

**COUNTY OF HAWAII      STATE OF HAWAII**

**RESOLUTION NO. 23 93**

RESOLUTION OF THE COUNTY COUNCIL OF THE COUNTY OF HAWAII  
AUTHORIZING THE EXEMPTION OF THE PROPOSED WAIMEA ELDERLY HOUSING  
PROJECT FROM CERTAIN STATUTES, ORDINANCES, CHARTER PROVISIONS AND  
RULES, PURSUANT TO CHAPTERS 201E-201 AND 201E-210 OF THE HAWAII  
REVISED STATUTES.

WHEREAS, the Office of Housing and Community Development  
(OHCD) is empowered to develop dwelling units for persons of low  
and moderate income; and

WHEREAS, the Big Island Housing Foundation (BIHF) and the  
OHCD have proposed a 40-unit elderly housing apartment complex  
to be constructed along Kamamalu Street, Waimea, South Kohala,  
Hawaii; and

WHEREAS, on June 26, 1991, the Hawaii County Housing Agency  
approved the planning and construction of the proposed Waimea  
Elderly Housing Project (hereinafter "Project"); and

WHEREAS, on July 3, 1991, the County Council approved the  
use of \$252,000 Community Development Block Grant funds for the  
planning of the Project; and

WHEREAS, on March 13, 1992, the BIHF received notification  
from the Department of Housing and Urban Development (HUD) that  
their application was approved for \$4,093,000 for the  
construction of the Project; and

WHEREAS, the legal description submitted for said Project  
is attached hereto as "Exhibit A"; and

WHEREAS, preliminary subdivision plans and specifications  
submitted for said Project are attached hereto as "Exhibit B";  
and

WHEREAS, the proposed items to be preempted are attached  
hereto as "Exhibit C"; and

WHEREAS, Chapter 201E-210, Hawaii Revised Statutes (HRS),  
allows certain residential housing projects to be exempt from  
certain statutes, ordinances, charter provisions and rules,  
provided that the County Council approves the Project; and

WHEREAS, the Project will promote the goals contained in  
Chapters 201E and 46-15.1, HRS, and in Chapter 2, Article 13, of  
the Hawaii County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE HAWAII COUNTY COUNCIL, OF THE COUNTY OF HAWAII that the Project is hereby approved according to the preliminary plans and specifications attached hereto as "Exhibit A" and "Exhibit B".

BE IT FURTHER RESOLVED, that pursuant to Chapter 201E-210, Hawaii Revised Statutes, the items requested for preemption, as attached as "Exhibit C", are hereby approved.

BE IT FURTHER RESOLVED, that upon compliance with Chapter 23, Article 6, Division 1, Section 23-81, of the Hawaii County Code and/or code requirements preempted, pursuant to provisions of Chapter 201E-210, Hawaii Revised Statutes, the preliminary subdivision plans for the Waimea Elderly Housing Project shall be granted final subdivision approval.

BE IT FURTHER RESOLVED, that, as permitted by Chapter 201E-210(a), Hawaii Revised Statutes, the Planning Director shall accept a letter from the Office of Housing and Community Development guaranteeing completion of the necessary improvements in lieu of the bond, as required in Chapter 23, Article 6, Division 1, Section 23-83, of the Hawaii County Code.

BE IT FURTHER RESOLVED, that, pursuant to Chapter 201E-210 (a) (3) (C), Hawaii Revised Statutes, the Housing Administrator of the Office of Housing and Community Development shall be the responsible County official who will certify maps and plans of land connected with the Waimea Elderly Housing Project as having complied with applicable laws and ordinances relating to the subdivision of lands.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Administrator of the Office of Housing and Community Development and the Planning Director of the County of Hawaii.

Dated at Hilo, Hawaii, this 10th day of February, 1993.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

COUNTY COUNCIL  
County of Hawaii  
Hilo, Hawaii

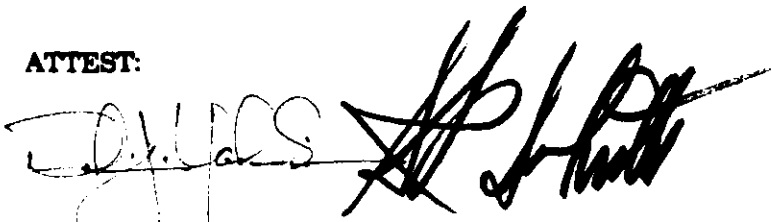
ROLL CALL VOTE

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawaii on February 10, 1993.

|               | AYES | NOES | ABS | EX |
|---------------|------|------|-----|----|
| ARAKAKI       | X    |      |     |    |
| BONK-ABRAMSON | X    |      |     |    |
| CHILDS        | X    |      |     |    |
| DE LIMA       | X    |      |     |    |
| DOMINGO       |      |      | X   |    |
| HALE          | X    |      |     |    |
| RATH          | X    |      |     |    |
| ROSEHILL      | X    |      |     |    |
| SCHUTE        | X    |      |     |    |
|               | 8    | 0    | 1   | 0  |

Reference C-129

ATTEST:



COUNTY CLERK      CHAIRMAN & PRESIDING OFFICER

RESOLUTION NO.

**23 93**

**PARCEL A**

**BEING PORTIONS OF GRANT 4955 TO J. T. BAKER**

**AND GRANT 5973 TO CHARLES BAKER**

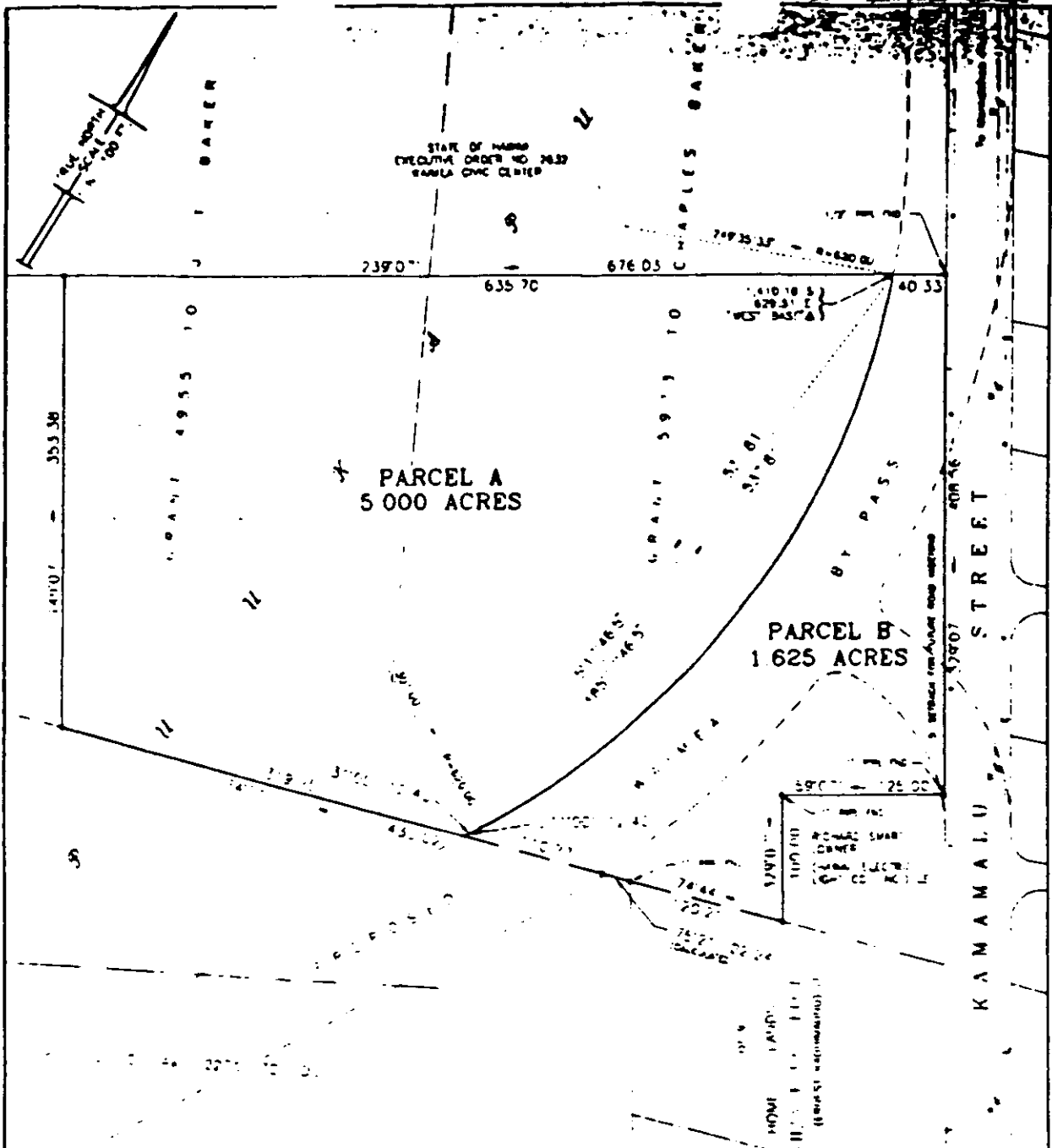
**PUUKAPU, SOUTH KOHALA, ISLAND OF HAWAII, HAWAII**

Beginning at the northeast corner of this parcel of land, also being the northwest corner of Parcel B on the southeast side of Executive Order No. 2632 (Waimea Civic Center), the coordinates of said point of beginning referred to Government Survey Triangulation Station "WEST BASE" being 1,410.18 feet south and 629.51 feet east and running by azimuths measured clockwise from true south:

1. Following along Parcel B on a curve to the right with a radius of 620.00 feet, the chord azimuth and distance being:  
    5° 17' 46.5"      537.81 feet;
2.   31° 00'            12.40 feet along Parcel B;
3.   74° 51'            319.25 feet;
4.  149° 07'            353.38 feet along the remainder of Grant 4955 to J. T. Baker;
5.  239° 07'            635.70 feet along Executive Order No. 2632 (Waimea Civic Center) to the point of beginning and containing an area of 5.000 ACRES.

**TAX MAP KEY: 3RD DIV. 6-7-02:PORTION 17**

**EXHIBIT A**



REMAINING AREA = 240 819 ACRES

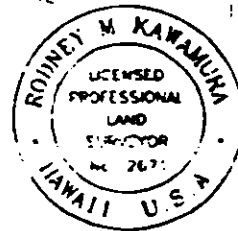
PROPOSED

SUBDIVISION OF PORTIONS OF  
 GRANT 4955 TO J. T. BAKER  
 AND GRANT 5973 TO CHARLES BAKER  
 INTO PARCEL A AND PARCEL B

PUUKAPU, S KOHALA, ISLAND OF HAWAII, HAWAII  
 TAX MAP KEY 3rd DIV 8-7-02.POR 17

OWNER  
 RICHARD SMART TRUST  
 10 PARKER RANCH  
 P. O. BOX 458  
 KAMUELA, HAWAII 96743

Prepared By  
**HILO ENGINEERING, INC.**  
 484 Kalanoolaa Pl., Hilo, Hawaii 96720



THIS WORK WAS PREPARED BY  
 ME OR UNDER MY SUPERVISION

*Rodney M. Kawahara*  
 DATE: NOVEMBER 19, 1992

- A) Exemption from Ordinance No. 92-65. The request is to preempt the Parker Ranch 2020 Plan rezoning ordinance for the project parcel.
- B) Exemption from the procedural requirements of Chapter 25-20 of the Hawaii County Code for zoning amendments is being requested. The request is to preempt the requirement for applications to the Planning Department, public hearings, and recommendations from the Planning Commission and final approval by Ordinance of the County Council. Changes to the existing land use and zoning designations for the creation of the approximately 5 acres is being requested as follows:
1. Present Zoning: County - A-40a  
Requested Designation: County - RM 2
- C) Exemption from Chapter 23, Article 6, Division 1, Section 23-81, 82, and 83 (Hawaii County Code); Final approval before construction completed, bond required; Agreement to provide improvement and utilities; Bond.
1. Code Requirement:  
Requirement that completion of improvements or entering into an agreement, secured by a bond, to make, install and complete all required improvements prior to final subdivision approval.  
Preemption:
    - a) To allow final subdivision approval upon County approved projects prior to completion of construction.
    - b) The Planning Director shall accept a letter from the Office of Housing and Community Development guaranteeing the completion of the necessary improvements in lieu of the bond requirements.