5a) and Unplanned (U) by the County Zoning Code. To the east (mauka) of the project site are the Kona Scenic and Keekee Estates Subdivisions, both located on lands zoned Single Family Residential (RS) and designated Urban by the State Land Use Commission. Further mauka is the rural town of Kealahou. The requested Agricultural-1 acre (A-1a) designation will result in an extension of the rural character of Kealahou while providing a transitional area in the vicinity of Kealahou from surrounding lands to the north and south which are zoned Agricultural-5 acre (A-5a) and Unplanned (U) and any potential extensive agricultural or orchard uses which may be conducted on these lands. Therefore, the proposed rural-style agricultural development being conveyed by this project would achieve a blend of agricultural/dwelling uses which would be compatible with agricultural uses to the north and south of the project site as well as the non-agricultural uses located mauka in Kealahou and would ultimately result in an appropriate extension of the rural character of Kealahou.

The project site is located directly makai of the town of Kealahou, as well as within 10 miles from Kailua-Kona, the center of employment and community services for West Hawaii. The availability of employment and community services are only minutes away and would not require a potential resident of the proposed development to journey over many miles to obtain the basic necessities and services so desirable to a residential/agricultural area.

The Department of Water Supply has issued the applicant 499 water commitments, and the applicant will be developing other water sources sufficient to support the remaining portion of the proposed entire development. The applicant must provide the development of an adequate water source prior to any Final Subdivision Approval for the 500th and remaining lots within the overall project. The applicant has drilled an irrigation well within the project site to provide brackish water to supplement its golf course irrigation needs. In addition, the provision of on-site retention basins and storage reservoirs within the proposed golf course will provide another supplemental source of irrigation water through the use of excess runoff. In order to ensure water availability, a condition of approval will require that sufficient water commitments be secured for this proposed subdivision under consideration prior to the granting of Final Subdivision Approval for the 500th and remaining lots.

Access to the project site is currently provided by Haleki'i Street, a County-maintained roadway with a pavement width of 34 feet within an 80-foot wide right-of-way. According to a Traffic Impact Study conducted by the applicant, current Level Of Service (LOS) for left turns onto the Mamalahou Highway from Haleki'i Street is LOS E during the a.m. and p.m. peak traffic hours. Right turns are at LOS A during the a.m. and LOS B during the p.m. hours. Traffic along portions of the Mamalahou Highway north and south of Haleki'i Street operate at LOS E during both the a.m. and p.m. hours. The Study concludes that the traffic signal warrant for this intersection has been marginally met based on existing traffic volumes.

In June 1994, as part of Change of Zone Ordinance No. 94-73 for Phase I of the proposed master planned development, the applicant had proposed an alternate access to the development site through the construction of a Mamalahou Highway Bypass which traverses the site at an elevation of about 800 feet. The applicant originally proposed an alignment for the bypass road which would have begun north of Honalo at Kuakini Highway and terminate at the Mamalahou Highway/Napo'opo'o Road intersection. Concerns regarding this alignment were raised by members of the community because of potential impacts to certain farm lands near the proposed intersection with Kuakini Highway. Accordingly, the County is recommending that an alternative alignment be developed which would extend Alii Highway from its current

terminus at Keauhou, to the Mamalahoa Highway/Napo'opo'o Road intersection. The proposed Mamalahoa Highway Bypass is intended to divert through traffic from Mamalahoa Highway and help relieve the current congestion at peak traffic hours. Favorable consideration of this request is subject to the construction, or financial assurance thereof, of the entire Mamalahoa Highway Bypass as a two-lane roadway with sufficient right-of-way to accommodate four lanes, prior to the receipt of Final Subdivision Approval for any portion of the proposed agricultural lot subdivision. The recommendation would also require attendant intersection improvements to the Bypass at its intersections with the Mamalahoa Highway/Napo'opo'o Road and Haleki'i Street. The Director does recognize the need, however, for the applicant to recapture some infrastructure costs for this regional infrastructure system. The massive undertaking of providing a bypass roadway beyond its project boundaries would demand a great amount of "up-front" costs. Therefore, a provision within the conditions of approval would provide for the possible reimbursement from other developers/landowners whom the County determines will benefit from the development of the Mamalahoa Highway Bypass.

In order to provide appropriate traffic circulation with the immediate project area, as recommended by the Department of Public Works, the main project access road shall be constructed as a secondary arterial with no direct access by interior subdivision lots. In addition to providing public shoreline access to the northern portion of the project site, the main project access road shall terminate at the project site's northern and southern boundaries as stub-outs to allow for its connection with any future development on the adjoining parcels.

Wastewater generated by the proposed development will be accommodated within a wastewater collection, treatment and disposal system meeting with the approval of the State Department of Health. Alternatives being considered by the applicant include an on-site central sewage collection/treatment system which could be built in increments, meeting with the approval of the State Department of Health. A condition of approval is included to ensure compliance with their requirements for the overall development.

The State Department of Education (DOE) has stated that "Both Konawaena Elementary and Konawaena High Schools are operating far beyond their capacities" and that "the proposed development will have a severe enrollment impact on the public schools in the area. The 367 residential lots in Phase I of this development will generate a projected 37 students for grades K-5, 7 students for grades 6-8, and 11 students for grades 9-12." The development of Phase 2 will generate a projected 122 students for grades K to 6, 24 students for grades 7 to 8 and 32 students for grades

9 to 12. As recommended by the DOE, this favorable recommendation will be subject to the applicant participating in any impact fee program the Department of Education adopts.

Solid waste generated by the project will be disposed of at the new County Puuanahulu landfill. Transfer stations are located at Keauhou and Napo'opo'o. The applicant is investigating the possibility of establishing a recycling program for the proposed development, in concert with the surrounding community. The State of Hawaii, through Act 324-91, established a waste diversion goal of 25 percent waste diversion by the 1995 and 50 percent by Year 2000. A Solid Waste Management Plan for the proposed development is recommended to assist the County in realizing these goals and is so conditioned.

The Flood Insurance Rate Map (FIRM) defines the majority of the project site as being located within an area located outside of the 500-year flood plain (Zone X). However, areas subject to the 100-year frequency flood (Zones A and AE) are located within the project site. All of these flood areas run through the project site in a mauka-makai direction. As recommended by the Department of Public Works, a Flood Study of the project site will be required with all recommended drainage improvements to be provided prior to the issuance of Final Subdivision Approval of the proposed subdivision development as conditioned.

An archaeological inventory survey of the entire project site located 807 structural and non-structural features which were subsequently organized into 408 sites and site complexes. Of this total, 161 of these sites are recommended for preservation, 17 sites are recommended for selective preservation, 228 sites are recommended to be available for data recovery and 2 recommended for no further study. Those sites intended for selective preservation include portion of the Kuakini Wall, distinguishable portions of the King's Trail or Ala Loa, the railroad bed and the ahupua'a boundary walls. The applicant intends to preserve the King's Trail or Ala Loa in its present location, with some modifications, including possible breaches, as approved by the Planning Director in consultation with the State Department of Land and Natural Resources (DLNR). Possible burials, if not preserved "as is," will be treated in a manner as prescribed by the DLNR-Historic Preservation Division. A detailed archaeological mitigation and interpretation plan, meeting with the approval of the Planning Department in consultation with the DLNR-Historic Preservation Division, is recommended prior to the submittal of plans for subdivision review or any land alteration activities.

Honorable Keiko Bonk-Abramson, Chairwoman  
and Members of the County Council  
Page 7

Approval of this request would contribute to a diverse socio-economic housing mix within the region. In this manner, the request would complement the following goals and policies articulated in the Housing Element of the General Plan:

- \* Attain safe, sanitary, and livable housing for the residents of the County of Hawaii.
- \* Attain a diversity of socio-economic housing mix throughout the different parts of the County.
- \* Develop better places to live in Hawaii County by creating viable communities with decent housing and suitable living environments for our people.

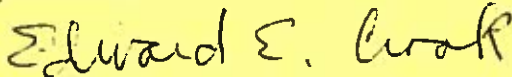
All other essential utilities and services are or will be made available to support the proposed development.

Based on the foregoing, approval of the change of zone request from Unplanned (U) to Agricultural-1a (A-1a) would result in an appropriate land use pattern that will further the necessity, convenience and welfare of the general public.

For your favorable consideration, an amendment to Section 25-87, the North Kona Zone Map, and Section 25-88 (South Kona Zone Map) of the County Zoning Code is transmitted.

We are enclosing a copy of the application and a copy of the staff background for your information.

Sincerely,



Edward E. Crook, Chairman  
Planning Commission

AK:syw  
LOcean03.PC  
Enclosures

cc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Mr. R. T. "Dick" Frye/Oceanside 1250  
Mr. James Leonard/PBR Hawaii  
Department of Public Works  
Department of Water Supply  
West Hawaii Office  
Department of Land & Natural Resources, Historic Preservation Division  
Department of Health



Stephen K. Yamashiro  
Mayor

William G. Davis  
Managing Director

Henry Cho  
Deputy Managing Director

# County of Hawaii

25 Aupuni Street, Room 215 • Hilo, Hawaii 96720-4252 • (808) 961-8211 • Fax (808) 961-6553  
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawaii 96740  
(808) 329-5226 • Fax (808) 326-5663



September 28, 1995


Honorable Keiko Bonk-Abramson, Chairwoman  
and Members of the County Council  
County of Hawaii  
25 Aupuni Street  
Hilo, HI 96720

Dear Chairwoman Bonk-Abramson and Members:

Applicant: Oceanside 1250 dba 1250 Oceanside Partners  
Change of Zone Application No. 95-12  
Request: Unplanned to A-1a  
Tax Map Key: 7-9-12:11 and Portions of 3 and 4; 8-1-4:Portion of 3

As required by Chapter 4, Sec. 5-4.3(C), Hawaii County Charter, transmitted herewith for the County Council's consideration and action is the Planning Commission's letter and enclosures regarding the above-referenced Change of Zone Application.

Sincerely,

  
Stephen K. Yamashiro  
Mayor

AK:syw  
LOcean01.MAY

Enclosures

cc: **Planning Commission**  
REZ 95-12

#17436



COUNTY OF HAWAII STATE OF HAWAII



BILL NO. \_\_\_\_\_

Note: GB has orig map.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), AND SECTION 25-88 (SOUTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO AGRICULTURAL (A-1a) AT HONUAINO 3RD AND 4TH, HOKUKANO 1ST AND 2ND, HALEKII, KEEKEE 1ST AND 2ND, ILIKAHI, KANAKAU 1ST AND 2ND, KALUKALU 1ST, 2ND AND 3RD AND ONOULI 1ST, NORTH AND SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-9-12:4, 11 AND PORTION OF 3 AND 8-1-4:PORTION OF 3.

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

SECTION 1. Section 25-87, 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 Honuaino 3rd and 4th, Hokukano 1st and 2nd and Kanueue 1st and 2nd, North Kona, Hawaii shall be Agricultural (A-1a):

PARCEL 1:

Beginning at the Northeasterly corner of this parcel of land, being also an angle point on the Southerly boundary of Royal Patent 1098, Land Commission Award 614 to Charles Hall, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU", being 5,408.20 feet North and 934.23 feet East and running by azimuths measured clockwise from True South:

- 1. 345° 15' 189.91 feet along Grant 2029 to S. W. Makahiki to a point:

Thence, following along the remainder of Grant 2029 to S. W. Makahiki on a curve to the right with a radius of 470.00 feet, the

chord azimuth and distance  
being:

2. 316° 23' 15" 424.98 feet to a point;
3. 343° 16' 839.35 feet along the remainders  
of Grant 2029 to S. W.  
Makahiki, Grant 1453 to  
John Cavanah and Grant 1463  
to Keawe to a point;

Thence, following along the remainder of Grant 1463  
to Keawe on a curve to the  
left with a radius of  
1030.00 feet, the chord  
azimuth and distance being:

4. 329° 59' 30" 473.03 feet to a point;
5. 316° 43' 68.92 feet along the remainder of  
Grant 1463 to Keawe to a  
point;

Thence, following along the remainder of Grant 1463  
to Keawe and Grant 1587 to  
John Peters on a curve to  
the right with a radius of  
1270.00 feet, the chord  
azimuth and distance being:

6. 345° 33' 1224.95 feet to a point;
7. 14° 23' 350.20 feet along the remainder of  
Grant 1587 to John Peters  
to a point;

Thence, following along the remainder of Grant 1587  
to John Peters on a curve  
to the left with a radius  
of 1030.00 feet, the chord  
azimuth and distance being:

8. 354° 32' 30" 699.21 feet to a point;
9. 334° 42' 918.92 feet along the remainder of  
Grant 1587 to John Peters  
to a point;

Thence, for the next three (3) courses following along  
Royal Patent 1670 to John  
D. Parish on a portion of  
Land Commission Award 387,  
Part 4, Section 2 to the

American Board of  
Commissioners for Foreign  
Missions:

- 10. 66° 00' 770.00 feet to a point;
- 11. 74° 30' 930.00 feet to a point;
- 12. 67° 00' 285.65 feet to a point;

Thence, for the next twenty-one (21) courses following  
along the remainder of  
Grant 1651 to Charles Hall:

- 13. 179° 00' 416.28 feet to a point;
- 14. 149° 00' 221.00 feet to a point;
- 15. 52° 00' 205.00 feet to a point;
- 16. 67° 00' 304.00 feet to a point;
- 17. 80° 00' 573.00 feet to a point;
- 18. 102° 00' 259.00 feet to a point;
- 19. 136° 00' 441.00 feet to a point;
- 20. 120° 00' 641.00 feet to a point;
- 21. 137° 00' 256.00 feet to a point;
- 22. 168° 20' 1123.00 feet to a point;
- 23. 163° 30' 456.00 feet to a point;
- 24. 206° 00' 214.09 feet to a point;
- 25. 243° 00' 693.46 feet to a point;
- 26. 193° 00' 282.00 feet to a point;
- 27. 222° 00' 513.00 feet to a point;
- 28. 210° 19' 324.00 feet to a point;
- 29. 198° 00' 497.68 feet to a point;
- 30. 181° 00' 307.60 feet to a point;
- 31. 258° 00' 140.74 feet to a point;
- 32. 188° 49' 30" 106.80 feet to a point;

33. 170° 53' 443.95 feet to a point;  
 34. 268° 39' 20.00 feet along Honalo-Kainaliu  
 Beach Road;

Thence, for the next four (4) courses following along  
 middle of stonewall and  
 along Land Commission Award  
 3659 to J. Martin:

35. 272° 51' 57.35 feet to a point;  
 36. 267° 36' 189.05 feet to a point;  
 37. 269° 43' 203.15 feet to a point;  
 38. 275° 15' 223.35 feet to a point;

Thence, for the next three (3) courses following along  
 middle of stonewall and  
 along Royal Patent 1098,  
 Land Commission Award 614  
 to Charles Hall:

39. 268° 14' 434.20 feet to a point;  
 40. 275° 04' 236.30 feet to a point;  
 41. 262° 13' 206.40 feet to the point of  
 beginning and containing an  
 area of 383.952 Acres, more  
 or less. (Refer to  
 Parcel 1 as shown on  
 Exhibit "A").

SECTION 2. Section 25-88, 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 Halekii, Keekee 1st and 2nd, Ilikahi, Kanakau  
 1st and 2nd, Kalukalu 1st, 2nd and 3rd and Onouli 1st,  
 South Kona, Hawaii, shall be Agricultural (A-1a):

PARCEL 2:

Beginning at the Northeasterly corner of this parcel of land, being also an angle point on the Southerly boundary of Grant 1587 to John Peters, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU", being 601.01 feet North and 2,479.11 feet East and running by azimuths measured clockwise from True South:

1. 334° 42' 342.98 feet along the remainder of Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to the American Board of Commissioners for Foreign Missions to a point:

Thence, following along the remainders of Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to the American Board of Commissioners for Foreign Missions and Grant 1176 to Kini on a curve to the left with a radius of 705.00 feet, the chord azimuth and distance being:

2. 298° 34' 831.43 feet to a point;
3. 262° 26' 397.26 feet along the remainder of Grant 1176 to Kini to a point;

Thence, following along the remainder of Grant 1176 to Kini on a curve to the right with a radius of 645.00 feet, the chord azimuth and distance being:

4. 277° 14' 329.53 feet to a point;
5. 292° 02' 85.32 feet along the remainder of Grant 1176 to Kini to a point;

Thence, following along the remainder of Grant 1176 to Kini on a curve to the right with a radius of

30.00 feet, the chord  
azimuth and distance being:

6. 337° 02' 42.43 feet to a point;
7. 22° 02' 35.26 feet along the remainder of  
Grant 1176 to Kini to a  
point;

Thence, following along the remainders of Grant 1176  
to Kini and Grant 1177 to  
Kamakahiona on a curve to  
the left with a radius of  
705.00 feet, the chord  
azimuth and distance being:

8. 6° 12' 384.70 feet to a point;
9. 350° 22' 60.05 feet along the remainder of  
Grant 1177 to Kamakahiona  
to a point;

Thence, following along the remainders of Grant 1177  
to Kamakahiona and Grant  
1175 to Nakauwaa on a curve  
to the right with a radius  
of 645.00 feet, the chord  
azimuth and distance being:

10. 6° 42' 30" 362.96 feet to a point;
11. 23° 03' 162.63 feet along the remainder of  
Grant 1175 to Nakauwaa to a  
point;

Thence, following along the remainders of Grant 1175  
to Nakauwaa and Grant 1464  
to Ialua along a curve to  
the left with a radius or  
705.00 feet, the chord  
azimuth and distance being:

12. 6° 06' 411.07 feet to a point;
13. 349° 09' 54.98 feet along the remainder of  
Grant 1464 to Ialua to a  
point;

Thence, following along the remainder of Grant 1464 to  
Ialua on a curve to the  
right with a radius of  
645.00 feet, the chord  
azimuth and distance being:

- 14.     3° 07'                   311.35 feet to a point;
- 15.     17° 05'                   307.17 feet along the remainders  
                                  of Grant 1464 to Ialua and  
                                  Grant 1576 to Lohi to a  
                                  point;

Thence, following along the remainders of Grant 1576 to Lohi, Grant 1160 to H. N. Greenwell and Royal Patents 4386 and 7146, Land Commission Award 8452 to A. Keohokalole on a curve to the left with a radius of 1130.00 feet, the chord azimuth and distance being:

- 16.     349° 47'                   1036.55 feet to a point;
- 17.     322° 29'                   272.49 feet along the remainder of  
                                  Royal Patents 4386 and  
                                  7146, Land Commission Award  
                                  8452 to A. Keohokalole to a  
                                  point;

Thence, following along the remainder of Royal Patents 4386 and 7146, Land Commission Award 8452 to A. Keohokalole on a curve to the right with a radius of 870.00 feet, the chord azimuth and distance being:

- 18.     352° 50' 30"               879.41 feet to a point;
- 19.     23° 12'                   488.09 feet along the remainder of  
                                  Royal Patents 4386 and  
                                  7146, Land Commission Award  
                                  8452 to A. Keohokalole to a  
                                  point;

Thence, following along middle of stonewall and along Grant 1162 to F. O. Shulze, the direct azimuth and distance being:

- 20.     78° 08' 30"               958.38 feet to a point;

Thence, following along middle of stonewall and along Grant 1162 to F. O. Shulze, the direct azimuth and distance being:

21. 57° 14' 50" 1532.00 feet to a point;

Thence, for the next four (4) courses following along the remainder of Royal Patents 4386 and 7146, Land Commission Award 8452 to A. Keohokalole:

22. 160° 00' 200.00 feet to a point;

23. 149° 00' 452.00 feet to a point;

24. 160° 51' 628.00 feet to a point;

25. 152° 30' 327.00 feet to a point;

26. 182° 19' 313.00 feet along the remainders of Royal Patents 4386 and 7146, Land Commission Award 8452 to A. Keohokalole and Grant 1745 to John Cavanah to a point;

Thence, for the next five (5) courses following along the remainder of Grant 1745 to John Cavanah:

27. 171° 27' 400.00 feet to a point;

28. 161° 20' 606.00 feet to a point;

29. 175° 16' 440.00 feet to a point;

30. 182° 42' 30" 1190.00 feet to a point;

31. 155° 00' 489.00 feet to a point;

32. 181° 00' 353.00 feet along the remainders of Grant 1745 to John Cavanah and Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to the American Board of Commissioners for Foreign Missions to a point;

33. 153° 00' 492.00 feet along the remainder of Royal Patent 1670 to John D. Parish on a portion of Land Commission Award 387, Part 4, Section 2 to the



American Board of  
Commissioners for Foreign  
Missions to a point;

34. 179° 00' 126.72 feet along the remainder of  
Royal Patent 1670 to John  
D. Parish on a portion of  
Land Commission Award 387,  
Part 4, Section 2 to the  
American Board of  
Commissioners for Foreign  
Missions to a point;
35. 247° 00' 285.65 feet along Grant 1651 to  
Charles Hall to a point;
36. 254° 30' 930.00 feet along Grant 1651 to  
Charles Hall to a point;
37. 246° 00' 770.00 feet along Grant 1587 to  
John Peters to the point of  
beginning and containing an  
area of 372.010 Acres, more  
or less.

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

SECTION 3. These changes in district classification are  
conditioned upon the following:

- A. The applicant, successors or assigns shall be  
responsible for complying with all of the stated  
conditions of approval.
- B. The applicant, successors or assigns shall be  
responsible for complying with all requirements of  
Chapter 205, Hawaii Revised Statutes, relating to  
permissible uses within the State Land Use  
Agricultural District.
- C. The effectuation of the water commitment rights in the  
Kealakekua Source Agreement to the current landowners  
of the subject properties with the acceptance of the  
prevailing facilities charge for the 499 units of  
water by the Department of Water Supply of the  
required water commitment payment shall be in  
accordance with its "Water Commitment Policy". Prior  
to approval of the 500th agricultural lot within the  
development area, the applicant shall secure the

necessary "Water Commitments" and comply with the Department of Water Supply's "Water Commitment Policy" for the remaining units of water for the proposed agricultural subdivision and golf course development.

- D. Subdivision plans for any portion of the agricultural-zoned area under consideration for this change of zone shall be submitted to the Planning Department and Final Subdivision Approval secured within five (5) years from the effective date of this ordinance.
- E. A wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health and/or the Department of Public Works, whichever is applicable.
- F. All electrical and communication utilities and systems within the project site shall be placed underground, with the exception of the main 69 KV transmission line from the Mamalahoa Highway to the proposed electrical substation site.
- G. A Flood Study of the project site shall be submitted to the Planning Department in conjunction with plans submitted for subdivision review for any portion of the agricultural-zoned area within the project site. Drainage improvements shall be constructed in a manner meeting with the approval of the Department of Public Works, prior to the issuance of Final Subdivision Approval for the agricultural subdivision development.
- H. An archaeological mitigation and interpretation plan shall be prepared and submitted for approval by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division and Hawaiian community organizations, prior to submitting plans for subdivision review. The Plan shall consist of three subplans:
  - (1) an archaeological data recovery plan for the sites to undergo data recovery,
  - (2) a detailed interim protection/preservation plan for the sites to undergo preservation, and
  - (3) an interpretation plan which shall include buffer zones, signage and long-range preservation concerns which may be submitted at a later date. Approved mitigation measures shall be implemented prior to or in conjunction with any land alterations within the project area.

- I. 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 Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
- J. A solid waste management plan shall be prepared meeting with the approval of the Department of Public Works prior to submitting plans for subdivision review. The Plan shall include, but not be limited to, the management of construction solid waste as well as operating and domestic solid waste generated by the proposed development. Approved recommendations and mitigation measures shall be implemented at a time and in a manner meeting with the approval of the Department of Public Works.
- K. Roadway improvements and access(es) to the subject property, including all plans and construction, shall meet with the approval of the Department of Public Works. Prior to the issuance of Final Subdivision Approval for any portion of the subject property, the applicant shall:
- (1) construct the channelization and signalization of the Mamalahoa Highway-Haleki'i Street intersection;
  - (2) construct the Mamalahoa Highway Bypass in its entirety between the approximate vicinity of Keauhou and Captain Cook, consisting of two lanes with sufficient right-of-way for a total of four lanes. In the process of constructing the bypass, the applicant shall provide the Planning Director with a metes and bounds description of each road right-of-way segment involved and evidence of its ownership or control as deemed necessary by the Planning Director. In lieu of the applicant obtaining or acquiring ownership or control of any segment of the Mamalahoa Highway Bypass, the requirement shall be deemed fulfilled upon the county's formal initiation of condemnation action(s) for such segments and an agreement has been entered into between the applicant and the county providing for the applicant's reimbursement to the county for the acquisition of the lands condemned;

- (3) construct the extension of Haleki'i Street through the subject property as generally reflected in Exhibit "B", which phasing of improvements shall be approved by the Department of Public Works. If, before the completion and opening of the entire Mamalahoa Highway Bypass, a portion of said bypass is completed and opened, and said portion provides a connection to Haleki'i Street, with a barricade or breakaway gate meeting with the requirements of the Department of Public Works shall be installed by the applicant as part of the required Haleki'i Street improvements. The purpose of this condition is to prevent the use of Haleki'i Street as a vehicular thoroughfare between the existing Mamalahoa Highway and a portion of the Mamalahoa Highway Bypass until the entire proposed Mamalahoa Highway Bypass between the approximate vicinity of Keauhou and Captain Cook has been completed and opened for general public use; and
- (4) provide roadway stub-outs, generally shown in Exhibit "B", to provide future connections between the subject property and the adjacent properties to the north and south; provided that such stubouts shall be constructed in accordance with the construction phasing as approved by the Department of Public Works.
- L. The applicant shall construct the Mamalahoa Highway Bypass to standards set forth by the Department of Public Works for Alii Highway with such modifications as may be deemed necessary by the Department of Public Works.
- M. The applicant shall provide a landscape buffer along highway sections within five hundred (500) feet of existing dwellings, as required by the chief engineer, to reduce the impacts of noise and light on residents therein and to generally beautify the highway appearance in such locations.
- N. The applicant may enter into a reimbursement agreement with the county which sets forth the terms and conditions of reimbursement for costs incurred for the construction, land acquisition and design of the Mamalahoa Highway Bypass out of funds paid to the state and/or county by other developers or landowners whom the county may determine as benefiting from the Mamalahoa Highway Bypass and which funds are available to the county for such purpose; and provided that the total amount of reimbursement due to the applicant

shall not exceed the total cost of land acquisition, design and construction of the Mamalahoa Highway Bypass incurred by the applicant, less the pro rata portion attributed to the subject property.

- O. In lieu of actual construction of infrastructural improvements as required under Conditions E, G, J, and K, the applicant may enter into an agreement with the Planning Director and the Department of Public Works and the Department of Water Supply, if applicable, to assure the county that the infrastructural improvements will be constructed together with the appropriate bond, surety or other security deemed acceptable to the Planning Director and approved by the Corporation Counsel. Upon execution of such agreement and filing of the security with the county, if applicable, Final Subdivision Approval for the subject property or portions thereof shall be granted prior to the actual construction of required infrastructural improvements.
- P. The Applicant shall conform, to the best extent practicable, with the guidelines as provided in the State Model Energy Code, in the construction of dwellings within the project site.
- Q. Comply with all applicable laws, rules, regulations and requirements, including those of the Department of Health, Fire, State Department of Education and the Department of Water Supply.
- R. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- S. An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this change of zone. The report shall address in detail the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
- T. An extension of time for the performance of conditions within the ordinance, with the exception of Condition C, may be granted by the Planning Director upon the following circumstances:

- (1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
- (2) granting of the time extension would not be contrary to the General Plan or Zoning Code;
- (3) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone;
- (4) 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
- (5) should the Applicant require an additional extension of time, the Planning Director shall submit the Applicant's request to the County Council for appropriate action.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the 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:  
Date of 1st Reading:  
Date of 2nd Reading:  
Effective Date:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
CORPORATION COUNSEL

DATE: \_\_\_\_\_

Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Norman Olesen  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-9615

September 28, 1995

#### MEMORANDUM

TO: Honorable Stephen K. Yamashiro, Mayor

FROM:   
Virginia Goldstein, Planning Director

SUBJECT: Applicant: Oceanside 1250 dba 1250 Oceanside Partners  
Change of Zone Application No. 95-12  
Request: Unplanned to A-1a  
Tax Map Key: 7-9-12:11 and Portions of 3 and 4: 8-1-4:Portion of 3

As required by Chapter 4, Sec. 5-4.3(C), Hawaii County Charter, submitted herewith for your transmittal to the County Council for their consideration and action is the Planning Commission's letter and enclosures regarding the above-captioned Change of Zone Application.

Enclosed for your signature is the cover letter to the County Council. After your review, please forward same to the County Council along with the Commission's letter and enclosures.

Should you have any questions, please feel free to contact me.

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LOcean01.syw

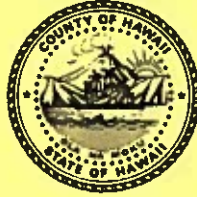
Enclosures

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SEP 28 1995



Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL  
Z 416 228 851

September 28, 1995

R. T. "Dick" Frye, Project Manager  
1250 Oceanside Partners  
74-5620A Palani Road, Suite 200  
Kailua-Kona, HI 96740

Dear Mr. Frye:

Applicant: Oceanside 1250 dba 1250 Oceanside Partners  
Change of Zone Application No. 95-12  
Request: Unplanned to A-1a  
Tax Map Key: 7-9-12:11 and Portions of 3 and 4; 8-1-4:Portion of 3

The Planning Commission at its duly held public hearing on September 14, 1995, reviewed and acted on the above-referenced application for a change of zone for the subject property.

The Commission voted to recommend the approval of the application to the County Council subject to the following conditions:

- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The applicant, successors or assigns shall be responsible for complying with all requirements of Chapter 205, Hawaii Revised Statutes, relating to permissible uses within the State Land Use Agricultural District.
- C. The effectuation of the water commitment rights in the Kealakekua Source Agreement to the current landowners of the subject properties with the acceptance of the prevailing facilities charge for the 499 units of water by the Department of Water Supply of the required water commitment payment shall be in accordance with its "Water Commitment Policy." Prior to approval of the 500th agricultural lot within the development area, the applicant shall secure the necessary "Water Commitments" and comply with the Department of Water Supply's "Water Commitment Policy" for the remaining units of water for the proposed agricultural subdivision and golf course development.
- D. Subdivision plans for any portion of the agricultural-zoned area under consideration for this change of zone shall be submitted to the Planning Department and Final

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Subdivision Approval secured within five (5) years from the effective date of this ordinance.

- E. A wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health and/or the Department of Public Works, whichever is applicable.
- F. All electrical and communication utilities and systems within the project site shall be placed underground, with the exception of the main 69 KV transmission line from the Mamalahoa Highway to the proposed electrical substation site.
- G. A Flood Study of the project site shall be submitted to the Planning Department in conjunction with plans submitted for subdivision review for any portion of the agricultural-zoned area within the project site. Drainage improvements shall be constructed in a manner meeting with the approval of the Department of Public Works, prior to the issuance of Final Subdivision Approval for the agricultural subdivision development.
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  - (3) an interpretation plan which shall include buffer zones, signage and long-range preservation concerns which may be submitted at a later date. Approved mitigation measures shall be implemented prior to or in conjunction with any land alterations within the project area.
- I. 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 Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
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to the issuance of Final Subdivision Approval for any portion of the subject property, the applicant shall:

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- L. The applicant shall construct the Mamalahoa Highway Bypass to standards set forth by the Department of Public Works for Alii Highway with such modifications as may be deemed necessary by the Department of Public Works.
- M. The applicant shall provide a landscape buffer along highway sections within five hundred (500) feet of existing dwellings, as required by the chief engineer, to reduce the impacts of noise and light on residents therein and to generally beautify the highway appearance in such locations.

- N. The applicant may enter into a reimbursement agreement with the county which sets forth the terms and conditions of reimbursement for costs incurred for the construction, land acquisition and design of the Mamalahoa Highway Bypass out of funds paid to the state and/or county by other developers or landowners whom the county may determine as benefiting from the Mamalahoa Highway Bypass and which funds are available to the county for such purpose; and provided that the total amount of reimbursement due to the applicant shall not exceed the total cost of land acquisition, design and construction of the Mamalahoa Highway Bypass incurred by the applicant, less the pro rata portion attributed to the subject property.
- O. In lieu of actual construction of infrastructural improvements as required under Conditions E, G, J and K, the applicant may enter into an agreement with the Planning Director and the Department of Public Works and the Department of Water Supply, if applicable, to assure the county that the infrastructural improvements will be constructed together with the appropriate bond, surety or other security deemed acceptable to the Planning Director and approved by the Corporation Counsel. Upon execution of such agreement and filing of the security with the county, if applicable, Final Subdivision Approval for the subject property or portions thereof shall be granted prior to the actual construction of required infrastructural improvements.
- P. The applicant shall conform, to the best extent practicable, with the guidelines as provided in the State Model Energy Code, in the construction of dwellings within the project site.
- Q. Comply with all applicable laws, rules, regulations and requirements, including those of the Department of Health, Fire, State Department of Education and the Department of Water Supply.
- R. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- S. An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this change of zone. The report shall address in detail the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
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  - (1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;

R. T. "Dick" Frye, Project Manager  
1250 Oceanside Partners  
Page 5

- (2) granting of the time extension would not be contrary to the General Plan or Zoning Code;
- (3) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone;
- (4) 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
- (5) should the applicant require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

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

This recommendation does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions regarding the above, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Edward E. Crook, Chairman  
Planning Commission

AK:syw  
LOcean02.PC

cc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
West Hawaii Office  
Department of Land and Natural Resources, Historic Preservation Division  
Plan Approval Section  
Mr. James Leonard/PBR Hawaii  
Fire Department  
Department of Health  
Department of Education