RESOLUTION NO. 31 17

**RESOLUTION AUTHORIZING THE EXEMPTION OF CERTAIN CODE REQUIREMENTS, PURSUANT TO SECTION 201H-38 AND 46-15.1 OF THE HAWAI‘I REVISED STATUTES FOR THE PROPOSED KALOKO HEIGHTS AFFORDABLE HOUSING PROJECT IN NORTH KONA, HAWAI‘I**

**WHEREAS**, RCFC KALOKO HEIGHTS, LLC, a Delaware limited liability company (the “Owner”), is the current owner of certain real property in Kaloko and Kohanaiki, North Kona, Hawai‘i, identified as Hawai‘i Tax Map Key numbers (3) 7-3-009:019, 020, 032, 057, 058, 059, 060, 061 and 062 (“Kaloko Heights, Phase I”); and

**WHEREAS**, the Owner is required by the Land Use Commission of the State of Hawai‘i (the “LUC”), via Docket A81-525, to provide housing opportunities for low- and moderate-income residents (the “State Affordable Housing Condition”); and

**WHEREAS**, the Owner is required by the County of Hawai‘i (the “County”), via Ordinance 83-63, as amended by 86-91 (the “County Ordinances”), to comply with the State Affordable Housing Condition; and

**WHEREAS**, the Hawaii Island Community Development Corporation (the “HICDC”) is a Hawai‘i non-profit corporation engaged in developing housing for low- and moderate-income households, and has developed and operated over 550 low-income rental and self-help housing units for residents of Hawai‘i island; and

**WHEREAS**, the Owner and the HICDC desire to work together to develop affordable housing units on the parcel identified as Tax Map Key number (3) 7-3-009:032 (the “Affordable Housing Parcel”), in order to partially satisfy the affordable housing requirements of State Affordable Housing Condition and the County Ordinance; and

**WHEREAS**, the HICDC is proposing to develop an affordable housing project consisting of at least 80 units of affordable housing offered for rental or homeownership on the Affordable Housing Parcel (the “Affordable Housing Project”); and

**WHEREAS**, Hawai‘i Revised Statutes (HRS), Section 201H-38, in conjunction with HRS 46-15.1, allows the County to exempt the Project “from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon ...” contingent on County Council approval; and

**WHEREAS**, the Program will promote the goals contained in Sections 201H-38 and 46-15.1 of the HRS, and Chapter 2, Article 13, of the Hawai‘i County Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I**, that the exemptions requested for the Project attached hereto as "Exhibit A" are hereby approved.

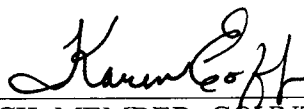
BE IT FURTHER RESOLVED, that all other provisions of Zoning Ordinances No. 83-063 and 86-091, and State Land Use Commission Decision and Order Docket A81-525 shall continue to apply.

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Planning Director and Housing Administrator of the County.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Dated at Kona, Hawai'i, this 25th day of January, ~~2016~~ <sup>2017</sup>.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL  
County of Hawai'i  
Hilo, Hawai'i

ROLL CALL VOTE

	AYES	NOES	ABS	EX
CHUNG	X			
DAVID	X			
EOFF	X			
KANUHA	X			
LEE LOY	X			
O'HARA	X			
POINDEXTER	X			
RICHARDS	X			
RUGGLES	X			
	9	0	0	0

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on January 25, 2017.

ATTEST:



COUNTY CLERK



CHAIRPERSON & PRESIDING OFFICER

Reference: C-40/PC-1

RESOLUTION NO. 31 17

## **EXHIBIT A: EXEMPTION LIST**

1. The current zoning of the parcel identified as TMK: (3) 7-3-009: 032 is Open District and Residential Multiple-Family 3,000 Square Feet (RM-3); the zoning for the entire parcel shall be Residential Multiple-Family 3,000 Square Feet (RM-3).
2. Hawaii County Code, Zoning, Section 25-4-56: Off-street loading requirements. The project shall be exempt from off-street loading requirements.