

COUNTY OF HAWAI‘I PLANNING DEPARTMENT
BACKGROUND REPORT

WATTIE ELIZABETH KAIOKALANI GREEN
CHANGE OF ZONE APPLICATION (PL-REZ-2024-000058)

WATTIE ELIZABETH KAIOKALANI GREEN has submitted an application for a Change of Zone from an Agricultural-20 acre (A-20a) to a Family Agricultural-1 acre (FA-1a) zoning district for 4.985 acres of land. The subject property is located mauka of Kaiminani Drive on Old Government Mauka Road, approximately 800 feet south of its intersection with Hawai‘i Belt Road at Kalaoa 5th, North Kona, Hawai‘i, TMK: (3) 7-3-004:011.

APPLICANT’S REQUEST

1. **Applicant’s Request:** The applicant is requesting a Change of Zone from A-20a to FA-1a for 4.985 acres of land. The FA-1a zoning district, with a minimum lot size of 1 acre, would allow a maximum density of 4 lots in the rezone area. The FA (family agricultural) district provides for a blend of small-scale agricultural operations associated with residential activities and which may be characterized by farm estates, small acreage farms, or subsistence lots. The FA is intended to be in areas designated as being within the State land use agricultural district, where public services and infrastructure are appropriate to support the very low-density residential needs of a rural community and where substantial number of parcels are less than five acres in size, and where a mix of uses will not conflict with or be detrimental to existing agricultural uses in the surrounding area. In addition, this district is intended to be primarily comprised of agricultural lands less than five acres in area, which are not classified as A or B lands under the land study bureau’s master productivity rating, or classified as prime, unique, or other important agricultural lands. Provided that this district may include lands so classified if the lands are situated within an urban expansion or other urban designation under the general plan land use pattern allocation guide (LUPAG) map. **(Planning Department Exhibit 1 – Zoning Code Requirements for Family Agricultural Districts Residential Districts)**
2. **Purpose for the Request:** The primary purpose for the request is to create a 4-lot subdivision with lots at least 1 acre in size. The property has been in the applicant’s

family for decades, and the intention is to create four lots that can be distributed among family members.

3. **Construction Timetable and Cost:** The subdivision process will begin immediately after approval of the rezone request, with the goal of completing final subdivision approval by the end of 2025. The applicants estimate the cost of improvements will be approximately \$50,000.00.
4. **Landowners:** Wattie Elizabeth Kaiokalani Green.
5. **Supporting Information:** The applicant has submitted the following in support of their request. (**Planning Department Exhibit 2 – Change of Zone Application dated March 12, 2024**)

STATE AND COUNTY PLANS

6. **State Land Use Designation:** Agricultural (A).
7. **County Zoning:** Agricultural-20 acre (A-20a).
8. **General Plan LUPAG Map:** The General Plan Land Use Pattern Allocation Guide (LUPAG) map classifies the subject property as, Low Density Urban, Important Agricultural Land (ial) and Conservation. The Low-Density Urban designation allows residential uses, and neighborhood and convenience-type commercial uses. Important agricultural lands are those with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors.
9. **Coastal Zone Management, HRS, Chapter 205A:** The entire State of Hawai‘i lies within the Coastal Zone Management Area.
10. **Special Management Area (SMA):** The Special Management Area is a part of the Coastal Zone Management Program and is regulated by the County. The subject property is located about 4.5 miles from the nearest shoreline and not situated within the SMA.
11. **Kona Community Development Plan (KCDP):** The KCDP, originally adopted by the Hawai‘i County Council on September 25, 2008 and most recently amended on September 18, 2019, identifies the property as situated halfway inside the “Kona Urban Area” with the mauka portion being located outside of the “Kona Urban Area.”

DESCRIPTION OF PROPERTY AND SURROUNDING AREA

12. **Subject Property:** The subject 4.985-acre property is generally rectangular in shape, however, the property is nearly bisected by a 0.947-acre square parcel owned by the

County of Hawai'i Water Board (TMK: 7-3-004:022) creating a narrow strip of land which runs along its southern property line between two larger, rectangular sections of land. The property has a fairly steep topography sloping upward from west to east with a slope of about 10-20 percent with elevation ranges from 1,689 to 1,850 feet. The makai side of the property is improved with a dwelling built in 1977, where the applicant currently resides. The remainder of the property is heavily forested with non-native plants and vacant of any structures and improvements.

13. **Surrounding Zoning/Land Uses:** The primary land use in the Kalaoa area is residential on agricultural-zoned lots of various sizes ranging from 10,000-square feet in the numerous non-conforming subdivisions created by the County in the 1960's located makai of the highway, to 10-acre lots located mauka of the highway on lands zoned A-20a. The Honua'ula Forest Reserve adjoins the property to the east. Matsuyama Food Mart, situated to the southeast of the property, was rezoned from A-1a to CN-20 in 1983 (Ordinance No. 83-054); a property to the north was rezoned from A-20a to A-1a in 1986 (Ordinance No. 86-135), resulting in a 5-lot subdivision; and a property to the south was rezoned from A-20a to FA-1a in 2015 (Ordinance No. 15-116) resulting in a 3 lot subdivision.
14. **Agricultural Lands of Importance to the State of Hawai'i (ALISH):** The subject property is classified as Other Important Agricultural Land.
15. **Land Study Bureau's Detailed Land Classification System:** The soil condition within the subject property is classified as Class E soil, or "very poor" for agricultural productivity.
16. **U.S.D.A. Soil Survey:** Puuikaaka-Lava flows complex, 10 to 20 percent slopes; permeability is rapid and runoff is very high. This soil type is not suitable for cultivation.
17. **FEMA FIRM MAP:** The subject parcel is in an area designated as flood zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone "X" is an area determined to be outside the 500-year floodplain.
18. **Flora/Fauna Resources:** No professional flora or faunal surveys were conducted of the subject property; however, the applicant does not believe that any endangered flora or faunal resources are likely to be located within the property. The property was previously cleared in the 1970's and the current vegetation includes kukui, avocado, Christmas

Berry and silver or silky oak. Understory vegetation includes elephant grass, torch ginger, and other introduced shrubs and grasses. According to the applicant, it would be possible to find the Hawaiian Hawk (I‘o), Hawaiian Owl (Pueo), and the Hawaiian Hoary Bat on the subject property. Bird species such as the Japanese White-eye, House Finch and Myna Bird are common in this area. The subject property borders the Makaula O‘oma Tract which is located within the Honua‘ula Forest Reserve. The Makaula O‘oma Tract is an ōhi‘a and hāpu‘u fern dominated forest located to the east of the subject property.

19. **Archaeological/Historic/Cultural Resources:** As the subject property was cleared in 1970 and has been developed for residential use since 1977, no professional archaeological and/or cultural study was conducted of the property. According to the applicant, there are no known archaeological or historical features on the subject property. The subject site is not adjacent and/or proximate to the shoreline. As such, gathering of marine life and coastal access is not an issue. It is not known whether the subject property or the immediate surrounding area was used in the recent past for the gathering of plants by Native Hawaiians. The applicant reports that they have not observed any Native Hawaiian gathering plants on the subject property or the surrounding properties. By letter dated August 2, 2024 (**Planning Department Exhibit 3 – August 2, 2024 Letter**), the Department of Land and Natural Resources-State Historic Preservation Division determined that there was insufficient information to determine the potential of the proposed project to impact on historic properties. SHPD went further to request an archaeological field inspection be completed and reviewed and approved by SHPD prior to development taking place.
20. **Public Access:** There is no known public access to the mountain or shoreline that traverses through the subject property.
21. **Traffic:** The proposed 4-lot subdivision is expected to generate about 4 peak hour vehicle trips, which is below the 50-peak hour trips for a project to trigger a Traffic Impact Analysis Report (TIAR) by the Zoning Code’s concurrency section.

UTILITIES AND SERVICES

22. **Access:** Access to the property is from Old Government Road, which is a one lane, County-owned and maintained road fronting the property. It has an approximately 10-foot-wide pavement (in fair to good condition), with narrow shoulders, within a variable

right-of-way. Currently, there is an approximately 12-foot-wide concrete paved driveway from Old Government Road to the property. The applicant plans to establish access easements for the proposed four lot subdivision. According to the Department of Public Works (DPW), all construction within the Old Government Road right-of-way shall conform with Chapter 22, County Streets, of the Hawai‘i County Code.

23. **Water:** According to the Department of Water Supply (DWS), the subject property is currently served with one existing 5/8th inch meter which is limited for one (1) unit of water. There are three (3) units of water available from an agreement to the subject parcel; however, the subject parcel does not front the Department’s existing waterline and is located at an elevation where adequate pressure cannot be provided. DWS has stated that extensive improvements and additions, which may include, but not limited, to storage, booster pumps, and distribution facilities, would be required. DWS does not foresee any upgrades to its existing water system facilities that would possibly provide the property with adequate pressure and volume meeting subdivision water system standards. In response, on July 10, 2024, the Applicant acknowledged the responsibility for constructing required improvements to access the additional water units.
24. **Wastewater:** There is no municipal sewer system servicing the subject property. The applicant proposes to install septic systems compliant with State Department of Health standards as part of construction of dwellings on the lots resulting from the subdivision.
25. **Essential Utilities and Services:** Electrical and telephone services are available to support the proposed subdivision.
26. **Public Safety:** Police and fire stations are located in Kailua-Kona, approximately four miles southwest of the subject property. Medical services are available at the Kona Hospital in Kealahou.

AGENCIES’ COMMENTS

27. **Department of Public Works-Engineering Division: (Planning Department Exhibit 4 – May 29, 2024)**
28. **Department of Water Supply: (Planning Department Exhibit 5 – May 29, 2024 Memo)**
29. **Department of Environmental Management: (Planning Department Exhibit 6 – May 10, 2024 Memo)**

30. **State Department of Transportation: (Planning Department Exhibit 7 – May 24, 2024 Memo)**

AGENCIES - NO COMMENTS/ NO CONCERNS

31. Police Department; Office of Planning and Sustainable Development

AGENCIES - NO RESPONSE

32. Fire Department, Office of Housing and Community Development, State Land Use Commission, State Department of Agriculture, State Department of Land and Natural Resources – State Historic Preservation Division, State Department of Land and Natural Resources, and the Natural Resources Conservation Service.

PUBLIC COMMENTS

33. None as of the date of this writing.

APPLICANT'S RESPONSE TO AGENCY & PUBLIC COMMENTS

34. **Planning Department Exhibit 8 – Letter from Land Planning Hawai'i dated July 10, 2024.**

Section 25-5-57. Other regulations.

- (a) If any legal building site in the RA district has an area less than one-half acre, then the yard and height requirements for the building site shall be the same as the yard requirements for the RS district.
 - (b) Plan approval shall be required prior to the construction or installation of any new structure or development, or of any addition to an existing structure or development which is used for minor agricultural products processing.
 - (c) An ohana dwelling may be located on any building site in the RA district, as permitted under article 6, division 3 of this chapter.
 - (d) Exceptions to the regulations for the RA district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development pursuant to article 6, division 1 of this chapter.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4.)

Division 6. FA, Family Agricultural Districts.**Section 25-5-60. Purpose and applicability.**

The FA (family agricultural) district provides for a blend of small-scale agricultural operations associated with residential activities and which may be characterized by farm estates, small acreage farms, or subsistence lots. The FA district is intended to be in areas designated as being within the State land use agricultural district, where public services and infrastructure are appropriate to support the very low density residential needs of a rural community and where substantial number of parcels are less than five acres in size, and where a mix of uses will not conflict with or be detrimental to existing agricultural uses in the surrounding area.

In addition, this district is intended to be primarily comprised of agricultural lands less than five acres in area, which are not classified as A or B lands under the land study bureau's master productivity rating, or classified as prime, unique, or other important agricultural lands. Provided, that this district may include lands so classified if the lands are situated within an urban expansion or other urban designation under the general plan land use pattern allocation guide (LUPAG) map.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-61. Designation of FA districts.

Each FA (family agricultural) district shall be designated on the zoning map by the symbol "FA" followed by a number and the lower case letter "a" which indicates the required number of acres for each building site. For example, FA-1a means a family agricultural district with a minimum building site area of one acre.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-62. Permitted uses.

- (a) The following uses shall be permitted in FA districts:
- (1) Agricultural products processing, minor, provided that the area or buildings used for such processing, shall be located at least seventy-five feet from any street.
 - (2) Agricultural tourism as permitted under section 25-4-15.
 - (3) Animal hospitals.
 - (4) Aquaculture.
 - (5) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
 - (6) Campgrounds, parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities, where none of the recreational features are entirely enclosed in a building.
 - (7) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (8) Crop production.
 - (9) Dwelling, single-family, as permitted under chapter 205, Hawai'i Revised Statutes and as permitted under section 25-5-67(b).
 - (10) Farm dwellings, as permitted under section 25-5-67(b) and (c).
 - (11) Game and fish propagation.
 - (12) Group living facilities.
 - (13) Kennels.
 - (14) Livestock, grazing; provided that any feed or water area, salt lick, corral, run, barn, shed, stable, house, hutch, or other enclosure for the keeping of any permitted animals shall be located at least seventy-five feet from any lot line.
 - (15) Public uses and structures, necessary for agricultural practices.
 - (16) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest.
 - (17) Riding academies, and rental or boarding stables.
 - (18) Roadside stands for the sale of agricultural products grown on the premises.
 - (19) Utility substations, as permitted under section 25-4-11.
 - (20) Vehicle and equipment storage areas that are directly accessory to aquaculture, crop production, game and fish propagation, and livestock grazing.
 - (21) Veterinary establishments.
- (b) The following uses may be permitted in the FA district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
 - (2) Telecommunication antennas and towers.

- (c) The following uses may be permitted in the FA district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:
 - (1) Adult day care homes.
 - (2) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (3) Community buildings, as permitted under section 25-4-11.
 - (4) Family child care homes.
 - (5) Home occupations, as permitted under section 25-4-13.
 - (6) Meeting facilities.
 - (7) Model homes, as permitted under section 25-4-8.
 - (8) Public uses and structures, other than those necessary for agricultural practices, as provided under section 25-4-11.
 - (9) Temporary real estate offices, as permitted under section 25-4-8.
 - (10) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai'i Revised Statutes.
 - (d) The following uses may be permitted in the FA district, provided that either a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:
 - (1) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (2) Churches, temples and synagogues.
 - (3) Crematoriums, funeral homes, funeral services, and mortuaries.
 - (4) Day care centers.
 - (5) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (6) Major outdoor amusement and recreation facilities, includes stadiums, sports arenas, and other similar open air recreational uses.
 - (7) Medical clinics.
 - (8) Schools.
 - (e) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the FA district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 12; am 2010, ord 10-17, sec 5; am 2012, ord 12-28, sec 8; ord 12-124, sec 7; am 2014, ord 14-86, sec 8; am 2021, ord 21-26, sec 9; am 2021, ord 21-52, sec 8.)

Section 25-5-63. Height limits.

The height limit in FA districts shall be thirty-five feet for any residential structure, including any single-family dwelling or farm dwelling, and forty-five feet for all other structures.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-64. Minimum building site area.

The minimum building site area in the FA district shall be one acre. Other FA districts having larger areas may be designated in increments of one acre up to a recommended maximum of five acres.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-65. Minimum building site average width.

Each building site in the FA district must have a minimum average width of one hundred twenty feet for the initial one acre of required area plus twenty feet for each additional acre of required area; provided that no building site shall be required to have an average width greater than three hundred feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-66. Minimum yards.

- (a) Except as otherwise provided in this section, the minimum yards in the FA district shall be thirty feet for front and rear yards and twenty feet for side yards.
- (b) In the FA district, accessory buildings and enclosures (other than fences under eight feet high) for the shelter and confinement of any livestock shall be at least thirty feet from the side and rear property lines.
- (c) Appropriate additional setbacks from adjacent residential zoned lands may be required by the director for those facilities and uses which may include more frequently used machinery and equipment in order to minimize potential lighting, odor, vector and air and water quality impacts.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-67. Other regulations.

- (a) If any legal building site in an FA district has an area of less than one acre, then the yard and height requirements for the building site shall be the same as the yard and height requirements in the RA district.
- (b) One single-family dwelling or one farm dwelling shall be permitted on any building site in the FA district. A farm dwelling is a single-family dwelling located on or used in connection with a farm or if the agricultural activity provides income to the family occupying the dwelling.
- (c) Additional farm dwellings may be permitted in the FA district only upon the following conditions:
 - (1) A farm dwelling agreement for each additional farm dwelling, on a form prepared by the director, shall be executed between the owner of the building site, any lessee having a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement, and the County. The agreement shall require the dwelling to be used for farm-related purposes.
 - (2) The applicant shall submit an agricultural development and use program, farm plan or other evidence of the applicant's continual agricultural productivity or farming operation within the County to the director. Such plan shall also show how the farm dwelling will be utilized for farm-related purposes.
- (d) An ohana dwelling may be located on any building site in the FA district, as permitted under article 6, division 3 of this chapter.

- (e) Exceptions to the regulations for the FA district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.
 - (f) Plan approval shall be required prior to the construction or installation of any new structure or development, or of any addition to an existing structure or development which is used for minor agricultural products processing.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4.)

Division 7. A, Agricultural Districts.

Section 25-5-70. Purpose and applicability.

The A (agricultural) district provides for agricultural and very low density agriculturally-based residential use, encompassing rural areas of good to marginal agricultural and grazing land, forest land, game habitats, and areas where urbanization is not found to be appropriate.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-71. Designation of A districts.

Each A (agricultural) district shall be designated on the zoning map by the symbol “A” followed by a number together with the lower case letter “a” which indicates the required or minimum number of acres for each building site. For example, A-10a means an agricultural district with a minimum building site area of ten acres.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-72. Permitted uses.

(a) The following uses shall be permitted in the A district:

- (1) Agricultural parks.
- (2) Agricultural products processing, major and minor.
- (3) Agricultural tourism as permitted under section 25-4-15.
- (4) Animal hospitals.
- (5) Aquaculture.
- (6) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
- (7) Campgrounds, parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities, where none of the recreational features are entirely enclosed in a building.
- (8) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- (9) Crop production.
- (10) Dwelling, single-family, as permitted under chapter 205, Hawai‘i Revised Statutes and as permitted under section 25-5-77(b).
- (11) Farm dwellings, as permitted under section 25-5-77(b) and (c).

CHANGE OF ZONE APPLICATION

**COUNTY OF HAWAII
PLANNING COMMISSION**
(Type or legibly print the requested information)

APPLICANT(S): Wattie Elizabeth Kaiokalani GreenAPPLICANT'S SIGNATURE: Wattie Elizabeth Kaiokalani Green DATE: Mar 12 2024 00:36 PDTADDRESS: PO Box 261, Kailua-Kona, HI 96745

LIST APPLICANT'S INTEREST (if not owner): _____

PHONE: (Bus.) 808-896-3596 (Res.) _____ (Email) wattiegreen@me.comREQUEST: A-20a TO FA-1a
(Existing Zoning) (Proposed Zoning)TAX MAP KEY(S): (3) 7-3-004:011SIZE OF PROPERTY OR AFFECTED AREA(S) TO BE REZONED: 4.985 acresLANDOWNER(S): Wattie Elizabeth Kaiokalani GreenFEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION
(may be provided by letter with the below statement included):_____
DATE: _____Wattie Elizabeth Kaiokalani Green DATE: Mar 12 2024 00:36
PDTAGENT: John Pipan, Land Planning Hawaii LLCAGENT ADDRESS: 194 Wiwoole St, Hilo, HI 96720

_____PHONE: (Bus.) 808-333-3393 (Res.) _____ (Email) info@landplanninghawaii.com

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: Agent COPIES: Applicant

Planning Dept.
Exhibit <u>2</u>

CHANGE OF ZONING DESIGNATION FROM A-20a TO FA-1a
LOT A-1

Land situated on the Easterly side of Mamalahoa Highway at Kalaoa 5th, North Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

Lot A-1; and

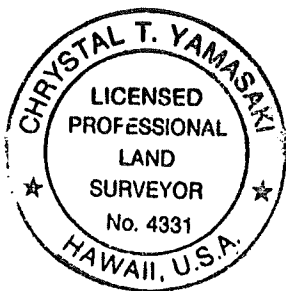
Grant 1609 to Kama.

Beginning at a 1/2 inch pipe (found) at the Southwesterly corner of this parcel of land, being also the Northwesterly corner of Lot 3-A and being a point on the Easterly side of Mamalahoa Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 7,944.37 feet South and 8,171.07 feet West and running by azimuths measured clockwise from True South:

Thence, for the next four (4) courses following along the Easterly side of Mamalahoa Highway:

- | | | |
|----|--------------|--|
| 1. | 164° 57' 30" | 62.92 feet to a spike (found); |
| 2. | 155° 10' | 25.65 feet to a point; |
| 3. | 166° 28' 30" | 106.61 feet to a point; |
| 4. | 184° 31' | 18.21 feet to a 1/2 inch pipe (found); |

- | | | | |
|-----|--------------|----------|---|
| 5. | 268° 45' 10" | 595.92 | feet along Lot 1, Lot 2-A and Lot 3-A and along the remainder of Grant 1609 to Kama to a point; |
| 6. | 358° 45' 10" | 181.90 | feet along Lot A-2 and along the remainder of Grant 1609 to Kama to a point; |
| 7. | 268° 45' 10" | 226.88 | feet along Lot A-2 and along the remainder of Grant 1609 to Kama to a point; |
| 8. | 178° 45' 10" | 181.90 | feet along Lot A-2 and along the remainder of Grant 1609 to Kama; |
| 9. | 268° 45' 10" | 433.14 | feet along Lot 4 and Lot 5 and along the remainder of Grant 1609 to Kama to a point; |
| 10. | 352° 05' | 208.31 | feet along Makaula - Ooma Mauka Tract (State of Hawaii - Owner) to a point; |
| 11. | 88° 45' 10" | 1,234.02 | feet along Lot 3-A and along the remainder of Grant 1609 to Kama to the point of beginning and containing an area of 4.985 Acres. |



WES THOMAS ASSOCIATES

A handwritten signature in black ink, appearing to read "Chrystal Thomas Yamasaki".

Chrystal Thomas Yamasaki
Licensed Professional Land Surveyor
State of Hawaii Certificate No. LS-4331

75-5749 Kalawa Street, Suite 201
Kailua-Kona, Hawaii 96740-1817
TMK: 7-3-004: 011 (3rd Division)
April 16, 2024

ATTACHMENT

Agricultural Rezoning

PLANNING DEPARTMENT
COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

- I. If your request is approved, do you intend to subdivide the subject land in accordance with the approved change of zone? yes
- If yes, please answer the rest of question I and then to question 3.
- a. How many acres of the requested area do you intend to subdivide? 4.985 acres
- b. Into what lot sizes? 1+ acres
- c. If your request is approved, approximately how long after the date of approval do you expect to submit your subdivision plans to the Planning Department for preliminary approval? 2 months
- d. Do you intend to build houses on the newly created lots? TBD
- If yes, please answer the following questions:
- On how many of those lots? TBD
- At what approximate price range? House
- Lot
- Total
- Approximately how long, after approval of the subdivision, would the first house be available for occupancy?
- If you intend to subdivide, please submit a preliminary schematic subdivision plan together with your change of zone application form. See Report
2. If you have no firm plans of subdividing the subject area, do you intend to:
- a. Sell or lease the land to someone who has firm plans?
- b. Sell or lease the land to someone who has tentative plans?
- c. Sell or lease the land to someone who has no plans?
- d. Keep it?
- e. Other (please state)

- f. If you intend to do either a, b or c, please elaborate on the kind of plans the other party has. Please also include in your answer approximately how soon after approval of your rezoning do you expect to transfer the subject land to another party.

-
3. Do you think that your request and your further plans for the land will alleviate the local housing situation? yes

How?

It will allow the landowner to distribute the property among family members that that they are able to build their own dwellings and live on the property.

-
4. Are there any buildings on the subject area? yes

If so, what kind?

A single-family dwelling

What do you intend to do with those buildings if your request is approved?

The applicant will continue to live in it.

-
5. Is the subject land currently being used for any agricultural activity? yes

If so, please list the kinds of products grown and on how many square feet or acres of land per product.

The applicant has a few avocado trees and a dryland kalo patch for her own personal consumption.

-
6. Was your request to allow for the creation of small agricultural lots? yes

If so, did your plan include the following considerations?

- a. Commodity to be produced? yes

What kinds of commodity?

Dryland Kalo

-
- b. Suitability of the proposed lot-size for that commodity? yes

- c. Sufficient farm size to allow reasonable chance of success in commercial agriculture? yes

- d. Agricultural leases or other forms of assurance that potential buyers or leases will would put the subject area into some form of agricultural use? _____

Please state the proposed type of arrangement.

Leases are not proposed, however the family intends to continue and expand existing dryland kalo cultivation and establish sheep pasture on the subject area.

Please submit your agricultural plans for the subject area and present evidence of consideration of the above requirements together with your request for a change of zone.

See
Report

If you do not intend to subdivide the subject land for some sort of Agricultural purpose, please state your other reasons.

7. To your knowledge, has there been any flooding and/or drainage problem on the subject area? _____

no

If so, please describe the problem.

8. Do you think that the roads leading up to the subject area needs improvements? _____

no

If so, what kind?

Is the road adequate for the proposed traffic volume or bad? _____

adequate

9. What sort of government assistance and/or improvements do you feel will be needed in the subject area when developed?

	<u>Yes</u>	<u>No</u>
a. Schools	_____	<u>X</u>
b. Roads	_____	<u>X</u>
c. Sewer	_____	<u>X</u>
d. Drainage	_____	<u>X</u>

e. Police Protection	_____	X _____
f. Fire Protection	_____	X _____
g. Recreational Facilities	_____	X _____
h. Public Utilities	_____	X _____
i. Other	_____	X _____

For those checked "yes", please elaborate what type or kinds of improvements and/or assistance are needed.

Signature:



Address:

194 Wiwoole St, Hilo, HI 96720

Telephone:

808-333-3393

Date:

4/9/2025

**COUNTY ENVIRONMENTAL REPORT
REQUEST FOR CHANGE OF ZONE FROM A-20A to FA-1a
WATTIE GREEN
KAILUA-KONA, NORTH KONA, HI 96740
TMK: (3) 7-3-004:011**

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Exhibits

- A. Letter from Department of Water Supply

I. INTRODUCTION

Wattie Green (“**applicant**”) is requesting the rezoning of the parcel identified by Tax Map Key (3) 7-3-004:011 from Agricultural-20 acres (A-20a) to Family Agricultural-1 acre (FA-1a) for the purpose of subdividing the property into four (4) lots. The property is located just mauka of Kaiminani Drive on Old Government Mauka Road, approximately 800 feet south of its intersection with Hawaii Belt Road in Kailua-Kona, Hawaii (**Figure 1**).

If approved, the applicant intends to subdivide the 4.985-acre parcel into four (4) lots, consisting of a minimum of 1-acre each (**Figure 2**). The applicant is deeply rooted in the property which has been in by her family since the Māhele. It currently contains one single-family dwelling in which the applicant resides. The intention of the subdivision would be for the applicant to divide the parcel so that the land can be distributed among family members so that they may live on the land and construct their own farm dwellings.

II. PROJECT LOCATION

As noted earlier, the subject property is located just mauka of Kaiminani Drive on Old Government Mauka Road, approximately 800 feet south of its intersection with Hawaii Belt Road in Kailua-Kona (**Figure 1**).

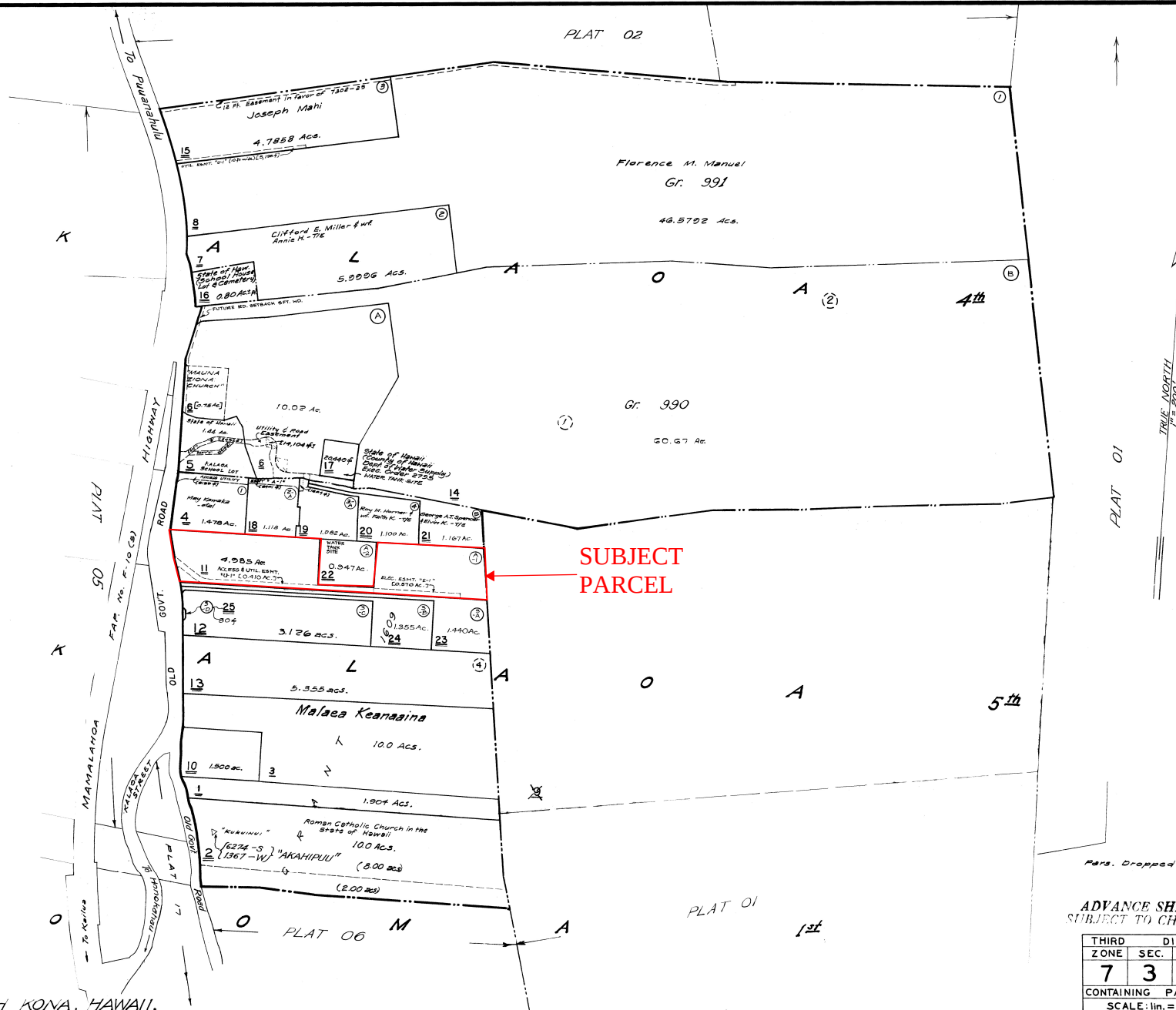
III. PROJECT DESCRIPTION

A. Project Concept and Components

The subject site consists of 4.985-acres of land and is zoned A-1a (**Figure 3**). A 0.947-acre square parcel owned by the Water Board of the County of Hawaii nearly divides the parcel in two, giving the parcel an irregular shape consisting of two generally rectangular portions connected by a narrow strip of property which runs along the southern perimeter. The western portion of the parcel contains one single-family dwelling in which the applicant resides. According to Real Property Tax Records, the dwelling consists of 2,088 square feet and contains four (4) bedrooms and two and a half (2.5) bathrooms and was constructed in 1977 under Building Permit Nos. 02194 & 935176. The remainder of the property is currently unused.

The applicant proposes to rezone the parcel from the A-20a designation to FA-1a in order to pursue a four (4) lot subdivision. Each of the newly created parcels would contain a minimum of one acre. Two of the proposed lots would be on the western portion of the property and two would be on the eastern portion of the property. The subdivision would be for estate planning purposes and allow the applicant to deed over portions of the property to family members while continuing to live in the existing dwelling on the western side of the property. As proposed, access to the newly created lots would be via Old Government Mauka Road over an existing access easement. The proposed subdivision layout is

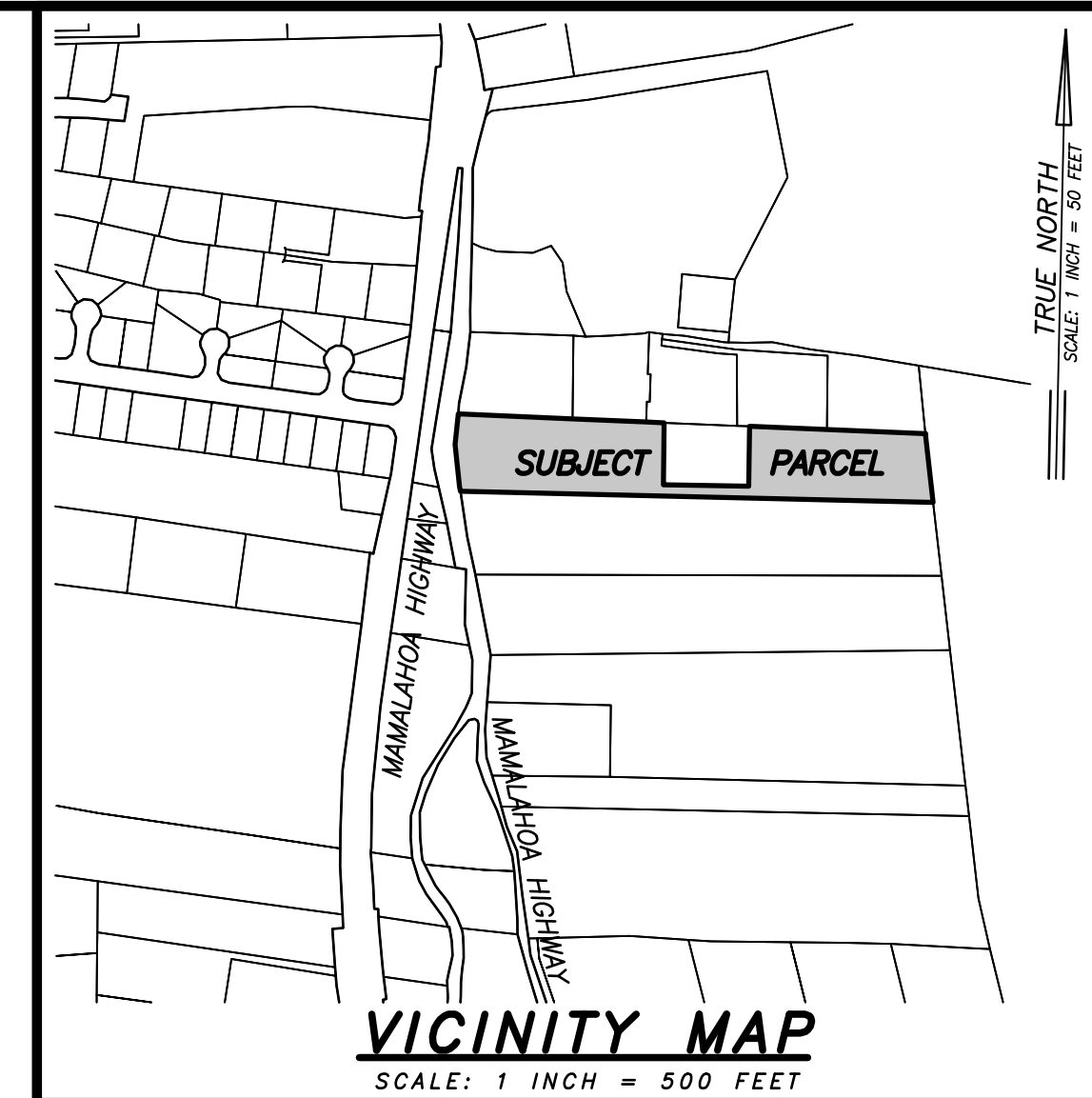
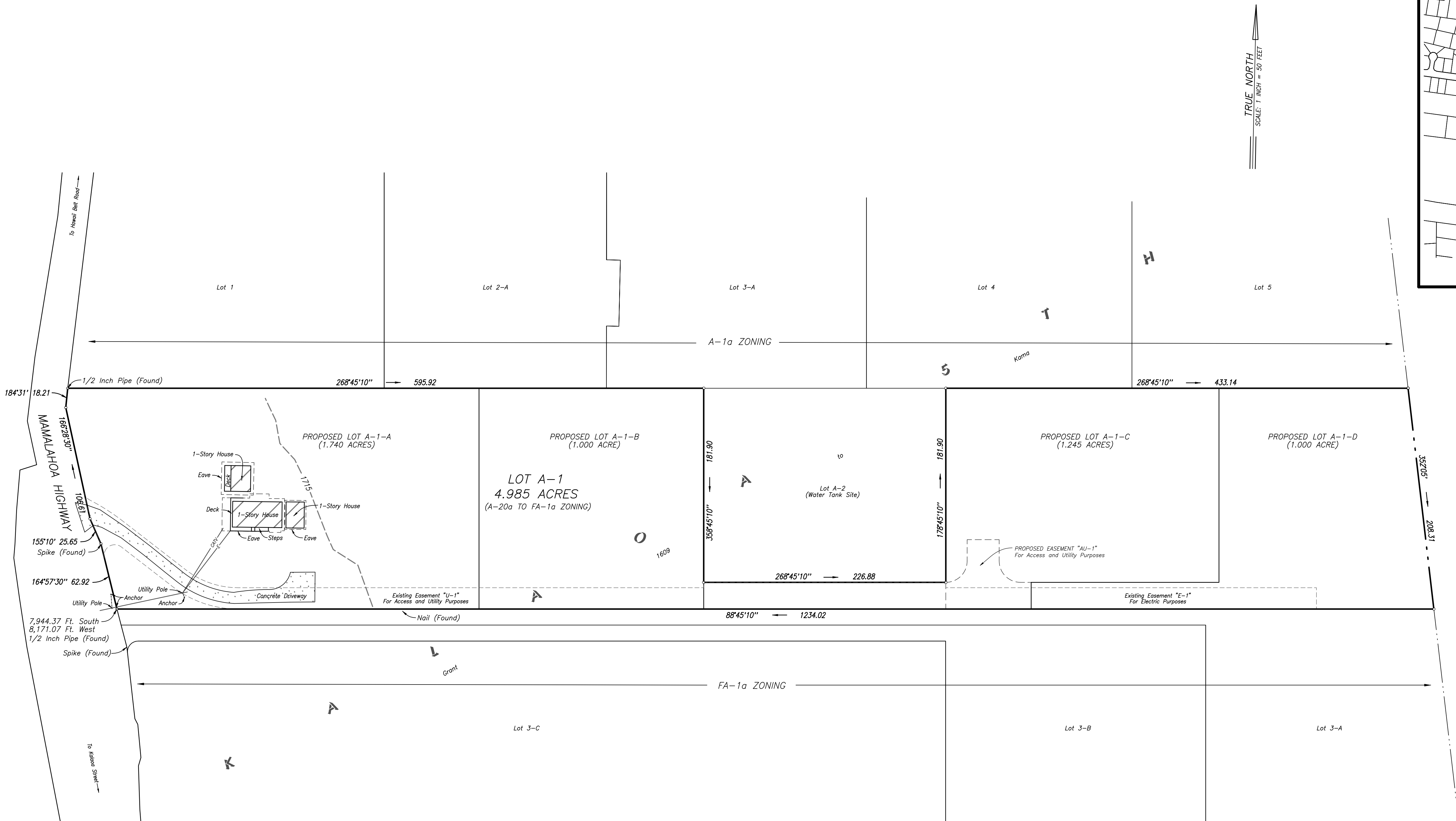
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KALAOA 4th & 5th NORTH KONA, HAWAII.

ADVANCE SHEET
SUBJECT TO CHANGE

FIGURE 1



REZONING EXHIBIT
A-20a TO FA-1a ZONING

MAP SHOWING
LOT A-1

Being a Portion of Grant 1609 to Kama
At Kalaoa 5th, North Kona
Island and County of Hawaii, State of Hawaii

NOTES:

1. Azimuths and coordinates are referred to Government Survey Triangulation Station "MOANUIAHEA".
2. The features, shown hereon, were located by an actual survey on the ground done on August 19, 2020.
3. Subject Parcel is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as per Flood Insurance Rate Map (F.I.R.M.) Community-Panel Number 155166 0730 F, revised September 29, 2017.
4. Zoning designation of Subject and Adjoining Parcels = A-20a, unless otherwise noted.

Prepared For:
WATTIE E. K. GREEN (OWNER)
P.O. Box 261
Kailua-Kona, Hawaii 96745

FIGURE 2

Prepared By:
WES THOMAS ASSOCIATES
-- Land Surveyors --
75-5749 Kalawa Street
Kailua-Kona, Hawaii 96740-1817
TEL. (808) 329-2353
FAX (808) 329-5334 EMAIL surveys@wtahawaii.com



WES THOMAS ASSOCIATES
Land Surveyors

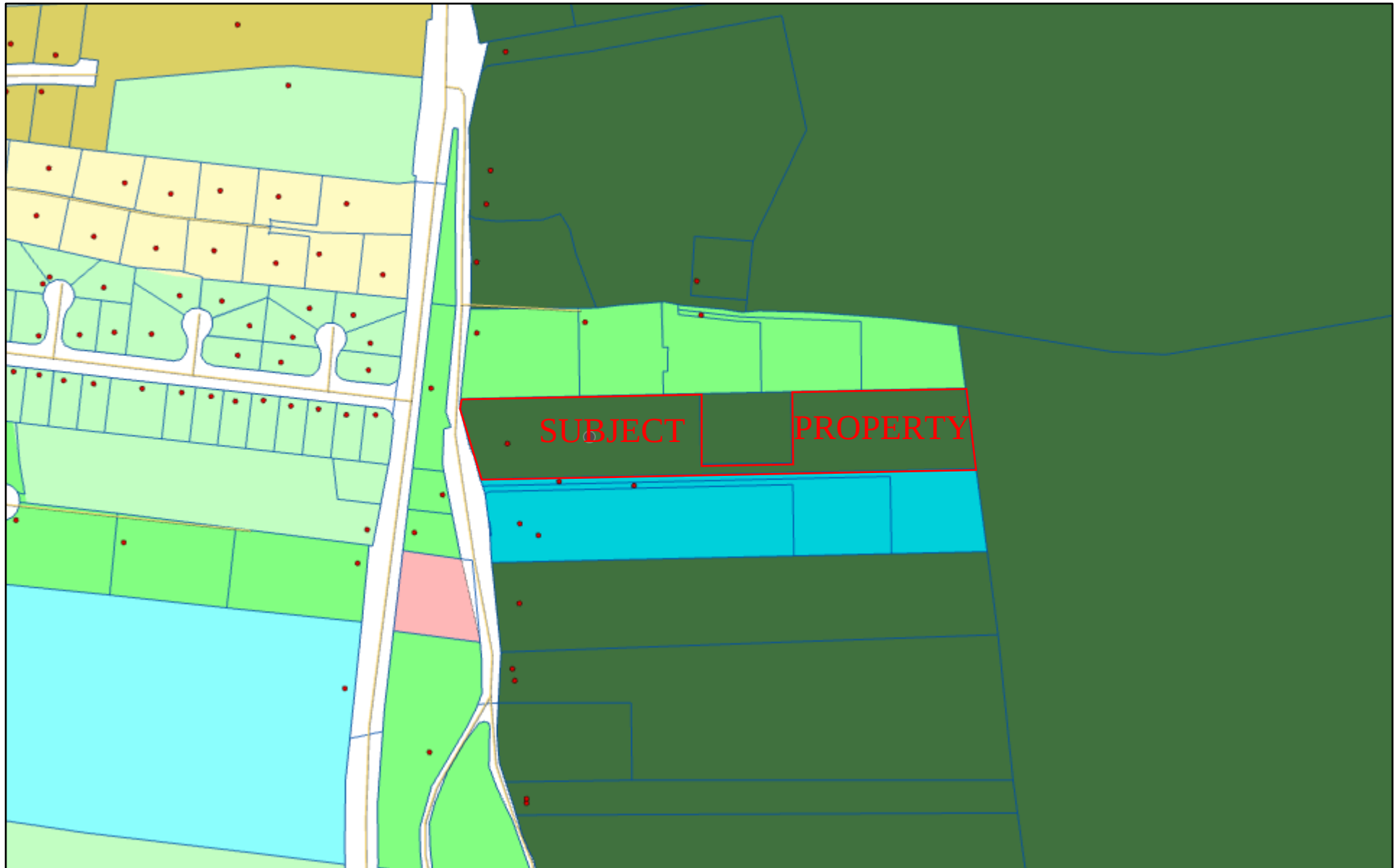
This work was prepared by me or
under my direct supervision.

Chrysal T. Yamasaki
CHRYSTAL THOMAS YAMASAKI
Licensed Professional Land Surveyor
State of Hawaii Certificate Number LS-4331
Expiration Date: April 2022

PROJECT NO.:13125.2
DATE:SEPTEMBER 17, 2020
FIELD BOOK NO.:...1385
TAX MAP KEY:7-3-004:011 (3RD DIVISION)



FIGURE 3 - ZONING MAP



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Hawaii County Zoning

A-3a	CN-20	RS-15
A-5a	FA-1a	RS-20
A-1a	CN-10	RS-10
A-20a		Parcels (current boundary lines)

1:4,514

0 0.04 0.07 0.14 mi

0 0.05 0.1 0.2 km

County of Hawaii IT Department, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,

Web AppBuilder for ArcGIS

The contents of this map were prepared for informational and planning purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

attached as **Figure 2**. The applicant currently grows avocados and dryland taro on the property. If the subject application is approved, additional areas of dryland taro cultivation are proposed along with sheep grazing.

It is understood that the subdivision plan submitted herein may have to be adjusted prior to receipt of final subdivision approval to accommodate County subdivision requirements and appropriate conditions of approval.

B. Project Timetable and Cost

The applicant hopes to secure County rezoning approval as soon as possible and begin the subdivision process immediately thereafter.

Tentatively, plans call for having the land subdivided by the end of 2025. The estimated cost of improvements for this project will be based on the infrastructure required and is estimated to be approximately \$50,000.00. The subject parcel is served by the Department of Water Supply with one existing water meter and additional County water is available to support the three (3) additional lots subject to an elevation agreement (**Exhibit A**).

IV. INSTITUTIONAL CONSIDERATIONS

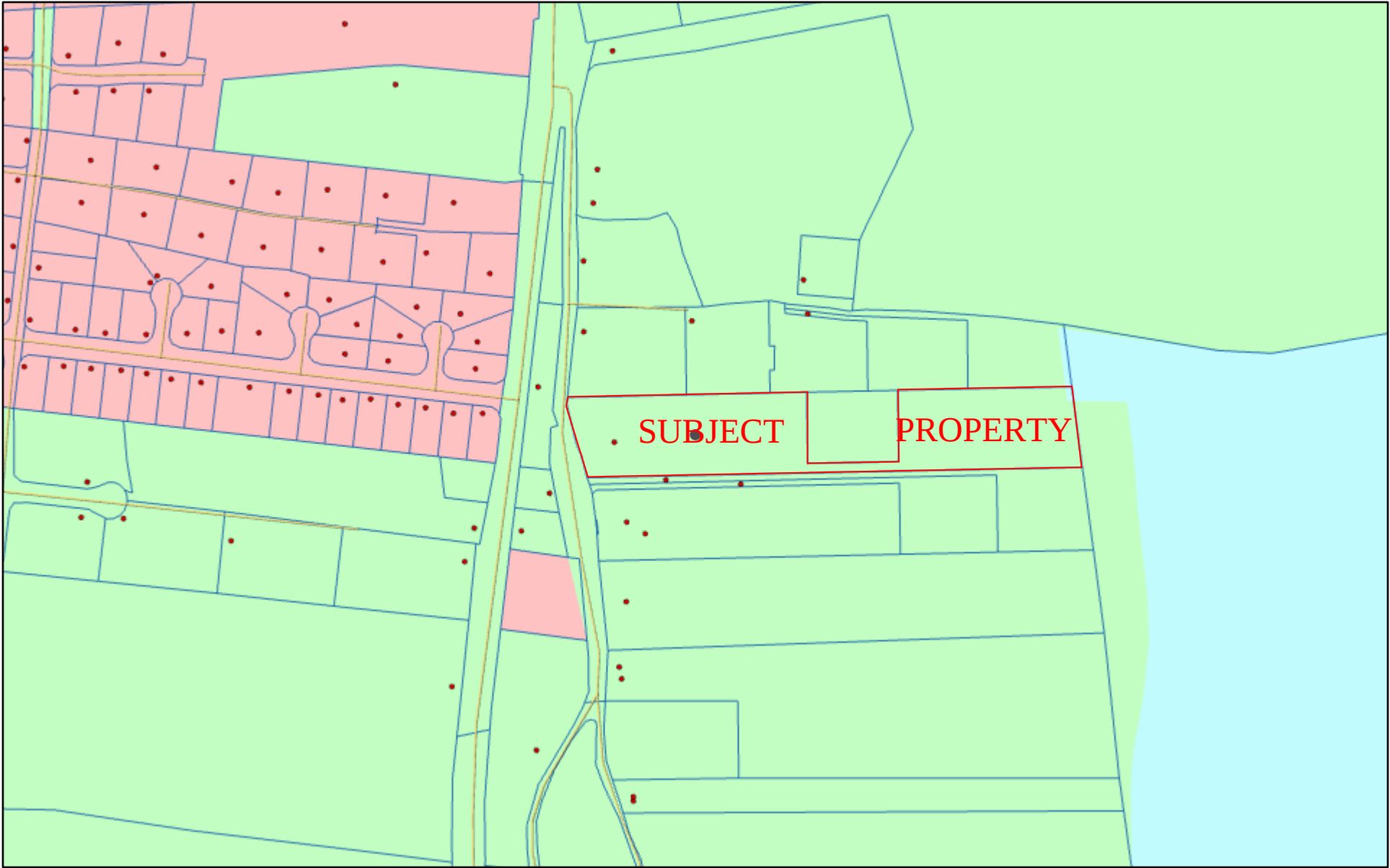
A. State Land Use

The subject site is designated as State Land Use Agriculture (**Figure 4**). The proposed zoning would comply with the State Land Use designation of the parcel. The County of Hawai`i can process the rezoning request.

B. County General Plan

The County General Plan Land Use Pattern Allocation Guide (“LUPAG”) map designates the makai portion of the subject site as Low Density Urban and the mauka portion of the property as Important Agricultural Land, with the mauka side of the property abutting the Honuaula Forest Reserve designated Conservation (**Figure 5**). The Low-Density Urban designation allows for residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses with an overall residential density of up to six units per acre while the Important Agricultural Land designation is intended for lands with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors. Thus, the proposed Family Agricultural (FA-1a) rezoning and subsequent four (4)-lot subdivision would result in a higher density zoning which would be consistent with the property’s Low Density Urban designation while also maintaining its agricultural zoning and potential for small-scale family agricultural use. The applicant’s plans for continued and expanded dryland taro cultivation with the help of her family on the newly created lots conform to the Important Agricultural Land designation.

FIGURE 4 - STATE LAND USE MAP



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State Land Use Classifications (SLU)

Urban

Agricultural

Conservation

Parcels (current boundary lines)

Address Points

Street Centerlines

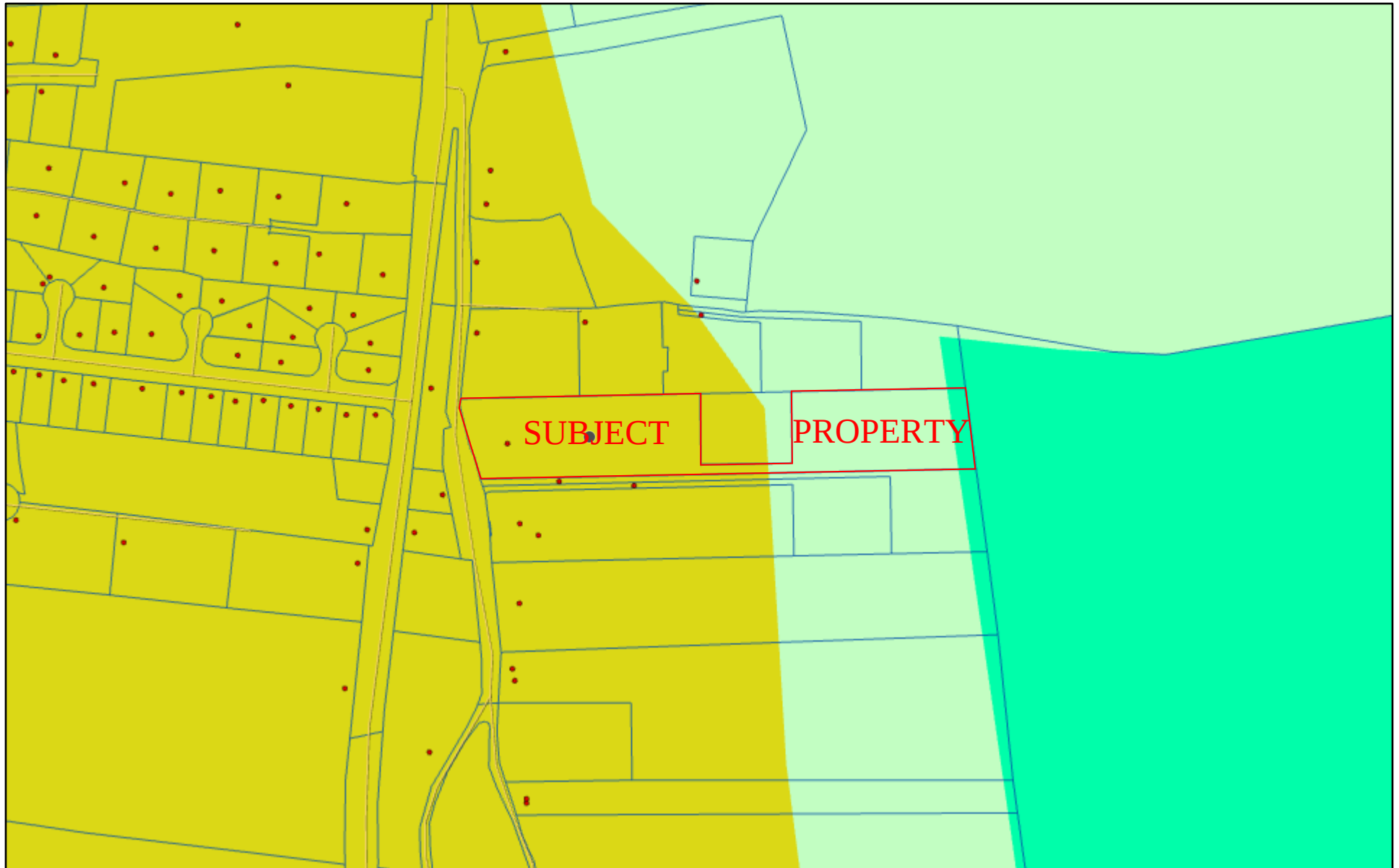
Hawaii County District Boundary

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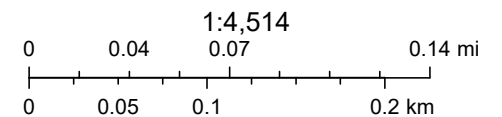
FIGURE 5 - LAND USE PATTERN ALLOCATION GUIDE



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Land Use Pattern Allocation Guide (LUPAG)

- Conservation
- Important Ag. Lands
- Low Density Urban



County of Hawaii IT Department, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,

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The contents of this map were prepared for informational and planning purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

Thus, the requested FA-1a zoning would be consistent with the property's LUPAG designations and no General Plan amendment would be required to effectuate this project.

The following is a discussion of the project's consistency with specific relevant goals, policies and standards of the General Plan:

2.2 Goals

(a) Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments;

(b) Economic development and improvements shall be in balance with the physical, social, and cultural environments of the Island of Hawai'i.

4.2 Goals

(a) Define the most desirable use of land within the County that achieves an ecological balance providing residents and visitors the quality of life and an environment in which the natural resources of the island are viable and sustainable.

14.1.2 Goals

(a) Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.

14.1.3 Policies

(c) Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region, and County.

(f) Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

14.1.4 Standards

(b) Zoning request shall be reviewed with respect to General Plan designation, district goals, regional plans, State Land Use District, compatibility with adjacent zoned uses, availability of public services and utilities, access, and public need.

Discussion: The FA-1a designation is intended for small-scale agricultural operations associated with residential activities and is thus appropriate for this parcel's mixed Low Density Urban and Important Agricultural Lands LUPAG designations. The subject property is already adjacent to several other 1 to 1.5-acre parcels zoned A-1a to the north and west and FA-1a to the south. Thus, the proposed rezoning would be appropriate in this area of Kona and compatible with surrounding land uses.

Additionally, as the purpose of the rezone is to subdivide the parcel among family members, the requested increase in density will provide for fee simple ownership,

housing and small-scale farming opportunities to the applicant's family. County water is available to support the request and no other extension of utilities would be required to achieve the proposed subdivision. Thus, the project would aid the overall economic use of the area without burdening County or State agencies.

Further, this request is in alignment with the parcel's State Land Use Agricultural designation and, as will be elaborated on in Section C of this report, the request is also in alignment with the Kona Community Development Plan.

C. Kona Community Development Plan

The Kona Community Development Plan (KCDP) attempts to further define the General Plan and serves as a guide for decision-makers. The KCDP designates the subject parcel as partially within the Kona Urban Area (**Figure 6**). As roughly half of this property is located within the Kona Urban Area and the other half is located on the outskirts of the Kona Urban Area, the proposed FA-1a zoning would provide an appropriate transition between the smaller residential uses to the west of Hawaii Belt Road and the larger agricultural and conservation uses and zoning to the east of the subject site.

The proposed change of zone request is also conducive to the following relevant policies and objectives outlined in the KCDP:

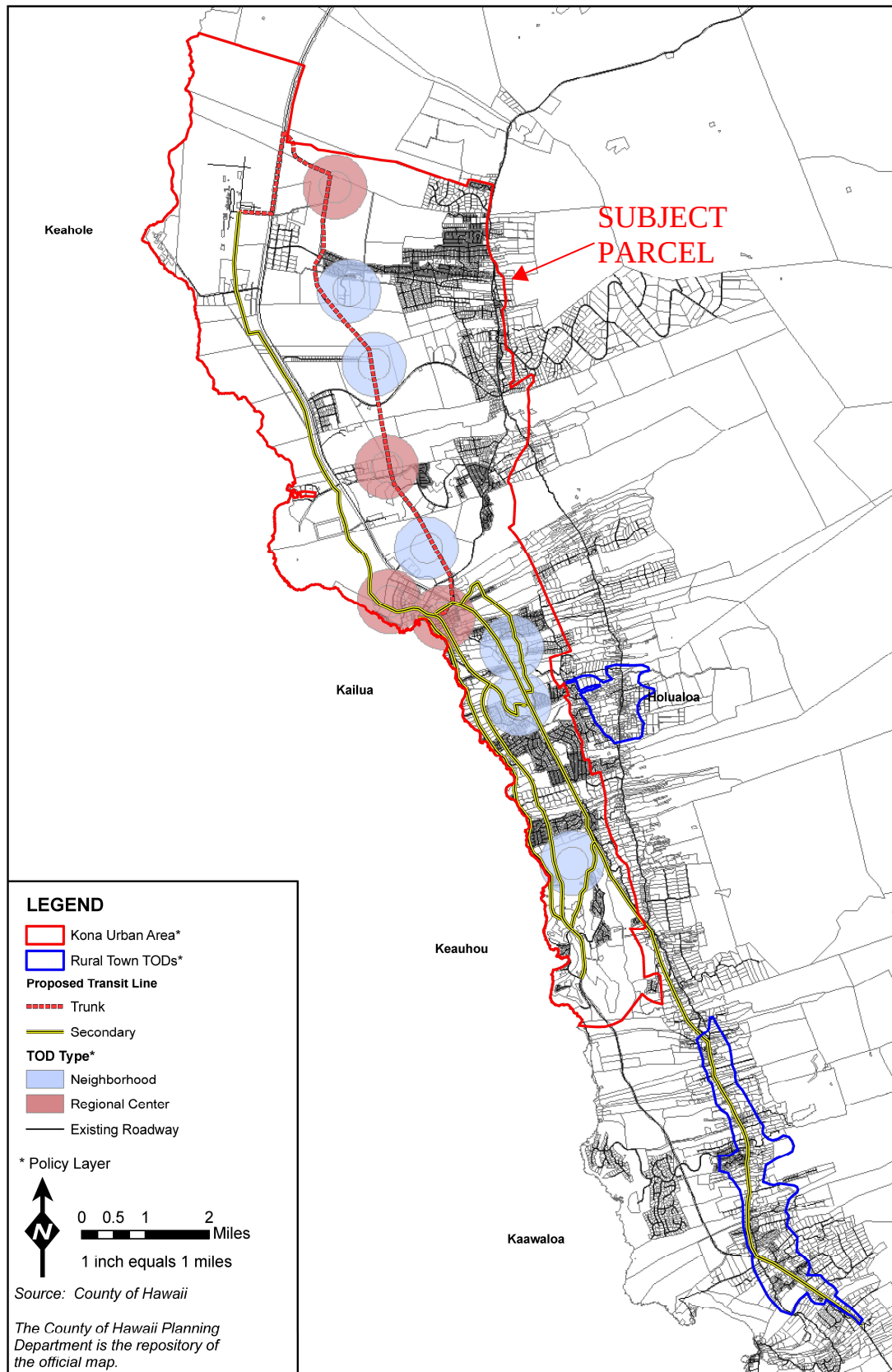
Policy LU-1.1: Official Kona Land Use Map. *The Official Kona Land Use Map (see Figure 4-7) shall define the Kona Urban Area (see Policy LU-1.2) and the general locations, spacing, and type of TOD Villages.*

Policy LU-1.2: Urban Area. *The majority of future growth in Kona shall be directed to the Kona Urban Area shown on the Official Kona Land Use Map, which spans from the Kona International Airport to Keauhou subject to the policies set forth under Objective LU-2 Urban Area Growth Management.*

Policy LU-1.4: Consistency with Land Use Pattern Allocation Guide (LUPAG). *The current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon and should be amended only for compelling reasons. Any rezoning application shall be consistent with the LUPAG.*

Policy LU-3.8: Rezoning Outside of Urban and Rural TODs and Outside of GP LUPAG Urban Area. *Rezoning of areas currently zoned agricultural, outside of the Urban and Rural TOD areas shown on Figure 4-7 Official Kona Land Use Map, and outside of urban designations on the General Plan LUPAG, shall not be allowed, except in the following limited circumstances: (1) the rezoning allows only a small number of additional lots, consistent in scale with the transfer of lots to family members, (2) the rezoning does not create a net increase in the potential number of agricultural lots (such as rezoning that increases potential density in one area but also reduces density in another), or (3) the rezoning is to permit a*

Figure 4-7 Official Kona Land Use Map



subdivision consistent with the Clustered Rural Subdivision Guidelines, while preserving the majority of the property in non-residential use dedicated to agriculture, open space, or other conservation purposes, and does not have the primary effect of allowing subdivision into lots smaller than allowed by existing zoning. This policy is intended to prevent the rezoning of agricultural property to allow agricultural subdivisions where the primary objective of the lot owner will be to have a residential estate.

Discussion: The subject property is located partially within the Kona Urban Area and thus is in an appropriate area for growth in accordance with the KCDP. Further, the proposed Change of Zone is consistent with the property LUPAG designations of Low Density Urban and Important Agricultural Lands as it will allow for a slight increase in density for the purpose of transferring lots to family members, while still preserving the small-scale agricultural potential of the land. As this property straddles the border of the Kona Urban Area, the FA-1a zoning would provide a buffer between the smaller residential properties located on the makai side of the property and the larger agricultural and conservation properties located further mauka.

Objective HSG-4: Build More Units. *To build more units that offer a variety of housing types, tenures, and affordability.*

Discussion: If the proposed FA-1a zoning is approved, the resulting subdivision would bring variation in housing types, tenures and affordability to the area by providing 1+-acre agricultural lots which will offer additional housing and small-scale agricultural opportunities to the landowner's family members.

Objective Econ-2. Strengthen and Encourage New Agricultural-Related Endeavors. *To enhance existing and encourage new agriculturally-related endeavors.*

Discussion: As the majority of the land is currently unused, the proposed zoning would enhance the land by offering housing and small-scale agricultural opportunities to the applicant's family. Such residential and small-scale agricultural operations would be cohesive with the surrounding uses.

D. County Zoning

The County zoning of the subject property is Agricultural-20 acres (A-20a) (**Figure 3**). An approximately 1-acre, A-20a-zoned parcel owned by the Water Board of County of Hawaii is located roughly in the middle of the subject parcel. Adjacent properties to the north are zoned A-1a, range in size from approximately 1 to 1.5 acres and contain single-family dwellings. These properties were rezoned from A-20a to A-1a in 1986. The adjacent properties to the south were rezoned from A-20a to FA-1a in 2015 in a similar rezone request. Those parcels range in size from approximately 1 to 3 acres. Properties directly west of Old Government

Mauka Road are zoned A-1a, range in size from approximately 9,000 square feet to 17,500 square feet and contain single-family dwellings. Further west, on the makai side of Hawaii Belt Road are several A-5a zoned parcels consisting of 10,000 square foot – 20,000 square feet and primarily containing single-family dwellings. There is also a larger 4-acre vacant parcel just west of the highway. Honuaula State Forest Reserve lies directly east of the subject parcel and is designated as State Conservation Land.

The requested Family Agricultural zoning district provides for a blend of small-scale agricultural operations associated with residential activities and which may be characterized by farm estates, small acreage farms, or subsistence lots. The FA district is intended for areas within the State land Use Agricultural district, where public services and infrastructure are appropriate to support the very low-density residential needs of a rural community and where a substantial number of parcels are less than five acres in size and where a mix of uses will not conflict with or be detrimental to existing agricultural uses in the surrounding area. Thus, the requested FA-1a zoning and subsequent 4-lot subdivision request would provide an appropriate transition between the higher density parcels to the west of the subject site and the larger parcels to the east. Further, the requested FA-1a zoning would be consistent with the adjacent FA-1a and A-1a properties to the north and south, providing additional family agricultural lots to be used as housing and for agriculture by the applicant's family members.

If approved, the property would be subdivided in a manner generally meeting with both the Zoning and Subdivision Codes. Notwithstanding the subdivision requirements, all uses and standards consistent with the requested FA-1a zone would be adhered to.

E. Relationship to SMA Objectives and Policies

The site is located approximately 4.5 miles from the coastline and outside the County Special Management Area (SMA).

The entire island falls within the Coastal Zone Management (CZM) Area. Thus, a discussion of the request's relationship to the CZM Program follows.

The site is not adjacent to the ocean. It sits approximately 4.5 miles from the shoreline at an elevation of approximately 1,700-1,900 feet. As such, the proposed action should not have any adverse impacts on the area's **coastal recreational** and **marine resources** nor have any impacts on **beach protection**.

A formal archaeological study of the property has not been performed. However, the applicant is very familiar with the property as it has been owned by her family since the 1800s and she does not believe that any archaeological sites are present. As depicted in the aerial photo from 1977 provided as **Figure 7**, the property was completely cleared prior to 1977 for pasture and residential development.

3-27-77

8-62

GS-VEEC

← SUBJECT
PROPERTY

3-0-2

Therefore, the likelihood of this action having any impacts on the area's **historic resources** is very low. Nevertheless, in the event any archaeological features are found during any future earth work, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

Upon review of this application, if required, the applicant will contract a licensed archaeologist to conduct an Archaeological Field Inspection to confirm the absence of any archaeological sites.

It is possible that the proposed action may eventually result in the construction of improvements (particularly farm dwellings) in an agricultural setting. However, improvements on the subject property would create virtually no visual impact to the area's **scenic and open space resources**. Additionally, the site's natural topography declines in a mauka to makai direction, minimizing impacts to scenic view planes from adjacent properties.

Relative to the **Coastal Ecosystems**, impacts should be negligible, if at all, as the site is located approximately 4.5 miles from the ocean with an elevation of approximately 1,700-1,900 feet. Notwithstanding the distance, the nature of the project – family agricultural – and the potential construction of only three (3) new private wastewater systems are such that any potential coastal ecosystem impacts should be negligible.

The proposed action would create the potential for small-scale family agricultural lots in this area. This will provide additional opportunities for small-scale farming and construction of farm dwellings. In so doing, the project could aid the agricultural economy and the overall **economic use** of this site and the area in general.

Because of its distance from the shoreline, the site should not be subject to **coastal hazards**. The property is located outside of the tsunami evacuation zone.

Relative to the **managing development** objective, this function is more applicable to the "authority" or approving agencies. However, it is noted that the request would operate and be constructed within the scope of the Zoning Code. The subject site would be zoned FA-1a, and the requested use and design/parameters (setback, etc.) would be consistent with said zoning. In that regard, the project would be consistent with this policy.

Finally, in terms of the **public participation** objective, this is generally a public agency function. This is achieved through the Marine and Coastal Zone Management Advisory Group (MACZMAG) and the public hearing process required pursuant to the Planning Commission's Rules and County Council's meetings on this application. Notices of this application will become available

through the posting of a sign on the property, as well as sending two (2) notices to surrounding property owners, one at the time the application is filed and again, prior to the public hearing.

Based on the foregoing, it is concluded that the requested improvements would be consistent with the objectives, policies and guidelines of the Coastal Zone Management Policies, as outlined in Chapter 205-A-23, HRS.

F. Other Permitting Requirements

As noted earlier, other approvals and permits would still be required. These would be of the “ministerial” variety, such as Subdivision approval, Building Permits, etc.

V. ENVIRONMENTAL CONSIDERATIONS

A. General Description

The subject site consists of 4.985-acres of land. A 0.947-acre square parcel owned by the Water Board of the County of Hawaii nearly divides the parcel into two sections, giving the parcel an irregular shape consisting of two generally rectangular portions connected by a narrow strip of land which runs along its southern perimeter. The parcel is accessed via Old Government Mauka Road, which is a County owned and maintained paved access road with varying right-of-way widths. The existing driveway to the property is approximately 1,000 feet south of the intersection of Old Government Mauka Road and Hawaii Belt Road.

The western portion of the parcel contains one single-family dwelling in which the applicant resides. According to Real Property Tax Records, the dwelling consists of 2,088 square feet and contains four (4) bedrooms and two and a half (2.5) bathrooms and was constructed in 1977 under Building Permit Nos. 02194 & 935176. The majority of the remaining property has been previously cleared, but is currently overgrown. Dirt and gravel access roads have been constructed throughout the property for agricultural purposes as well as to provide the Department of Water Supply access to TMK (3) 7-3-004:022.

The site is situated at the 1,700-1,900-foot elevation level with a gradually declining elevation in a mauka to makai direction. There does not appear to be any topographic constraint in developing and utilizing the site for four (4) 1-acre + lots.

The annual median rainfall for this area is approximately 40-inches. The average daily temperature ranges from a minimum of 63 degrees to 82 degrees Fahrenheit. Wind patterns are generally westerly during the day and easterly during the evenings.

B. Soils and Topography

According to the Natural Resource Conservation Service's Land Study Bureau Overall Master Productivity Rating, the site is classified as D, or poor.

The soil for the subject site is *Puuikaaka-Lava complex with 10-20 percent slopes*. The soil consists of very cobbly highly organic medial silt loam formed from ash fields on pahoehoe lava flows. The soil is considered well drained with a high runoff class. The soil on site is not considered prime farmland.

According to the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system, the site is classified as "Other" and is not considered prime or unique.

As noted earlier, the topography of the site slopes slightly downward in the mauka to makai direction.

C. Natural Hazards

1. Drainage

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) (**Figure 8**) identifies the project area as Zone "X" (areas outside of the 500-year flood). There are no identified existing drainage ways on the site.

The applicant has not observed any significant runoff or erosion in the recent past on the subject site. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any future improvements will be built, if necessary, in conjunction with the appropriate permitting process.

2. Volcanic, Earthquake and Tsunami Hazards

According to the United States Geological Survey maps, the project site is located within Lava Flow Hazard Zone 4, on a scale of ascending risks 9 to 1. All of Hualalai and the majority of the North Kona area falls in the Zone 4 category. The Building Code designates the entire island of Hawai'i Earthquake Zone "D" and contains certain structural requirements to address the relative seismic hazard. All structures would have to comply with this standard.

The subject site is located at 1,700-1,900 feet elevation and is outside of the Civil Defense's Tsunami Evacuation Zone.



Flood Hazard Assessment Report

www.hawaiiinfip.org

Property Information

COUNTY: HAWAII
 TMK NO: (3) 7-3-004:011
 WATERSHED: KEAHOLE
 PARCEL ADDRESS: KAMAKA LN
 KAILUA KONA, HI 96740

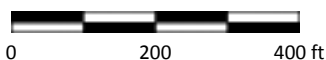
Notes:

Flood Hazard Information

FIRM INDEX DATE: SEPTEMBER 29, 2017
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 1551660730F
 PANEL EFFECTIVE DATE: SEPTEMBER 29, 2017

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: NO
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO
 FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND (Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase applies, but coverage is available in participating communities.
--	---

FIGURE 8

D. Flora/Fauna

Although there were no professional surveys conducted of the floral or faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within the subject site. The property was previously cleared in the 1970's and the current vegetation includes kukui, avocado, Christmas Berry and silver or silky oak. Understory vegetation includes elephant grass, torch ginger and other introduced shrubs and grasses. No Ohia trees remain on the property.

Further, the suburban nature of the surrounding areas would make it less likely to find endangered animal life in this area. It would be possible, however, to find the Island-wide ranging Hawaiian Hawk (*I'o*), Hawaiian Owl (*Pueo*), and the Hawaiian Hoary Bat on site. Best management practices will be employed to avoid adverse effects to these species such as not using barbed wire fencing and avoiding trimming and removal of certain vegetation during bat and hawk breeding seasons.

In addition, introduced bird species (such as dove, Japanese White-eye, house finch, myna) are common in this area. Domestic animals such as cats and dogs, and other animals like rats and mongoose are also common. These are all common and not endangered.

As such, it is unlikely that the proposed rezone of the subject property would cause any adverse floral or faunal impacts. Proper timing of any future land clearing will mitigate any potential impacts to sensitive native fauna.

E. Historic/Cultural/Archaeological Resources

A formal archaeological study of the property has not been performed. However, the applicant is very familiar with the property as it has been owned by her family since the 1800s and she does not believe that any archaeological sites are present. Historic aerial imagery shows that the subject property was completely cleared prior to 1977 in order to build the existing farm dwelling and establish pasture (**Figure 7**). Therefore, the likelihood of this action having any impacts on the area's **historic resources** is not high.

While no ground disturbance is planned in conjunction with the proposed rezoning, approval of this request will enable the applicant's family members to pursue constructing a new single-family dwelling on the newly created lots. In the event any archaeological features are found during any future earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-HPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

F. Valued Cultural Resources

In view of the recent Hawaii State Supreme Court's "PASH" and "*Ka Pa`akai O Ka`Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed. Specifically, there must be a discussion on the cultural, historical and natural resources, as well as the associated traditional and customary practices of this site.

In this situation, the subject site is not adjacent to the shoreline. The subject parcel is approximately 4.5-miles from the nearest coastline. As such, gathering of marine life and coastal access is not an issue.

The applicant is Native Hawaiian and continues to use the property to this day. Aside from this, it is not known whether the subject or immediate surrounding area was used in the recent past for the gathering of plants by Native Hawaiians. The applicant has not observed any other Native Hawaiian gathering plants on the site or the adjoining properties. Thus, it would appear unlikely that the site would serve such a purpose today.

In the event that legitimate gathering claims are made by Native Hawaiians, the applicant intends to respect and honor such claims and provide the legal and needed access within the site.

Based on the above, it does not appear that the project would have any potential adverse impact relative to the cultural and historical resources of the area. In fact, the proposed rezone would allow the applicant and her family to continue living on and using the property in culturally significant ways.

G. Water and Coastal Resources

The subject site is located approximately 4.5-miles from the coastline and sits at approximately 1,700-1,900-feet elevation. As such, coastal impacts resulting from the discharge of wastewater systems from the site should not be significant. Further, being a non-coastal property, no coastal access will be affected.

Any new construction will be served by Individual Wastewater Systems meeting with the approval of the State Department of Health. Increased impervious areas from driveways and structures will potentially contribute to a modest increase of runoff from the subject property. County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process.

H. Noise, Air Quality, and Dust

The existing ambient traffic level in this area will not be significantly impacted with the addition of 3 parcels. Traffic noise from Hawaii Belt Road,

approximately 100 feet west of the property will remain the dominant source of traffic noise. As such, the corresponding noise level should remain the same.

There may, however, be short-term noise and air quality impacts associated with the possibility of eventual construction of farm dwellings. In that event, contractors will be required to comply with appropriate noise and related mitigation measures of the State Department of Health.

The proposed development should not generate any direct long-term air quality impacts. The only discernible air quality impact could be associated with the vehicular traffic to and from the site. While there may be an impact to the ambient air quality, the impact should not be significant. Especially considering higher EPA standards for automobile air emissions, the air quality impact should be negligible.

As such, with the exception of construction dust associated with any potential development of the properties, long term dust generated by the project should be minimal.

I. Scenic and Visual Considerations

In the *Natural Beauty* element of the General Plan, there are sites or areas listed as being a scenic resource. The subject site is not listed as a scenic site and the proposed action will not affect any of the scenic resources outlined in the General Plan. Additionally, views from neighboring properties will not change significantly from their present state.

VI. SOCIAL AND RELATED CONSIDERATIONS

A. Surrounding Land Uses

The general area is primarily residential and agricultural. Adjacent properties to the north are zoned A-1a, range in size from approximately 1 to 1.5 acres and contain single-family dwellings. These properties were rezoned from A-20a to A-1a in 1986. The adjacent properties to the south were rezoned from A-20a to FA-1a in 2015 in a similar rezone request. Those parcels range in size from approximately 1 to 3 acres. Properties directly west of Old Government Mauka Road are zoned A-1a, range in size from approximately 9,000 square feet to 17,500 square feet and contain single-family dwellings. Further west, on the makai side of Hawaii Belt Road are several A-5a zoned parcels consisting of 10,000 square foot – 20,000 square feet and primarily containing single-family dwellings. There is also a larger 4-acre vacant parcel just west of the highway. Honuaula State Forest Reserve lies directly east of the subject parcel and is designated as State Conservation Land.

Given the existing and zoned conditions, the proposed rezoning, resulting in the potential to create three (3) additional lots, each with the potential to house a farm

dwelling, would be consistent with the existing residential/agricultural nature of this area.

B. Economic Impacts

The requested zoning would have some measure of economic impact as it would result in the addition of three (3) fee-simple parcels to be distributed among family members and would thus increase housing options and increase the possibility for small-scale agricultural pursuits. Additionally, the project has the potential to create some short-term economic benefits during construction of potential site improvements which would result in construction jobs and purchases from local suppliers (i.e. gas stations, convenience stores, area businesses, etc).

Thus, the project could aid the general economy and the overall economic use of the site and the surrounding area.

C. Agricultural Impacts

The site has a mixed LUPAG designation of *Low Density Urban* and *Important Agricultural Land* and has not had any recent intensive agricultural uses. The soil quality of the site is poor and makes it unsuited to most intensive commercial agriculture. However, these factors should not preclude use of the proposed parcels for small-scale family agricultural pursuits. Further, under the requested *FA-1a* zoning, the parcel would remain agricultural while also conforming with the existing nearby land uses.

VII. INFRASTRUCTURAL CONSIDERATIONS

A. Road

Access to the project would be from Old Government Mauka Road, a County owned and maintained paved roadway with varying right-of-way width.

A Traffic Impact Analysis has not been performed for the planned subdivision. However, the project proposes an increase of only three (3) lots. Thus, traffic impacts should be negligible and minimal access improvements would be required for the proposed project.

B. Water

Consultation with the Department of Water Supply confirmed that there is currently water service available to the subject property provided by a 5/8" meter and that County water service is available to support the proposed subdivision (**Exhibit A**). Should adequate pressure not be possible, the applicant will install a private pump and storage system to increase water pressure for each of the

proposed lots and, if required by the Department of Water Supply, execute an elevation agreement for the newly created lots.

C. Wastewater

Any future dwellings will be served by individual wastewater systems approved by the Department of Health.

D. Solid Waste

Solid waste will be handled by the lot owners and disposed of at transfer stations. With the requested *FA-1a* zoning, the potential for uses with toxic or related chemical waste would be minimal, if at all.

E. Other Government Services

As this property is partially within the Kona urban area, all necessary public facilities are located reasonably proximate to the subject site and no extension of government services would be required. There is a Fire Station, Police Station, Public Schools, Library and gas stations all located within 5 miles of the subject site. In addition, there are recreation facilities in the general area as well.

As such, the project should not result in the extension of any government services.

F. Other Utilities

All other utilities such as telephone and electrical services are available to the site.

VIII. IMPACT SIGNIFICANCE ANALYSIS

A. Relationship Between Local Short-Term Uses of Environment and Maintenance and Enhancement of Long-Term Productivity

If the request were denied, the short-term use of the area of the proposed rezoning would probably continue in its current largely unused condition. The applicant would continue to live in the existing dwelling, but would not be able to subdivide the land to provide her family the same land ownership and housing opportunities, making an equitable distribution of the land among family members difficult. Further, with only one family member living on and managing the entire property, care, maintenance and agricultural use of the overall property would be challenging.

From a long-term productivity standpoint, the proposed additional lots would provide a heightened level of possibility for the family, allowing each sibling to construct their own home on the property and share in the overall care and agricultural use of the land.

B. Irreversible and Irretrievable Commitment of Resources

The proposed action will not involve an irrevocable commitment, loss, or destruction of any natural, cultural, or historic resources. Any future earthwork will closely follow all mitigating measures and Best Management Practices to minimize impacts to natural resources.

As mentioned previously, a formal archaeological study of the property has not been performed. However, the applicant is very familiar with the property as it has been in her family since the 1800s and she does not believe that any archaeological sites are present. Historic aerial imagery shows that the subject property was completely cleared prior to 1977 in order to build the existing farm dwelling and establish pasture. Therefore, the likelihood of this action having any impact on the area's historic resources is not high. However, in the event any historic, archaeological, or cultural features are discovered during any future construction, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD, and County Planning Department will be secured before work resumes.

Further, the subject property is not a shoreline parcel and will therefore have no impact on public access to or along the shoreline.

Finally, the soil of the site is classified as “D”, or poor, by the Land Study Bureau and is not conducive to intensive commercial agriculture. Therefore, a change from A-20a to FA-1a zoning would not result in an irreversible commitment of resources, but rather allow the land to be divided amongst its family members for more productive small-scale family agricultural use.

C. Mitigative Measures

Upon approval of the rezone, the applicant intends to make improvements, if required, generally consistent with the subdivision process. Additionally, once subdivided, it will be possible for the applicant's family members to pursue construction of a single-family farm dwelling on the newly created lots. During any construction phases, contractors will be obligated to comply with appropriate State noise and air quality standards as well as adhere to Best Management Practices.

In the event any archaeological features are found during any future earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-HPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

There is no existing drainage way on the property. Any and all required grading or grubbing work would be done in accordance with applicable regulations. This is to assure that the development of this site does not adversely affect the drainage of surrounding properties.

Finally, there will be no person or businesses to be relocated by this project.

D. Alternatives to the Proposed Project

1. No Project

Under the *status quo* alternative, the site would likely continue in its present state. The landowner would not be able to divide the property amongst her siblings and the applicant's family members would not be able to build their own homes on the land, making equitable distribution of the property among family members difficult. It is also possible that the applicant would have to sell the parcel.

2. Alternative Density

Given that the property is partially within the Kona Urban Area, the applicant could seek a denser residential zoning, such RS-10 or RS-20 zoning. These zoning designations would arguably be consistent with some of the surrounding land use. However, subdivision infrastructure costs make those options unfeasible for the owner at this time. Additionally, such a zoning would require taking the property out of its Agricultural designation and amending the State Land Use Boundary designation to Urban.

A lower density FA-2a zoning could also be sought. However, such zoning would only permit the creation of one (1) additional lot. Given the purpose of the proposed subdivision is to portion out the land to multiple family members and that the existing infrastructure is adequate to support three (3) additional lots, FA-2a zoning would not be ideal and would leave two siblings without the ability to build a home on the land.

3. Evaluation of Alternatives

The necessary infrastructure and services are available to support the proposed FA-1a rezoning and subsequent 4-lot subdivision and the project's impact to the area's social and physical infrastructure would not be pronounced. Rather, approval of the request will enable the applicant to share the property with her family members, allowing them the possibility to remain on their family land and build their own family homes. Certain mitigative measures can be taken to address any possible impacts associated by the development of this project. Further, the project would

be consistent with the land use objectives sought to be accomplished by the County General Plan LUPAG map.

In view of the aforementioned, it would appear that none of the alternatives would be more sensible and beneficial than the requested FA-1a alternative.

IX. REGULATORY ANALYSIS

A. General Plan LUPAG Map

The General Plan provides for the long-range comprehensive development of the island of Hawai'i. It provides direction for balanced growth in the County. The LUPAG map designates the site as primarily *Low-Density Urban* and *Important Agricultural Land* (**Figure 5**). These designations allow the requested FA-1a zoning without a General Plan amendment.

B. General Plan Policies

The requested zoning would be consistent with the goals, policies, and standards of the General Plan document.

For one, it will provide an **economic** opportunity for a local family to own and build on a portion of their family. Additional economic opportunities are also likely from increased employment options created by construction of any improvements required by the subdivision and later construction of farm dwellings. Further, the project is likely to increase the land's value, increasing property taxes. In so doing, the resultant project should add revenues to the County and State coffers.

The project intends to be **energy** conscious through the use and/or encouragement of solar energy and design features to take advantage of the sun and wind patterns.

Maintaining and improving the quality of the **environment** is important to the success of this project. The General Plan identifies five (5) areas of environmental concerns - air pollution, water quality, soil pollution, solid waste disposal, and noise pollution. As proposed, the project would not violate any of those objectives.

Aside from the very limited vehicular transmission, air pollution associated with the project should be negligible. All wastewater would be handled by Department of Health approved Individual Wastewater Systems. This should be sufficient to address any potential groundwater or coastal water impacts.

If required, while not necessary for a project of this nature and size, a solid waste management plan could be prepared and implemented. The project will also be minimal in noise, except what may be associated with initial construction of potential farm dwellings.

The project site is outside the boundaries of a flood way. No significant changes in the surface runoff generated by this development are anticipated.

A formal archaeological study was not performed on the subject parcel. However, the applicant is very familiar with the property as it has been in her family since the 1800s and she does not believe that any archaeological sites are present. Throughout the years, the majority of property has been cleared and used extensively for pastureland, residential development and to provide access to the Department of Water Supply to TMK (3) 7-3-004:022. Therefore, the likelihood of this action having any impact on the area's **historic resources** is not high. In the event any archaeological features are found during any future earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-HPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

Further, the suburban nature of the surrounding areas would make it less likely to find endangered animal life in this area. It would be possible, however, to find the Island-wide ranging Hawaiian Hawk (*I'o*), Hawaiian Owl (*Pueo*), and the Hawaiian Hoary Bat on site. Best management practices will be employed to avoid adverse effects to these species such as not using barbed wire fencing and avoiding trimming and removal of certain vegetation during bat and hawk breeding seasons.

The proposed FA-1a zoning will help fulfil the objectives of the **housing element** by creating three (3) additional lots, each with the potential for construction of a farm dwelling, allowing the applicant's family members the opportunity to live on their family land.

The Plan also emphasizes that developments be mindful of an area's **natural beauty**. In this situation, the project – with the protective conditions – will be used in a manner where it blends with the existing terrain.

As the project site is approximately 4.5 miles from the ocean and at an elevation of 1,700-1,900 feet, the usual **coastal resources** concern is not pronounced. There will be no interference with shoreline access. Further, through the use of DOH approved Individual Wastewater Systems, impacts to the coastal water will be minimized.

There will be minimal impact to **public facilities**. The Department of Water Supply water line exists to the site and additional water can be made available

with limited improvements and an elevation agreement (**Exhibit A**). Furthermore, in exchange for providing water to support the three additional lots, the applicant has agreed to provide the Department of Water Supply with a construction right of entry for access over a portion of her property in order to construct a future reservoir on the DWS parcel located in the middle of the applicant's parcel. In this way, the proposed project will benefit the DWS water facilities. Additionally, vehicular access to the site is via Old Government Road, a County owned and maintained roadway with sufficient access for emergency vehicles. Schools and other public facilities are also located proximate to the site, most of them being less than 5 miles away.

Finally, in terms of the **Land Use and Housing elements**, the pertinent goals, policies, and standards of the General Plan note the following:

- Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County (Land Use Element)
- Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region, and County. (Land Use Element)
- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment. (Land Use Element)
- Zoning requests shall be reviewed with respect to General Plan designation, district goals, regional plans, State Land Use District, compatibility with adjacent zoned uses, availability of public services and utilities, access, and public need.

In view of the foregoing goals and policies, it is noted that the requested zoning would be generally compatible with the surrounding area.

As Kona and its surrounding area continues to grow, there is a need for more family agriculture zoned lands to promote the ability of local families to remain and build on their family land. The subject request reflects this demand. The purpose of the rezone is to create additional parcels to be distributed among family members and will provide fee simple ownership, housing and small-scale farming opportunities to the applicant's family. Additionally, the FA-1a designation is intended for small-scale agricultural operations associated with residential activities and is thus appropriate for this parcel's mixed Low Density Urban and Important Agricultural Lands LUPAG designations. Furthermore, the subject property is already adjacent to several other 1 to 1.5-acre parcels zoned A-1a to the north and west and FA-1a to the south, making the proposed rezoning appropriate in this area of Kona and compatible with surrounding land uses.

Further, this request is in alignment with the parcel's State Land Use Agricultural designation and, as is elaborated on in Section IV.C of this report, the request is also in alignment with the Kona Community Development Plan.

C. Kona Community Development Plan

The Kona Community Development Plan (KCDP) attempts to further define the General Plan and serves as a guide for decision-makers. The KCDP designates the subject parcel as partially within the Kona Urban Area (**Figure 6**). As roughly half of this property is located within the Kona Urban Area and the other half is located on the outskirts of the Kona Urban Area, the proposed FA-1a zoning would provide an appropriate transition between the smaller residential uses to the west of Hawaii Belt Road and the larger agricultural and conservation uses and zoning to the east of the subject site.

Additional information pertaining to how this application conforms to the policies and standards of the KCDP is provided in Section IV.C of this report.

D. Zoning and Subdivision

The designated zoning of the site is A-20a. Should the FA-1a zoning be approved, the requirements of the zoning and subdivision codes would generally be complied with, including use and related development standards. These include the possible incorporation of appropriate restrictive covenants relating to density, use, and design restrictions.

E. State Land Use Agricultural Standards

The State Land Use Designation is Agricultural. The requested rezoning to FA-1a would not be contrary to the State Land Use Standards.

X. CONCLUSION

Based on the consistency of the proposed change of zone request with the County's land use policies, approval of this request would be logical and reasonable.

In addition, the request will provide land ownership and housing opportunities to the applicant's family and help generate additional property tax revenue for the County.

Lastly, the requested density is consistent with the surrounding area and properties. The alternative of leaving the land in its present zoning would not be a reasonable option, would limit its highest and best use and would make it impossible to divide the land among family members so that they may each build their own single-family farm dwelling. While other zonings of a residential and/or agricultural nature could be achieved, the requested FA-1a zoning is the most sensible.



FILE COPY

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

February 8, 2024

Ms. Wattie Green
P.O. Box 261
Kailua-Kona, HI 96745

**Subject: Construction Right of Entry for Access and Utility Easement to Reservoir Lot
Tax Map Key (3) 7-3-004:011**

Dear Ms. Green,

We are confirming the Department of Water Supply's existing easement over the subject property between the Old Mamalahoa Highway and our Reservoir Lot (Tax Map Key (3)7-3-004:022) and our desire to enter into a Construction Right of Entry over a portion of your parcel (Tax Map Key (3)7-3-004:011) as the necessary grading improvements will be encroaching into your property. We also want to assure you that the easement is a non-exclusive easement, and that the Department will not block access to the upper portion of your property. Any fencing will be within the existing Reservoir Lot and there is no intention to fence along side of the easement.

As the Department does not currently have plans to construct the reservoir in the near future, it is intended that the Construction Right of Entry be in effect until such time as the improvements are completed. The encroachment will impact up to an additional 15 feet beyond the existing easement thus, we would recommend that no permanent structures or plantings be constructed in this area as it may be damaged/removed during construction.

We would also like to memorialize that in lieu of compensation and in conjunction with the Construction Right of Entry, the Department will make three (3) additional equivalent water units available to the subject property. One equivalent water unit is equal to an average of 400 gallons per day. The owner will be responsible for any improvements necessary to provide the water service to the property including all applicable fees. The services will also be subject to an elevation agreement as the existing water system will not be able to supply service to the upper portion of the subject property. On-site improvements may be required, which would also require the services of a licensed engineer and the design would be subject to our approval.

If you are in agreement with the terms above, please send a confirmation and we will draft the Construction Right of Entry document for review and execution.

Should you have any questions or concerns, please contact Mr. Kurt Inaba at (808) 961-8070, extension 238.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

KYI:klcm

copy: Kurt Inaba, DWS Engineering Division



194 Wiwoole St. Hilo, HI 96720
(808) 333-3393
info@landplanninghawaii.com

April 16, 2024

Mr. Jeffrey Darrow, Deputy Director
Planning Department
COUNTY OF HAWAII
101 Pauahi Street
Hilo, HI 96720

Dear Mr. Darrow:

Subject: Submission of Change of Zone Application
Applicant: Wattie Green
Kailua-Kona, North Kona, Hawaii, TMK: (3) 7-3-004:011

Transmitted electronically here for your review and processing is the submittal of an application requesting the rezoning of a 4.985-acre parcel of land from the Agricultural - 20 acre (A-20a) to the Family Agricultural – 1 acre (FA-1a) district. The subject property is located just mauka of Kaiminani Drive on Old Government Mauka Road, approximately 800 feet south of its intersection with Hawaii Belt Road in Kailua-Kona, Hawaii. If approved, the applicant intends to subdivide the parcel into four (4) lots in order to distribute the land among family members.

The transmittal includes a) the application package which includes the application form, a metes and bounds description of the property, the departmental questionnaire, the background & environmental report, the location and proposed site plan and a rezone exhibit map; b) a letter of authorization allowing our office to file the application on the landowner's behalf; and c) a list of surrounding property owners within one thousand (1,000) feet of the subject parcel. A payment for the County filing fee will be paid via electronic check upon submittal of the application.

We trust that everything is in order for your acceptance and processing of this application. If not, or if there are questions relating to this matter, please feel free to direct them to me. Thank you very much.

Sincerely,

JOHN PIPAN
Planning Administrator

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
RYAN K.P. KANAKA'OLE
FIRST DEPUTY
DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 2, 2024

Zendo Kern, Director
Planning Department
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, HI 96720
planning@hawaiiicounty.gov

IN REPLY REFER TO:
Project No. 2024PR00581
Doc. No. 2408SN04
Archaeology

Dear Mr. Kern:

SUBJECT: **Hawaii Revised Statutes (HRS) Chapter 6E-42 Historic Preservation Review**
County of Hawaii Change of Zone Permit Application
Permit No. PL-REZ-2024-000058
Applicant: Wattie Elizabeth Kaiokalani Green (Landowner)
Kalaoa 1st-5th, North Kona District, Island of Hawai'i
TMK: (3) 7-3-004:011

This letter provides the State Historic Preservation Division's (SHPD's) review of the subject County of Hawaii change of zone application (Permit No. PL-REZ-2024-000058) received by our office on May 8, 2024. The submittal includes a County of Hawaii change of zone application, construction plans, an aerial photo, and TMK map of the project parcel. The submittal also included a letter from the County of Hawaii Planning Department requesting SHPD's review of the proposed project.

The project area comprises the 4.99-acre property. The applicant is requesting a change of zone designation from the existing Agriculture (A-20a) to a Family Agricultural-1 acre (FA-1) to subdivide the subject parcel into 4-lots, each averaging ~1 acre or larger. The applicant has provided a preliminary plat map for the proposed subdivision.

SHPD records (Log No. 2008.1474, Doc. No. 0807TD18) indicate that an archaeological field inspection (Rechtman 2006) for a 1-acre portion of the project area was conducted for the construction of a new water reservoir and associated facilities near the Kalaoa Reservoir. Rechtman (2006) indicated that the 1-acre project area had been previously graded for the existing reservoir and that SHPD made a determination of no historic properties affected for the project. However, the current proposed project area is located within the geographic boundaries of the Kona Field System (State Inventory of Historic Places (SIHP) 50-10-37-06601) and numerous historic properties have been identified in archeological surveys (Yent 1991; Reeve 2016; and Haun 2020) on adjacent parcels. These include a lava tube complex (SIHP 50-10-28-31193) and historic ranch walls (SIHP 50-10-28-31191 and SIHP 50-10-28-31192).

Pursuant to HAR §13-284, **SHPD has insufficient information** to determine the potential of the proposed project to impact historic properties. Thus, **SHPD requests** an archaeological field inspection be conducted of the entirety of the current project area by a qualified archaeologist to determine if undocumented historic properties exist in the proposed project area. If unrecorded historic properties are present, SHPD will request that an archaeological inventory survey (AIS) be completed, and a report be submitted for review and acceptance prior to initiation of any future land altering activities.

A list of permitted archaeological firms is provided at: <http://dlnr.hawaii.gov/shpd/about/branches/archaeology/>.

Planning Dept.
Exhibit 3

Mr. Kern
August 2, 2024
Page 2

Following the completion of the field inspection, SHPD requests the field inspection report, along with a copy of this letter, be submitted to HICRIS Project No. 2024PR00581 using the Project Supplement option.

SHPD shall notify the County of Hawaii when the requested documentation has been reviewed and the permit issuance process may continue.

Please contact Sean Naleimaile at sean.p.naleimaile@hawaii.gov for questions regarding archaeological resources or this letter.

Aloha,

Susan A. Lebo

Susan A. Lebo, PhD
Archaeology Branch Chief
Acting Administrator, State Historic Preservation Division

cc: Tracie-Lee Camero, tracie-lee.camero@hawaiicounty.gov
John Pipan, info@landplanninghawaii.com
Wattie Green, wattiegreen@me.com

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HAWAII
HILO, HAWAII

DATE: May 29, 2024

Memorandum

TO: Zendo Kern, Planning Director

FROM: Department of Public Works, Engineering Division



SUBJECT: CHANGE OF ZONE APPLICATION (PL-REZ-2024-000054)

Applicant: Wattie Elizabeth Kaiokalani Green

Request: Change of Zone from Agricultural-20 acres (A-20a) to Family
Agriculture-1 acre (FA-1a)

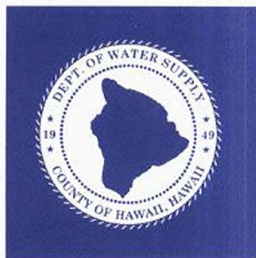
TMK: 7-3-004:011

We have reviewed your submittal dated April 29, 2024 and offer the following comments for your consideration:

1. The subject parcel is in an area designated as Zone X and a small portion of Zone D on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain. Zone D corresponds to unstudied areas where flood hazards are undetermined, but possible.
2. All activities shall comply with the requirements of Hawaii County Code (HCC), Chapter 10, Erosion and Sedimentary Control.
3. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage study shall be prepared and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works, Engineering Division.
4. All construction within the road right-of-way shall conform to Chapter 22, County Streets, of the Hawaii County Code.

Questions may be referred to Robyn Matsumoto at 961-8924.

Planning Dept.
Exhibit 4



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KĒKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

May 29, 2024

REC'D HAND DELIVERED

COH PLANNING DEPT
MAY 30 2024 PM 3:32

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Change of Zone Application (PL-REZ-2024-000058)**
Applicant - Wattie Elizabeth Kaiokalani Green
Request - Change of Zone from A-20a to FA-1a
Tax Map Key 7-3-004:011

We have reviewed the subject application and have the following comments and conditions.

Please be informed that there is an existing 5/8-inch meter serving the subject parcel, which is limited to one (1) unit of water. For your information, one (1) unit of water is equal to an average daily usage of 400 gallons, which is suitable for only one (1) single-family dwelling. There are three (3) units of water available from an agreement to the subject parcel; however, the subject parcel does not front the Department's existing waterline, and is located at an elevation where adequate pressure cannot be provided.

Extensive improvements and additions, which may include, but not limited to storage, booster pumps, and distribution facilities, would be required. The Department does not foresee any upgrades to its existing water system facilities that would possibly provide the property with adequate pressure and volume meeting subdivision water system standards.

Should there be any questions, please contact Mr. Ryan Quitarano of our Water Resources and Planning Branch at (808) 961-8070, extension 256.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RQ:dfg

copy – Ms. Wattie Elizabeth Kaiokalani Green
Land Planning Hawaii, LLC

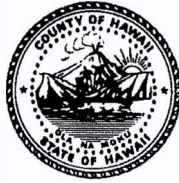
... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.

Planning Dept.
Exhibit 5

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

MEMORANDUM

TO: Zendo Kern, Director
Planning Department

FROM: Ramzi I. Mansour, Director
Department of Environmental Management

DATE: May 10, 2024

SUBJECT: Change of Zone Application (PL-REZ-2024-000058)
Applicant: Wattie Elizabeth Kaiokalani Green
Request: Change of Zone from Agricultural-20 acres (A-20a) to Family
Agriculture-1 acre (FA-1a)
Tax Map Key: (3) 7-3-004:011, North Kona, Hawai'i

The Solid Waste Division has reviewed the subject application and has no comments.

The Wastewater Division has reviewed the subject application and provides the following comments:

- No County sewer system in area. Applicant shall follow Hawai'i Department of Health, and all other applicable federal, state, and county regulations.



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

STP 00483.24
STP 8.3752

May 24, 2024

VIA EMAIL: planning@hawaiiicounty.gov

Mr. Zendo Kern
Planning Director
County of Hawaii
Planning Department
East Hawaii Office
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Dear Mr. Kern:

Subject: Change of Zone Application (PL-REZ-2024-000058)
Wattie Elizabeth Kaiokalani Green
North Kona, Hawaii Island, Hawaii
Tax Map Key: (3) 7-3-004: 011

Thank you for your Memorandum, dated April 29, 2024, requesting the Hawaii Department of Transportation's (HDOT) review and comments on the subject change of zone application. The HDOT understands the applicant is requesting to rezone the 4.985-acre parcel from Agricultural-20 acres (A-20a) to Family Agricultural-1 acre (FA-1a) to subdivide the property into four lots.

HDOT has the following comments:

1. The subject project is approximately 3.67 miles from the boundary of Ellison Onizuka Kona International Airport at Keahole. All projects within five miles from Hawaii State airports are advised to read the Technical Assistance Memorandum (TAM) for guidance with development and activities that may require further review and permits. The TAM can be viewed at this link: http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports_08-01-2016.pdf.
2. The HDOT requires that the proposed development does not provide landscape and vegetation that will create a wildlife attractant, which can potentially become a hazard to aircraft operations. Please review the Federal Aviation Administration Advisory Circular 150/5200-33C, Hazardous Wildlife Attractants On Or Near Airports for guidance. If the development creates a wildlife attractant, the developer shall

Mr. Zendo Kern
May 24, 2024
Page 2

STP 8.3752

immediately mitigate the hazard upon notification by the HDOT and/or Federal Aviation Administration.

3. The HDOT does not object to the Change of Zone Application.

Please submit any subsequent land use entitlement-related requests for review or correspondence to the HDOT Land Use Intake email address at DOT.LandUse@hawaii.gov.

If there are any questions, please contact Mr. Blayne Nikaido, Planner, Land Use Section of the HDOT Statewide Transportation Planning Office at (808) 831-7979 or via email at blayne.h.nikaido@hawaii.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Sniffen', is positioned above the printed name.

EDWIN H. SNIFFEN
Director of Transportation



194 Wiwoole St. Hilo, HI 96720
(808) 333-3393
info@landplanninghawaii.com

July 10, 2024

Mr. Jeffrey Darrow, Deputy Director
Planning Department
COUNTY OF HAWAII
101 Pauahi Street
Hilo, HI 96720

Dear Mr. Darrow:

Subject: Response to Department of Water Supply Comments Regarding Change of Zone Application (PL-REZ-2024-000058)
Applicant: Wattie Green
Kailua-Kona, North Kona, Hawaii, TMK: (3) 7-3-004:011

Our office is in receipt of a letter from the Department of Water Supply (DWS) dated May 29, 2024 in response to the subject application. Thank you for the opportunity to comment on this letter.

The letter indicates that the property currently has one (1) existing water meter, but that three (3) additional units of water are available from an agreement to the subject parcel per a letter from DWS dated February 8, 2024 (**Exhibit A**). That letter indicates that the owner will be responsible for any improvements necessary to provide the additional water service and that the services will be subject to an elevation agreement pertaining to the upper portion of the parcel. It is anticipated that the improvements will require a tank and pump to provide sufficient pressure to the upper most proposed parcel. The applicant is in agreement with the terms of this agreement and will execute the agreement as soon as it is received. She accepts responsibility for construction of any necessary improvements, as designed by a licensed engineer and approved by DWS, in order to utilize the additional water units.

We trust that everything is in order for your acceptance and processing of this information. If not, or if there are questions relating to this matter, please feel free to direct them to me. Thank you very much.

Sincerely,

JOHN PIPAN
Planning Administrator

Cc: Keith K. Okamoto, P.E., Manager-Chief Engineer, Department of Water Supply



FILE COPY

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

February 8, 2024

Ms. Wattie Green
P.O. Box 261
Kailua-Kona, HI 96745

**Subject: Construction Right of Entry for Access and Utility Easement to Reservoir Lot
Tax Map Key (3) 7-3-004:011**

Dear Ms. Green,

We are confirming the Department of Water Supply's existing easement over the subject property between the Old Mamalahoa Highway and our Reservoir Lot (Tax Map Key (3)7-3-004:022) and our desire to enter into a Construction Right of Entry over a portion of your parcel (Tax Map Key (3)7-3-004:011) as the necessary grading improvements will be encroaching into your property. We also want to assure you that the easement is a non-exclusive easement, and that the Department will not block access to the upper portion of your property. Any fencing will be within the existing Reservoir Lot and there is no intention to fence along side of the easement.

As the Department does not currently have plans to construct the reservoir in the near future, it is intended that the Construction Right of Entry be in effect until such time as the improvements are completed. The encroachment will impact up to an additional 15 feet beyond the existing easement thus, we would recommend that no permanent structures or plantings be constructed in this area as it may be damaged/removed during construction.

We would also like to memorialize that in lieu of compensation and in conjunction with the Construction Right of Entry, the Department will make three (3) additional equivalent water units available to the subject property. One equivalent water unit is equal to an average of 400 gallons per day. The owner will be responsible for any improvements necessary to provide the water service to the property including all applicable fees. The services will also be subject to an elevation agreement as the existing water system will not be able to supply service to the upper portion of the subject property. On-site improvements may be required, which would also require the services of a licensed engineer and the design would be subject to our approval.

If you are in agreement with the terms above, please send a confirmation and we will draft the Construction Right of Entry document for review and execution.

Should you have any questions or concerns, please contact Mr. Kurt Inaba at (808) 961-8070, extension 238.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

KYI:klcm

copy: Kurt Inaba, DWS Engineering Division

. . . Water, Our Most Precious Resource . . . Ka Wai A Kāne . . .

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