

COUNTY OF HAWAI‘I PLANNING DEPARTMENT
RECOMMENDATION

KELVIN P. JARNESKI
STATE LAND USE BOUNDARY AMENDMENT APPLICATION
(PL-SLU-2024-000009)

Upon careful review of the request, the Planning Director is recommending that a **favorable recommendation** for the State Land Use Boundary Amendment be forwarded to the County Council. Since this recommendation is made without the benefit of public testimony, the Planning Director reserves the right to modify and/or alter this position based upon additional information presented at the public hearing. The favorable recommendation is based on the following findings:

The applicant is requesting a State Land Use (SLU) District Boundary Amendment from Agricultural to Rural for 1.997 acres of land. The applicant has submitted a concurrent request for a Change of Zone from an Agricultural-40 acre (A-40a) to a Residential Agricultural-0.5 acre (RA-.5a) zoning district for 1.997 acres of land.

If the requested land use entitlement changes are approved, the applicant proposes to subdivide the property into two lots with the future intention of subdividing a third lot and conveying one lot to a family member.

The approval of the reclassification from the State Land Use Agricultural to the Rural District for 1.997 acres of land will not be in violation of Section 205-2, Chapter 205, Hawai‘i Revised Statutes (HRS), nor will it be inconsistent with the Land Use Commission Rules, the County General Plan, and the Hawai‘i State Plan. According to the Land Use Commission Rules, the following three standards shall apply when determining an area for the Rural district boundaries:

- (1) Areas consisting of small farms; provided that the areas need not be included in this district if their inclusion will alter the general characteristics of the areas;
- (2) Activities or uses as characterized by low-density residential lots of not less than one-half acre and a density of not more than one single-family dwelling, per one-half acre in areas where “city-like” concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with the low-density residential lots; and
- (3) Generally, parcels of land of not more than five acres; provided it may include other parcels of land which are surrounded by, or contiguous to this district, and are not suited to low-density residential uses for small farm or agricultural uses.

The subject property conforms to these standards in that the proposed use for the parcel in the proposed Rural district consists of low-density residential and agricultural lots of not less than one-half acre, with a proposed density of one single-family dwelling per lot. Additionally, lands directly contiguous to the subject parcel consist of a mix of small farms and low-density residential lots, in an area where “city-like” urban services are absent.

Although the Rural SLU classification is rare on Hawai‘i Island, in 2013 a property located about two miles west of the subject property was reclassified by the County from the Agricultural to Rural district. This property was also subsequently rezoned to RA-.5a, similar to the subject application submitted by the applicant. The Rural district serves as a transition between urban and agricultural land uses.

Additionally, the reclassification action would be consistent with the goals, objectives, and policies of the Hawai‘i State Plan by encouraging the preservation of rural character and lifestyle.

Section 15-15-27 of the Hawai‘i Land Use Commission Rules determines the permissible uses within the Rural district. This section states: “(a) Permissible uses within the rural district shall include the following activities: (1) All uses permitted under section 15-15-25 relating to agricultural uses and those uses that are compatible within

the agricultural district; (2) Low-density residential uses with a minimum lot size of one-half acre, except as provided by County ordinance pursuant to Section 46-4(c), HRS...”

The proposed SLU boundary amendment from the Agricultural to Rural district is necessary for the applicant to immediately subdivide the property into two residential agricultural lots with the possibility of a third such lot in the future. The smallest proposed lot size is 0.5 acres, which complies with the State’s Rural district minimum lot size of one-half acre.

According to HRS 205-3.5, Reclassification of land contiguous to an Agricultural district; approval conditions:

- a) Any decision approving a petition for a boundary amendment pursuant to this chapter where lands in the petition area are contiguous or adjacent to lands in the agricultural district, shall include the following conditions in the decision granting approval:
 - (1) A prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district; and
 - (2) Notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under chapter 165, the Hawaii right to farm act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

As the subject property is adjacent on all sides to parcels located in the SLU Agricultural district, the preceding will be added as conditions of approval.

Based on the foregoing, the requested boundary amendment and subsequent subdivision would be consistent with the permissible uses of the Rural district.

The proposed Rural boundary amendment request would be consistent with, among others, the Land Use (Single Family Residential) policies of the General Plan:

- Rural-style residential-agricultural developments, such as new small-scale rural communities or extensions of existing rural communities, shall be encouraged in appropriate locations.
- Review and amend land use ordinances and codes to include considerations for rural-style residential subdivisions in appropriate locations. Standards and criteria for the establishment of these areas shall be developed.

The proposed Rural boundary amendment request also conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map which designates the boundary amendment area as Rural.

The proposed reclassification action also conforms to the goals, policies, and standards of, among others, the Land Use-Single Family Residential Element of the General Plan, and the General Plan Land Use Pattern Allocation Guide (LUPAG) Map which designates the subject property as Rural. According to the General Plan, the Rural designation includes existing subdivisions in the State Land Use Agricultural district that have a significant residential component. Typical lot sizes vary from 9,000-square feet to two (2) acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses with these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities.

Existing lands in the surrounding area include a mix of rural-residential and limited agricultural activities. This boundary request would allow rural development for residential-agricultural uses that will complement the existing and future residential-agricultural land use patterns of the immediate vicinity. The property is presently located within the State Land Use Agricultural and County's Agricultural (A-40a) zoned districts and is being used for residential and agricultural purposes. Although the parcel is defined as "Prime Agricultural Land" by the Agricultural Lands of Importance to the State of Hawai'i (ALISH) System, with a Land Study Bureau classification of "C" ("moderate productivity") soils, the small size of the parcel does not lend itself to large-scale agricultural activities. Rather, residential agricultural use would support more sustainable,

small-scale agricultural activities while also providing low-density housing availability. Based on the above findings, the granting of the Rural boundary amendment would complement and implement the General Plan.

All utilities and services are available to the property, which are essential to accommodate rural development. Access to the subject property is from Alanui ‘Ohana Place, a privately owned and maintained roadway that takes access from Māmalahoa Highway, a two-lane, State-owned, paved roadway with an approximate 40-foot-wide pavement within a 60-foot right-of-way in this area. The subject property currently has a 50-foot-wide powerline right-of-way located on the south side of the property, in favor of Hilo Electric Light Co, Ltd. Since the section of Māmalahoa Highway fronting the subject property was transferred from County to State ownership, the applicant will be required to comply with State Department of Transportation requirements. A condition of approval will be included with the concurrent Change of Zone to address the preceding.

According to the Department of Water Supply (DWS), there are two existing water services fronting the subject property, capable of supporting the initial 2-lot subdivision. Additionally, DWS notes that water can be made available for the proposed third lot, contingent on completion of improvements as required by DWS. The proposed lots will utilize individual wastewater systems meeting with approval by the State Department of Health (DOH). Similarly, conditions of approval will be included with the concurrent Change of Zone to address the preceding.

According to the Federal Emergency Management Agency the subject property is in an area designated as Zone “X”, an area determined to be outside the 500-year floodplain. The property is located over five miles from the nearest shoreline and thus is not situated within the Special Management Area, the tsunami inundation area or evacuation area.

As conditions of approval of the concurrent Change of Zone, all development-generated runoff will be disposed of on-site and not directed toward any adjacent properties. All earthwork activity, including grading and grubbing, will conform to Hawai‘i County Code for Erosion and Sedimentation Control and Flood Control.

Police, fire, and emergency services are available nearby in Waimea, approximately 3.5 miles from the subject property. In sum, all essential utilities and infrastructure are available to the subject property, to support the requested boundary amendment to the Rural district.

Finally, the boundary amendment would conform to the following goals, objectives and/or policies articulated in the Hawai'i State Plan relating to Socio-cultural advancement - Housing objectives and policies:

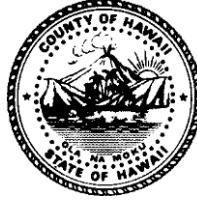
- (a) Planning for the State's socio-cultural advancement with regard to housing shall be directed towards achievement of the following objectives:
 - (1) Greater opportunities for Hawai'i's people to secure reasonably priced, safe, sanitary, livable homes located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals.
 - (2) The orderly development of residential areas sensitive to community needs and other land uses.
- (b) To achieve the housing objectives, it shall be the policy of this state to:
 - (1) Effectively accommodate the housing needs of Hawai'i's people.
 - (2) Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income and gap-group households.
 - (3) Increase home ownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.
 - (4) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.
 - (5) Foster a variety of lifestyles traditional to Hawai'i through the design and maintenance of neighborhoods that reflect the cultures and values of the community.

Based on the preceding, the approval of the State Land Use Boundary Amendment from the Agricultural to the Rural District complements the State

Land Use Regulations and is supportive of the County of Hawai‘i General Plan and the State of Hawai‘i Plan.

The accompanying draft bill to amend the State Land Use District Boundary Map is provided for your favorable consideration. Please note the proposed conditions of approval attached to the draft bill.

COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. _____(PLANNING DEPARTMENT)

BILL NO. _____

AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAI'I BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE RURAL DISTRICT AT PU'UKAPU, WAIMEA, HAWAI'I, COVERED BY TAX MAP KEY: 6-4-017:001.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. The State Land Use Boundaries Maps for the County of Hawai'i are amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Pu'ukapu, Waimea, Hawai'i, shall be Rural:

Beginning at a 1-inch pipe (found) at the Southeasterly corner of this parcel of land, being also the Southwesterly corner of Grant 6820 to John McCoy and a point on the Northerly side of Māmalahoa Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "EAST BASE" being 7,409.10 feet North and 4,439.40 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 73° 50' | 280.00 | feet along the Northerly side of Māmalahoa Highway to a point; |
| 2. | 166° 10' | 311.00 | feet along the Easterly side of Alanui 'Ohana Place to a 1-inch pipe (found); |
| 3. | 253° 50' | 280.00 | feet along Lot M and along the remainder of Grant 6935 to Theodore Vredenberg to a 1-inch pipe (found); |

4. 346° 10' 311.00 feet along the Grant 6820 to John McCoy to the point of beginning and containing an area of 1.997 Acres.

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

SECTION 2. This change in district classification is conditioned upon the following:

SEE ATTACHED CONDITIONS

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

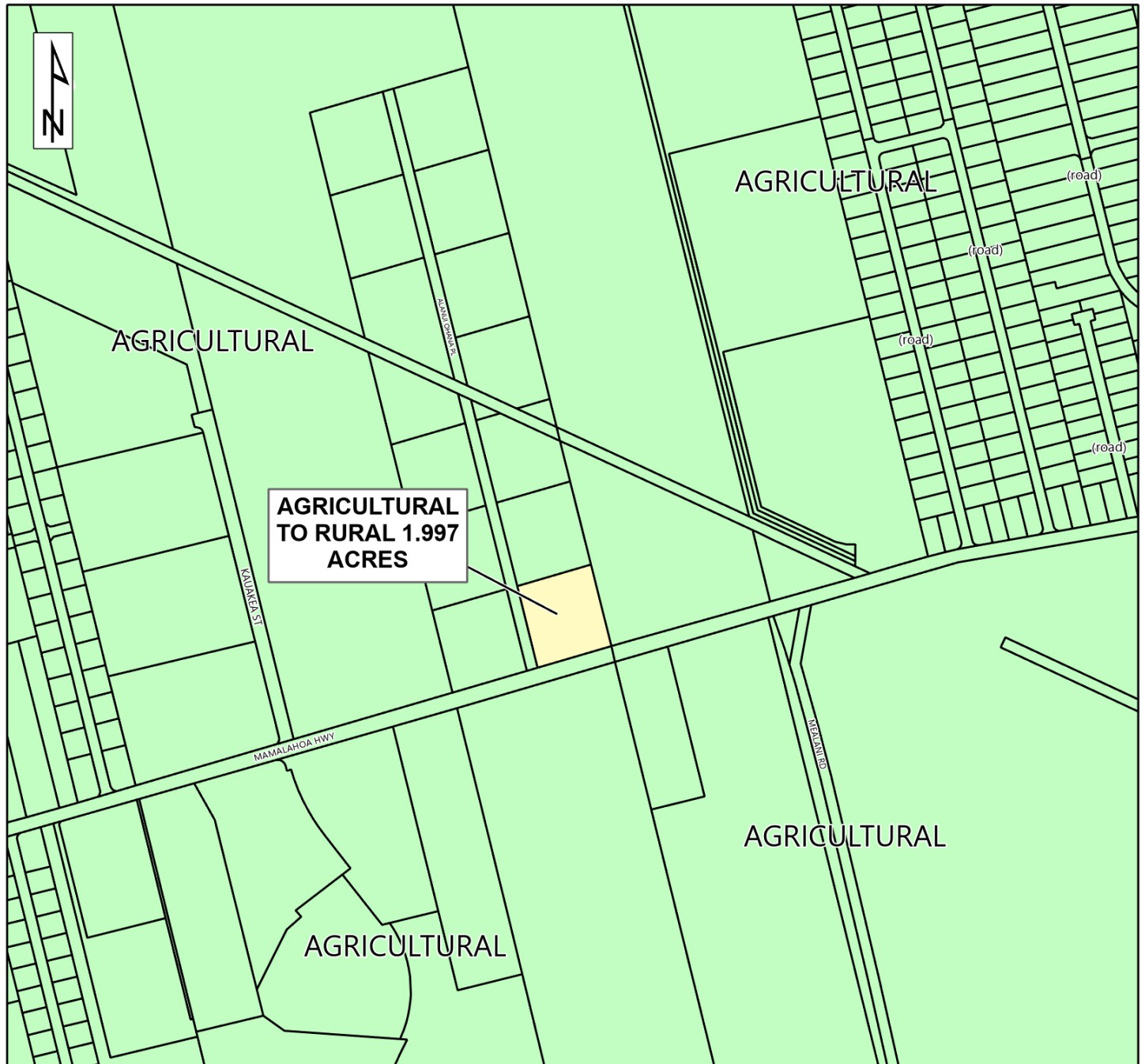
COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i

Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

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(PL-SLU-2024-000009)
CONDITIONS OF APPROVAL

- A. The applicant, successors, or assigns shall notify prospective purchasers, tenants, or lessees of all lots that farming operations and practices on adjacent or contiguous land in the State Land Use Agricultural District are protected under Hawai‘i Revised Statutes Chapter 165, the Hawai‘i Right to Farm Act. This notice shall be included in any disclosure required for the sale or transfer of all the proposed lots.
- B. Any action that would interfere with or restrain farming operations on adjacent or contiguous properties shall be prohibited under Hawai‘i Revised Statutes Chapter 165, the Hawai‘i Right to Farm Act; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the Agricultural District.



0 500 1,000 Feet

AMENDMENT TO THE STATE LAND USE **BOUNDARIES MAPS**

AMENDING THE STATE LAND USE BOUNDARIES MAP
FOR THE COUNTY OF HAWAII, BY CHANGING THE DISTRICT CLASSIFICATION
FROM THE AGRICULTURAL DISTRICT TO THE RURAL DISTRICT
AT PU'UKAPU, WAIMEA, SOUTH KOHALA, HAWAII