

COUNTY OF HAWAI'I PLANNING DEPARTMENT

BACKGROUND REPORT

GRAPHIC IMAGES HAWAII, INC.

CHANGE OF ZONE APPLICATION (PL-REZ-2024-000057)

GRAPHIC IMAGES HAWAII, INC. has submitted an application for a Change of Zone from an Agricultural-20 acres (A-20a) zoning district to a Family Agricultural-1 acre (FA-1a) zoning district for 26.762 acres of land. The subject properties are located at 16-790 Kea'au-Pāhoa Road, approximately 125 feet southeast of its intersection with Mamaka Street, Kea'au, Puna, Hawai'i, TMKs: (3) 1-6-003:081 & :129.

PROPOSED ACTION

1. **Applicant's Request:** The applicant is requesting a Change of Zone from an Agricultural-20 acres (A-20a) zoning district to a Family Agricultural-1 acre (FA-1a) zoning district for 26.762 acres of land. The Family Agricultural zoning district, with a minimum area required for each building site of 1-acre, would allow a maximum density of 26 lots. According to the Zoning Code, "the FA 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." Requirements for establishing land uses in the FA zoning district, including a list of the variety of permitted land uses, are

shown in Section 25-5-60 to 67 of the Zoning Code. **(Planning Department Exhibit 1 - Zoning Code Requirements for the Family Agricultural Zoning District)**

2. **Objective of the Request:** The applicant proposes to develop a 23-lot subdivision with lots at least 1 acre in size. It should be noted that the applicant is in preliminary discussions with the Hawai'i Health Systems Corporation (HHSC) about their possible acquisition of a 7.013-acre portion of the rezone area (Parcel 81) as the site of a proposed medical clinic. Should these discussions be fruitful, the applicant will revise the proposed subdivision layout to exclude that land area and the medical facility could be developed with the issuance of a Special Permit. However, should the HHSC not proceed with the medical clinic, the applicant will proceed with the proposed 23-lot subdivision as presented in the application.
3. **Construction Timetable and Cost:** The applicant anticipates completing the proposed subdivision within 8 years of the approval date of the Change of Zone application, at an estimated cost of \$2.2 million.
4. **Landowner:** Graphic Images Hawai'i, Inc.
5. **Supporting Information:** The applicant has submitted the attached in support of the request. **(Planning Department Exhibit 2 - Change of Zone Application dated March 22, 2024)**

STATE & COUNTY PLANS

6. **State Land Use District:** Agricultural.
7. **General Plan Land Use Pattern Allocation Guide (LUPAG) MAP:** Extensive Agricultural. Lands not classified as Important Agricultural Land. Includes lands that are not capable of producing sustained, high agricultural yields without the intensive application of modern farming methods and technologies due to certain physical constraints such as soil composition, slope, machine tillability and climate. Other less intensive agricultural uses such as grazing and pasture may be included in the Extensive Agriculture category. It should be noted that although the LUPAG map shows the rezone area as important agricultural lands (IAL), the Director determined that the area should be situated within the extensive agricultural (EA) designation given its similar agricultural characteristics to EA designated lands to the west (see exhibit A of the application).

8. **County Zoning:** Agricultural-20 Acres (A-20a).
9. **Puna Community Development Plan (PCDP):** The Puna CDP was adopted by the Hawai'i County Council, Ordinance 08 116, on September 10, 2008, and was amended on November 4, 2010 by Ordinance No. 10-104; June 8, 2011 by Ordinance Nos. 11-51, 11 52, & 11-53; and December 6, 2011 by Ordinance No. 11-117 & 11-118. The rezone area is situated just southwest of the Kea'au Regional Town Center boundary.
10. **Special Management Area (SMA):** The Special Management Area is a part of the Coastal Zone Management Program and regulated by the County. The subject property is not located within the Special Management Area and is situated approximately 3.9 miles from the nearest coastline.

DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

11. **Subject Properties:** The rectangularly shaped rezone area consists of two parcels totaling 26.762 acres of land that gently slopes mauka between the 300- and 400-foot elevation. There is an existing 2,000± square-foot warehouse structure situated towards the makai portion of the subject property, as well as a small shed towards the rear. These structures were utilized by the previous landowner to store supplies related to the former nursery operations, as well as accommodating a small office within the larger warehouse structure. Should the requested change of zone be approved, the applicant will remove these structures to make way for the proposed subdivision.
12. **Surrounding Zoning/Land Uses:** The rezone area is situated adjacent to the south of Ola Hou Estates subdivision, which was rezoned in 2012 and subdivided in two phases between 2018 and 2021, consisting of 35 one-acre sized lots zoned A-1a. Properties immediately to the east, south and west of the rezone area are similarly zoned A-20a. Located about a quarter of a mile to the west is the Kea'au Agricultural Lots Subdivision, which was rezoned in 1984 and subdivided in 1985, consisting of 322 one-acre agricultural lots. Further to the north on both sides of the Old Kea'au-Pāhoa Road are the Kea'au Elementary and High School complexes and to the south is Pūnana Leo o Hilo complex on lands zoned A-20a and developed under a Special Permit issued in 1979. Land uses within proximity to the rezone area consist of rural lots and public and private educational complexes.

13. **Flood Insurance Rate Map (FIRM):** The subject property is situated within Zone “X” on the Flood Insurance Rate Map (FIRM) by FEMA, an area determined to be outside the 500-year flood plain.
14. **USDA Soil Survey:** A sliver of the project site along its northern boundary consists of Ola‘a cobbly hydrous loam (2 to 10 percent slopes). The remainder of the subject property consists of Panaewa very cobbly hydrous loam (2 to 10 percent slope). These soils consist of well-drained, cobbly hydrous loam that formed in volcanic ash over pahoe-hoe (Panaewa) or A‘a (Ola‘a) bedrock. These soils are not considered as prime farmlands and were generally used for sugarcane, although the Panaewa series were also used for pasture and woodlands. Permeability is rapid, runoff is slow and the erosion hazard is slight.
15. **Land Study Bureau’s Detailed Land Classification System:** “D” or “Poor”.
16. **Agricultural Lands of Importance to the State of Hawai‘i (ALISH):** Most of the rezone area is designated as “Prime” agricultural lands by the ALISH.
17. **Flora/Fauna Resources:** No professional survey of the flora was conducted on the project site due to significant alterations caused by its previous use as sugarcane land and recent operation as a nursery. Most of the property is cultivated with commercial dracaena, rhapsis palms, and avocado trees. A grove of ironwood trees, planted by the previous landowner to act as a windbreak, borders the front and western parts of the site and the central area. In 2016, the remaining portion of the property was cleared, with avocado trees planted across nearly two-thirds of it. Undeveloped areas include a lawn, patches of former sugarcane, molasses grass, walking iris, wedelia, ti, and other secondary undergrowth. Similarly, no commissioned survey of the fauna was undertaken. However, a 2016 report concerning properties nearby, titled “*General Botanical Survey and Vertebrate Fauna Assessment, Various W.H. Shipman Lands, Kea‘au, Island of Hawai‘i*” documented sightings of non-endangered or introduced animals such as mongoose, mice, and feral cats. The report also noted occasional sightings of migratory birds like the Golden Plover foraging in the fields, the potentially endangered Hawaiian Hawk which is common throughout the island, and the possible presence between May and November of threatened species like Newell’s Shearwater and the endemic Hawaiian

Petrel. Additionally, the Hawaiian Hoary bat and Hawaiian owl may frequent the area, with the bats roosting from April to December in ‘ō‘hia and taller trees. Based on this information, the applicant proposes to follow mitigation recommendations from the State Division of Forestry and Wildlife concerning these species, as well as implement best practices to prevent the spread of Rapid ‘Ōhi‘a Death (ROD).

18. **Archaeological/Cultural/Historical Resources:** No professional archaeological survey was conducted on the project site due to its past cultivation in sugarcane and its more recent use as a nursery. In response to a 2023 grubbing permit application for the rezone area, the State Historic Preservation Division (SHPD) determined that no historic properties would be affected by proposed grubbing due to previous ground disturbing activities associated with land clearing and agricultural activities (**Planning Department Exhibit 3 – April 18, 2023 letter**). The subject site is not adjacent or proximate to the shoreline, therefore gathering of marine life and coastal access for Native Hawaiian gathering and fishing rights is not an issue. The applicant states that they have not observed the property or adjoining properties being used by Native Hawaiians for the gathering of plants in recent times.
19. **Public Access:** There is no known public access to the mountains or the shoreline that runs through the property.

PUBLIC UTILITIES AND SERVICES

20. **Vehicular Access/Traffic:** Proposed access to the project site is from the Old Kea‘au-Pāhoa Road via Mamaka and Ohiohi Streets within the adjoining Ola Hou Estates subdivision. These existing County-owned and maintained roadways are constructed with a 20-foot-wide travel lane and 15-foot-wide, paved shoulders within a 50-foot-wide right-of-way. The applicant proposes to construct interior subdivision roadways to a similar, County dedicable standard and dedicated to the County. The preceding is consistent with the recommendation of the Department of Public Works-Engineering Division. Anticipated traffic will be consistent with that of a 23-lot, family agricultural subdivision, which according to the Institute of Transportation Engineers (ITE) Common Trip Generation Rates, is about 23 peak hour vehicle trips . The northeast frontage of the rezone area borders a State-owned remnant known as

“Pāhoa Gov’t Road,” as identified on a 1972 subdivision map No. 3207. This section of the Pāhoa Gov’t Road, located within a remnant parcel of State-owned lands (Parcel 80), still exists and provides access to the rezone area, though it is not well maintained. Moreover, the existence of this remnant lot prevents a direct roadway connection to the Old Kea‘au-Pāhoa Road. Past communications with the State DOT regarding the disposition of this remnant lot have been unsuccessful. Based on the preceding, the applicant has decided not to allow the proposed subdivision to access Pāhoa Gov’t Road, as they believe it would be more functional and likely safer to direct subdivision-related traffic to Ohiohi and Mamaka Streets, which then connect to the Old Kea‘au-Pāhoa Road. However, depending on comments received from the State Department of Transportation regarding the proposed change of zoning and subdivision action, the applicant is willing to consider a roadway stub-out within the proposed interior subdivision roadway, instead of the current proposed cul-de-sac, to reserve a future opportunity for direct access to the Old Kea‘au-Pāhoa Road.

21. **Water:** According to a comment letter from the Department of Water Supply (DWS) for a similar change of zone request in 2018 on the subject properties, water can be made available to the project via an existing 8-inch water line within Kea‘au-Pāhoa Road. The rezone area parcel is currently served by an existing 5/8-inch meter and a 1-inch meter and allotted a total of 3 equivalent units of water equal to an average of 400 gallons of water per day. Based on the preceding, a water commitment can be issued for 20 additional units of water subject to remittance of a water commitment payment. Additionally, the applicant will be responsible for construction of water system improvements, including the extension of existing water mains, service laterals to accommodate a 5/8-inch meter per lot, installation of fire hydrants, and relocation of water system facilities should they be necessary. Finally, the applicant will be required to remit facilities charges for the new service per DWS requirements and convey system improvements, when complete, to DWS. Despite not receiving a recent comment letter, staff conversations with DWS determined that the preceding information is still applicable to this project.
22. **Wastewater:** According to the Department of Environmental Management (DEM), there

is no public sewer in the area. An individual septic system, meeting with the requirements of the State Department of Health, is proposed for each lot as part of the construction of individual dwellings or agricultural-related structures.

- 23. **Solid Waste:** The applicant states that solid waste will be handled by a commercial hauler and disposed of at authorized landfill sites or transfer stations.
- 24. **Essential Utilities and Services:** Police, Fire and medical services are available nearby in Kea'au. Electrical and telephone services are available to the site.

AGENCY COMMENTS

- 25. **Department of Public Works-Engineering Division: (Planning Department Exhibit 4 – July 15, 2024 memo)**
- 26. **Department of Water Supply: (Planning Department Exhibit 5 – December 17, 2018 memo)**
- 27. **Department of Environmental Management: (Planning Department Exhibit 6 – April 3, 2024 memo)**
- 28. **Police Department: Planning Department Exhibit 7 – April 11, 2024 memo)**
- 29. **State Department of Health: (Planning Department Exhibit 8 – April 12, 2024 memo)**
- 30. **State Office of Planning and Community Development: (Planning Department Exhibit 9 – May 6, 2024 memo)**
- 31. **Department of Land and Natural Resources – Division of Forestry and Wildlife: (Planning Department Exhibit 10 – May 24, 2024 memo)**

AGENCIES – NO COMMENT/CONCERNS

- 32. Department of Land and Natural Resources – Land & Engineering Divisions

AGENCIES – NO RESPONSE

- 33. Fire Department, State Department of Transportation, State Land Use Commission, & State Department of Agriculture

APPLICANTS RESPONSE TO AGENCY COMMENTS

- 34. **Applicants Response to Multiple Agency Comments: (Planning Department Exhibit 11 – June 10, 2024 letter)**

APPLICANTS RESPONSE TO AGENCY COMMENTS

35. Planning Department Exhibit 12- Letter from John and Sylvia Ringgold.

APPLICANTS RESPONSE TO PUBLIC COMMENTS

36. Applicants Response to Public Comments: (Planning Department Exhibit 13 – July 18, 2024 letter)

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.)

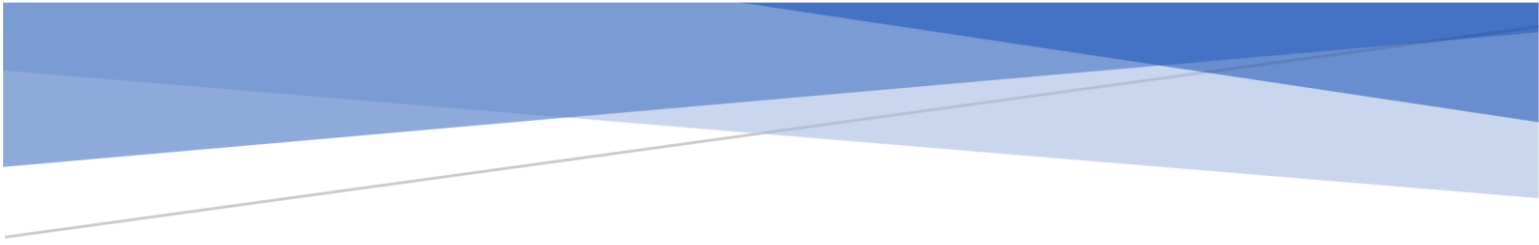
Section 25-5-71. Designation of A districts.

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

Applicant: Graphic Images Hawaii, Inc.

CHANGE OF ZONE APPLICATION
Applicant: Graphic Images Hawaii, Inc.

Tax Map Keys (3) 1-6-003:081 (Lot 1-A) & 129 (Lot 1-B)
Kea'au, Puna District
Hawai'i Island

Prepared by: Daryn Arai, Planning Consultant
March 2024

CHANGE OF ZONE APPLICATION

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

APPLICANT: Graphic Images Hawaii, Inc.

APPLICANT'S SIGNATURE: Laurie Higashi (see attached letter) DATE: March 22, 2024

ADDRESS: 32 Poko Place

Hilo, HI 96720

LIST APPLICANT'S INTEREST IF NOT OWNER: _____

LIST PRINCIPAL(S) INCLUDING NAMES OF MAIN OFFICERS: (see attached letter)

PHONE:(Bus.) (808) 498-6247 (Res.) _____ (Fax) laurie.higashi@gmail.com

LANDOWNER(S): Graphic Images Hawaii, Inc.

LANDOWNER SIGNATURE(S): (see attached letter) DATE: March 22, 2024

LANDOWNER(S) ADDRESS: 32 Poko Place (May be by letter)

Hilo, HI 96720

REQUEST: Agricultural-20 acres (A-20a) TO Family Agricultural -1 acre (FA-1a)

TAX MAP KEY: (3) 1 - 6 - 003 : 081 (Lot 1-A) and 129 (Lot 1-B) (Existing zoning) (Proposed Zoning)

STREET ADDRESS OF PROPERTY: _____

SIZE OF PROPERTY OR AFFECTED AREA(S) TO BE REZONED: 26.762 acres

AGENT: Daryn Arai

ADDRESS: PO Box 4501

Hilo, Hawaii 96720

email: Daryn.Arai@outlook.com

TELEPHONE:(Bus.) (808) 895-3218 (Res.) _____ (Fax) _____

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

ORIGINAL: Applicant COPIES: Agent

ATTACHMENT

Agricultural Rezoning

PLANNING DEPARTMENT
COUNTY OF HAWAIIAPPLICATION 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? 26.762
- b. Into what lot sizes? Min 1 acre
- 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? 1 year
- d. Do you intend to build houses on the newly created lots? No
- If yes, please answer the following questions:
- On how many of those lots? _____
- 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. included
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? N/A
- b. Sell or lease the land to someone who has tentative plans? N/A
- c. Sell or lease the land to someone who has no plans? N/A
- d. Keep it? N/A
- 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.

N/A

-
3. Do you think that your request and your further plans for the land will alleviate the local housing situation? NO

How?

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

If so, what kind?

A 2,000sf warehouse/office complex and a storage shed

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

Complete removal of these existing structures

-
5. Is the subject land currently being used for any agricultural activity? NO

If so, please list the kinds of products grown and on how many square feet or acres of land per product. Cattle grazing and various fruit trees such as banana, lime, lemon, orange, tangerine, grapefruit, mango and papaya

-
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? N/A

What kinds of commodity?

-
- b. Suitability of the proposed lot-size for that commodity? N/A

- c. Sufficient farm size to allow reasonable chance of success in commercial agriculture? NO

- 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?

NONE

Please state the proposed type of arrangement.

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.

N/A

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

Subdivide to provide opportunities for each lot owner to live on the property and to determine appropriate crops or animals to cultivate

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?

YES

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> </u>	<u> X </u>
b. Roads	<u> </u>	<u> X </u>
c. Sewer	<u> </u>	<u> X </u>
d. Drainage	<u> </u>	<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:

DocuSigned by:

Laurie Higashi

76BC248556764A7...

Address:

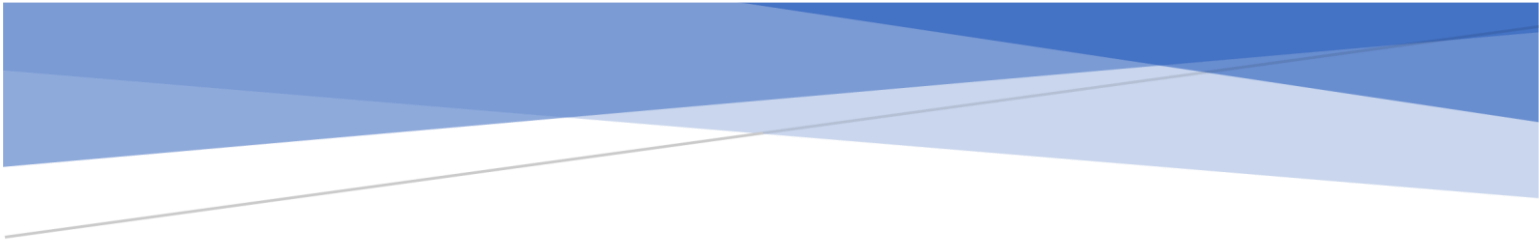
32 Poko Place, Hilo, Hawaii 96720

Telephone:

(808) -498-6247

Date:

September 27, 2023



ENVIRONMENTAL REPORT

Applicant: Graphic Images Hawaii, Inc.

**Request: Change of Zone from A-20a to FA-1a in support
of proposed 23-lot residential-agricultural subdivision
and related improvements**

Tax Map Keys (3) 1-6-003:081 (Lots 1-A) & 129 (Lot 1-B)
Kea‘au, Puna District
Hawai‘i Island

Prepared by: Daryn Arai, Planning Consultant
March 2024

Table of Contents

A. DETAILS OF PROPOSED USE / DEVELOPMENT	1
1. Applicant's Request	1
2. Location of Property	1
3. Statement of Objectives and reasons for the request	2
4. Proposed Project Details	2
5. Timeframe and cost	4
B. LAND USE AND OTHER REGULATORY CONSIDERATIONS	5
6. General Plan Land Use Pattern Allocation Guide (LUPAG) Map	7
7. Puna Community Development Plan	7
8. State Land Use Designation	8
9. Current County Zoning	8
10. Coastal Zone Management, HRS, Chapter 205A	9
11. Special Management Area (SMA)	10
C. DESCRIPTION OF PROPERTY AND SURROUNDING AREA	10
12. Subject Property	10
13. Surrounding Zoning/Land Uses	10
14. ALISH	11
15. Land Study Bureau's Detailed Land Classification System	12
16. US Soil Survey	13
17. FIRM	13
18. Geologic Hazards	13
19. Flora/Fauna Resources	13
20. Archaeological Resources	14
21. Native Hawaiian Gathering Rights	14
22. Public Access	15
D. PUBLIC UTILITIES AND SERVICES	15
23. Access	15
24. Traffic	15
25. Water	15
26. Wastewater	16
28. Essential Utilities and Services	16
29. Public Safety	16
E. REGULATORY ANALYSIS	16
30. Hawai'i County General Plan	16
31. Public Services and Utilities and Concurrency Analysis	17
32. Puna Community Development Plan	19
33. Coastal Zone Management	23
34. Anticipated effects upon the Special Management Area	24
F. OBJECTIVES AND POLICIES OF CHAPTER 205A AND SMA GUIDELINES	26
G. CONCLUSION	28

**COUNTY ENVIRONMENTAL REPORT
IN SUPPORT OF CHANGE OF ZONE APPLICATION for
GRAPHIC IMAGES HAWAII, INC.**

Affecting Tax Map Key: (3) 1-6-003: 081 (Lot 1-A) and 129 (Lot 1-B), Kea‘au, Puna

A. DETAILS OF PROPOSED USE / DEVELOPMENT

1. Applicant’s Request

Landowner Graphic Images Hawaii, Inc. (“Applicant”) is requesting a change of zone for a 26.762-acre project site from an Agricultural-20 acres (A-20a) to a Family Agricultural-1 acre (FA-1a) zoning district in support of a proposed 23-lot subdivision, with each lot consisting of a minimum size of one (1)-acre. If approved, the requested FA-1a zoning would allow for a blend of small-scale agricultural operations associated with residential activities which may be characterized by farm estates, small acreage farms, or subsistence lots.

2. Location of Property

The project site, consisting of two properties, are situated west or mauka-side of the old Kea‘au-Pahoa Highway (Mile Post 1), immediately adjacent to and south of the Ola Hou Estates Subdivision, a 35-lot subdivision consisting of lots one (1) acre in size, as shown below on Figure 1 – Location Map and Figure 2 – Vicinity Map below.

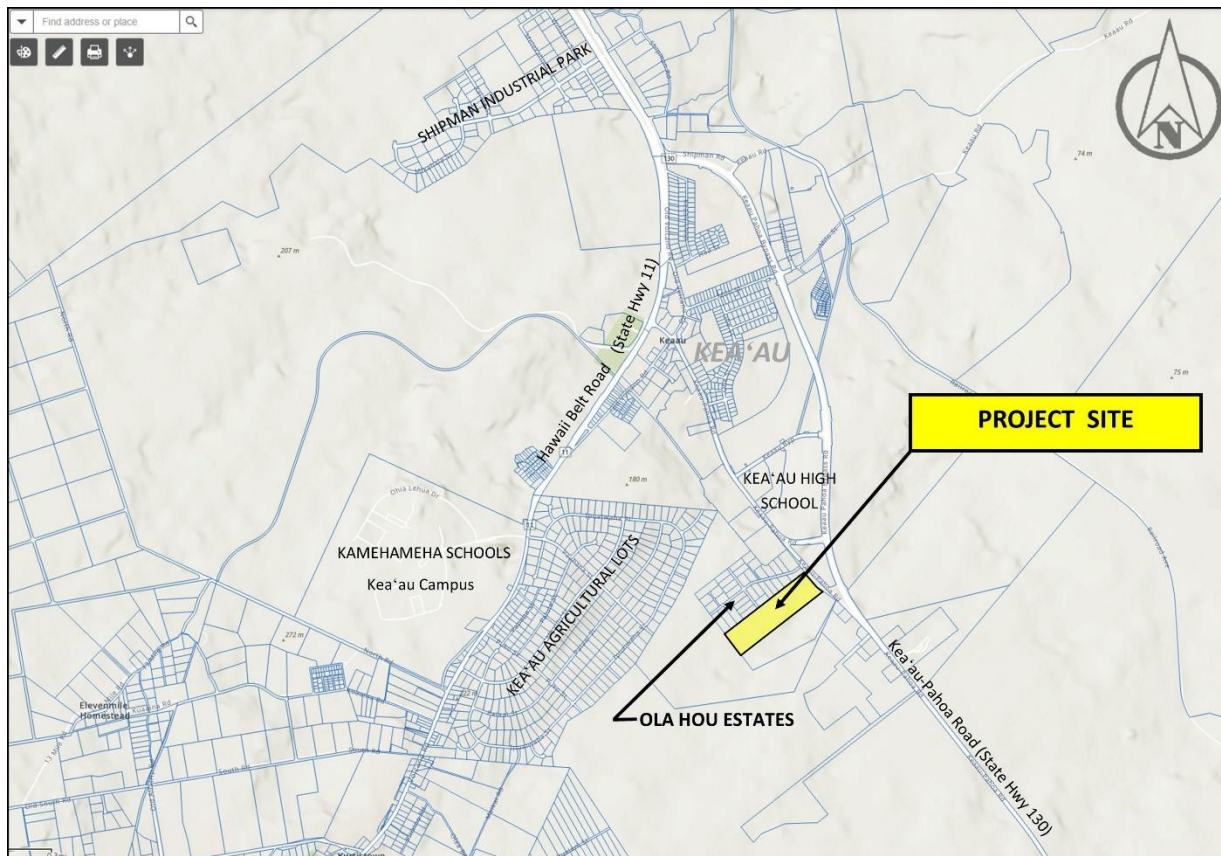


Figure 1 - Location Map

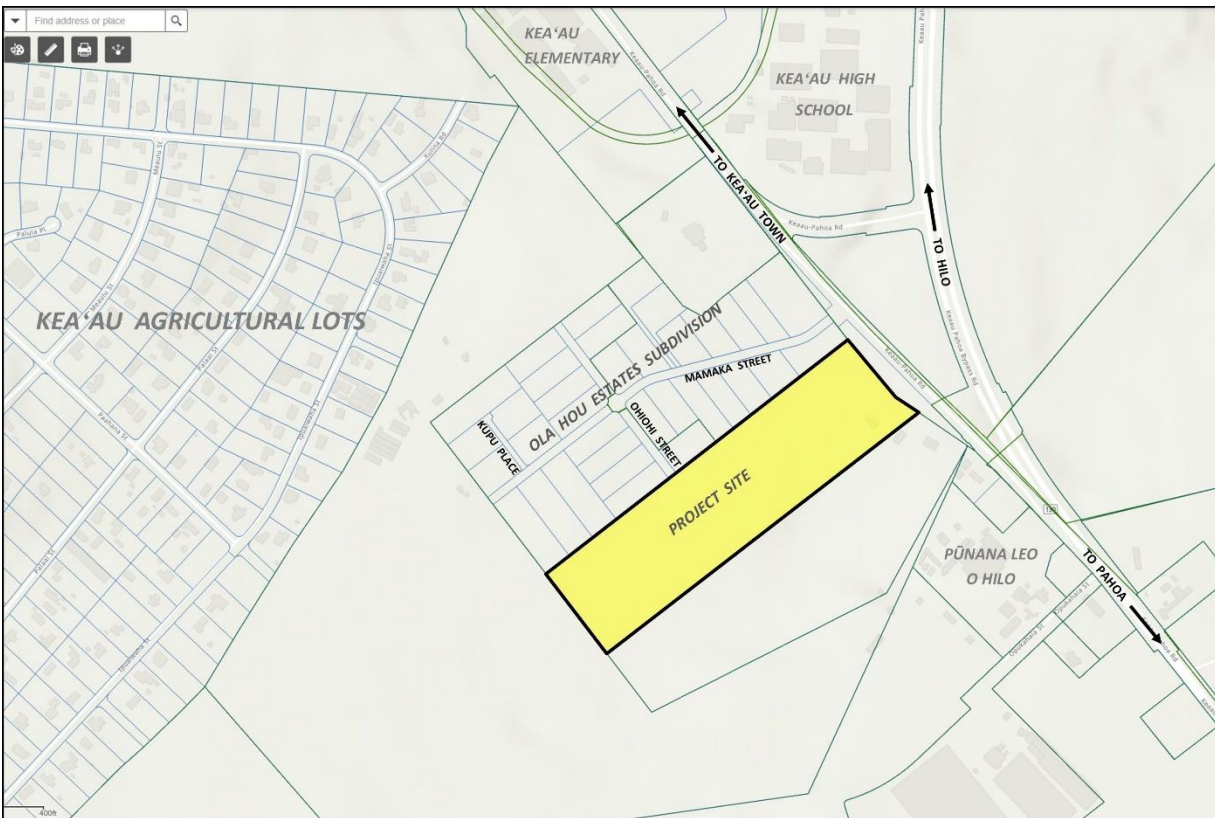


Figure 2 – Vicinity Map

3. Statement of Objectives and reasons for the request

The requested change of zone to an FA-1a zoning district will support the development of a proposed 23-lot subdivision with lots at least 1 acre in size, as conceptually shown on Figure 3 – Preliminary Subdivision Plat as shown below.

The project site once supported a wholesale nursery business, cultivating and selling palm trees, dracaena, orchid plants, and other premium tropical plants and flowers to global markets that included the mainland, Canada and Japan. The Applicant recently purchased this former nursery as an opportunity to expand on the residential and small-scale agricultural opportunities currently afforded within the adjoining Ola Hou Estates subdivision.

4. Proposed Project Details (see Figure 3 – Preliminary Subdivision Plat)

- a. 23-lot subdivision with lots at least 1 acre in size.
- b. Primary access to the proposed subdivision from the Old Kea‘au-Pahoa Road will be provided through the adjoining Ola Hou Estates subdivision via both Mamaka and Ohiohi Streets, County-dedicated and maintained roadways having travel lane pavement widths of 20 feet with 15-foot wide paved shoulders.

- c. Interior subdivision roadways will be constructed to County-dedicable standards and promptly dedicated to the County, similar to Mamaka and Ohiohi Streets. A stub-out roadway will be provided to connect with the adjoining Parcel 9 located immediately to the south of the subject property.
- d. The northeast frontage of the project site borders a State-owned remnant identified as “Pahoa Gov’t Road” on the 1972 subdivision map shown in Figure 4-Subdivision No. 3207. This section of the Pahoa Gov’t Road, situated within a remnant parcel of State-owned lands (Parcel 80), still exists and provides access to the subject property, but is not well maintained. The Applicant has elected to not allow the proposed subdivision to gain access to the Pahoa Gov’t Road as it would functionally be more effective, and likely more safe, to direct subdivision-related traffic to Ohiohi and Mamaka Streets to then gain access to the Old Kea‘au-Pahoa Road.
- e. The intervening remnant of State-owned land (Parcel 80) between the Pahoa Gov’t Road and the Old Kea‘au-Pahoa Road unfortunately prevents a direct subdivision access roadway connection with the Old Kea‘au-Pahoa Road. Past communications with the State regarding the disposition of this State-owned remnant has not been successful. Depending on comments received from the State Department of Transportation regarding the proposed change of zone and subdivision action, the Applicant would be willing to consider a roadway stub-out within the proposed interior subdivision roadway, in lieu of the current cul-de-sac to reserve a future opportunity to gain direct access to the Old Kea‘au-Pahoa Road.
- f. The project site consists of two properties, with Parcel 83 (Lot 1-A) consisting of 7.013 acres and Parcel 129 (Lot 1-B) the remaining balance of 19.749 acres (see Figure 5 – PL-SUB-2023-000216). The Applicant is in preliminary discussions with the Hawai‘i Health Systems Corporation (HHSC) about the possible acquisition of Lot 1-A as a site of a proposed medical clinic. Should these discussion be fruitful, the Applicant will revise the proposed subdivision layout to exclude Lot 1-A. However, should the HHSC not proceed with the medical clinic, the Applicant will proceed with the proposed 23-lot subdivision as presented in this application.

5. Timeframe and cost

Should the requested FA-1a zoning be approved, the Applicant will be prepared to submit a subdivision application to the Planning Department within a period of one year. Upon the issuance of tentative subdivision approval, the Applicant anticipates that the design and construction of required subdivision-related improvements could take about 5 years. All told, the Applicant anticipates that about 8 years is needed to secure Final Subdivision Approval once the FA-1a zoning is approved. Anticipated site development and infrastructure systems will be somewhere around \$2.2 million.

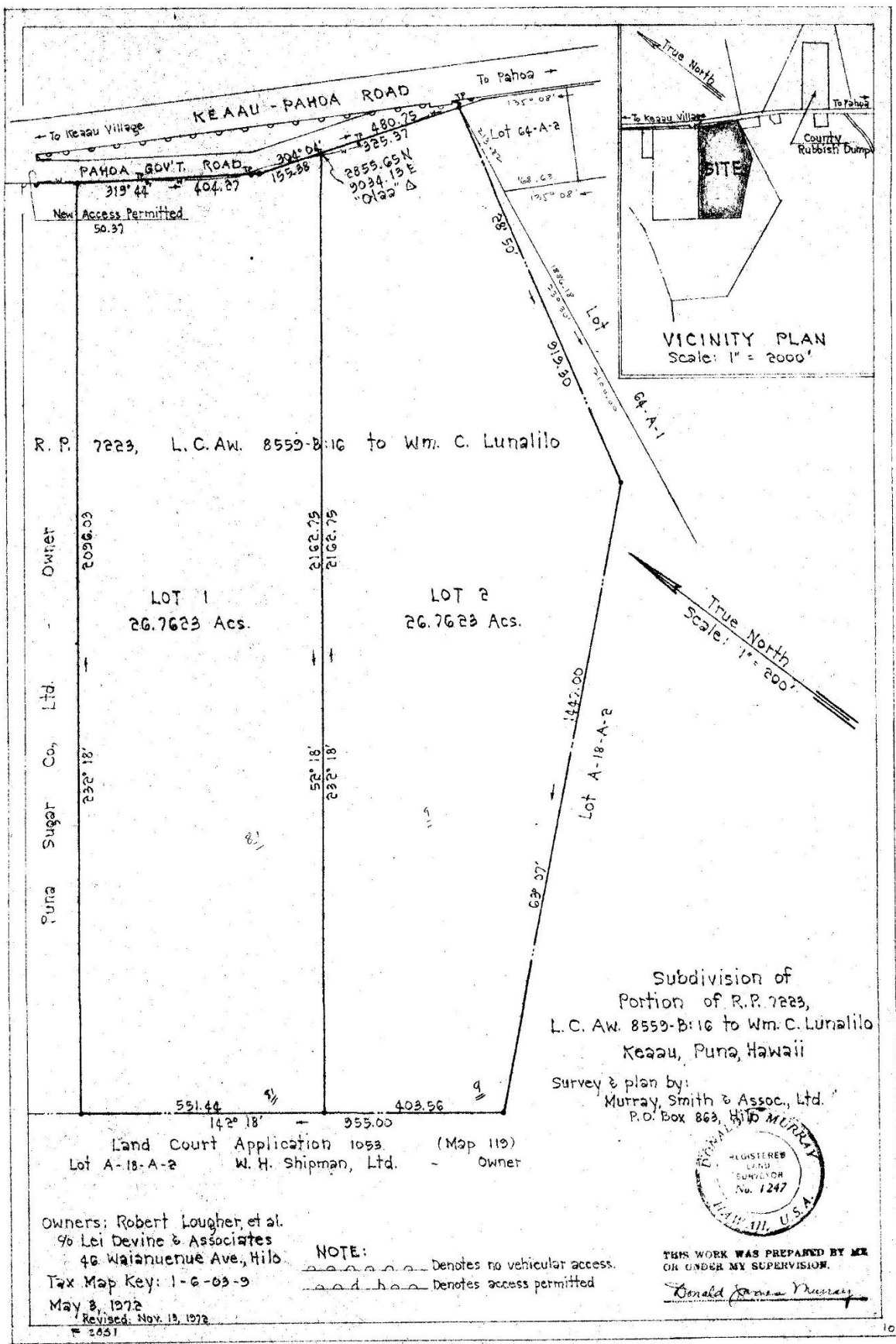


Figure 4 – Subdivision No. 3207

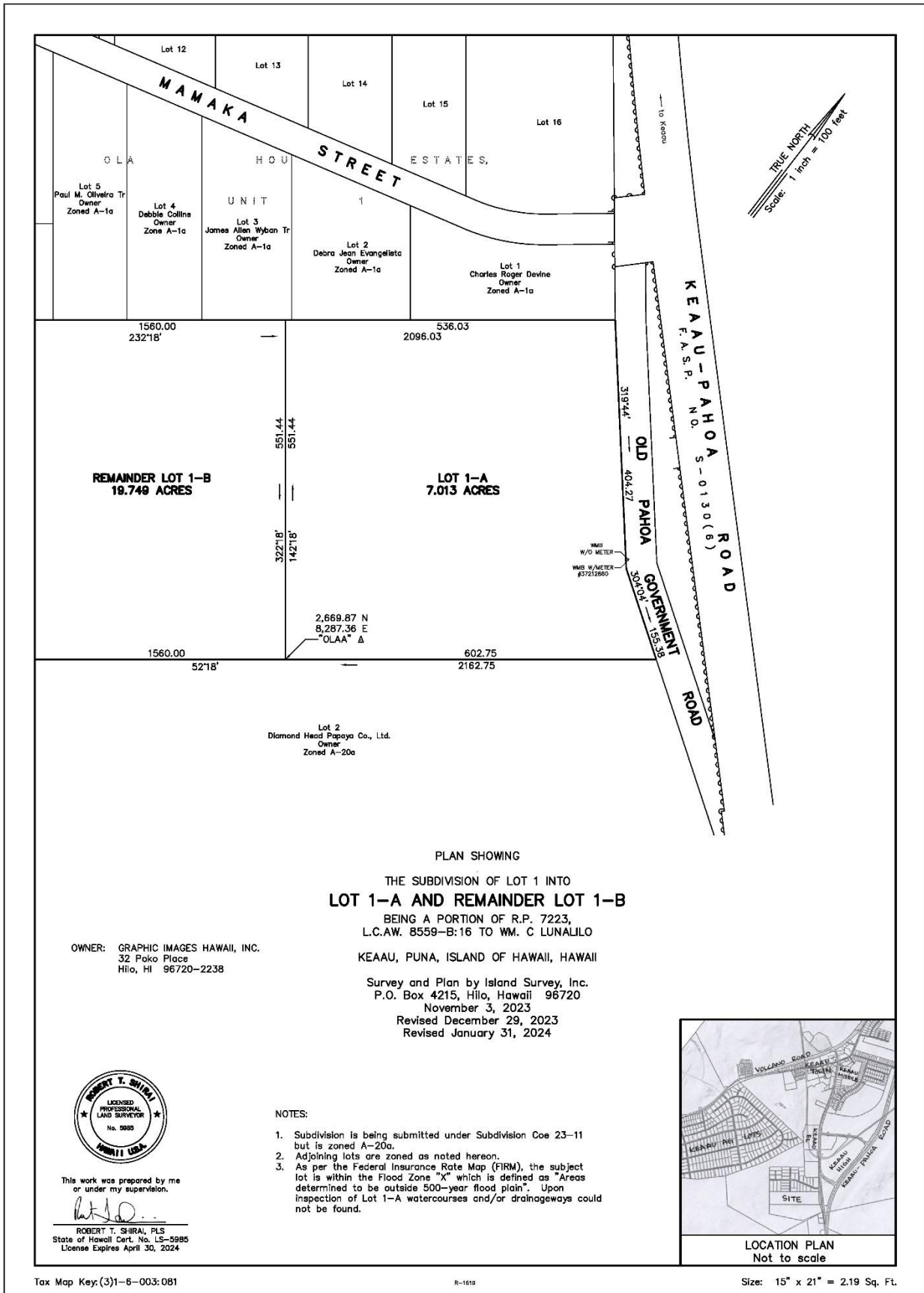


Figure 5 – PL-SUB-2023-000216

B. LAND USE AND OTHER REGULATORY CONSIDERATIONS

6. General Plan Land Use Pattern Allocation Guide (LUPAG) Map:

The County of Hawai‘i General Plan is the policy document for the long-range comprehensive development of the island of Hawai‘i. As confirmed by the Planning Department via Exhibit A - General Plan LUPAG Confirmation, the General Plan Land Use Pattern Allocation Guide (LUPAG) has been interpreted as Extensive Agricultural, which are lands not classified as Important Agricultural Land. Such lands are not capable of producing sustained, high agricultural yields without the intensive application of modern farming methods and technologies due to certain physical constraints such as soil composition, slope, machine tillability and climate. Other less intensive agricultural uses such as grazing and pasture may be included in the Extensive Agriculture category.

7. Puna Community Development Plan

Adopted in 2008, the Puna Community Development Plan (PCDP) called for bold planning initiatives to re-shape the pattern of future growth and development in a manner that is more in harmony with the natural setting and more supportive of a better, sustainable quality of life. While there are no specific land use concepts assigned to the project site, it is located immediately outside of the boundaries of the Kea‘au Regional Town Center, as shown on Figure 6 – Kea‘au Regional Town Center map.

Figure 5-1: Kea‘au Regional Town Center

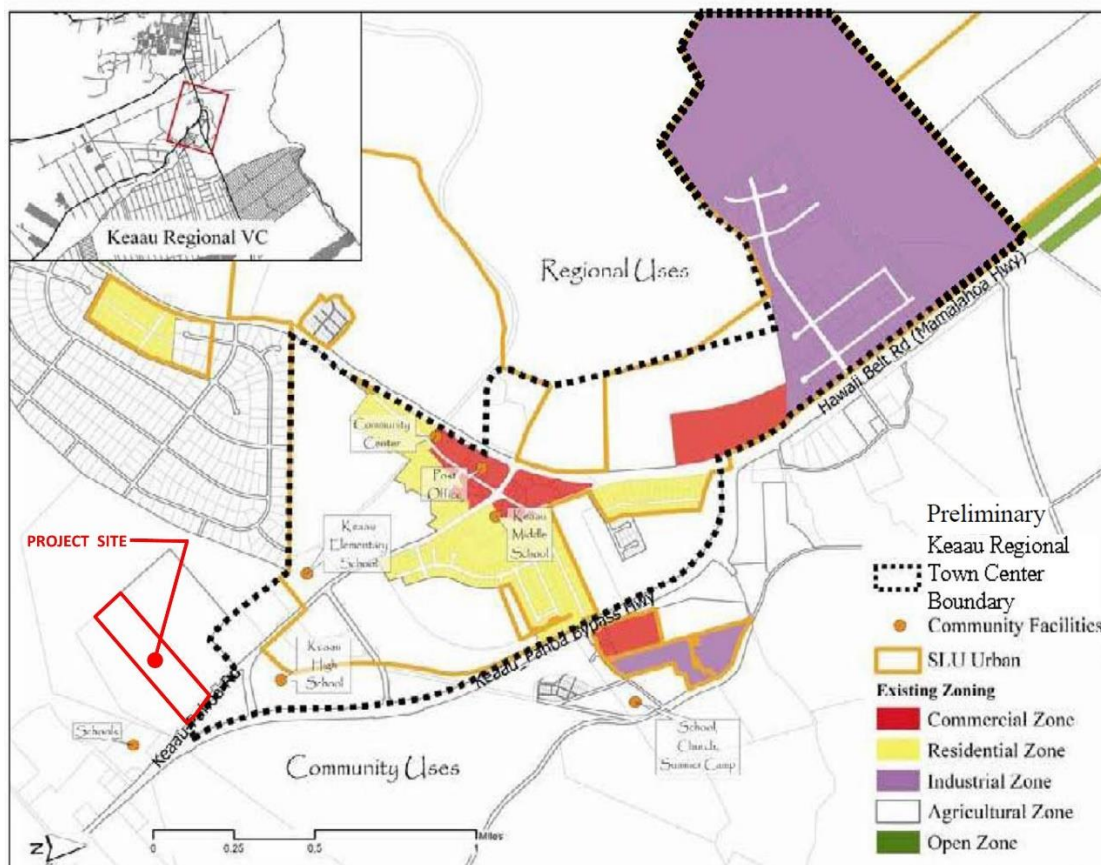


Figure 6 – Kea‘au Regional Town Center Map

Later in this report, a discussion will demonstrate that the requested change of zone will not be inconsistent with the policies and goals of the PCDP.

8. State Land Use Designation: Agricultural.

The project site is situated within the State Land Use Agricultural District, which includes lands for the cultivation of crops, aquaculture, raising livestock, wind energy facility, timber cultivation, agriculture-support activities (i.e., mills, employee quarters, etc.) and land with significant potential for agriculture uses. Uses permitted in the highest productivity agricultural categories are governed by statute. Uses in the lower-productivity categories – C, D, E or U – were established by the Land Use Commission to include those uses allowed on A or B lands as well as those stated under Section 205-4.5, Hawaii Revised Statutes. The requested FA-1a is consistent with the uses and minimum lot sizes permitted within the State Land Use Agricultural district (see [Figure 7 – State Land Use Designation](#)).

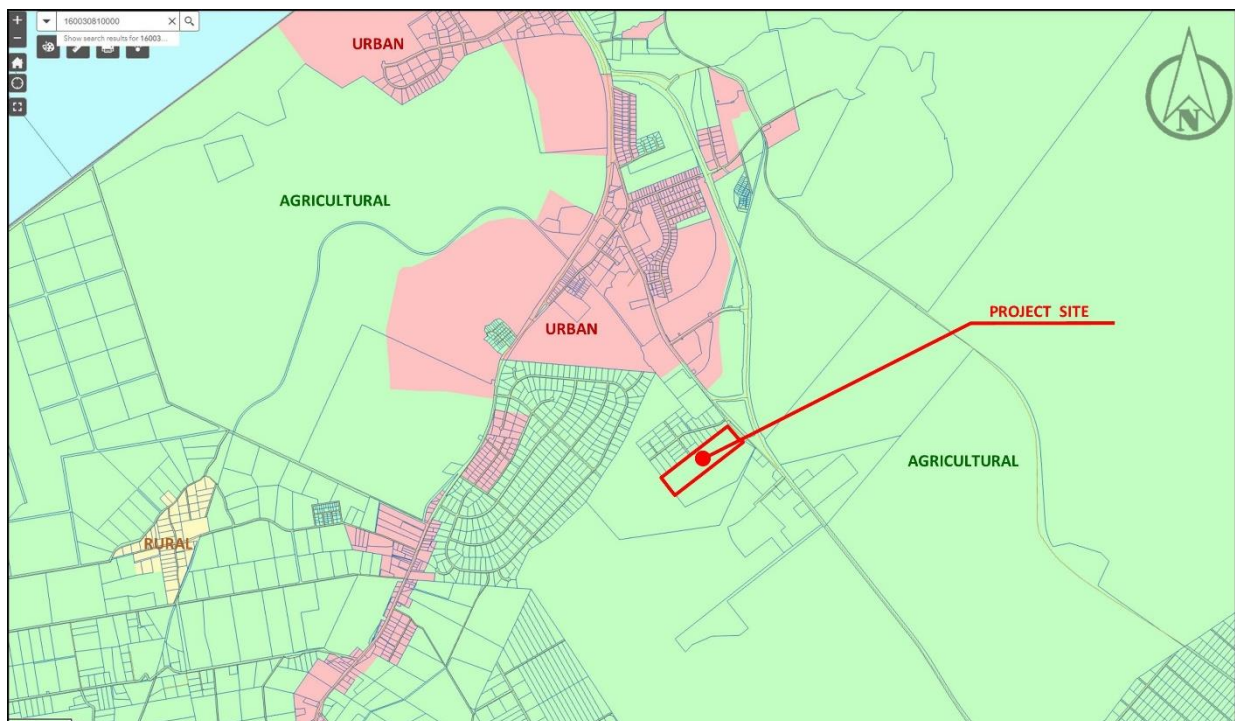


Figure 7 – State Land Use Designation

9. Current County Zoning: Agricultural-20 acres minimum lot size (A-20a)

The Agricultural (A) zoning 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. In the case of the A-20a zoning district, it defines a minimum lot size of 20 acres (see [Figure 8 – Current Zoning](#)). The concurrency provision of Section 25-2-46 of the Hawaii County Zoning Code establishes standards for roads, water supply, and civil defense sirens that must be met and/or addressed as part of all rezoning applications. Suffice to say, the request is consistent with these standards and

will be discussed in detail relative to the water, traffic, and public safety portions of this report.

The requested FA-1a zoning is consistent with the A-1a zoning of the adjoining Ola Hou Estates subdivision, consisting of 35 agricultural lots at least 1 acre in size as well as Kea‘au Agricultural lots located close by to the southwest.

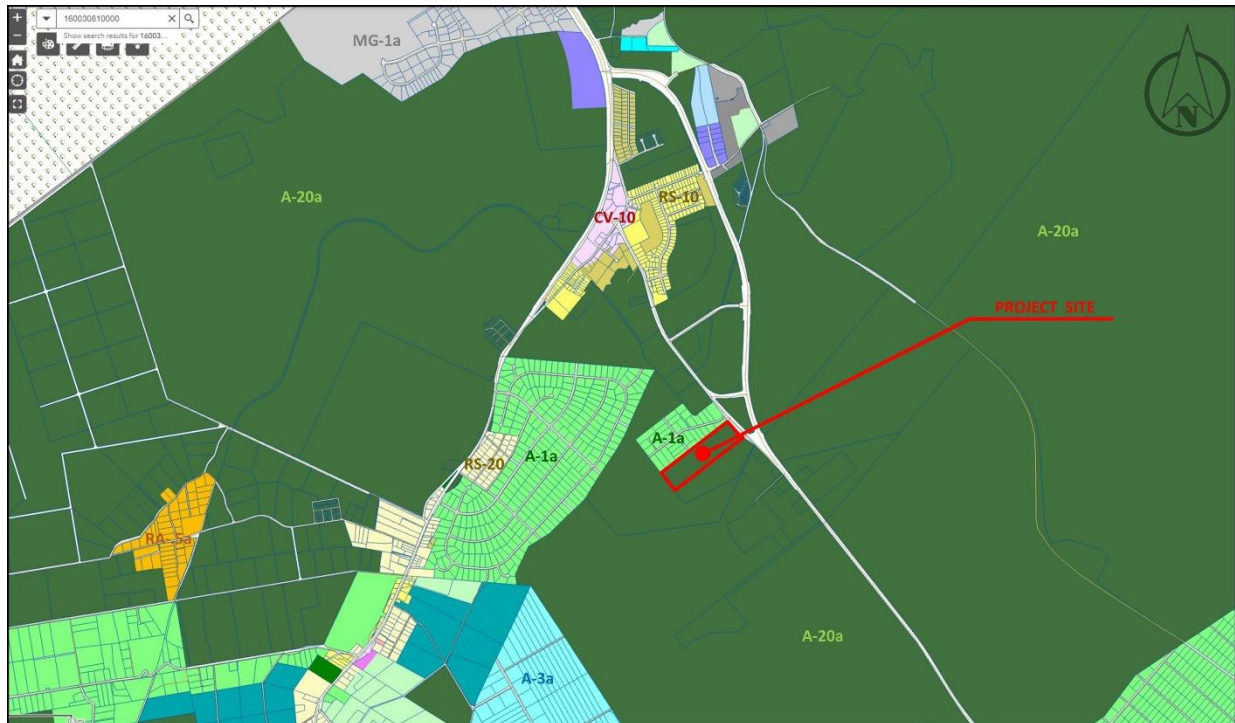


Figure 8 – Current Zoning

10. **Coastal Zone Management, HRS, Chapter 205A**

The entire State of Hawai‘i lies within the Coastal Zone Management area. The intent of the Coastal Zone Management Program is to guide and regulate public and private uses in the coastal zone management area with respect to recreational resources, historic resources, public access to the shoreline, scenic and open space resources, coastal ecosystems, marine resources, economic uses, coastal hazards, managing development, public participation, and beach protection.

As the project site is located more than 3.8 miles from the nearest shoreline, the requested rezoning and proposed subdivision is not anticipated to have any adverse effects upon the island’s coastal recreational and marine resources nor beach processes that would require its protection. Similarly, coastal ecosystems will not be impacted due to the distance from the shoreline and compliance with applicable governmental requirements related to wastewater disposal and erosion and sedimentation controls. And as a non-shoreline-fronting project site, coastal hazards are not expected.

11. Special Management Area (SMA)

The Special Management Area is a part of the Coastal Zone Management Program that is regulated by the County, established to promote the State's policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawai'i. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options, and to ensure that adequate public access is provided to public-owned or used beaches, recreation areas, and natural reserves, by dedication or other means. The project site is not situated within the SMA and at least 3.3 miles from the nearest designated lands, and therefore its objectives and policies as it relates to the proposed project will be discussed within this environmental report.

C. DESCRIPTION OF PROJECT SITE AND SURROUNDING AREA

12. Project Site

The subject property, consisting of approximately 26.762 acres, is rectangular in shape with a width along the Old Kea'au-Pahoa Road of approximately 550 feet and a depth of about 2,150 feet. The subject property resides between the 300 and 400-foot elevations and is gently sloping at an average grade of about 2 to 8 percent, similar to the gradual grades within the adjoining Ola Hou Estates subdivision. Therefore, topographic constraints that would hinder the subdivision of the subject property are not anticipated.

As shown in Figure 9 – Aerial Site Map, there is an existing 2,000± square-foot warehouse structure situated towards the makai portion of the subject property, as well as a small shed towards the rear. These structures were utilized by the previous landowner to store supplies related to the former nursery operations, as well as accommodating a small office within the larger warehouse structure. Should the requested change of zone be approved, the Applicant will completely remove these structures to make way for the proposed subdivision.

13. Surrounding Zoning/Land Uses

The project site is situated adjacent to the south of Ola Hou Estates subdivision, consisting of 35 one-acre sized lots zoned A-1a. Located about a quarter of a mile to the west and similarly zoned is the Kea'au Agricultural Lots, also consisting of 322 one-acre agricultural lots. Combined, these two agricultural subdivisions establish this particular section of Kea'au as a rural community. To the north on both sides of the Old Kea'au-Pahoa Road are the Kea'au Elementary and High School complexes. To the south is Pūnana Leo o Hilo complex. While the State Land Use and Zoning maps depict the project site and immediately surrounding area as Agricultural, actual land uses within immediate proximity consist of rural lots and public and private educational complexes.

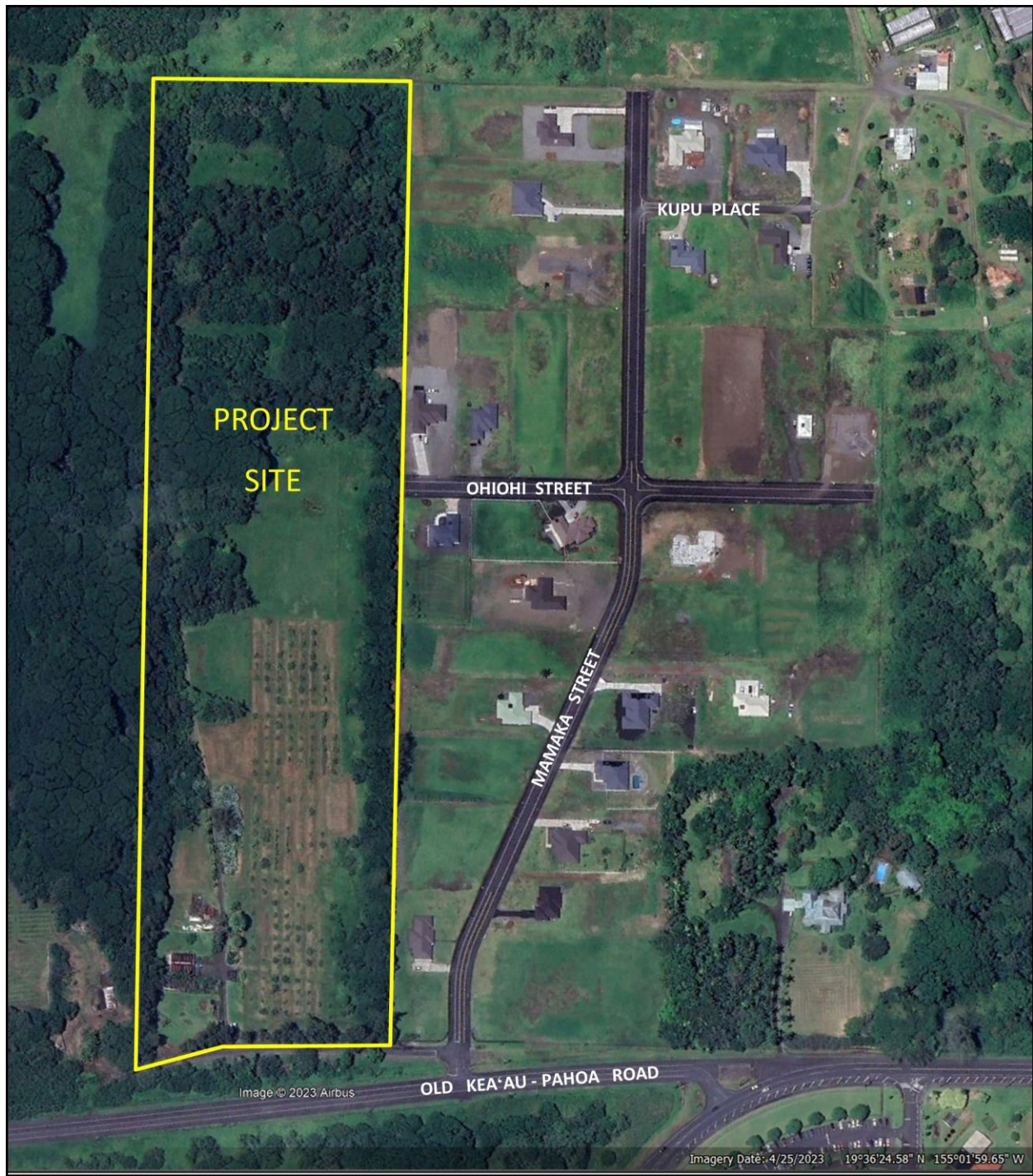


Figure 9 – Aerial Site Map

14. ALISH: Prime Lands

As shown on Figure 10 – ALISH Map below, the majority of the project site is classified as Prime Lands according to the Agricultural Lands of Importance to the State of Hawai‘i (ALISH), due to its past cultivation in sugar.

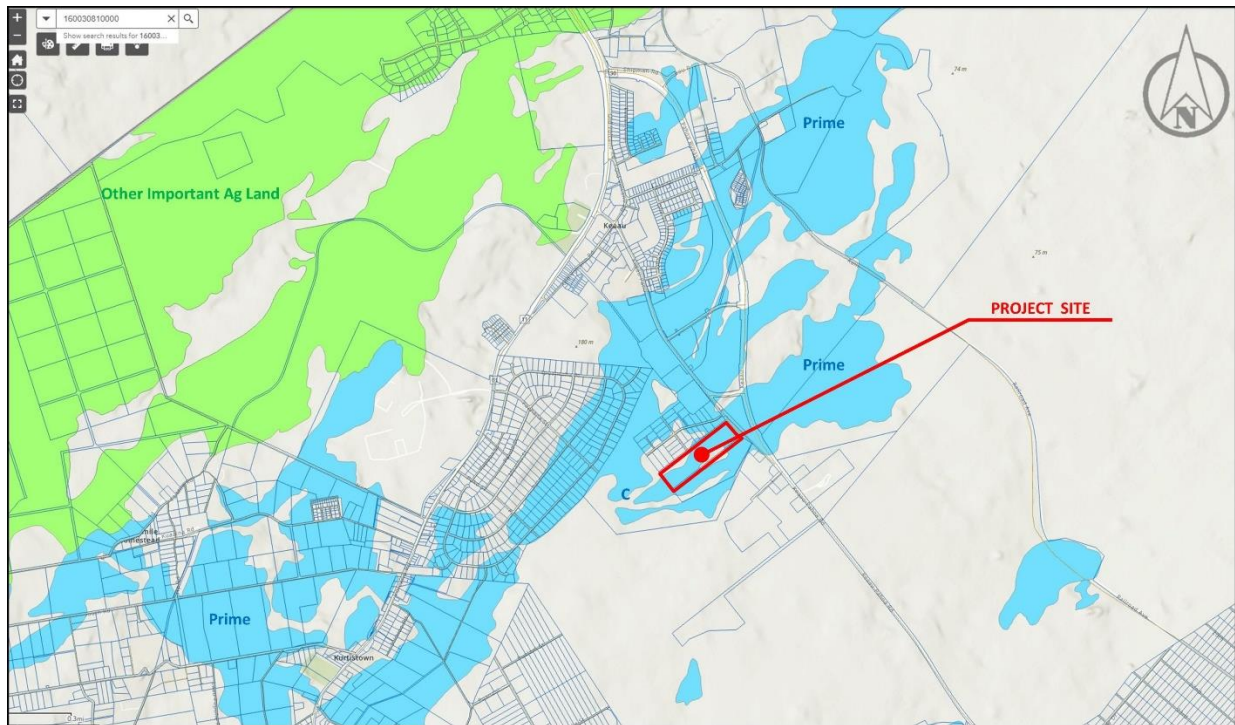


Figure 10 – ALISH Map

15. Land Study Bureau's Detailed Land Classification System: "D" or "Poor"

As shown on Figure 11 – Land Study Bureau, soils within the project site are classified as "D" or "Poor" for agricultural productivity.

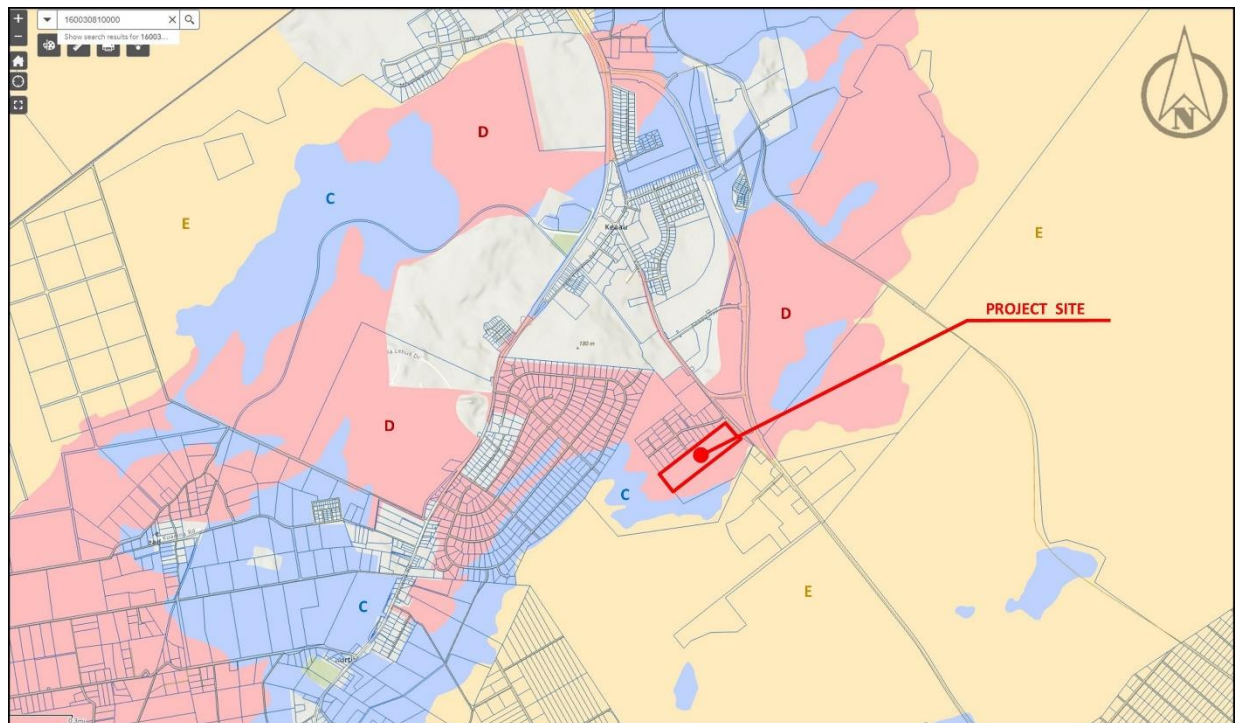


Figure 11 –Land Study Bureau

16. US Soil Survey: Ola‘a and Panaewa Series

A sliver of the project site along its northern boundary consists of Olaa cobbly hydrous loam (2 to 10 percent slopes). The remainder of the subject property consists of Panaewa very cobbly hydrous loam (2 to 10 percent slope). Both of these soils consist of well-drained, cobbly hydrous loam that formed in volcanic ash over pahoe-hoe (Panaewa) or A‘a (Ola‘a) bedrock. Both of these soils are not considered as prime farm lands and were generally used for sugarcane, although the Panaewa series were also used for pasture and woodlands. Permeability is rapid, runoff is slow and the erosion hazard is slight.

17. FIRM: Zone X

The entire project site is designed within Zone "X" - determined to be outside the 500-year flood plain. The subject property is not subject to coastal flooding nor impacts due to sea level rise due to its elevation in excess of 300 feet above mean sea level.

18. Geologic Hazards:

According to the United States Geological Survey maps, the project site is located within Lava Flow Hazard Zone 3, on a scale of ascending risks 9 to 1. The entire City of Hilo falls in the Zone 3 category. The Building Code designates the entire island of Hawai‘i as Earthquake Zone “D” and contains certain structural requirements to address the relative seismic hazard. All structures would have to comply with this standard. As the project site is situated over 3.8 miles from the nearest coastline, the subject property is located outside of any tsunami evacuation zone.

19. Flora/Fauna Resources

No professional flora or faunal surveys were conducted of the project site due to its extensively altered condition due to its former use as sugarcane land and its recent use as a nursery, with the cultivation of commercial dracaena and rhapsis palms and avocado trees on most of the subject property. There is a grove of ironwood trees bordering the front and western portions of the site and the middle portion of the property that was planted by the previous landowner to serve as windbreak. The remaining portion of the property was cleared in 2016 where avocado trees were planted on nearly two-thirds of the subject property. In the undeveloped areas, there is a lawn, as well as some patches of former sugarcane, molasses grass, walking iris, wedelia, ti, and other secondary undergrowth.

For similar reasons, no commissioned faunal survey was conducted. However, in a 2016 report affecting properties in the general vicinity and entitled *General Botanical Survey and Vertebrate Fauna Assessment, Various W.H. Shipman Lands, Kea ‘au, Island of Hawai‘i*, there were sightings of non-endangered or introduced animals like the mongoose, mice, and feral cats.

The report also noted the occasional presence of the Golden Plover, a migratory bird foraging in the fields; possible presence of the endangered Hawaiian Hawk which is widespread and common throughout the island; and possibly a few of the threatened Newell's Shearwater and the endangered endemic Hawaiian Petrel that may transit over the general area between the months of May and November. Further, the Hawaiian owl (Pu'eo) or Hawaiian Hoary bat ('Ope'ape'a), according to the report, could also frequent this area, with the bat generally from April to December, roosting in 'ō'hia and taller trees.

Given the predominantly introduced vegetation on the site, it is unlikely that the development of the site would have any adverse impacts on either the Hawaiian owl or Hawaiian Hoary bat. In situations where there is a potential presence of the Hawaiian Hoary bat, the State Division of Fish and Wildlife ("DOFAW") on some applications has recommended that a) woody plants greater than 15 feet tall not be removed or trimmed during the bat's breeding season (June 1 to September 15); and b) barbed wire fencing be avoided as much as possible. If needed, the Applicant would adhere to these recommendations during the development of the subdivision.

Relative to the Hawaiian hawk, the DOFAW's concern has usually been noise and its potential impact to the hawk's breeding season – March through September. As such, the Applicant will avoid any land clearing during that period, which is somewhat coincident to the tree removal/trimming restriction above.

20. Archaeological Resources

No professional archaeological survey was conducted on the project site due to its past cultivation in sugarcane and its more recent use as a nursery. For these reasons, no archaeological features are known or expected to exist on the subject property. The State Historic Preservation Division will be notified and all work shall immediately cease should inadvertent discovery of any archaeological feature be encountered during development of the proposed subdivision.

21. Native Hawaiian Gathering Rights

According to the Applicant, there are no known customary or Native Hawaiian cultural rights exercised within the project site. The Hawaii State Supreme Court's "PASH" and "Ka Pa'akai O Ka'Aina" decisions require decision-makers to consider a project's impact to native Hawaiian gathering and fishing rights. Specifically, there must be a discussion of the cultural, historical, and natural resources and associated traditional and customary practices of this site and the impact of this project to these resources and practices.

The Applicant has not observed, and is now aware of whether the project site or the immediate surrounding area was used in the recent past for the gathering of plants by native Hawaiians. Thus, it would appear unlikely that the site would serve such purpose today. Therefore, it would appear very unlikely that the project site serves as a place for worship or plant/food gathering for native Hawaiians today and/or in the

recent past. Given the above, it can be reasonably be concluded that the proposed project should have no significantly adverse impact affecting native Hawaiian cultural and historical resources and/ or practices which cannot be reasonably mitigated.

22. Public Access

The Applicant is not aware of any historic or commonly used trails that traverse over the project site to gain access to resources within the general vicinity. The project site has been historically cultivated in sugar cane and more recently, managed as a nursery for decades, with no indication that the project site has served as an accessway for the public. Should information arise that confirms the existence of such a public accessway through the subject property, the Applicant will attempt to incorporate it within the proposed subdivision, especially considering that the proposed subdivision roadways will be dedicated to the County.

D. PUBLIC UTILITIES AND SERVICES

23. Access

Primary access to the project site is from the Old Kea‘au-Pahoa Road is via Mamaka and Ohiohi Streets within the adjoining Ola Hou Estates subdivision (see [Figure 2 – Vicinity Map](#)). These existing County-owned and maintained roadways are constructed with a 20-foot wide travel lane and 15-foot wide shoulders within a 50-foot wide right-of-way. The Old Kea‘au-Pahoa Road has a pavement width of about 18 feet at the subject property within a 50- to 60-foot wide right-of-way with grassed and gravel shoulders. The Old Kea‘au-Pahoa Road is owned and maintained by the State Department of Transportation and terminates approximately 900 feet to the south of the project site as it enters the Pūnana Leo o Hilo complex. Therefore, traffic along this section of the Old Kea‘au-Pahoa Road is primarily limited to the residents of Ola Hou Estate subdivision and functions associated with Pūnana Leo o Hilo.

24. Traffic

Section 25-2-46(d)(1) of the concurrency provision requires a Traffic Impact Analysis Report (TIAR) as part of any rezoning application in situations where the projected use can generate 50 or more peak hour trips. A TIAR was not performed as the project does not invoke the County’s concurrency requirements. According to the Institute of Transportation Engineers Common Trip Generation Rates, a proposed 23-lot subdivision is expected to generate about 23 peak hour vehicle trips, well below the 50 peak hour trip benchmark.

25. Water

County water can be made available to the project site via an existing 8-inch waterline fronting the subject property in the vicinity of the Old Kea‘au-Pahoa Road. Previous communications from the Department of Water Supply confirms that 23 units of water can be allocated to the project site in support of the proposed 23-lot subdivision. If required by the Department of Water Supply, a fire hydrant(s) will be installed. The

Applicant will coordinate with the DWS during the subdivision process to ensure that water and fire flow requirements are met.

26. Wastewater

There is no municipal sewer system in this section of Kea‘au. An Individual septic system, compliant with State Department of Health standards, is proposed for each lot as part of the construction of individual dwellings or agricultural-related structures.

27. Solid Waste

Solid waste will be handled through commercial haulers or disposal by the landowner into authorized landfill sites or transfer stations. The nearest transfer station is located less than 1/2-mile from the subject property along the Kea‘au-Pahoa Road (State Hwy 130).

28. Essential Utilities and Services

Other utilities, such as electrical and telephone services, are available to the project site to support the proposed subdivision. The closest medical facility is in Kea‘au town, about a mile to the north of the subject property.

29. Public Safety

Police and fire responders are located in nearby Kea‘au town, about 1 mile to the north. A Civil Defense siren is situated a little over a mile from the project site at Shipman Park. While the County’s concurrency requirements regarding Civil Defense sirens do not apply to the project as it is not proposing commercial or industrial activities equal to or greater than 35,000 square feet of gross floor area or introducing more than 24 residential units [Section 25-2-46(o), Hawai‘i County Code], the project site is likely outside of the coverage area of this existing siren. While a Civil Defense siren is an effective means of providing warning of pending harm, the County of Hawai‘i does allow residents and visitors to sign up with their Emergency Notification System (ENS) that provides voice, email and text alert notifications about emergency situations within the County.

E. REGULATORY ANALYSIS

30. Hawai‘i County General Plan

In order to consider an area for any type of zoning designation, the applicable goals, policies and standards of the General Plan must be adequately addressed. It is only through a comprehensive policy analysis approach that evaluations and decisions can be made to better time or stage developments to achieve quality growth. The implications of these evaluations and decisions must also be considered as they may have an impact on other similar areas in the County.

Land use is one of the principal focal points of public concern and policy. The Land Use Element of the General Plan provides the primary basis for direct control and guidance of publicly and privately owned resources. It is also intended to be used as a policy guide for the coordinated growth and development of all sectors of the County. It sets forth goals, policies, standards and courses of action to accommodate growth without congestion, to designate and preserve the lands needed for residential use, commercial and visitor services, industry, agriculture and open space, and to coordinate these uses with the County's service and circulation systems. The overall Land Use goals, policies and standards are set forth to physically plan the lands in the County in the best interest of the island's residents.

In addition to its goals, policies and standards, the General Plan also includes the Land Use Pattern Allocation Guide (LUPAG) Map, which is a graphic representation of the document's goals and policies to guide the coordinated growth and development of all sectors of the County by presenting a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County.

The LUPAG map, as interpreted by the Planning Director, classifies the subject property for Extensive Agricultural uses.

31. Public Services and Utilities and Concurrency Analysis

Primary access to the proposed subdivision will be provided by existing State and County maintained roadways. The Old Keaʻau-Pahoa Road (State Hwy 130), a State-owned and maintained road having a pavement width of 18 feet within a 50- to 60-foot wide right-of-way, provides primary access to the subject area. Access from the highway to the proposed subdivision will be provided by both Mamaka and Ohiohi Streets, County-maintained roadways having a pavement width of 20 feet within 50-foot wide rights-of-way.

According to the Institute of Transportation Engineers Common Trip Generation Rates, the proposed 23-lot subdivision will generate around 23 vehicle trips during the AM or PM peak hour, and therefore should not have a significant adverse impact to traffic along the Old Keaʻau-Pahoa Road or its intersection with State Hwy 130.

County water can be made available to support the proposed subdivision via a 6-inch water line located within the Old Keaʻau-Pahoa Road, capable of supporting the daily potable water needs of future residents within this proposed subdivision.

Wastewater disposal will be accommodated on-site via individual septic systems that will conform to State Department of Health standards during construction of the individual farm dwellings.

An emergency warning (civil defense) siren is located about a mile to the west of the project site along the Hawaii Belt Road at Shipman Park, likely outside of its effective coverage envelope. If deemed necessary, the Applicant will coordinate with State Civil Defense to ensure warning coverage for the proposed subdivision, in satisfaction of Section 25-2-46(o) of the Zoning Code regarding Concurrency Requirements.

The project site has no severe geological or topographical problems that cannot be properly rectified or which would render the land unusable for its intended purpose as a residential and agricultural subdivision. According to the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA), the subject area is within Zone X, an area determined to be outside the 500-year flood plain. The project site is also located outside of any coastal flooding zone or tsunami evacuation area.

The town of Keaʻau is located within a mile of the project site and proposed subdivision, with both Keaʻau Elementary and High schools located even closer. Medical facilities and police and fire services are located in Keaʻau as well, along with retail operations that serve the basic residential needs.

Therefore, for the reasons stated above, approval of this change of zone request will conform to the following goals, policies and standards of the Land Use Element of the General Plan:

- Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural and physical environments of the County.
- Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.
- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.
- 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.
- Rural-style residential-agricultural developments, such as new small-scale rural communities or extensions of existing rural communities, shall be encouraged in appropriate locations
- The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment

As defined by the Planning Director, the General Plan promotes use of the project site for extensive agricultural uses that is aligned with the relatively poor agricultural productivity of its soils. A sliver of the subject property along its northern boundary consists of Olaa cobbly hydrous loam (2 to 10 percent slopes). The remainder of the subject property consists of Panaewa very cobbly hydrous loam (2 to 10 percent slope). Both of these soils consist of well-drained, cobbly hydrous loam that formed in volcanic ash over pahoe-hoe (Panaewa) or Aʻa (Olaʻa) bedrock. Both of these soils are

not considered as prime farm lands and were generally used for sugarcane, although the Panaewa series were also used for pasture and woodlands. Smaller lots, as proposed by the Applicant, could offer the opportunity for more intensive agricultural use of the land by individual homeowners, rather than extensive pasture or woodland. Therefore, approval of this request will also conform to the following relevant goals and policy regarding the Agricultural component of the Land Use Element:

Goals

- Identify, protect and maintain important agriculture lands on the island of Hawaii.
- Preserve the agricultural character of the island

Policies

- Designate, protect and maintain important agricultural lands from urban encroachment.
- Ensure that development of important agricultural land be primarily for agricultural use.
- Important agricultural lands shall not be rezoned to parcels too small to support economically viable farming units

32. Puna Community Development Plan

Section 15.1 of the County General Plan called for the development and eventual County Council adoption of Community Development Plans. The General Plan states that the CDP “will translate the broad General Plan statements to specific actions as they apply to specific geographical areas.” The General Plan also notes that should the CDP require a General Plan amendment, it could be considered concurrent with the adoption of the CDP. However, “If there is a direct conflict between the Community Development Plan and the General Plan, the General Plan shall be controlling.”

Pursuant to the above, the Puna CDP was developed and adopted by the Hawai‘i County Council on August 27, 2008. It became effective on September 10, 2008 as Ordinance No. 08 116.

The CDP identifies various Town Centers. Relative to the subject property, it is located directly adjacent to, but outside of the Kea‘au Regional Town Center. A copy of the site relative to the Town Center is found in Figure 4 – Kea‘au Regional Town Center.

In addition to the map, the CDP established three (3) major themes:

- Malama I Ka ‘Aina which “establishes how the contextual natural, historic and cultural features of Puna should be preserved.” (emphasis added)
- Growth Management which “addresses how the future pattern of human settlement and land use should be shaped to respect that context and support the desired quality of life for Puna’s residents.” (emphasis added)

- Transportation which “focuses on sustainable approaches to transportation to support the goals of the two above themes.”

Relative to the Malama I Ka ‘Aina theme, four (4) major elements were identified and assigned goals, objectives, and actions. These elements and their relationship to the proposed action follow:

1. Historic, Cultural, and Scenic Resources

The subject site has been previously graded and cleared. As such, the presence of remaining surface archaeological or cultural features appears somewhat remote. In the event subsurface remains are discovered, these will be addressed through appropriate protocols. Additionally, the subject site has not been designated on either the PCDP or the General Plan as containing scenic or cultural resources.

2. Native Forests and Geological Features

Given the location of the property and the geological condition of the site, the goals and objectives of this element would not be applicable to the proposed project.

3. Aquifers, Coastal Waters and Stormwaters

The project site is not located in the vicinity of any potable wells in this area. Nonetheless, wastewater for each constructed home will be disposed of in Department of Health-approved septic system.

It is also at least 3.8 miles from the shoreline and is not designated as a floodway on the Flood Insurance Rate map. All on-site storm water generated by the project would be retained on site through a system of drywells. These drywells will require the approval of the State Department of Health and through the NPDES permitting system, the objective of not only storm water containment but protection of groundwater will be fulfilled.

Given the above, combined with the fact that the project site is about 3.8 miles from the ocean, the goals and objectives of this element would not be compromised.

4. Shoreline Area

As the site is not a shoreline or coastal property, this element is not applicable.

The other theme is Managing Growth. For this, six (6) elements were identified. These elements and their relationship to the project follow.

1. Land Use Pattern

The Implementation Section (Chapter 5) of the CDP, there is no mention or discussion of properties outside of the Village Center. As such, this project is being evaluated against the articulated goals and objectives of the Managing Growth theme.

In that regard, the proposed project should complement the growth of the Village by providing alternative lot sizes in an area that is proximate to schools and other urban type of services. Yet, it is situated in an area that would not contribute to urban sprawl, as it is somewhat bounded by the Kea‘au Agricultural Lots and the Ola Hou Estates subdivisions, both of which are also 1-acre in size.

2. Agriculture and Economic Development

As noted earlier, the site has been used for limited sugar cane in the past and now, cultivated into some nursery trees and avocado trees. Thus, in spite of the Land Study Bureau’s classification, the site’s agricultural potential exists. In that regard, the creation of 1-acre lots should not diminish the site’s agricultural potential. It may actually enhance it. The site would be more manageable from a size standpoint (1+ acre versus 20+ acres).

The Applicant’s proposal could thus help foster the agricultural objectives by making a good-sized residential-agricultural lot available to the Applicant and others in an area that is proximate to urban services.

3. Social Services and Housing

As this is a 1-acre lot family-agricultural project which will allow a residence, it will directly fulfill the objectives of the **housing element**. Specifically, these include goals, among others, which

- Attain a diversity of socio-economic housing mix throughout the different parts of the County
- Maintain a housing supply which allows a variety of choice
- Improve and maintain the quality and affordability of the existing housing stock

Furthermore, should the request be approved, there will be a need to comply with Chapter 11 of the Hawai‘i County Code relating to affordable housing. The Applicant is aware of this and will comply.

To that extent, the implementation of this project will not only foster small-scale agricultural activities but also aid the residential and affordable housing market.

4. Public Safety and Sanitation Services

The project site is located in an area where basic infrastructure is available. Public cost to extend these needed infrastructures would thus be minimal, if at all.

5. Parks and Recreation

There are existing park facilities in the village of Kea`au about 1-mile away. Additionally, the project will be subject to a fair share requirement which will address recreational impacts as well. Notwithstanding the above, the site is not listed for any future trails or park related uses.

6. Energy Sustainability

From a practical standpoint, the Applicant will not have much control over the type of energy-saving devices or systems implemented during the construction of dwellings on each of the lots. Once the lots are sold, it will be up to the individual homeowner to decide the type of energy saving or producing features will be provided. But another consideration is the proximity of this proposed subdivision to Kea`au town and the various amenities and services it offers, reducing the need to travel long distances for educational opportunities, medical services, daily needs, and recreational opportunities.

The third theme is Transportation. This theme consists of five (5) elements, and their relationship to the project follows.

1. Traffic Demand Management

The project's location, being proximate to Kea`au Village, would help reduce the flow of residents requiring basic services from making unnecessary travels outside of the district. As it is residential agricultural and not a commercial project, the project has limited opportunities to develop alternative traffic management techniques.

2. Mass Transit

Although this element is not really applicable, in the event that a bus stop are needed in this area, the Applicant would consider setting aside an area within its project for this purpose.

3. Roadway Network

Likewise, the objectives and policies of this element are not directly pertinent to the project. However, it should be noted that the project has access to the old Kea‘au-Pahoa Road via County-dedicated roads within the adjoining Ola Hou Estates subdivision.

4. Highways

Primary access to the project area is from the old Kea‘au-Pahoa Road, which is deemed adequate to support the proposed subdivision, especially given that the Kea‘au Bypass has redirected much of the traffic away from the project area. The proposed subdivision will provide accommodations for future connections to adjoining properties, further enhancing the local roadway network within this part of Kea‘au.

5. Non-Motorized Travel and Scenic Byways

The subject property is not part of any proposed non-motorized travel area, such as a bikeway. There are also no known trails within the subject site. Accordingly, the project would not be incongruous with this element.

In summary, while the subject site is not specifically identified for any particular land use on the Kea‘au Regional Town Center map of the PCDP, it is generally consistent with the PCDP’s basic land use and related policies.

33. Coastal Zone Management

This change of zone request, if approved, will not be contrary to Chapter 205A, Hawai‘i Revised Statutes, relating to Coastal Zone Management nor the guidelines for approval of an SMA Use Permit as prescribed by Planning Commission Rule No. 9 regarding the Special Management Area.

The project site is not situated within the Special Management Area, being at least 3 miles from the nearest coastline or SMA designated lands. Therefore, the subject property is not subject to any **coastal hazard** nor anticipated to have any adverse impact upon coastal resources such as **coastal recreational** and **marine resources, coastal ecosystems** or the **public use and recreational use of any beach**. The Applicant will comply with regulatory erosion and sedimentation standards of the County during the construction of the proposed subdivision and lot owners within the proposed subdivision must comply with wastewater disposal standards of the State

Department of Health. These actions will ensure that actions within the subject property will not have a significant adverse effect upon coastal ecosystems or processes.

As the site has been previously cleared and historically utilized for sugar cane production and nursery operations over many decades, it is not anticipated that the proposed request will have any adverse impact on **cultural or historical resources** in the area. Should unanticipated archaeological finds be discovered in conjunction with any further development of the proposed subdivision, work will immediately stop and clearance secured from the Planning Department before work is resumed.

Through this rezoning, the Applicant hopes to create a total of 23 residential and agricultural lots configured to provide manageable **agricultural** and better **economic** opportunities for individuals wishing to pursue smaller scale agricultural activities while living in a rural setting that typifies the character of this particular section of Kea‘au. This request is supportive of the County’s efforts towards **managing development** through both the General Plan and the PCDP.

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 informing them of the filing of the application and of the scheduled public hearing.

34. Anticipated effects upon the Special Management Area

a. Relationship of proposed action to land use plans, policies and control

The requested zoning of FA-1a will not be contrary to the General Plan, State Land Use District boundaries and Puna Community Development Plan as discussed within this report. The effective change of the requested zoning will allow for the subdivision of the approximately 26-acre property into 23 one-acre sized lots that will continue to promote agricultural opportunities, albeit at a smaller and more subsistence scale. While the General Plan suggest these lands for extensive agricultural uses, the immediate proximity of the Ola Hou Estate subdivision, Pūnana Leo o Hilo campus and the Kea‘au Elementary and High School complexes would suggest that a more rural land use is most appropriate within this particular portion of Kea‘au.

b. Description of how project will affect area and surrounding lands

All necessary utilities and services to support the proposed subdivision is or will be made available. Due to the use of existing and proposed roadway networks constructed to County-dedicable standards, construction-related impacts are

expected to be minimal. The proposed residential and agricultural subdivision will be similar in character and use to the adjoining Ola Hou Estates and Kea‘au Agricultural Lots subdivisions, and within an area that is host to two public school complexes, the Kea‘au Elementary and High schools and a Hawaiian language immersion school. Therefore, the proposed residential and agricultural subdivision is not out-of-character for an area that is transitioning to a more rural and urban environment, is witness by the subject property being situated just outside of the boundaries of the Kea‘au Regional Town Center.

c. Description of impacts that cannot be avoided and applied mitigation measures

The Applicant is not aware of any significant adverse impacts associated with the proposed 23-lot subdivision project. As described earlier in this report, all utilities and public services are available to support the proposed project, and its proximity to Kea‘au town will ensure that basic needs of residents within this proposed community can be well-served.

While the proposed subdivision will remove lands considered “prime” according to ALISH maps, the soils itself are not considered prime agricultural lands as it is typically suited for pasture and woodland.

The proposed subdivision is not located near any coastal resources, which negates any potential direct impacts of the project upon coastal resources. Regardless, the Applicant will adhere to all best management practices and applicable government standards and regulations during construction of the proposed subdivision.

d. Alternatives to the proposed project

The only reasonable alternative is to maintain the 26.762-acre subject property as it current exists, as a former nursery that awaits someone capable of pursuing some form of agricultural activity. However, promoting agriculture cannot be effectively accomplished if it cannot be properly managed, and 26+ acres of land is a significant commitment that many may not wish to make. The proximity of the proposed agricultural subdivision to established agricultural subdivisions and schools may also complicate any efforts to intensively cultivate these lands by activities such as extensive tilling and the application of herbicides, pesticides and fertilizers.

e. Irreversible and irretrievable commitment of resources

Given the scope of the proposed 23-lot subdivision and its related improvements and the past and current uses of the subject property and immediately surrounding area, the Applicant is not able to identify any irreversible or irretrievable commitment of cultural, historical, recreational or ecological resources as a result of the proposed subdivision development, as discussed throughout this report. Approval of the Applicant’s request will not result in the permanent loss of

agricultural lands, which are not considered optimal for agricultural productivity given its soil characteristics and further complicated by the presence of existing subdivisions and educational facilities within close proximity.

F. OBJECTIVES AND POLICIES OF CHAPTER 205A AND SMA GUIDELINES

a. Recreational resources

The project site is not known to accommodate or foreclose upon any recreational opportunities due to its location from the coastline and within an area not known as hosting recreational resources, such as hiking trails, nature preserves or hunting areas.

b. Historic resources

There are no known historic or archaeological resources within the project site due to its past cultivation in sugarcane and its continuing use as a homesite and for agricultural purposes. The State Historic Preservation Division will be notified and all work shall immediately cease should inadvertent discovery of any archaeological feature be encountered during development of the proposed subdivision

c. Scenic and Open Space resources

The project site is not identified as an area of natural beauty by the General Plan. The requested FA-1a zoning and subsequent subdivision into 23 one-acre sized lots will maintain a very low density of potential building sites that should not have a significant impact upon any viewplane, including potential views of Mauna Kea and Mauna Loa from the Keaʻau-Pahoa Road due to its largely hidden proximity from this arterial roadway. For these reasons, the Applicant finds that the subject property is void of any scenic or open space resources.

d. Coastal ecosystems

The proposed subdivision will be situated on lands located at least 3.8 miles from the nearest coastline, ameliorating any direct effects of the proposed subdivision upon coastal ecosystems. The Applicant will adhere to construction best management practices as well as applicable government regulations and standards regarding erosion and sedimentation, including the use of Department of Health-approved septic systems for wastewater disposal.

e. Economic uses

The intent of the requested rezoning is to create smaller residential and agricultural lots that are more manageable, thereby enhancing agricultural opportunities by individual families rather than expansive agricultural lands that can only be properly

managed by a larger entity. Creating a rural community in this particular location will likely create significant economic opportunities upon the nearby town of Kea‘au and the nearby educational facilities, probably much more so than any agricultural pursuit on these same lands.

f. Coastal hazards

The project site is not subject to coastal flooding simply due to its location more than 3.8 miles from the nearest coastline.

In view of the Hawai‘i 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 in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site. As the project site has been physically altered over many decades due to past sugar cane cultivation and its more recent use as a nursery operation, it is unlikely that there are any valued cultural, historical, and natural resources to be found within the project site. For this reason, the Applicant could find no evidence of any possible significant adverse effects or impairments that will occur to any valued resources should this change of zone request be approved. Should the Applicant inadvertently encounter any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, the Applicant agree to cease work in the immediate area and contact the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-HPD), resuming activities only upon securing archaeological clearance from DLNR-HPD when it finds that sufficient mitigation measures have been taken.

The Applicant has not encountered any evidence of traditional or customary Native Hawaiian rights being practiced on the project site, nor existence of any known valued cultural, historical or native resources in the area. Thus, it is believed that the proposed subdivision would have no adverse impact relative to the cultural and historical resources of the area. To the extent to which traditional and customary Native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights.

Based on the above findings, the Applicant maintains that approving the requested FA-1a zoning and allowing the development of the proposed 23-lot subdivision and related improvements will not have any substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No.9 of the Planning Commission relating to the Special Management Area.

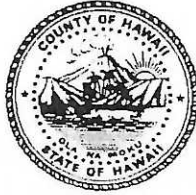
G. CONCLUSION

Based on the discussion above, the Applicant finds that approval of this Change of Zone request from Agricultural-minimum 20-acre lot size (A-20a) to a Family Agricultural-1 acre (FA-1a) zoning district in support of a proposed 23-lot residential and agricultural subdivision conforms to the goals, policies and standards of the General Plan; adheres to the general policies and objectives of the Puna Community Development Plan; will not have a significant adverse impact upon coastal resources; and would result in an appropriate land use pattern that will further the public necessity and convenience and the general welfare.

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i

PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

April 18, 2022

Mr. Sidney Fuke, Planning Consultant
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

SUBJECT: General Plan LUPAG Conformation
Tax Map Key: 1-6-003: 081

This is to acknowledge receipt of your letter and supportive information dated January 28, 2022, requesting for a confirmation of the General Plan Land Use Pattern Allocation Guide (LUPAG) map designation as Extensive Agriculture for the above referenced property, as it is our understanding that the owner is considering a possible change of zone action.

The General Plan states the following regarding the review and interpretation of the General Plan LUPAG map in relation to Zoning requests:

14.1.4 Standards

- (a) The designated land uses will be delineated on the General Plan Land Use Pattern Allocation Guide Map. The broad-brush boundaries indicated are graphic expressions of the General Plan policies, particularly those relating to land uses. They are long-range guides to general location and will be subject to: a) existing zoning; and b) State Land Use District.
- (b) 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 reviewing the request for an interpretation of the GP LUPAG map designation for the property in relation to the above and submitted information, we can determine the following:

1. The property is in an area that transitions between the Medium Density Urban (MDU), Important Agricultural Lands (IAL) and Extensive Agriculture (EA) GP

LUPAG designations. Since the application of the LUPAG map designations are broad brush, the property can be interpreted to be within these designations.

2. Prior to the current GP LUPAG designations for this area approved in 2006 and 2015, the subject property and surrounding areas were designated as "Orchards" since 1971 when the original General Plan was approved. The Orchards designation were identified as those agricultural lands, which though rocky in character and content, support productive macadamia nuts, papaya, citrus and other similar agricultural products.
3. The neighboring Ola Hou Estates Subdivision that adjoins the property to the northwest was rezoned from A-20a to A-1a in 1995 and amended in 2012. The neighboring property was determined to be within the General Plan LUPAG Orchards and Low Density Urban designations, which allowed the rezoning to A-1a.
4. The property is on the border of the Kea'au Regional Town Center that was established by the Puna Community Development Plan.
5. Lastly, the property is in an area that has the appropriate infrastructure to support a change of zone to allow for 1-acre lots, including utilities and access.

Based on the above review, we can confirm that the GP LUPAG map designation for the property is Extensive Agriculture. This determination is made not by simply looking at where the LUPAG Map lines roughly fall on the ground, but by carefully assessing how lots in the area were established and the practical application of uses, existing and foreseen, in the area are supported by existing infrastructure.

Should you have any questions, please feel free to contact me at 961-8125.

Sincerely,

Zendo Kern

Zendo Kern (Apr 19, 2022 08:21 HST)

ZENDO KERN
Planning Director

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

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
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

April 18, 2023

Steven Pause, Director
Department of Public Works
County of Hawaii
101 Pauahi Street, Suite 7
Hilo, HI 96720
Public_works@hawaiiicounty.gov

IN REPLY REFER TO:
Project No. 2023PR00476
Doc. No. 2404JG11
Archaeology

Dear Mr. Pause:

SUBJECT: **Chapter 6E-42 Historic Preservation Review**
County of Hawaii Grubbing Permit for the Puna Certified Nursery Inc. property
Kea'au Ahupua'a, Puna District, Island of Hawai'i
TMK: (3) 1-6-003:081

This letter provides the State Historic Preservation Division's (SHPD's) review of the subject County of Hawaii (COH) grubbing permit application received by our office on April 17, 2023. The submittal includes a HRS 6E Submittal Form, a Permit Snapshot Report (PW.ENG2023-00083), and a TMK and a satellite image of the proposed project area. The applicant proposes grubbing activities to clear the project area of vegetation. The proposed project area consist of the entire 26.86-acre parcel.

A review of our records indicates that the proposed project area has not been included as part of any previous archaeological survey studies and that no historic properties have been previously identified within the project parcel. Additionally, historic (1965) and contemporary aerial imagery confirms that the current project area has been previously impacted by ground-disturbing activities associated with land clearing and agricultural activities. Thus, low potential exists for the project to encounter and impact significant historic properties.

Based on current information, SHPD's determination is **no historic properties affected** for the proposed project. Pursuant to HAR §13-284-7(e), when the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends. The HRS 6E historic preservation review process is ended. The permit issuance process may proceed.

Attach to permit: If historic properties such as lava tube openings, concentrations of artifacts, structural remains or human skeletal remains are found during construction activities please cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7651.

Please contact Joshua Gastilo at joshua.gastilo@hawaii.gov for any questions or concerns regarding this letter.

Mr. Pause
April 18, 2023
Page 2

Aloha,
Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: Department of Public Works, Engineering Division, dpweng@hawaiicounty.gov
Robyn Matsumoto, robyn.matsumoto@hawaiicounty.gov
Herman Ludwig, herman.t@ludgigconstructionhi.com

**DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII**

DATE: July 15, 2024

Memorandum

TO: Zendo Kern, Planning Director

FROM: Department of Public Works, Engineering Division



SUBJECT: CHANGE OF ZONE APPLICATION (PL-REZ-2024-000057)

Request: Agricultural - 20 Acres (A-20a) to Family Agricultural - 1 Acre
(FA-1a) for 26.762 Acres of Land

Applicant: Graphic Images Hawaii, Inc.

TMK: 1-6-003:081 and 129

Sorry for the delay. We have reviewed your submittal dated April 1, 2024 and offer the following comments for your consideration:

1. 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.
2. The subject parcel is in an area designated as 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.
3. Based upon the proposed zoning and subdivision map, we recommend that the applicant provide a minimum 50-foot wide right-of-way with paved shoulders and swales, drainage improvements, and any required utility relocation, meeting the requirements of the Americans with Disabilities Act.
4. Install streetlights and traffic control devices as may be required by the Traffic Division, Department of Public Works. The applicant shall be responsible for the design, purchase, and installation of such devices.

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



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

December 17, 2018

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager–Chief Engineer

SUBJECT: **Change of Zone Application (REZ 18-000233)**
Applicant – Puna Certified Nursery, Inc.
Request: A-20a to FA-1a
Tax Map Key 1-6-003:081

2018 DEC 18 PM 12:35
PLANNING DEPT.
COUNTY OF HAWAII

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

Water can be made available from the existing 8-inch waterline within Kea'au-Pāhoa Road which fronts the subject parcel in accordance with the Department's existing water availability conditions, which are subject to change without notice. Each unit of water is equal to an average of 400 gallons per day which is suitable for only one (1) single-family dwelling.

Please be informed that the subject parcel is currently served by an existing 5/8-inch meter and a 1-inch meter allotted two (2) equivalent units of water (Account Nos. 020-29910 and 020-29901). The Department requests that the plat map be revised to show the existing meter with the meter number. The applicant will be required to designate, in writing, which lot within the proposed subdivision will be assigned the existing service, prior to recommending final subdivision approval. Should the existing meter location not front the parcel that it will serve, the existing meter would need to be relocated to comply with the Department's Rules and Regulations.

Therefore, pursuant to Rule 5 of the Department's Rules and Regulations, a copy of which is being forwarded to the applicant, a water commitment may be issued. Based on the 20 additional units requested in the proposed 23-lot development, the required water commitment deposit is \$3,000.00.

Remittance by the applicant of the \$3,000.00 is requested as soon as possible so that a water commitment may be formally issued. The commitment will be in writing with specific conditions and effective dates stated. Please keep in mind that this letter shall not be construed as a water commitment. In other words, unless a water commitment is officially effected, water availability is subject to change without notice, depending on the water situation.

If the applicant intends to assign one (1) unit of water to each lot, final subdivision approval is subject to compliance with the following conditions:

Planning Dept.
Exhibit 5

122168

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

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

1. Construct necessary water system improvements, which shall include, but not be limited to:
 - a. extension of the existing water mains capable of delivering water at adequate pressure under peak-flow and fire-flow conditions; the minimum diameter of which shall be 6 inches,
 - b. service laterals that will accommodate a 5/8-inch meter to each lot,
 - c. cut and plug existing service lateral to the 1-inch meter currently serving the property,
 - d. fire hydrants spaced no more than 600 feet apart and within 300 feet of the driveway or access for each lot. On dead-end streets, the last fire hydrant shall be located at one-half the distance from the last house, or unit, fronting the property line, or to the driveway or access for the property, and
 - e. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

Submit construction plans, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval.

2. Remit the prevailing facilities charge balance, which is subject to change, as shown below:

FACILITIES CHARGE (FC):

Two (2) existing services (3 equivalent units) paid	
<u>Twenty (20) additional units @ \$5,500.00/unit</u>	<u>\$110,000.00</u>
Total FC	\$110,000.00

This is due and payable upon completion of the installation of the required water system improvements and prior to final subdivision approval being granted.

For your information, water commitment deposits are credited towards the final facilities requirement for the development. Note that the amount of water commitment deposit may exceed the prevailing facilities charge amount; for example, when requests for time extensions continue and are approved. Until the development is finally completed, these are separate and unrelated items. In the event that water commitment deposits exceed the facilities charge, no refunds are applicable.

3. Submit the appropriate documents, properly prepared and executed, to convey the subdivision water system improvements and necessary easements to the Water Board of the County of Hawai'i prior to final subdivision approval being granted. A registered land surveyor shall stamp and certify the metes and bounds description within the conveyance documents. However, prior to water meter services being granted to the development, or any lots within, the conveyance documents shall be accepted by the Water Board.

Mr. Michael Yee, Director
Page 3
December 17, 2018

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Okamoto', written in a cursive style.

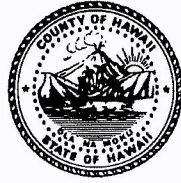
Keith K. Okamoto, P.E.
Manager-Chief Engineer

TS:dfg

copy - Mr. Sidney M. Fuke, Planning Consultant
Puna Certified Nursery, Inc. (w/copy of Rule 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@hawaiicounty.gov

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

MEMORANDUM

TO: Zendo Kern, Director
Planning Department

FROM: Ramzi I. Mansour, Director *Brenda S. Iokepa-Moses*
Department of Environmental Management

DATE: April 3, 2024

SUBJECT: Change of Zone Application (PL-REZ-2024-000057)
Request: Agricultural - 20 Acres (A-20a) to Family Agricultural - 1 Acre
(FA-1a) for 26.762 Acres of Land Applicant: Graphic Images
Hawai'i, Inc.
Tax Map Keys: (3) 1-6-003:081 and 129; Puna, Hawai'i

The Solid Waste Division has reviewed the subject application and provides the following comments (Contact the Solid Waste Division for details).

- Commercial operations, State and Federal agencies, religious entities and non-profit organizations may not use transfer stations for disposal.
- Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent.
- Ample room should be provided for rubbish and recycling.
- Construction and demolition waste is prohibited at all County Transfer Stations.

The Wastewater Division has reviewed the subject application and provides the following comments (contact the Wastewater Division for details):

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

Planning Dept.
Exhibit 6

Mitchell D. Roth
Mayor



Benjamin T. Moszkowicz
Police Chief

Reed K. Mahuna
Deputy Police Chief

County of Hawai`i

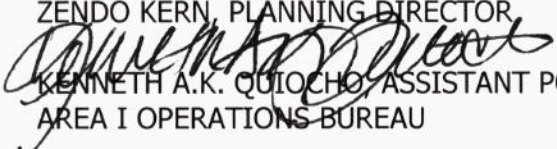
POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

April 11, 2024

REC'D HAND DELIVERED

COH PLANNING DEPT
APR 12 2024 AM 10:12

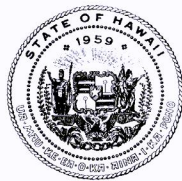
TO : ZENDO KERN, PLANNING DIRECTOR
FROM :  KENNETH A.K. QUIJCHO, ASSISTANT POLICE CHIEF
AREA I OPERATIONS BUREAU
SUBJECT: CHANGE OF ZONE APPLICATION (PL-REZ-2024-000057)
REQUEST: AGRICULTURAL – 20 ACRES (A-20A) TO FAMILY
AGRICULTURAL – 1 ACRE; (FA-1A) FOR 26.762 ACRES OF LAND
APPLICANT: GRAPHIC IMAGES HAWAII, INC.
TAX MAP KEYS: (3) 1-6-003:081 AND 129; PUNA, HAWAII

Staff, upon reviewing the provided documents, does not anticipate any significant impact to traffic and/or public safety concerns.

Thank you for allowing us the opportunity to comment.

If you have any questions, please contact Captain Todd Pataray, Puna Patrol, at 965-2716 or via email at Todd.Pataray@hawaiiicounty.gov.

Planning Dept.
Exhibit 7



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: April 12, 2024

TO: Mr. Zendo Kern
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Change of Zone Application (PL-REZ-2024-000057)
Request: Agricultural - 20 Acres (A-20a) to Family Agricultural - 1 Acre
(FA-1a) for 26.762 Acres of Land
Applicant: Graphic Images Hawaii, Inc.
Tax Map Keys: (3) 1-6-003:081 and 129; Puna, Hawai'i

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.

2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

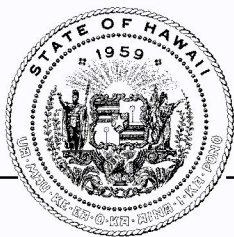
For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure. A demolition permit is required prior to demolition.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

DTS202404011349NA

Coastal Zone
Management
Program

May 6, 2024

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide
Sustainability Branch

Mr. Zendo Kern, Director
Planning Department
County of Hawai'i
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Dear Mr. Kern:

Subject: Change of Zone Application (PL-REZ-2024-000057)
Graphic Images Hawaii, Inc.
Tax Map Keys (3) 1-6-003: 081 and 129, Kea'au, Puna, Hawai'i

The Office of Planning and Sustainable Development (OPSD) has reviewed the subject application and offers the following comments for your consideration.

The applicant proposes to rezone 26.762 acres of land currently zoned Agricultural-20 acres (A-20a) to Family Agricultural-1 acre (FA-1a) to enable the development of a 23-lot subdivision with a minimum lot size of one acre. The property is situated off the Kea'au-Pāhoa Road within a mile of the Kea'au Town Center and in proximity to Kea'au High, Elementary, and Middle Schools. The property lies just outside the Kea'au Regional Town Center boundary as designated in the County's Puna Community Development Plan (PCDP).

Parcel 081, Lot 1-A (7.013 acres), which fronts a remnant government road parcel between the property and Kea'au-Pāhoa Road, is currently being reviewed under a separate public utility subdivision action that would set aside the parcel for a Kea'au medical clinic proposed by the Hawai'i Health Systems Corporation. If State funding and County approvals for the proposed clinic are not secured, Parcel 081, Lot 1-A will be developed as part of the proposed residential subdivision.

Comments

1. Coastal Zone Management. The application is generally consistent with Chapter 205A, Hawai'i Revised Statutes (HRS), Coastal Zone Management. The property is located approximately 3.8 miles from the nearest shoreline, does not lie within the Special Management

Area, and is not located within a flood hazard zone. CZM policy concerns related to archaeological and historic resources, water quality and stormwater runoff, and faunal resources noted in the application should be addressed by applicant compliance with representations made in the application regarding:

- a. Inadvertent discovery of any archaeological features: all work is to cease, and the State Historic Preservation Division is to be notified if features are encountered during site development. The applicant should ensure that contractors are aware of this requirement and have experience in determining conditions under which work should be stopped.
 - b. Ensuring compliance with Department of Health requirements for onsite individual wastewater systems.
 - c. Contractor compliance with US Fish and Wildlife Service recommendations for precautionary measures to be taken to avoid impacts to threatened and endangered birds and the Hawaiian Hoary Bat that may overfly, frequent, or nest in the area.
2. Smart Growth and Transit-Oriented Development. The Kea‘au Regional Town Center area has been identified by OPSD as one of the areas in the County for joint State-County TOD planning and implementation (see *Toward a Transit-Oriented Development Housing Investment Strategy*, issued in December 2023 in response to Senate Concurrent Resolution 162 and House Resolution 188, 2023 Legislative Session; posted at https://files.hawaii.gov/dbedt/op/lud/Reports/OPSD_SCR162_Report_20231228.pdf). These areas serve to direct State and County efforts toward facilitating smaller lot sizes, increased density, and mixed-use developments in areas served by County bus transit to achieve greater walkability, more affordable housing with greater accessibility to bus transit and goods and services, increased economic development opportunities, compact town development, and County General Plan policy objectives related to containment of County infrastructure and costs.

The boundary for the TOD area generally coincides with the town center boundary in the PCDP and the property lies just outside the TOD area boundary. The proposed project provides an opportunity to locate additional housing as well as a potential health center near the Kea‘au Town Center. OPSD recognizes, however, that the existing State Agricultural Land Use District designation—and the one-acre minimum lot size—is a barrier to achieving smaller lots, additional density, and/or mixed-use development that might be more appropriate for a

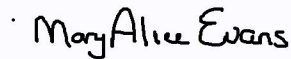
Mr. Zendo Kern
May 6, 2024
Page 3

property situated so close to the town center, schools, bus transit, and other essential services offered nearby.

OPSD fully supports the provision of a roadway stub-out—alternatively, a dedicated right-of-way—in lieu of the current cul-de-sac to allow direct access to the old Pāhoa Government Road. The proposed subdivision has only one way in and out through another subdivision, which decreases safety and increases the distance that residents will need to walk, bicycle, or drive to access schools, bus service, and other establishments in the town core. Providing a right-of-way in the short term would allow pedestrians and bicyclists to access Kea‘au-Pāhoa Road and improve connectivity to the town center, schools, and bus services. In the future, this short-term right-of-way might be improved for vehicular use and create a second access point for the subdivision.

Thank you for the opportunity to comment on the proposed application. If you have any questions, please contact Ruby Edwards, ruby.m.edwards@hawaii.gov, (808) 587-2817. If you wish to respond to this comment letter, please include DTS 202404011349NA in the subject line.

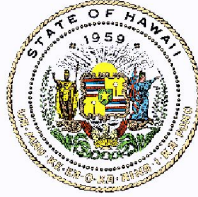
Mahalo,

A handwritten signature in black ink that reads "Mary Alice Evans". The signature is written in a cursive, flowing style.

Mary Alice Evans
Director

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

DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

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

May 24, 2024

Log no.4503

MEMORANDUM

TO: RUSSELL Y. TSUJI, Administrator
Land Division

FROM: LINDSEY NIETMANN, Acting Wildlife Program Manager
Division of Forestry and Wildlife

SUBJECT: **Request for Comments on Change of Zone Application (PL-REZ-2024-000057); Request to Change Zone from Agricultural - 20 Acres (A-20a) to Family Agricultural - 1 Acre (FA-1a) for 26.762 Acres of Land; Graphic Images Hawaii, Inc.; Kea'au, Puna, Island of Hawai'i.**

Planning Dept.
Exhibit 10

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) has received your request for comments on the Change of Zone Application (PL-REZ-2024-000057) submitted by Graphic Images Hawai'i, Inc. to change zoning from Agricultural - 20 Acres (A-20a) to Family Agricultural - 1 Acre (FA-1a) for 26.762 acres of land in Kea'au, Puna, Tax Map Keys: (3) 1-6-003:081 and 129. The proposed project site is situated west or mauka of the old Kea'au Pāhoa Highway (Mile Post 1), immediately adjacent to and south of the Ola Hou Estates Subdivision. It is located approximately 3.8 miles from the nearest shoreline and is not situated within the Special Management Area. No professional flora or faunal surveys were conducted of the project site due to its extensively altered condition due to its former use as sugarcane land and its recent use as a nursery with the cultivation of commercial dracaena, rhaps palms, and avocado trees on most of the property.

DOFAW concurs with the measures included in the Change of Zone Application intended to avoid construction and operational impacts to State-listed species including the 'ōpe'ape'a or Hawaiian Hoary bat (*Lasiurus cinereus semotus*), 'io or Hawaiian Hawk (*Buteo solitarius*), pueo or Hawaiian Short-eared Owl (*Asio flammeus sandwichensis*), and seabirds. For illustrations and guidance related to seabird-friendly light styles that also protect the dark, starry skies of Hawai'i please visit <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>. We also appreciate the measures outlined to employ Best Management Practices during and after construction to contain any soils and sediment with the purpose of preventing damage to near-shore waters and marine ecosystems. DOFAW provides the following additional comments

regarding the potential for the proposed work to affect listed species in the vicinity of the project area.

Artificial lighting can adversely impact seabirds that may pass through the area at night by causing them to become disoriented. This disorientation can result in their collision with manmade structures or the grounding of birds. For nighttime work that might be required, DOFAW recommends that all lights used be fully shielded to minimize the attraction of seabirds. Nighttime work that requires outdoor lighting should be avoided during the seabird fledging season, from September 15 through December 15, when young seabirds make their maiden voyage to sea.

If nighttime construction is required during the seabird fledging season (September 15 to December 15), we recommend that a qualified biologist be present at the project site to monitor and assess the risk of seabirds being attracted or grounded due to the lighting. If seabirds are seen circling around the area, lights should then be turned off. If a downed seabird is detected, please follow DOFAW's recommended response protocol by visiting <https://dlnr.hawaii.gov/wildlife/seabird-fallout-season/>

Permanent lighting also poses a risk of seabird attraction, and as such should be minimized or eliminated to protect seabird flyways and preserve the night sky. For illustrations and guidance related to seabird-friendly light styles that also protect seabirds and the dark starry skies of Hawai'i please visit <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>.

The endemic pueo or Hawaiian Short-Eared Owl (*Asio flammeus sandwichensis*) could potentially nest in the project area. Pueo nest on the ground and active nests have been found year-round. Before any potential vegetative alteration, especially ground-based disturbance, we recommend that line transect surveys are conducted during crepuscular hours through the project area. If a pueo nest is discovered, a minimum buffer distance of 100 meters from the nest should be established until chicks are capable of flight.

The State-listed 'io or Hawaiian Hawk (*Buteo solitarius*) may occur in the project vicinity. Prior to undertaking vegetation clearing, DOFAW recommends that pre-construction surveys of the area be conducted by a qualified biologist following appropriate survey methods (Gorresen et al., 2008) to ensure no Hawaiian Hawk nests are present, which may occur during the breeding season from March to September. The survey should be conducted at least 10 days prior to the start of construction. If an 'io nest is detected, a buffer zone of 100 meters (330 feet) should be established around it where no construction shall occur until the chick or chicks have fledged, or the nest is abandoned and DOFAW staff should be immediately notified. If adult individuals are detected in the area during construction, all activities within 30 meters (100 feet) of the bird should cease. Work may continue when the bird has left the area on its own.

DOFAW recommends minimizing the movement of plant or soil material between worksites. Soil and plant material may contain detrimental fungal pathogens (e.g., Rapid 'Ōhi'a Death), vertebrate and invertebrate pests (e.g., Little Fire Ants, Coqui Frogs, etc.), or invasive plant parts (e.g., African Tulip, Octopus Tree, Trumpet Tree, etc.) that could harm our native species and ecosystems. We recommend consulting the Big Island Invasive Species Committee (BIISC) at (808) 933-3340 to help plan, design, and construct the project, learn of any high-risk invasive species in the area, and ways to mitigate their spread. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species.

To prevent the spread of Rapid 'Ōhi'a Death (ROD), DOFAW requests that the information and guidance at the following website be reviewed and followed if 'ōhi'a trees are present at the project site that will be removed, trimmed, or potentially injured: <https://cms.ctahr.hawaii.edu/rod>.

The invasive Coconut Rhinoceros Beetle (CRB) or *Oryctes rhinoceros* is found on the islands of O'ahu, Hawai'i Island, Maui and Kaua'i. On July 1, 2022, the Hawai'i Department of Agriculture (HDOA) approved Plant Quarantine Interim Rule 22-1. This rule restricts the movement of CRB-host material within or to and from the island of O'ahu, which is defined as the Quarantine Area. Regulated material (host material or host plants) is considered a risk for potential CRB infestation. Host material for the beetle specifically includes (a) entire dead trees, (b) mulch, compost, trimmings, fruit and vegetative scraps, and (c) decaying stumps. CRB host plants include the live palm plants in the following genera: *Washingtonia*, *Livistona*, and *Pritchardia* (all commonly known as fan palms), *Cocos* (coconut palms), *Phoenix* (date palms), and *Roystonea* (royal palms). When such material or these specific plants are moved there is a risk of spreading CRB because they may contain CRB in any life stage. For more information regarding CRB, please visit <https://dlnr.hawaii.gov/hisc/info/invasive-species-profiles/coconut-rhinoceros-beetle/>.

Avoid importing soil or other plant material from off-island. Soil and plant material may contain fungi (e.g., Rapid 'Ōhi'a Death) and other pathogens that could harm our native species and ecosystems. We recommend consulting the Hawai'i Interagency Biosecurity Plan at <http://dlnr.hawaii.gov/hisc/plans/hibp/> in planning, design, and construction of the project.

DOFAW recommends using native plant species for landscaping that are appropriate for the area, i.e., plants for which climate conditions are suitable for them to thrive, plants that historically occurred there, etc. Please do not plant invasive species. DOFAW also recommends referring to www.plantpono.org for guidance on the selection and evaluation of landscaping plants and to determine the potential invasiveness of plants proposed for use in the project.

DOFAW is concerned about impacts to vulnerable native birds from nonnative predators such as cats, rodents, and mongooses. We recommend taking action to minimize predator presence; remove cats, place bait stations for rodents and mongoose, and provide covered trash receptacles.

Cats prey on native birds, including State-listed endangered waterbirds, seabirds, and forest birds. Predation is instinctive and means that even well-fed cats will hunt and kill wildlife. Therefore, DOFAW recommends that homeowner associations request that residents with pet cats be kept indoors or safely contained. In addition, no feeding of feral cats should occur on the premises.

We appreciate your efforts to work with our office for the conservation of our native species. These comments are general guidelines and should not be considered comprehensive for this site or project. It is the responsibility of the applicant to do their own due diligence to avoid any negative environmental impacts. Should the scope of the project change significantly, or should it become apparent that threatened or endangered species may be impacted, please contact our staff as soon as possible. If you have any questions, please contact Kate Cullison, Protected Species Habitat Conservation Planning Coordinator via email at katherine.cullison@hawaii.gov.

Sincerely,

Lindsey Niemann

LINDSEY NIEMANN
Acting Wildlife Program Manager

Daryn Arai
Land Use Planning Consultant

June 10, 2024

Mr. Zendo Kern, Planning Director
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Director Kern:

Subject: Response to Agencies' comments regarding
Change of Zone Application PL-REZ-2024-000057
Applicant: Graphic Images Hawaii, Inc.
TMK: 1-6-003:081 & 129, Kea'au, Puna, Hawai'i

This letter will respond to comments received, to date, from consulting agencies that have reviewed the above-described request. We appreciate these agencies' comments being provided to the Applicant.

Office of Planning & Sustainable Development (OPSD) – memo dated May 6, 2024

The Applicant concurs with the findings of OPSD that the proposed rezoning is consistent with the State's Coastal Zone Management (CZM) laws (Chapter 205A, Hawai'i Revised Statutes).

The Applicant will adhere to CZM laws regarding proper notification and action regarding any inadvertent discovery of archaeological features during land clearing and construction activities and mitigating actions as described above regarding precautionary measures to avoid impacts to threatened or endangers birds and the Hawaiian Hoary Bat, as discussed further below in response to the Division of Forestry and Wildlife (DOFAW).

While the Applicant appreciates the desire of OPSD to seek smaller lots and higher residential densities given the proximity of the subject property to the Kea'au Town Center, such higher densities should occur in closer proximity to the Town Center boundaries, with the subject property adjoining or in very close proximity to existing residential-agricultural subdivisions (35-lot Ola Hou Estates and 322-lot Keaau Agricultural Lots). These residential-agricultural subdivisions, like the proposed 23-lot subdivision, establishes transitional communities between the Town Center urban core and more expansive agricultural lands beyond.

Finally, the Applicant recognizes the desire for a road stub-out at the northeastern end of the subject property in order to facilitate a direct access onto the Kea'au-Pahoa Road. The Applicant will continue to explore the possibility of a direct access, as these plans represent a conceptual design.

Department of Health - memo dated April 12, 2024)

The Applicant acknowledges that the Department of Health will allow for the use of individual wastewater systems (IWS) to support the proposed 23-lot family agricultural subdivision as each proposed lot will be larger than 10,000 square feet in size and will not accommodate any multiple-family residential units.

The Applicant will coordinate with the Departments of Health and Public Works to ensure compliance with NPDES requirements during the design and construction of storm water systems within the proposed subdivision.

Similarly, the Applicant will comply with air and water quality standards during construction of subdivision-related improvements as such notations are disclosed during the review and approval of construction drawings related to grading, roadway and utility construction, and drainage systems.

Finally, existing structures located on the subject property will be demolished in accordance with applicable requirements of the Department of Health regarding vector control, and the proper disposal of waste material at approved disposal sites.

Department of Land and Natural Resources - Land and Engineering Divisions - memo dated April 30, 2024

The Applicant notes that both the Land and Engineering Divisions of the State Department of Land and Natural Resources had no comments regarding the requested change of zone and proposed subdivision.

DLNR-Division of Forestry and Wildlife (DOFAW) (memo dated May 24, 2024)

The Applicant acknowledges the concurrence of DOFAW with measures presented within its application intended to avoid construction and operational impacts to State-listed species that include the Hawaiian Hoary Bat, Hawaiian Hawk and Hawaiian Short-eared owl and seabirds.

If any Pueo nest is identified on the subject property, the Applicant will inform the DOFAW and immediately maintain a minimum buffer distance of 100 meters from the nest until such time the chicks are capable of flight. The Applicant will likewise take care to conduct a survey of the subject property prior to any land clearing activities to determine if Hawaiian Hawk nests are present and employ similar buffer zone until the chicks have fledged. If adult

hawks are present, all land clearing or construction activities within 30 meters of the bird will cease until the bird departs the area on its own accord. The Applicant will not conduct any land clearing activities during the hawk breeding season from March to September, in order to minimize any disruptive encounters with the hawk.

As this will be a family agricultural residential subdivision, it will be difficult to regulate the shielding of artificial lighting to minimize its effect upon seabirds that may pass through the area at night. Homeowners are expected to comply with the County's lighting ordinance regarding the installation and proper use of lighting instruments. No night-time work, requiring outdoor lighting, will be performed due to potential disturbances such nighttime activities may have upon nearby residential neighborhoods.

Finally, the Applicant will follow mitigation protocols to minimize the spread of Rapid 'Ōhi'a Death (ROD) should the tree be encountered during land clearing activities. Likewise, special attention will be made to manage the transport of host material from the subject property that could host the invasive coconut Rhinoceros beetle.

Department of Environmental Management - memo dated April 3, 2024

We note that the Wastewater Division directs the Applicant to comply with State Department of Health requirements since the project site is not serviced by the County's sewer system. Each individual homeowner will be responsible for the installation of compliant septic systems during home construction.

As recommended by the Solid Waste Division, the Applicant will responsibly reuse aggregates and other construction and demolition waste generated by the proposed subdivision development. The Applicant will also manage the disposal of greenwaste generated by land clearing to proper composting facilities and will prohibit construction-related waste from the County transfer stations.

Police Department - memo dated April 11, 2024

The Police Department does not anticipate any impact to traffic and/or public safety concerns as a result of the requested change of zone.

Mr. Zendo Kern, Planning Director
County of Hawai'i Planning Department
Page 4 of 4
June 10, 2024

We hope that we have adequately responded to comments offered by the respective agencies.
Please feel free to contact me should there be any questions or need for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daryn Arai', with a stylized flourish at the end.

DARYN ARAI
Land Use Planning Consultant

cc via email: Ms. Laurie Higashi, Graphic Images Hawaii, Inc.
Mr. Roland Higashi, Graphic Images Hawaii, Inc.

COH PLANNING DEPT
JUN 7 2024 PM 5:03

May 15, 2024

Planning Department

REC'D BY MAIL

101 Pauahi St. Suite 3

Hilo, HI 96720

Attn: Daryn Arai and

All Involved in New Subdivision Development

We have no objections to the proposed new subdivision which on the map shows to be adjacent to Ola Hou Estates.

However, we do strongly object to the entrance and exit to this development. The map shows Mamaka St. and Ohiohi St. to be the only entrance and exit for both subdivisions. With an addition of 23 more 1 acre lots to be developed to add to the 30 lots in Ola Hou and with the only entrance and exit being via Mamaka St and Ohiohi St, the traffic and safety impact on both subdivisions will be unacceptable. As is, we need speed bumps! Very few comply with the 25 mph speed limit.

Our home is on the corner of Mamaka and Ohiohi. We love our home and the peacefulness of the neighborhood. Other homeowners on Mamaka and Ohiohi Sts. would similarly be impacted by additional vehicle and pedestrian traffic, along with the noise factor. Our peaceful quiet neighborhood would disappear.

Most important, we have safety concerns with one way in and one way out for Fire, EMS, Police, Traffic, Pedestrians and Residents. The impact will be on all current and future residents of Ola Hou Estates as well as future residents of the new subdivision.

The new proposed subdivision would only be acceptable as a separate entity with its own entrance and exit.

We look forward to your response to our concerns.

Sincerely,



John and Sylvia Ringgold

808-284-4141 808-277-9313

16-4018 Ohiohi St. Ola Hou Estates

Unit B Box 11

Kaau, HI 96749

Daryn Arai
Land Use Planning Consultant

July 18, 2024

Mr. Zendo Kern, Planning Director
County of Hawai‘i Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Director Kern:

Subject: Response to Public Comments regarding
Change of Zone Application PL-REZ-2024-000057
Applicant: Graphic Images Hawaii, Inc.
TMK: 1-6-003:081 & 129, Kea‘au, Puna, Hawai‘i

This letter will respond to comments received from John and Sylvia Ringgold regarding the above-described rezoning application.

Mr. & Mrs. Ringgold reside within the adjoining Ola Hou Estates, at the intersection of Mamaka and Ohiohi Streets. We note that they do not object to the 23-lot subdivision proposed by the Applicant. However, they do strongly oppose Mamaka Street as being the only means of access for both the existing Ola Hou Estate subdivision as well as the proposed 23-lot subdivision.

The addition of 23 additional lots onto Mamaka Street is not anticipated to create a significant traffic burden that exceeds the design capacity of Mamaka Street and its intersection with the Old Keaau-Pahoa Road. The Police Department confirmed this assessment by stating that *“The Police Department does not anticipate any impact to traffic and/or public safety concerns as a result of the requested change of zone.”*

The Ringgold’s also noted the potential disruption of “the peacefulness of the neighborhood” should this project be approved due to additional pedestrian and vehicular traffic and noise. There is a reason that the roads within Ola Hou Estates were ‘stubbed-out’ to adjoining properties and approved by the County, as it anticipated the potential development of adjoining lands. Interconnecting of local streets between subdivisions has been a requirement promoted for decades by the County in order to disperse traffic as well as to provide interconnectivity for lands that do not have direct frontage with any government public road. In this particular instance, the only public road available to the subject property is Mamaka Street via Ohiohi Street, both of which are constructed to full County-dedicable standards and accepted by the County as a part of its public roadway system.

Mr. Zendo Kern, Planning Director
County of Hawai'i Planning Department
Page 2 of 4
July 18, 2024

It is acknowledged that the proposed subdivision will bring additional traffic along both Mamaka and Ohiohi Streets, but not to the level that will debilitate traffic conditions along these roadways or at its intersection with the Old Keaau-Pahoa Road. Regarding safety, these streets are constructed to full-County standards and able to accommodate traffic generated by the proposed subdivision. Subdivisions throughout the island, and especially in urban centers like Hilo and Kona, carry much greater volumes of traffic along similarly constructed roadways.

Regarding a dedicated connection to the Old Keaau-Pahoa Road, such a connection is simply not available at this time. The Applicant will be receptive to any direct connection opportunities should they arise prior to the submittal of a subdivision application with the County, should this rezoning action be approved by the Council. In addition, the Applicant is willing to agree to a condition that would require a roadway stub-out at the subject property's northeastern (makai) property boundary to ensure that a future roadway connection with the Old Keaau-Pahoa Road is not foreclosed. It should be noted that this roadway stub-out commitment will only apply should the Parcel 83 (Lot 1-A) not be acquired by Hawai'i Health Systems Corporation. Towards this end, should a favorable recommendation of the requested rezoning be issued by the Planning Director, the Applicant offers the following proposed condition:

- The proposed subdivision shall provide for County-dedicable standard roadway stub-outs at its northeast (makai), southwest (mauka) and southeast (adjoining TMK: 1-6-003:009) project site boundaries to facilitate future roadway connections with adjoining properties and nearby roadway systems. The northeast (makai) roadway stub-out shall not apply should TMK: 1-6-003:081 (Lot 1-A) be acquired by the Hawai'i Health Systems Corporation (HHSC) for the purpose of developing a proposed medical center.

Should the HHSC acquire the 7.013-acre portion (Parcel 81) of the Project Site, it will significantly reduce the number of proposed lots that can be developed on the remaining land area and significantly reduce the total number of vehicle trips anticipated to utilize Mamaka and Ohiohi Streets within the adjoining Ola Hou Estates.

The Applicant hopes that this response adequately addresses the concerns conveyed by the Ringgolds. Please feel free to contact me should there be any questions or need for additional information.

Sincerely,



DARYN ARAI
Land Use Planning Consultant

cc via email: Ms. Laurie Higashi, Graphic Images Hawaii, Inc.
Mr. Roland Higashi, Graphic Images Hawaii, Inc.