

COUNTY OF HAWAI‘I PLANNING DEPARTMENT **BACKGROUND REPORT**

KELVIN P. JARNESKI
STATE LAND USE BOUNDARY AMENDMENT APPLICATION
(PL-SLU-2024-000009)
CHANGE OF ZONE APPLICATION (PL-REZ-2024-000060)

KELVIN P. JARNESKI has submitted applications for a State Land Use Boundary Amendment from Agricultural to Rural for 1.997 acres of land and a Change of Zone from an Agricultural-40 acre (A-40a) to a Residential Agricultural-0.5 acre (RA-.5a) zoning district for 1.997 acres of land. The subject property is located at 64-5208 Alanui ‘Ohana Place, at the southeast corner of its intersection with Māmalahoa Highway, Pu‘ukapu Homesteads, Waimea, South Kohala, Hawai‘i, TMK: (3) 6-4-017:001.

PROPOSED ACTION

1. **Applicant’s Request:** The applicant is requesting a State Land Use Boundary Amendment from Agricultural to Rural and a Change of Zone from A-40a to RA-.5a to subdivide the subject, 1.977-acre property into two lots consisting of one-half (0.5) acre and just less than one and one-half (1.5) acres in size. The State Land Use Rural district is characterized by low density residential lots of not more than one dwelling per one-half acre, in areas where “city-like” concentrations of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with low density residential lots. A list of the variety of permitted land uses in the Rural district is shown in Hawai‘i Revised Statutes, Section 205-2(c). **(Planning Department Exhibit 1 – State Land Use Rural District, HRS 205-2(c))** Similarly, according to the Zoning Code, the purpose of the Residential and Agricultural (RA) zoning district is to provide for activities or uses characterized by low density residential lots in rural areas where “city-like” concentrations of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with low density residential lots. Requirements for establishing a land use in the RA zoning district, including a list of the variety of permitted land uses, are shown in Section 25-5-50 to 57 of the Zoning Code. **(Planning**

Department Exhibit 2 - Zoning Code Requirements for Residential and Agricultural District)

2. **Purpose for the Requests:** If the requested land use entitlement changes are approved, the applicant proposes to immediately subdivide the property into two lots with the future intention of subdividing a third lot and conveying one lot to a family member.
3. **Construction Timetable and Cost:** According to the applicant, a subdivision application would be filed immediately after all land use entitlement approvals have been secured, with little, if any, expected costs.
4. **Landowner:** Kelvin P. Jarneski
5. **Supporting Information:** The applicant has submitted the following in support of their request. **(Planning Department Exhibit 3 - State Land Use Boundary Amendment Application and Change of Zone Application submitted on April 24, 2024)**

BACKGROUND INFORMATION

6. **Building Permits:** According to County records, several building permits have been issued for the property, as noted below:
 - **July 6, 2007:** Issuance of building permit no. **B2007-1626H** for an alteration to the existing agricultural storage shed. Finalized on July 11, 2007.
 - **November 20, 2006:** Issuance of building permit no. **B2006-2999H** for an addition to the existing kitchen, living room and garage. Finalized on September 9, 2011.
 - **December 23, 2004:** Issuance of building permit no. **B2004-2758** for an alteration to the dwelling permitted under **B2004-1554H**. Finalized on October 9, 2007.
 - **August 11, 2004:** Issuance of building permit no. **B2004-1554H** for the construction of an efficiency dwelling with laundry room and garage. Finalized on October 9, 2007.
 - **July 29, 2004:** Issuance of building permit no. **B2004-1368H** for construction of a 12-foot x 16-foot agricultural storage shed. Finalized on July 11, 1007.
 - **January 29, 2004:** Issuance of building permit no. **B2004-0086H** to construct a dwelling on the property. Department of Public Works (DPW) records indicate no inspections were done and the permit expired on June 2, 2022, per DPW notice.

7. **Additional Farm Dwelling (AFD) Agreement:** An AFD Agreement for the subject property, issued on June 30, 2004, included a condition requiring the applicant to secure a building permit for the additional farm dwelling within 2 years.

STATE AND COUNTY PLANS

8. **State Land Use Designation:** Agricultural (A).
9. **County Zoning:** Agricultural-40 acre (A-40a).
10. **General Plan LUPAG Map:** The General Plan Use Pattern Allocation Guide (LUPAG) map classifies the subject property and the surrounding subdivision along with the Nani Waimea and Kamuela Meadows Subdivisions as Rural (rur). This category includes existing subdivisions in the State Land Use Agricultural district that have a significant residential component. Typical lot sizes vary from eight-thousand three-hundred ninety-eight (8,398) square feet to two (2) acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses with these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities.
11. **Coastal Zone Management, HRS, Chapter 205A:** The entire State of Hawai‘i lies within the Coastal Zone Management Area.
12. **Special Management Area (SMA):** The Special Management Area is a part of the Coastal Zone Management Program and is regulated by the County. The subject property is not situated within the SMA and is located close to one and one-half (1.5) miles from the nearest SMA boundary defined by the upper pali area of Waipi‘o Valley and about five (5) miles from the nearest shoreline.
13. **South Kohala Community Development Plan (CDP):** The SKCDP was adopted by Ordinance No. 08 159 on December 1, 2008. The subject property has no specific designation depicted on the Waimea Town Conceptual Plan.

DESCRIPTION OF PROPERTY AND SURROUNDING AREA

14. **Subject Property:** The 1.997-acre subject property is roughly square in shape and is improved with one existing single-family dwelling and related improvements. The subject property also has extensive landscaping, yards, orchards, chicken coops and structures related to its residential and agricultural uses. The property is in the Pu‘ukapu Homesteads and borders Alanui ‘Ohana Place on the east, which is privately maintained,

- and Māmalahoa Highway to the south. The property is fairly level with a very slight slope in a northerly to southerly direction. According to the applicant, the site is dominated by kikuya grass and ornamental plants and is used for the raising of chickens.
15. **Surrounding Zoning/Land Uses:** Surrounding lands are located within the State's Agricultural (A) Districts, and the County's Agricultural (A-40a, A-10a, A-5a) zoned districts. The parcels immediately surrounding the subject property are zoned A-40a. The surrounding area includes a mix of agricultural and residential uses.
 16. **Agricultural Lands of Importance to the State of Hawai'i ALISH:** Prime Agricultural Lands.
 17. **Land Study Bureau's Detailed Land Classification System:** The soil condition within the subject property is classified as Class C soil. Class C soil indicates soils with moderate productivity, suitable for certain types of agriculture but with some limitations compared to higher rated soils.
 18. **U.S.D.A. Soil Survey:** The soil at the subject property is Honoka'a highly organic hydrous silty clay loam, with 0 to 10 percent slopes.
 19. **FEMA FIRM MAP:** 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.
 20. **Flora/Fauna Resources:** There were no professional surveys conducted of the floral or faunal resources of the subject property, however, the applicant reports that dominant plants on the property are Kikuya grass and ornamental plants. Animal species present include common bird species such as the Spotted Dove, Japanese White-eye, House Finch, Common Myna, as well as domestic cats, dogs and chickens.
 21. **Archaeological/Historic/Cultural Resources:** No professional archaeological and cultural study was conducted as the subject property has been impacted by development associated with residential construction and agriculture. According to comments from the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), the project area has been impacted by residential and agricultural development, no archaeological inventory survey has been conducted and no historic properties have been identified previously in the project area. According to the applicant, there are no known customary or Native Hawaiian cultural rights exercised within the

subject property due to its current and historical use as a home site and its extensively improved condition.

22. **Public Access:** There is no known public access to the mountain or shoreline that traverses through the subject property.
23. **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. Given the small scale of the proposed subdivision, the project does not trigger the requirement for a TIAR.

UTILITIES AND SERVICES

24. **Access:** Access to the subject property is from Alanui ‘Ohana Place, a privately owned and maintained roadway that takes access from Māmalahoa Highway, a two-lane, paved roadway with an approximate 40-foot-wide pavement within a 60-foot right-of-way in this area. According to the Department of Public Works, Engineering Division (DPW), the section of Māmalahoa Highway fronting the subject property was transferred from County to State ownership and is now State-owned and maintained. Additionally, the subject property currently has a 50-foot-wide powerline right-of-way located on the south side of the property, in favor of Hilo Electric Light Co, Ltd.
25. **Water:** The Department of Water Supply (DWS) states that there are two existing water services fronting the subject property and that water can be made available for the proposed third lot. DWS notes that several improvements must be completed for subdivision approval of a 3-lot subdivision, including installation of a new 6-inch water line, installation of a fire hydrant, cutting and plugging the existing service lateral and installation of a reduced pressure type backflow prevention assembly.
26. **Wastewater:** There is no municipal sewer system servicing the subject area. The existing dwelling on the subject property is currently serviced by a cesspool that was previously approved by the State Department of Health (DOH). Any future residential construction will need to install an individual wastewater system meeting with the approval of DOH.
27. **Essential Utilities and Services:** All essential utilities are available to the property. The closest police and fire stations are located in Waimea, approximately 3.5 miles from the subject property.

AGENCIES' COMMENTS

28. **State Department of Health: (Planning Department Exhibit 4 –May 23, 2024 Memo).**
29. **State Office of Planning & Sustainable Development: (Planning Department Exhibit 5 –June 10, 2024 Memo).**
30. **State Department of Land and Natural Resources, State Historic Preservation Division: (Planning Department Exhibit 6 –June 12, 2024 Memo).**
31. **Department of Environmental Management: (Planning Department Exhibit 7 –May 31, 2024 Memo).**
32. **Department of Public Works – Engineering Division: (Planning Department Exhibit 8 – June 10, 2024 Memo).**
33. **Department of Water Supply: (Planning Department Exhibit 9 –June 19, 2024 Memo).**

AGENCIES - NO COMMENTS/OBJECTIONS

34. Police Department.

AGENCIES - NO RESPONSE

35. State Department of Transportation, State Land Use Commission, State Department of Land and Natural Resources, State Department of Agriculture, Fire Department.

PUBLIC COMMENTS

36. No public comments have been received as of the date of the writing of this report.

APPLICANT'S RESPONSE TO COMMENTS:

37. The applicant has submitted a response letter to comments received from several agencies: **(Planning Department Exhibit 10 – July 13, 2024 Letter)**
38. The applicant provided a response letter to comments from the Planning Department: **(Planning Department Exhibit 11 – July 30, 2024 Letter)**

2023 Hawaii Revised Statutes

Title 13. Planning and Economic Development

205. Land Use Commission

205-2 Districting and classification of lands.

Universal Citation: HI Rev Stat § 205-2 (2023)

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§205-2 Districting and classification of lands. (a) There shall be four major land use districts in which all lands in the State shall be placed: urban, rural, agricultural, and conservation. The land use commission shall group contiguous land areas suitable for inclusion in one of these four major districts. The commission shall set standards for determining the boundaries of each district, provided that:

- (1) In the establishment of boundaries of urban districts those lands that are now in urban use and a sufficient reserve area for foreseeable urban growth shall be included;
- (2) In the establishment of boundaries for rural districts, areas of land composed primarily of small farms mixed with very low density residential lots, which may be shown by a minimum density of not more than one house per one-half acre and a minimum lot size of not less than one-half acre shall be included, except as herein provided;

(3) In the establishment of the boundaries of agricultural districts the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation; and

(4) In the establishment of the boundaries of conservation districts, the "forest and water reserve zones" provided in Act 234, section 2, Session Laws of Hawaii 1957, are renamed "conservation districts" and, effective as of July 11, 1961, the boundaries of the forest and water reserve zones theretofore established pursuant to Act 234, section 2, Session Laws of Hawaii 1957, shall constitute the boundaries of the conservation districts; provided that thereafter the power to determine the boundaries of the conservation districts shall be in the commission.

In establishing the boundaries of the districts in each county, the commission shall give consideration to the master plan or general plan of the county.

(b) Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated.

In addition, urban districts shall include geothermal resources exploration and geothermal resources development, as defined under section 182-1, as permissible uses.

(c) Rural districts shall include activities or uses as characterized by low density residential lots of not more than one dwelling house per one-half acre, except as provided by county ordinance pursuant to section 46-4(c), in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with low density residential lots except that within a subdivision, as defined in section 484-1, the commission for good cause may allow one lot of less than one-half acre, but not less than eighteen thousand five hundred square feet, or an equivalent residential density, within a rural subdivision and permit the construction of one dwelling on such lot; provided that all other dwellings in the subdivision shall have a minimum lot size of one-half acre or 21,780 square feet. Such petition for variance may be processed under the special permit procedure. These districts may include contiguous areas which are not suited to low density residential lots or small farms by reason of topography, soils, and other related characteristics. Rural districts shall also include golf courses, golf driving ranges, and golf-related facilities.

In addition to the uses listed in this subsection, rural districts shall include geothermal resources exploration and geothermal resources development, as defined under section

182-1, and construction and operation of wireless communication antenna, as defined under section 205-4.5(a)(18), as permissible uses.

(d) Agricultural districts shall include:

(1) Activities or uses as characterized by the cultivation of crops, crops for bioenergy, orchards, forage, and forestry;

(2) Farming activities or uses related to animal husbandry and game and fish propagation;

(3) Aquaculture, which means the production of aquatic plant and animal life within ponds and other bodies of water;

(4) Wind-generated energy production for public, private, and commercial use;

(5) Biofuel production, as described in section 205-4.5(a)(16), for public, private, and commercial use;

(6) Solar energy facilities; provided that:

(A) This paragraph shall apply only to land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class B, C, D, or E; and

(B) Solar energy facilities placed within land with soil classified as overall productivity rating class B or C shall not occupy more than ten per cent of the acreage of the parcel, or twenty acres of land, whichever is lesser, unless a special use permit is granted pursuant to section 205-6;

(7) Bona fide agricultural services and uses that support the agricultural activities of the fee or leasehold owner of the property and accessory to any of the above activities, regardless of whether conducted on the same premises as the agricultural activities to which they are accessory, including farm dwellings as defined in section 205-4.5(a)(4), employee housing, farm buildings, mills, storage facilities, processing facilities, photovoltaic, biogas, and other small-scale renewable energy systems producing energy solely for use in the agricultural activities of the fee or leasehold owner of the property, agricultural-energy facilities as defined in section 205-4.5(a)(17), vehicle and equipment storage areas, and plantation community subdivisions as defined in section 205-4.5(a)(12);

(8) Wind machines and wind farms;

(9) Small-scale meteorological, air quality, noise, and other scientific and environmental data collection and monitoring facilities occupying less than one-half acre of land; provided that these facilities shall not be used as or equipped for use as living quarters or dwellings;

(10) Agricultural parks;

(11) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; and provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;

(12) Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county; provided that this paragraph shall apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to section 205-5; provided further that the agricultural tourism activities coexist with a bona fide agricultural activity. For the purposes of this paragraph, "bona fide agricultural activity" means a farming operation as defined in section 165-2;

(13) Open area recreational facilities;

(14) Geothermal resources exploration and geothermal resources development, as defined under section 182-1;

(15) Agricultural-based commercial operations registered in Hawaii, including:

(A) A roadside stand that is not an enclosed structure, owned and operated by a producer for the display and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii;

(B) Retail activities in an enclosed structure owned and operated by a producer for the display and sale of agricultural products grown in Hawaii, value-added products that were produced using agricultural products grown in Hawaii, logo items related to the producer's agricultural operations, and other food items;

(C) A retail food establishment owned and operated by a producer and permitted under chapter 11-50, Hawaii administrative rules, that prepares and serves food at retail using products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii;

(D) A farmers' market, which is an outdoor market limited to producers selling agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii; and

(E) A food hub, which is a facility that may contain a commercial kitchen and provides for the storage, processing, distribution, and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii.

The owner of an agricultural-based commercial operation shall certify, upon request of an officer or agent charged with enforcement of this chapter under section 205-12, that the agricultural products displayed or sold by the operation meet the requirements of this paragraph;

(16) Hydroelectric facilities as described in section 205-4.5(a)(23); and

(17) Composting and co-composting operations; provided that operations that process their own green waste and do not require permits from the department of health shall use the finished composting product only on the operation's own premises to minimize the potential spread of invasive species.

Agricultural districts shall not include golf courses and golf driving ranges, except as provided in section 205-4.5(d). Agricultural districts include areas that are not used for, or that are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics.

(e) Conservation districts shall include areas necessary for protecting watersheds and water sources; preserving scenic and historic areas; providing park lands, wilderness, and beach reserves; conserving indigenous or endemic plants, fish, and wildlife, including those which are threatened or endangered; preventing floods and soil erosion; forestry; open space areas whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities, or would maintain or enhance the conservation of natural or scenic resources; areas of value for recreational purposes; other related activities; and other permitted uses not detrimental to a multiple use conservation concept. Conservation

districts shall also include areas for geothermal resources exploration and geothermal resources development, as defined under section 182-1. [L 1963, c 205, pt of §2; Supp, §98H-2; HRS §205-2; am L 1969, c 182, §5; am L 1975, c 193, §3; am L 1977, c 140, §1 and c 163, §1; am L 1980, c 24, §2; am L 1985, c 298, §2; am L 1987, c 82, §3; am L 1989, c 5, §2; am L 1991, c 191, §1 and c 281, §2; am L 1995, c 69, §8; am L 2005, c 205, §2; am L 2006, c 237, §3 and c 250, §1; am L 2007, c 159, §2; am L 2008, c 31, §2 and c 145, §2; am L 2011, c 217, §2; am L 2012, c 97, §6, c 113, §2, c 167, §1, and c 329, §3; am L 2014, c 55, §2; am L 2015, c 228, §2; am L 2016, c 173, §2; am L 2017, c 12, §15 and c 129, §2; am L 2018, c 49, §3; am L 2022, c 131, §2]

Note

The 2018 amendment applies to permit applications filed with the State or county after December 31, 2018. L 2018, c 49, §6(2).

Cross References

Districts, generally, see chapter 4.

Attorney General Opinions

Uses within agricultural districts. Att. Gen. Op. 62-33, 62-38.

Dwellings permissible under this section are further defined by regulations established under §205-7. Att. Gen. Op. 75-8.

Law Journals and Reviews

Avoiding the Next Hokuli`a: The Debate over Hawai`i's Agricultural Subdivisions. 27 UH L. Rev. 441 (2005).

Case Notes

Cited: 134 H. 187, 339 P.3d 685 (2014).

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- (c) Plan approval shall be required for all new buildings and additions to existing buildings in the RCX district, except for construction of one single-family dwelling and any accessory buildings per lot.
 - (d) Exceptions to the regulations for the RCX district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 7; am 2015, ord 15-33, sec 4.)

Division 5. RA, Residential and Agricultural Districts.

Section 25-5-50. Purpose and applicability.

The RA (residential and agricultural) district provides for activities or uses characterized by low density residential lots in rural areas where “city-like” concentrations of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with low density residential lots. The RA district is intended to be only within areas designated as being in the State land use rural or urban districts.

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

Section 25-5-51. Designation of RA districts.

Each RA (residential and agricultural) district shall be designated on the zoning map by the symbol “RA” followed by a number and the lower case letter “a” which indicates the required or minimum number of acres for each building site. For example RA-1a means a residential agricultural district with a minimum building site area of one acre.

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

Section 25-5-52. Permitted uses.

- (a) The following uses shall be permitted in the RA district:
 - (1) Adult day care homes.
 - (2) Agricultural products processing, minor, provided that the site or buildings used for such processing, shall be located at least seventy-five feet from any street bounding the building site.
 - (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) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (8) Crop production.
 - (9) Dwelling, single-family, one per building site.

- (10) Family child care homes.
- (11) Group living facilities.
- (12) Kennels, provided that the building site is a minimum of five acres in area and the structures are located at least one hundred feet away from any lot line.
- (13) Livestock production (excluding pigs), provided that:
 - (A) The requirements of the department of health are met;
 - (B) Approval of the director is obtained; and
 - (C) Any feed or water area, salt lick, corral, run, barn, shed, stable, house, hutch, or other enclosure for the keeping of any permitted animal shall be located at least seventy-five feet from any lot line.
- (14) Parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities.
- (15) Public uses and structures, as permitted under section 25-4-11.
- (16) Roadside stands for the sale of agricultural products grown on the premises.
- (17) Stables, commercial or boarding, provided that the building site is a minimum of five acres in area and the structures are located at least one hundred feet away from any lot line.
- (18) Utility substations, as permitted under section 25-4-11.
- (19) Veterinary establishments.
- (b) The following uses may be permitted in the RA 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 RA district, provided that if a building site is located within the State land use rural district, the following uses may be permitted if a special permit is obtained for such use:
 - (1) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (2) Community buildings, as permitted under section 25-4-11.
 - (3) Country clubs, tennis clubs and other similar recreational facilities which include buildings or indoor recreational features.
 - (4) Drive-in theaters.
 - (5) Guest ranches.
 - (6) Home occupations, as permitted under section 25-4-13.
 - (7) Lodges.
 - (8) Meeting facilities.
 - (9) Model homes, as permitted under section 25-4-8.
 - (10) Temporary real estate offices, as permitted under section 25-4-8.
 - (11) 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 RA district, provided that either a use permit is issued for each use if the building site is within the State land use urban district or a special permit is issued for each use if the building site is within the State land use rural district:
- (1) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (2) Crematoriums, funeral homes, funeral services, and mortuaries.
 - (3) Churches, temples and synagogues.
 - (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.
 - (9) Yacht harbors and boating facilities.
- (e) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the RA district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 11; am 2010, ord 10-17, sec 4; am 2012, ord 12-28, sec 7; ord 12-124, sec 6; am 2014, ord 14-86, sec 7; am 2021, ord 21-26, sec 8.)

Section 25-5-53. Height limit.

The height limit in the RA district shall be thirty-five feet.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-54. Minimum building site area.

The minimum building site area in the RA district shall be one-half acre. RA districts having larger areas may be designated in increments of one-half acre up to a recommended maximum of three acres. The recommended maximum does not specify an absolute upper limit for any building site in the RA district.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-55. Minimum building site average width.

Each building site in the RA district shall have a minimum average width of one hundred feet for the first one-half acre of required area, plus twenty feet for each additional one-half 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 25-5-56. Minimum yards.

Minimum yards in the RA district shall be as follows:

- (1) Front and rear yards, twenty-five feet; and
- (2) Side yards, fifteen feet.

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

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.)

STATE LAND USE BOUNDARY AMENDMENT APPLICATION
(15 ACRES OR LESS)

COUNTY OF HAWAII
PLANNING DEPARTMENT

COH PLANNING DEPT
FEB 16 2021 AM 10:45

(Type or legibly print the requested information)

PETITIONER: Kelvin P. Jarneski

PETITIONER'S SIGNATURE:  DATE: January 26, 2021

ADDRESS: 64-5208 Alanui Ohana Place Kamuela, HI 96743-8280

PETITIONER'S INTEREST IF NOT OWNER: _____

TELEPHONE:(Bus.) _____ (Res.) 895-0261 (Fax) _____

LANDOWNER(S): Kelvin P. Jarneski

LANDOWNER SIGNATURE(S):  DATE: January 26, 2021

(May be by letter)

ADDRESS: 64-5208 Alanui Ohana Place Kamuela, HI 96743-8280

TAX MAP KEY: 6-4-017: 001

STREET ADDRESS OF PROPERTY: _____

ZONING: A-40a SIZE OF PROPERTY: 1.997 acres

CURRENT STATE LAND USE DISTRICT CLASSIFICATION: Agricultural

REQUESTED STATE LAND USE DISTRICT CLASSIFICATION: Rural

AGENT: Sidney Fuke, Planning Consultant

ADDRESS: 100 Pauahi Street, Suite 212 Hilo, HI 96720

TELEPHONE:(Bus.) 969-1522 (Res.) _____ (Fax) _____

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

ORIGINAL: Sidney Fuke COPIES: Kelvin Jarneski

Planning Dept.
Exhibit 3

139819

CHANGE OF ZONE APPLICATION

COH PLANNING DEPT
FEB 16 2021 AM 10:46

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

APPLICANT: Kelvin P. Jarneski

APPLICANT'S SIGNATURE:  DATE: January 26, 2021

ADDRESS: 64-5208 Alanui Ohana Place Kamuela, HI 96743-8280

LIST APPLICANT'S INTEREST IF NOT OWNER: _____

LIST PRINCIPAL(S) INCLUDING NAMES OF MAIN OFFICERS: _____

PHONE:(Bus.) _____ (Res.) 895-0261 (Fax) _____

LANDOWNER(S): Kelvin P. Jarneski

LANDOWNER SIGNATURE(S):  DATE: January 26, 2021
(May be by letter)

LANDOWNER(S) ADDRESS: 64-5208 Alanui Ohana Place Kamuela, HI 96743-8280

REQUEST: A-40a TO RA-.5a
(Existing zoning) (Proposed Zoning)

TAX MAP KEY: 6-4-017: 001

STREET ADDRESS OF PROPERTY: 64-5208 Alanui Ohana Place

SIZE OF PROPERTY OR AFFECTED AREA(S) TO BE REZONED: 1.997 acres

AGENT: Sidney M. Fuke

ADDRESS: 100 Pauahi Street, Suite 212 Hilo, HI 96720

TELEPHONE:(Bus.) 969-1522 (Res.) _____ (Fax) _____

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

ORIGINAL: Sidney Fuke COPIES: Kelvin Jarneski

139819

ATTACHMENT

Agricultural Rezoning

PLANNING DEPARTMENT
COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

1. 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 1 and then to question 3. _____
- a. How many acres of the requested area do you intend to subdivide? All
- b. Into what lot sizes? .5+ acres
- c. If your request is approved, approximately how long after the date of approval do you expect to submit your subdivision plans to the Planning Department for preliminary approval? 1 month
- 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. attached
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. _____

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

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

How?

By providing land for family member, it eliminates need for a lot in the open market.

4. Are there any buildings on the subject area? Yes

If so, what kind?

Single-family dwelling

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

Continue to use the dwelling.

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

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

Raising chickens (hens and roosters) for sale

6. Was your request to allow for the creation of smaller agricultural lots? Yes

If so, did your plan include the following considerations?

- a. Commodity to be produced? Yes

What kinds of commodity?

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

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

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

No

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.

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

Yes

It was also to provide a lot to one of the family member.

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 to the subject area needs improvements?

No

If so, what kind?

Please refer to planning and environmental report fro this request.

Is the road adequate for the proposed traffic volume or load?

Yes

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

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

	Yes	No
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:

Michael P. Jones

Address:

64-5208 Alanui Ohana Place

Telephone:

895-0261

Date:

January 26, 2021



SidneyFuke, Planning Consultant

P.O. Box 1345 • Hilo, Hawai'i 96720
Cell: (808) 989-0640
E-mail: sidneyfuke@gmail.com

• Planning • Variance • Zoning
• Subdivision • Land Use Permits
• Environmental Reports

April 24, 2024

Mr. Zendo Kern, Director
Planning Department
COUNTY OF HAWAII
101 Pauahi Street
Hilo, HI 96720

Dear Mr. Kern:

**Subject: State Land Use (Agricultural to Rural) and
County Rezoning (A-40a to RA-.5a) Applications
Kelvin P. Jarneski
Puukapu, Waimea, South Kohala, Hawai'i, TMK: 6-4-017: 001**

Transmitted herewith for your review and processing are a State Land Use and County rezoning applications affecting 1.997 acres of land. The subject parcel is located on the corner of the Mamalahoa Highway and Alanui Ohana Place, approximately 500 feet northeast of the Mealani Research Center. The Kamuela Meadows Subdivision is located about 700 feet east of the subject site.

The applicant wishes to subdivide the property into two (2) lots consisting of a half-acre (.5) and a shade less than one and one-half (1.5) acre. There is a dwelling on the subject site as well as an active building permit for the construction of a second farm dwelling. If approved, the request will not result in an increase in the number of allowable dwellings on the site.

The transmittal includes the a) application forms, departmental questionnaire, and environmental report, which includes the location and proposed site plan; b) a list of surrounding property owners within 1,000 feet of the subject parcel; and c) the metes and bounds description. The filing fees are being paid electronically.

Please note that these applications were initially filed in a letter, dated February 16, 2021, but subsequently withdrawn on March 8, 2021, to enable the applicant to address some personal issue. That has been addressed. As such, we trust that everything is in order for your acceptance and concurrent processing of these applications. If not or if there are questions relating to this matter, please feel free to direct them to me. Thank you very much.

Sincerely,

SIDNEY M. FUKU
Planning Consultant

Enclosures

Copy – Kelvin Jarneski w/ enclosures via email

**COUNTY ENVIRONMENTAL REPORT
APPLICATIONS FOR STATE LAND USE BOUNDARY AMENDMENT
(Agricultural to Rural) and
COUNTY REZONING REQUEST (A-40a to RA-.5a)
KELVIN P. JARNESKI
PUUKAPU, WAIMEA, SOUTH KOHALA, HAWAII – TMK: (3) 6-4-017: 001**

I. INTRODUCTION

Kelvin P. Jarneski (“**applicant**”) owns and lives on a 1.997 acre property and identified by TMK: 6-4-017: 001 (“**subject property**”). The applicant’s ultimate objective is to subdivide the subject property into three (3) lots and convey one (1) of them to a family member. Because of an existing 50-foot wide electrical easement, however, the applicant plans to initially do a 2-lot subdivision and, at some point, subdivide the larger lot into two (2) lots.

As such, the applicant is requesting a State Land Use Boundary amendment from *Agricultural* to *Rural* and, concurrently, its rezoning from *Agricultural (A-40a)* to *Residential-Agricultural (RA-.5a)*. It should be noted that the applicant initially considered subdividing the property into two (2) 1-acre lots. However, after having a certified survey done, it was discovered that the subject site was .003 acre or 130 square feet short of two (2) acres. As such, the applicant is requesting a *RA-.5a* zone to enable the creation of two (2) and, because of the *RA-.5a* zoning, possibly three (3) lots.

II. PROJECT LOCATION

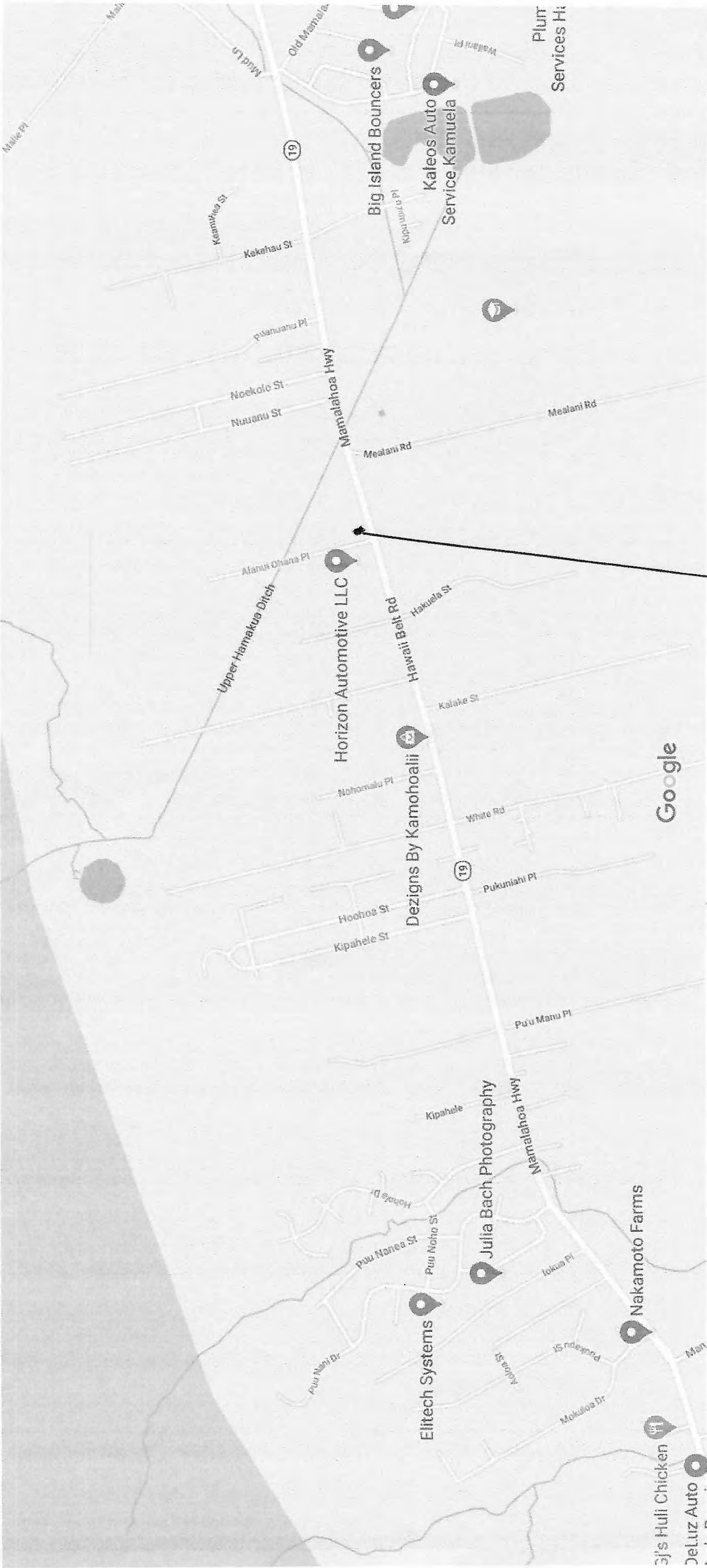
The subject property, consisting of 1.997 acres, is a corner property that fronts the north or Waipio Valley side of the Mamalahoa Highway and the east side of a private road called Alanui Ohana Place. It is part of a 15-lot subdivision, averaging 2+ acres in size. Mealani Road leading to the University of Hawaii College of Tropical Agricultural research station (Mealani Research Station) is situated approximately 500 feet to the southeast, while the Kameula Meadows Subdivision, consisting of 9,750+ square foot lots, is located about 700 feet to the east.

More specifically, it is identified by TMK: (3) 6-4-017: 001, Puukapu Homesteads, South Kohala. (**Figures 1 and 2**)

III. PROJECT DESCRIPTION

A. Project Concept and Components

Google Maps



SUBJECT SITE

Figure 1

As noted earlier, the applicant wishes to ultimately subdivide the subject property into three (3) lots so that he can convey one (1) lot to a family member. This would require, however, the reclassification of the subject property from the State Land Use *Agricultural* to *Rural* district and concurrently, County rezoning from A-40a to RA-.5a.

There is an existing 50-foot wide electrical easement running through the property that does not allow any permanent structure to be erected within the easement. The easement represents a challenge in creating a standard 3-lot subdivision.

As such, the applicant plans to do the subdivision in two (2) phases. The first phase would consist of two (2) lots. One of the proposed lots, consisting of one-half (.5) acre and an existing dwelling, would not be affected at all by the easement. The remaining lot, consisting of a shade under one and one-half (1.5) acres, includes the entire easement. **(Figure 3)** However, the larger lot is configured in a way that would lend itself to completing the construction of a dwelling previously approved as an Additional Farm Dwelling without having to address the easement question. **(Figure 4)**

The second phase would be the subdivision of the larger lot into two (2) lots. That would occur when plans are more developed to accommodate proposed property line and easement setback requirements.

The existing single-family dwelling is situated on the smaller lot fronting Alanui Ohana Place. The larger flag-shaped lot at the corner of Alanui Ohana Place and the County-owned Mamalahoa Highway would be retained by the applicant and continue to be used in its animal husbandry use. Upon completion of the approved Additional Farm Dwelling, the applicant intends to move into that dwelling and then convey the dwelling on the smaller lot to a family member.

In addition to serving as the applicant's home, the site is also used by the applicant to raise and sell chicken (hens and roosters). The applicant intends to continue this use, particularly on the larger lot.

It should be noted that an Additional Farm Dwelling permit for a second dwelling was approved on June 30, 2004. **(Exhibit A)** A building permit was subsequently issued and is still active (B2004-0086H). A water meter for this proposed structure has already been installed. Further, in conjunction with the issuance of the

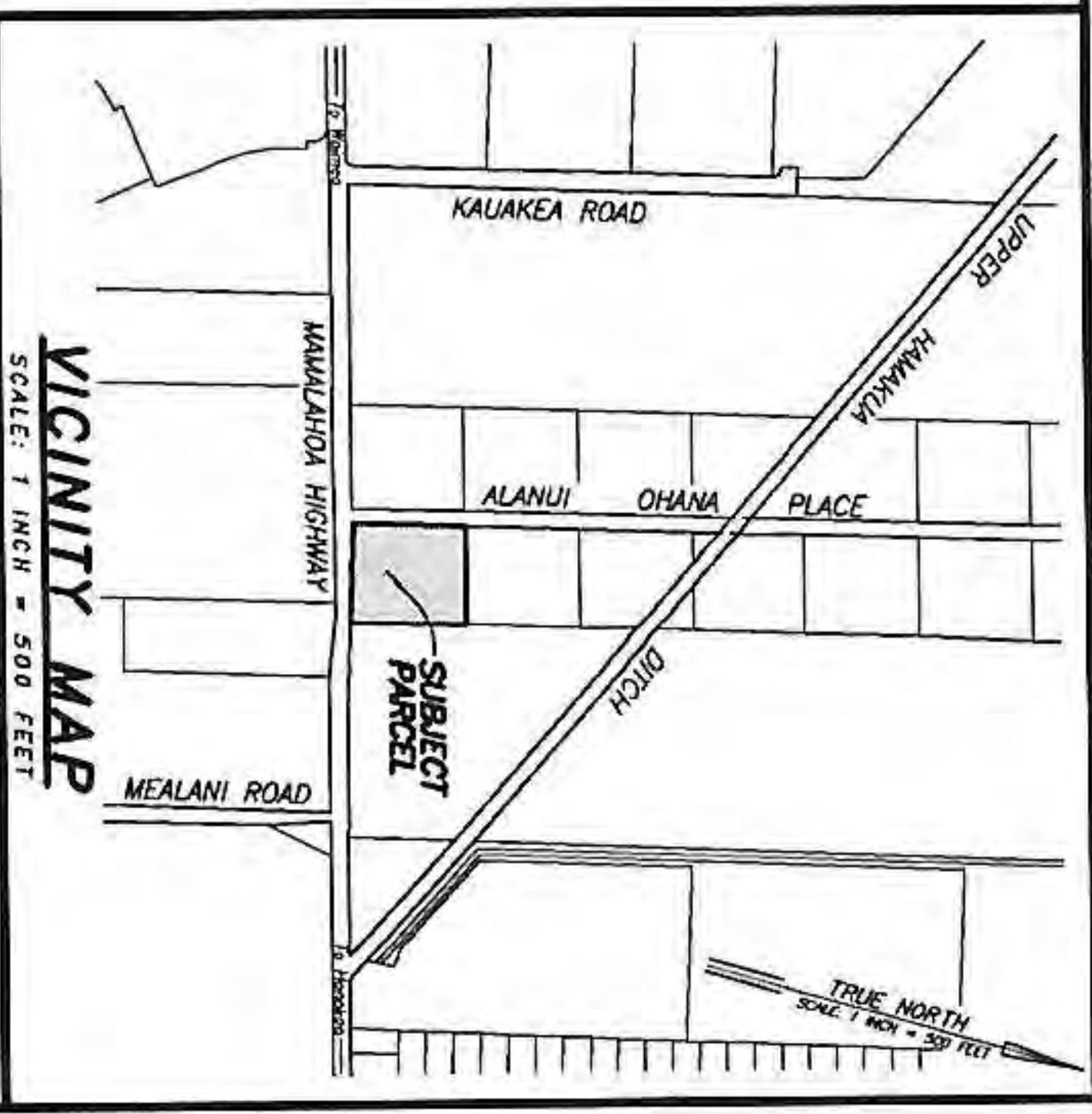
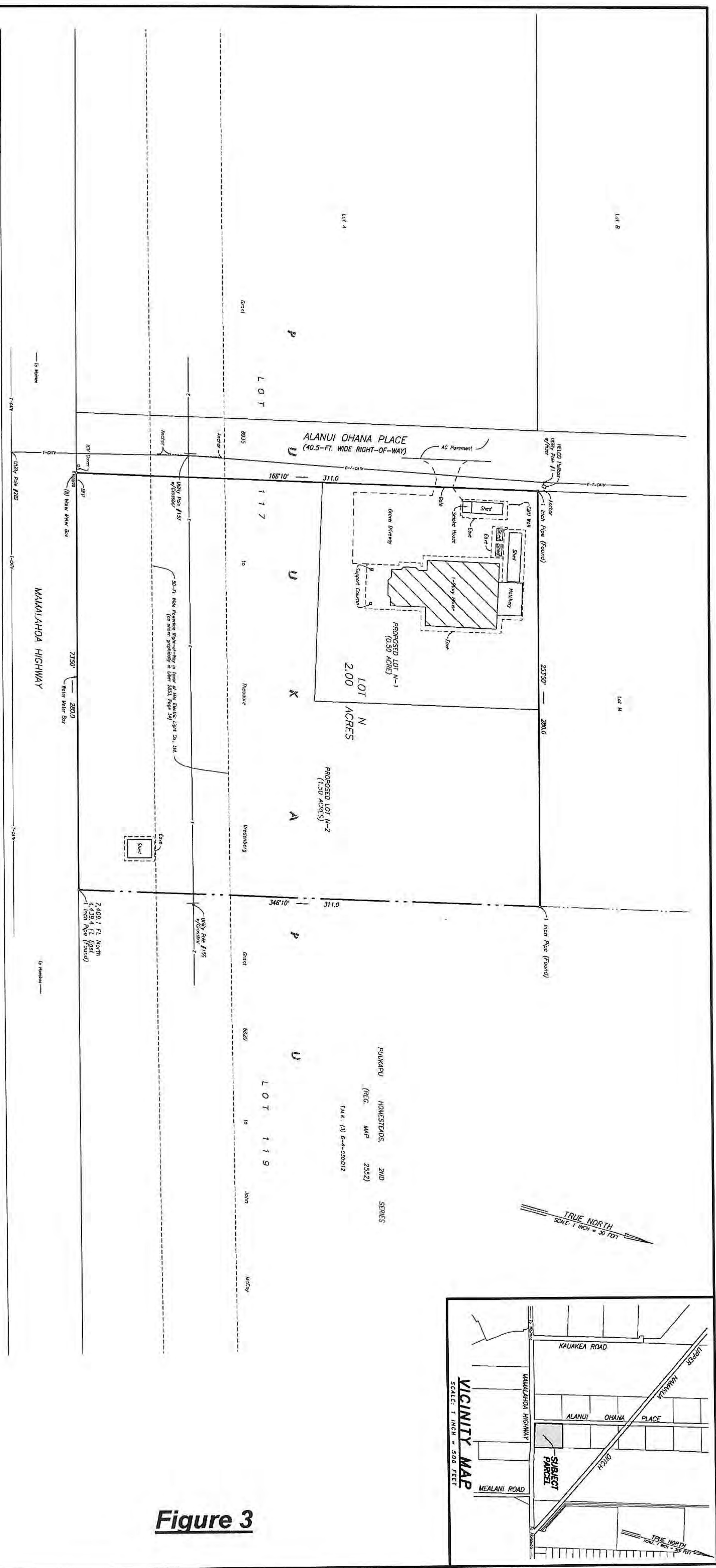


Figure 3

- NOTES:
1. All points and coordinates are referred to Government Survey Triangulation Station "EAST BASE".
 2. The features shown herein were located by an actual survey on the ground done on November 9, 2020.
 3. Zoning designation of Subject and Adjoining Parcels = A-40a, unless otherwise noted.

Prepared For:
KEVIN P. JARVIS (OWNER)
64-5206 Alanui Ohana Place
Honolulu, Hawaii 96815

REZONING EXHIBIT
PROPOSED A-40a TO RA-.5a ZONING
MAP SHOWING
LOT N
Being Portions of Lot 117 of Pukapu Homesteads, 2nd Series (Reg. Map 2552)
and Grant 6935 to Theodore Vredenberg
At Pukapu, Waimea, South Kohala
Island and County of Hawaii, State of Hawaii

Prepared By:
WES THOMAS ASSOCIATES
75-5749 Kalia Street, Suite 201
Honolulu, HI 96815
TEL: (808) 393-2253 FAX: (808) 393-5314 Email: surveys@wethomas.com



WES THOMAS ASSOCIATES
Land Surveyors
This work was prepared by me or under my direct supervision.
Charles Thomas
Surveyor
State of Hawaii
Expiration Date: April 2026
PROJECT NO.: 13304.1
DATE: DECEMBER 9, 2020
FIELD BOOK NO.: 1390
TAX MAP KEY: 6-4-017001 (3RD DIVISION)
REVISED: DECEMBER 12, 2020 (TECHNICAL CHANGES)
REVISED: MARCH 21, 2024 (LOT CONVEYANCE)

residential building permit, a cesspool was approved by the State Department of Health. This dwelling is proposed to be constructed on the proposed larger lot.

Thus, if approved, there will be only two (2) residential dwelling units, one constructed and one permitted, with the rooster/hen farm interspersed throughout the site. There is, however, the potential to create a third lot or dwelling, subject to addressing appropriate setback requirements of the Zoning Code and the electrical easement.

B. Project Timetable and Cost

The applicant intends to submit the subdivision application immediately upon approval of the State Land Use Boundary amendment and County rezoning applications. Hopefully, this can occur in the first quarter of 2024, with final subdivision approval before the end of 2025.

The applicant anticipates little, if any, infrastructure cost. Water meters already exist, and no roadway improvements are needed.

IV. INSTITUTIONAL CONSIDERATIONS

A. State Land Use

The subject property is designated *Agriculture*. As such, a boundary amendment to *Rural* to create a less than 1-acre sized lot is required and is being filed concurrently with the requested zone change application.

B. County General Plan

The County General Plan Land Use Pattern Allocation Guide (“LUPAG”) map was not intended to be specifically measurable but intended to serve as a general land use guide. Notwithstanding the broad-brush nature of the map, an email confirmation of the site’s *Rural* designation was received from the Planning Department.

The *Rural* designation is described in the General Plan as an area where “*typical lot sizes vary from 9,000-square feet to two acres.*” Further, *the area “may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities.”*

In that regard, it is maintained that the proposed *RA-.5a* zoning is consistent with the *Rural* designation, and accordingly, no General Plan amendment would be required to effectuate this project.

C. South Kohala Community Development Plan (CDP)

Relative to the **South Kohala CDP**, Section 15.1 of the County General Plan called for the development and eventual County Council adoption of Community Development Plans (“**CDP**”). 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 South Kohala CDP was developed and adopted by the County Council during the latter part of the year 2008 as Ordinance No. 2008 159.

Relative to the Waimea Town Plan portion of the CDP, the subject site is identified on the “Conceptual Plan” of Figure 4.4 as *Small Farms and Ranches Preservation Program*. The CDP also identified several land use policies and strategies to implement these policies for Waimea Town. Because of the project’s small-farm and family-oriented subdivision focus, no amendment to the CDP is necessary. The project’s relationship to the CDP is discussed in detail in Chapter IX.

D. County Zoning

The County zoning of the requested area is *Agriculture (A-40a)*. If the *Residential-Agriculture (RA-.5a)* request is approved, all related land use and development codes such as Subdivision approval and the like would be complied with by the applicant. Within the *RA* zone, the existing use of raising chickens for sale is permitted.

E. Other Permitting Considerations

The site is not located within the County Special Management Area (SMA). As such, no SMA Use Permit would be required.

However, as noted earlier, other construction-related permits to fulfill the requirements of the Subdivision Code may still be required. If so, these would be of the “ministerial” variety, such as a

grading permit, permit to work within the road right-of-way, and the like.

V. ENVIRONMENTAL CONSIDERATIONS

A. General Description

The subject parcel is located on the southwestern slope of Mauna Kea, approximately eight (8) miles from the nearest shoreline. The parcel is fairly level. The site is approximately 2,800 feet above mean sea level.

The mean annual rainfall in this area is approximately 80 inches. The wetter months tend to occur between March through September. The mean annual temperature is about 70 degrees Fahrenheit to the lower 80's. Because the site is situated on the somewhat windward side of the island, winds tend to be trade and variable. Slight northeasterly winds occur during the day, while westerly or mountain winds are prevalent during the evenings.

The subject parcel is somewhat square shaped, with 310+/- feet fronting Alanui Ohana Place and 280+/- feet fronting the Mamalahoa Highway.

There is a single-family dwelling and related improvements that make up about .25 acre of the site, while the balance is vacant. Although as noted earlier, there already is an existing building permit for another dwelling. There is also a 50-foot wide electrical easement running east to west that effectively bisects the subject site.

In this general area, there is a mixture of zoning designations such as *A-1a*, *A-5a*, *A-10a*, and *A-40a*. The lots also vary from as small as 9,750 square feet within the Kamuela Meadows east of the subject site to a few 30+ acres lots to the west. In this general vicinity, there are several subdivisions with lots that are less than 2 acres in size. **(See Figure 2).**

B. Soil and Topography

The site is fairly level with a very slight slope in a northerly to southerly direction.

The Land Study Bureau Overall Master Productivity Rating for the subject area is essentially Class "C" or fair (C-160). This soil type has a fair productivity potential for agricultural crops. It is described

to be of the *Nienie* and *Maile* series with deep, medium textured soil. The soil color is dark brown, and the parent material is

volcanic ash. It is well drained but moist and is well suited for machine tillability.

The State of Hawaii's Agricultural Lands of Importance to the State of Hawaii (ALISH) maps classify this site as being on the border of "Prime" and "Other Important Agricultural". Under this system, "Prime" refers to lands that have the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed according to modern farming methods. "Other Important Agricultural" refers to lands that have also statewide or local importance for agricultural use.

C. Natural Hazards

1. Drainage

The Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) designates the area of the proposed development to be in Zone X (areas outside of 500-year flood). Notwithstanding this designation, there have been occasions where some floodwaters have bisected portions of the northern end of the property.

As there will probably be little off-site improvements required, there should be no added level of impervious surface resulting from the subdivision. If needed drywells to contain surface or project generated water could be constructed.

While there is no known water course traversing the site, during the course of subdivision review, if any existing or potential drainage ways are discovered, they will be so designated on the final subdivision plat maps. Accordingly, any potential flooding of the site will be addressed during the subdivision review and approval process.

2. Tsunami Hazard

As the site is located about eight (8) miles from the ocean, it is located outside of the Civil Defense's Tsunami Evacuation Zone.

3. Volcanic and Earthquake Hazards

The United States Geological Survey (USGS) classifies this area to be within Lava Flow Hazard Zone 8, on a scale of ascending risk, 9 to 1. The risk is thus relatively low in this area. This is compared to the City of Hilo where it has been classified as Zone 3. There is little that can be done to mitigate this situation and reflects an ongoing threat to all residents and businesses.

The entire island of Hawaii falls within Earthquake Zone 4, according to the County Building Code. As such, the applicant understands and accepts that there may be added structural requirements to address this seismic hazard for any new improvements.

D. Fauna Resources

Although there was no professional survey conducted of the faunal resources of the site, the applicant does not believe that rare or endangered faunal resources are likely to be found within or proximate to the subject site. This is due to the already developed state of the subject area and its immediate surrounding area.

Nonetheless, due to the semi-developed state of this area, the faunal resources should be somewhat typical of other developed areas. One may thus find bird species such as the Spotted Dove, Japanese White-eye, House Finch, Common Myna, and the like. Domestic animals such as cats and dogs, and other animals like rats and mongoose are also common.

None of these are endangered animals. This site is not known to be a habitat for any rare or endangered animal life.

E. Flora Resources

Similarly, no commissioned botanical survey was done of the subject site. The applicant does not believe that there are rare or endangered floral resources on the subject site.

The site has already been used extensively as a residence in the recent past. As such, for the most part, the flora of the site is dominated by *kikuya* grass and typical ornamental plants. Thus, floral impacts should be minimal.

F. Archaeological Resources

Considering the developed nature of the site, there are no known archaeological features on the property. However, in the event any potential sites are uncovered, work will cease and contacts with both the State Department of Land and Natural Resources and County Planning Department will be made. Work will not commence until appropriate clearances have been secured.

G. Valued Cultural Resources

The recent 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 on these resources and practices.

In this situation, the subject site is not adjacent and/or proximate to the shoreline. As such, fishing and coastal access is not an issue.

Furthermore, as noted in the floral and faunal analysis, there are no known rare or endangered plants or animal life. Since owning the site for several years, the applicant has not observed any native Hawaiians gathering plants within or proximate to the subject site. As such, it would appear very unlikely that the site would serve such a purpose today or in the recent past.

Based on the above, it does not appear that the project would have any potential adverse impacts relating to native Hawaiian cultural and historical resources and/or practices.

H. Water and Coastal Resources

The subject site is located nearly eight (8) miles from the coastline. As such, coastal impacts resulting from discharge of wastewater systems from the site should not be significant. Further, being a non-coastal property, no coastal access will be affected.

Wastewater from the existing dwelling has already been served by a then State Department of Health-approved cesspool. For the new lot, there already is a valid building permit for another dwelling with an approved cesspool permit. As such, the applicant does not believe that any new wastewater requirements will be imposed.

Further, as noted earlier, IF there is a need for the installation of a drywell to address drainage concerns, the appropriate UIC permit from the State will be taken. At that time, impacts on water and coastal resources will be carefully examined.

I. Noise, Air Quality, and Dust

The existing background ambient noise level in this area is wind, foliage, birds, and the like. However, the significant manmade noise is influenced by the traffic associated along the Mamalahoa Highway fronting the subject property. With the traffic, the noise level could go as high as 50 Ldn.

The applicant has not found a need to provide sound attenuation improvements such as landscaping or fence. If needed, it will be done by the applicant.

There should not also be any short-term noise impacts, as no construction is anticipated by this project, which is a subdivision. Likewise, it should not generate any direct air quality impacts. As the project itself is not expected to have uses that generate adverse air pollutants, the only discernible air quality impact would be associated with the intermittent vehicular traffic to and from the site for the existing dwelling.

As such, there should be no short- or long-term dust associated with this project.

J. Scenic and Visual Considerations

In the *Natural Beauty* element of the General Plan, there are sites or areas listed as being a scenic resource. The subject site is not listed as a scenic site. However, there were a few examples cited in this area. Most notable would be the views of Mauna Kea, Waipio Valley, and the hills north of the subject property.

Given the location of the site, the proposed development should not have any visual impacts on Mauna Kea, Waipio Valley, or the hills to the north from any public areas.

VI. SOCIAL AND RELATED CONSIDERATIONS

A. Surrounding Land Uses

The immediately surrounding land uses in this area are a mixture of agricultural (more pastoral), rural, and low density residential uses.

The UH Agricultural Research Station is located about 500+ feet southeast of the subject site. In spite of a variety of agricultural zones, there are several non-conforming (relative to lot size) residential subdivisions within 1,000 feet of the subject site. These include the Kamuela Meadows Subdivision with its 9,750+/- square foot sized lots to the east and the Nani Waimea Subdivision with its 9,000+/- square foot sized lots to the west. There is also an auto repair shop located on Alanui Ohana Place, directly across and west of the subject site. That use was authorized through a Special Permit.

As such, the request is generally consistent with the existing and evolving ruralization pattern of this area.

B. Economic Impacts

The requested zoning would have limited economic impact, as it will not result in any construction-related jobs. If anything, the impacts may be more indirect in the form of real estate related activities, including financial institutions.

Then, too, it will enable family members to populate an area where they otherwise would find more difficult. In that sense, it does have an indirect impact by providing the needed social infrastructure – housing - to support the overall housing needs of the community. This type of project would be analogous to a school, which supports the needs of a growing and aging community.

The rural zoning would also increase the tax revenues to the County, as opposed to the current agricultural zoning.

C. Agricultural Impacts

Although the site has been used for the raising and selling of chickens, that activity is not an intensive soil-based agricultural commercial activity. Its limitation for that type of agricultural activity is due in part to the size of the property, and the rural/residential character of this area.

The soil classification system of the Land Study Bureau designates the site as Class C or "Fair". As such, from a resource-based perspective, it would appear to have agricultural potential. However, it is not necessarily unique in that it is not designated Class A (Very Good) or B (Good) from an agricultural resource perspective. Thus, its removal from potential intensive agricultural use should not compromise the overall agricultural objectives of the

County. It should also be noted that the applicant's chicken farm activity is a form of agricultural activity.

Thus, given the above, the agricultural impacts resulting from this rezoning should be negligible, if at all.

VII. INFRASTRUCTURE CONSIDERATIONS

A. Road and Traffic

Access to the proposed site will be the existing private Alanui Ohana Place Road and the Mamalahoa Highway for the new lot. In this area, Mamalahoa Highway is under the jurisdiction of the County.

The Highway is relatively straight in this area, particularly in the Waimea direction, rendering good sight distance. Then, too, since there will be no additional units (other than the existing and already permitted one), there should be no additional traffic impact.

B. Water

County water is available at the subject site. There are already two (2) meters serving the site, and no additional meter will be needed, except if the larger lot is further subdivided.

C. Wastewater

There is no County wastewater system in this area. As noted earlier, the existing dwelling is serviced by a State Department of Health approved cesspool, and the second residence already has an approved cesspool issued in conjunction with the building permit for that dwelling.

D. Solid Waste

Solid waste will be handled through commercial haulers or the individual homeowners into authorized landfill sites or transfer stations. With the requested *RA-.5a* zoning, the potential for uses associated with toxic or related chemical waste would be minimal, if at all. It should be noted that the applicant intends to retain most of the vegetation on the site and use it for composting for the property. Thus, waste from this project would be equal to domestic use.

E. Other Government Services

As this area is already part of an urban area and near the core of Waimea Village, it already has access to various services, which include police, fire, and related services. No significant extension of government services would be required. The nearest fire and police stations and hospital are in Waimea, less than two (2) miles away.

This project is intended to address the housing needs of the applicant's family. As such, while housing can be growth inducing, in this situation it would not necessarily be so as the additional homeowner would be a member of the applicant's family. Nevertheless, it is important to note that in this area, a K-8 public school is available in Waimea, while students between grades 9 to 12 would attend Honoka'a, where there are also playgrounds and tennis courts.

Given the project location, no extension of government services would be required. Further, the existing facilities should be sufficient to accommodate the demand expected from this project.

F. Other Utilities

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

VIII. IMPACT SIGNIFICANCE ANALYSIS

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

The short-term use of the site would probably be the same as the current use, which is low density residential use. This project should not result in any significantly adverse short or long-term impacts that cannot be properly mitigated. At the end of the day, there will continue to be only two (2) dwellings on the subject site, and possibly a third lot/dwelling.

There will also be little indirect economic benefit resulting from the implementation of this project. However, by providing additional housing in this area, this project will have an indirect long-term benefit to the island's economy. Relatedly, the project will generate increased tax revenues that can supplement the State and County's fiscal resources.

This project will provide housing in an area that would be proximate to places of employment and shopping.

B. Irreversible and Irretrievable Commitment of Resources

The area of the requested rezoning has already been fully disturbed and is within a rural environment. As such, the commitment of natural or other resources (such as botanical and avifaunal) would not appear to be significant.

There are no known archaeological or cultural features in this area. However, in the event there are inadvertent finds, they will be treated pursuant to acceptable protocols and policies of the State. These include immediate stoppage of construction activity, consultation with the State Historic Preservation Division, and implementation of the agreed upon mitigation before commencement of further work within the affected area.

The soil on the parcel has been classified "C" or "fair" by the Land Study Bureau, representing fair agricultural potential. However, the built-up nature of the property and size do not readily lend itself for any active commercial agricultural uses.

C. Mitigative Measures

The applicant intends to provide – while unlikely - any required off and on-site infrastructure in conjunction with the subdivision of the property. If so, they will be done in conjunction with the subdivision phase of this project.

Relative to archaeological or cultural features, there are none. However, if any inadvertent discoveries are made during any of the construction or development phases of this project, the State Historic Preservation Division and the Planning Department will be notified, and appropriate mitigation will be taken before work is resumed.

Finally, there will be no person or business to be dislocated by this project.

D. Alternatives to the Proposed Project

1. No Project

Under the status quo alternative, the site would remain in its present low density and quasi-open space use. The two (2)

residential use (existing and permitted dwellings) would continue, and intensive agricultural activity would still be absent.

Under this scenario, the site would not be utilized to its highest and best use, as envisioned by the General Plan and South Kohala CDP. Much needed small-scale lots and housing would also be reduced.

2. **Development Based on Existing A-40a Zoning**

Under this alternative, the area of the requested zoning may still not be utilized agriculturally, given its current condition. The site would probably remain in its current state, with the two (2) existing and permitted dwellings. Without the subdivision, however, it would be more difficult for the lot to be conveyed to the applicant's family member.

3. **Alternative Rezoning**

Under this alternative, the applicant could seek an additional lot based on the proposed *RA-5a* zoning. However, that is not the applicant's intent, as the goal was to do a 2-lot subdivision. It is the reduced lot size that resulted in his having to seek a *RA-.5a* instead of *RA-1.0* zoning. Both zoning categories could arguably be consistent with the General Plan and CDP. Given that the site is now proposed for the *RA-.5a* zoning, the applicant is acknowledging the possibility that another lot may eventually be created.

4. **Evaluation of Alternatives**

Leaving the property in its current state would not maximize the use of the land. The land would continue to accommodate two (2) dwellings. There, however, would also be diminished tax revenues and less public benefit in the way of creating more housing with its own tax map key, making financing for acquisition or improvements more feasible.

While alternative residential densities – such as single-family and/or rural lots - are possible, a denser residential project would be less compatible – in spite of some of the smaller lot sized subdivisions - with some of the other 1-acre, 5-acre sized lots in this area. The requested zoning would essentially retain the same character.

In that regard, the project in totality would be consistent with the land use objectives sought to be accomplished by the County General Plan LUPAG map and the South Kohala CDP.

In view of the aforementioned, none of the alternatives would be more prudent and beneficial than the requested *RA-.5a* zoning alternative.

IX. REGULATORY ANALYSIS - County and State Land Use Policies

A. General Plan LUPAG Map

The County General Plan Land Use Pattern Allocation Guide (LUPAG) map was not intended to be specifically measurable but intended to serve as a general land use guide. In spite of the broad-brush nature of the map, the designation of the subject site has been confirmed to be *Rural*.

The *Rural* designation allows consideration for lots as small as 9,000 square feet, although the State Land Use Law caps the minimum area to ½-acre.

The proposed single-family residential project and requested *RA-.5A* zoning would thus be consistent with the General Plan, and therefore, no General Plan amendment would be required to effectuate this project.

B. General Plan Policies

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

For one, although the project will have limited **economic** opportunities due to the existence of the dwellings and infrastructure, it could have some indirect impacts. That would be in the form of providing housing opportunities for both lots for family members who would be in a better position to live and work in the community.

The rural zoning would also increase the tax revenues to the County, as opposed to the current agricultural zoning.

Maintaining and improving the quality of the **environment** is important to the success of this project. The General Plan identifies five (5) areas of environmental concerns - air pollution, water

quality, soil pollution, solid waste disposal, and noise pollution. As proposed, the project would not be violative of any of those objectives.

Aside from the limited vehicular transmission, air pollution associated with the project should be negligible. The wastewater system, although a cesspool, has been approved by the State Department of Health. This should be sufficient to address any potential groundwater or coastal water impacts. Any new improvements will require a septic system.

If required, a solid waste management plan could be prepared and implemented. Being a rural-residential project, however, it should not be necessary.

The project area is outside of any Federal Emergency Management Agency ("FEMA") designated floodway. It is designated Zone "X", areas outside of the 500-year floodway.

The site does not have any **archaeological sites**. However, if there is any inadvertent discovery, work will cease and resume only after proper clearances from the State and/or County have been received.

Being fully disturbed and within an urban/rural environment, the prospects of the site serving as a **habitat** for rare or endangered plant or animal life appear remote.

As this is a residential project, 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
- Seek sufficient production of affordable rental and fee-simple housing in the County in a variety of sizes to satisfactorily accommodate the needs and desires of families and individuals

The Plan also emphasizes that developments be mindful of an area's **natural beauty**. In this situation, the project has been

developed in a manner where it blends with the existing terrain and enhances the natural environment through the existing landscaping and placement of structures.

The project site is located nearly eight (8) miles from the ocean, with considerable intervening parcels and developments. As such, the usual **coastal resources** concern would not be pronounced. There will be no interference with shoreline access. Then, too, by utilizing DOH-approved cesspool systems, impacts to the coastal water should be minimized.

There will be little impact on **public facilities**. The roadway, water, and related system within the project site has already been developed by the applicant. Schools and other public facilities are also located proximate to the site, most of them being less than two (2) miles away.

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

- Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County
- The County shall 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
- The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment

In view of the foregoing goals and policies, it is noted that the requested zoning would be consistent with the *Rural* designation of the LUPAG map. It would also be compatible with the surrounding area. There are several subdivisions with lots smaller than the proposed .5+ acre lots as well as several 1-acre sized lots proximate to the subject site.

Although the existing and planned continuance of the raising and selling of hens and roosters is a form of agricultural activity, the

subject site has not been used for intensive soil-based commercial agricultural purposes in the recent past.

The soil classification system of the Land Study Bureau designates the site as Class C or "Fair". As such, from a resource-based perspective, it would appear to have agricultural potential. However, it is not necessarily unique in that it is not designated Class A (Very Good) or B (Good) from an agricultural resource perspective. Thus, its removal from potential agricultural use should not compromise the overall agricultural objectives of the County.

Thus, given the above, the agricultural impacts resulting from this rezoning should be negligible, if at all.

The property has no severe topographic or geologic problems that would render the land unusable for the proposed subdivision and continued rural-residential use.

In view of the foregoing goals and policies, it is noted that the requested zoning would be consistent with the *Rural* designation of the LUPAG map.

C. **South Kohala Community Development Plan ("CDP")**

Relative to the Waimea Town Plan portion of the CDP, the subject site is identified on the "Conceptual Plan" of Figure 4.4 as "Low Density". The requested zoning and uses are consistent with that designation.

The CDP also identified several land use policies and strategies to implement these policies for Waimea Town. These and their relationship to the requested rezoning are discussed below.

Policy 1: Preservation of Waimea's Sense of Place.

- Five (5) of the seven (7) identified strategies do not apply. These are *protection of the Pu`u; acquisition of critical open space; encouraging small-scale farming through expanded tax credit; expansion of the Lalamilo Farm Lots; and recognition and protection of significant trees and other plants in Waimea.*

The subject property is not considered one of those identified *pu`u* requiring protection. The expanded tax credit concept to assist small-scale farming is a governmental activity that needs to be done; and the site is not in the

Lalamilo Farm Lots. Finally, although the subject site has a few *ohia* trees, they are not clustered in a manner – say along a streambed or along the main Highway – that was the articulated intent of this strategy.

- The other two (2) have some measure of relationship. These are *protection of important cultural and historic sites, structures, and landscapes; and encourage design and architectural guidelines that promote Waimea’s paniolo heritage.*

There are no known archaeological or cultural resources on the subject site.

Policy 2: “Responsible Growth”: Moderate the Pace of Growth and Change in Waimea.

- Like the above, four (4) of the five (5) identified strategies do not apply. These include Strategies 2.2 (*working with Parker Ranch on its Parker 2020 Plan*); 2.3 (*revision of the Subdivision Code*); 2.4 (*amending the General Plan*); and 2.5 (*secondary commercial center*).

The property is not part of the Parker 2020 Master Plan; is not a commercial one; and cannot do things that only the County – such as amendments to the General Plan and Subdivision Code.

- Relative to Strategy 2.1 (*evaluating and conditioning, as appropriate, any rezoning that would negatively impact important agricultural lands or culturally, visually, and environmentally important open spaces or resources*) there is relevance.

As noted earlier, there are no important, designated or recommended open space outlined in the CDP – such as the *pu`u* or the stand of trees – on the subject property.

The site is, however, designated as being within the “Small Farms and Ranches Preservation Program” area on the CDP Waimea Town Conceptual Plan. It also has a Land Study Bureau soil rating of “C” or “Fair.” As such, this strategy is of relevance.

The strategy recommends the retention of the existing Agriculture zoning “*While these tools and programs are*

*being put into place.” These tools include the establishment of preservation or conservation easements or even acquisition of important *pu`u* and some of the East Waimea farm and ranch lots. The strategy also notes that “Exceptions can be made for affordable housing, agricultural cluster subdivisions, and small-scale rezoning of 4 lots or less that may assist families in allowing their children to obtain individual properties.”*

As noted earlier, the site does not have a recommended or designated *pu`u* or stand of trees. The proposed 2-lot (and possibly three) subdivision resulting in a nearly 1-acre sized lots would be consistent with the Conceptual Plan of Small Farms and Ranches Preservation Program area. Its smaller lot size would enable the applicant and a family member to own their property. Besides, there will be no change in the character, as there will be two (2) permitted dwellings – with or without the rezoning/SLU actions – on the subject site.

All things considered, it is reasoned that the requested rezoning to implement the proposed project would not be inconsistent with this policy and strategy.

Policy 3: Environmental Stewardship.

- There is only one strategy – *Protection of Important Agricultural land*. While the subject site falls into this category, the requested rezoning would NOT remove any actively used agricultural lands. It would enable the landowner to continue using its property while providing an opportunity for a family member to also finance and live on the site. In so doing, the project would address not only a housing need but minimize the pressure for the conversion of better agricultural lands for housing.

Policy 4: Develop Affordable Housing For Waimea.

This policy is indirectly applicable in a sense that through the possibility of having an additional rural-residential dwelling, there would be an increase in the area’s overall housing inventory.

Policy 5. Timely Implementation of Needed Transportation and Circulation Improvements.

This policy is also not directly applicable. Of the eight (8)

identified strategies, four (4) talk about trails and bikeways. None of these falls within the subject property. The remaining four (4) discuss traffic improvements within the Town and major connector roads, and the subject site is not affected by any of those roads.

D. Zoning

If the request were approved, the site would be developed into a 2- and possibly 3-lot rural-residential subdivision. All infrastructure improvements are or will be constructed, consistent with the Subdivision Code. No variances from the Code are anticipated.

E. Hawaii State Plan

Chapter 226, Hawaii Revised Statutes, outlines the long-range goals and policies of the Hawaii State Plan. Said Plan is intended to serve as a guide for the growth and future long-range development of the State.

Pursuant to said requirement, a discussion of the pertinent policies and goals and the project's relationship follows:

Goals

- A strong, viable economy characterized by stability, diversity, and growth that enables the fulfillment of the needs and expectations of Hawaii's present and future generations.
- A desired physical environment characterized by beauty, cleanliness, quiet, stable, and natural systems, and uniqueness that enhances the mental and physical well-being of the people.
- Physical, social, and economic well-being for individuals and families that nourishes a sense of community responsibility and caring of participation in family life.

Discussion

The proposed project would achieve these goals. It would provide some measure of indirect employment opportunities for future residents of the island; contribute to the island's overall tax base and hence, increase both State and County revenues; and complement and support other economic uses and in turn, contribute to the stability, diversity, and growth of local and regional economies.

This potential employment opportunity would come without adversely affecting the environment. There is no known wildlife or plant life listed as either endangered or threatened on the subject site. Any other inadvertent finds will be addressed pursuant to the requirements of the State DLNR-HPD.

Impacts to the surrounding areas would also not be significantly adverse. All required infrastructures have already been or will be constructed by the applicant.

Furthermore, the provision and/or retention of natural landscaped buffers around the perimeter of and selected portions within the project site could be taken to help mitigate any adverse visual and noise impacts to existing and potential neighboring residential or agricultural properties.

F. Hawaii Coastal Zone Management Program

The objectives of the Hawaii Coastal Zone Management (CZM) Program are outlined in Chapter 205a, Hawaii Revised Statutes. The principal goal is to assure the protection and maintenance of the State's coastal resources. Although the entire State falls within the CZM area, the permitting process is geared for those areas proximate to the coast and identified by the County as the Special Management Area. Nonetheless, a general review of a project's consistency with the CZM policies - regardless of its location - must still be made.

In that regard, please note the following:

- The proposed project will not have any substantial adverse environmental or ecological effect. (Please refer to discussions in Chapters V, VI, and VII). Any effect that may result will be minimized to the extent practicable and will be clearly outweighed by public interest.
- The proposed development would be consistent with the objectives of the CZM program. Specifically:
 - there would be no impact to the area's recreational resources. This is not a shoreline property.
 - the site does not have any historical resources that require preservation or mitigation. Furthermore, any inadvertent finds will be addressed pursuant to the requirements of the State DLNR-HPD.

- the project will not affect any scenic and open space resources.
- the coastal ecosystem will not be impacted.
- the project will help stabilize employment opportunities by providing additional market house lots for family members, and hence furthering the economic uses of the site.
- the site is more than eight (8) miles from the shoreline, and thus there would be no coastal hazard or beach erosion or marine resource impacts; and
- public participation will be achieved through the hearings on this request as well as notification through the posting of a sign and notices to surrounding property owners.
- The proposed development is consistent with the County General Plan, South Kohala Community Development Plan, and other appropriate regulatory tools, such as the Zoning Code.

G. State Land Use Rural Standards

As the requested area covers less than fifteen (15) acres, the County can process the request. Pursuant to the Planning Commission Rule No. 13, the request must meet certain standards. These standards and their justification follow:

1. Conformity to the General Plan

The project's relationship and conformity are demonstrated in sections IX A and B above.

2. Relationship to State Land Use Rural District Standards

The State Land Use Commission's Rules provide the standards for determining the *Rural* district boundaries (Section 15-15-21). The standards and the request's relationships to them are discussed below.

- a. Areas consisting of small farms, provided that the areas need not be included in this district if their inclusion will alter the general characteristics of the area.

In this situation, the surrounding character is rural in

nature with several smaller sized non-conforming (in terms of lot size) and lots ranging between 1-30 acres in size. There is also an auto repair shop directly across from the subject property. Further, the applicant will continue with the raising of hens and roosters for sale, an activity which is agricultural in nature.

- b. Activities or uses as characterized by low-density residential lots of not less than one-half acre and a density of not more than one single-family dwelling per one-half acre in areas where “city-like” concentrations of people, structures, streets, and urban levels of services are absent and where small farms are intermixed with the low-density residential lots.

As noted earlier, the surrounding properties are rural-residential in character. While there is a “commercial” activity in the form of an auto repair shop across the site, that is more an exception. There are no other commercial uses in the immediate vicinity.

- c. May also include parcels of land which are surrounded by, or contiguous to this district, and are not suited to low-density residential uses for small farm or agricultural uses.

Again, the surrounding area is a mixture of residential size or scale lots (less than 10,000 square feet) and rural sized ranging between 1 to 5 acres, interspersed by larger lots. Moreover, there will be no additional permitted dwellings on the same site.



County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

June 30, 2004

Kelvin P. Jarneski
P.O. Box 1233
Kamuela, Hawaii 96743

Dear Mr. Jarneski:

Additional Farm Dwelling Agreement

Applicant:	Kelvin P. Jarneski
Owner:	Kelvin P. Jarneski
State Land Use:	Agricultural
County Zoning:	Agricultural (A-40a)
Land Area:	2.00 acres
TMK:	(3) 6-4-017: 001

Pursuant to authority conferred to the Planning Director by Chapter 25, Article 5, Division 7, Section 25-5-77 of the Zoning Code and Planning Department Rule 13, Farm Dwellings, we have reviewed your request for an additional farm dwelling on the subject property. Your submittals included the following information:

1. A notarized affidavit that the additional dwelling shall be used for farm-related purposes in the form of the enclosed Additional Farm Dwelling Agreement to be submitted for recordation with the Bureau of Conveyances.
2. Name and address of the landowner(s) or lessee(s), if the latter has a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement.
3. Written authorization of the landowner(s) if the lessee filed the request.
4. A farm plan or evidence of the applicant's continual agricultural productivity or farming operation within the County, including an explanation of why this additional farm dwelling is needed in connection with the agricultural productivity or farming operation. Your farm plan included the following ongoing and proposed income producing agricultural activities:
 - a. Ongoing agricultural activities include the following:
 - i. Cultivate Chicken Farm on 40-45% of 2.0 Acres (120 Chickens).
 - ii. Maintain 700 protocup trees.
 - b. The labor man-hours are approximately 15 - 25 per week to maintain and harvest, at

Hawai'i County is an equal opportunity provider and employer

----- AA
EXHIBIT A

full production the labor man-hours will be 30 – 50 hours per week.

5. In additional support, evidence of an application for a State of Hawaii Department of Taxation's General Excise (GE) Tax License has also been presented.

Findings:

1. In Chapter 205, Hawaii Revised Statutes (HRS), the State Land Use Law does not authorize residential dwellings as a permitted use in the State Land Use Agricultural district unless the dwelling is related to an agricultural activity or is a farm dwelling. **A farm dwelling as defined in Section 205-4.5, Chapter 205, HRS, means a single family dwelling located on and used in connection with a farm, including clusters of single family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling.** (emphasis added)
2. The subject lot was created prior to June 4, 1976, which, pursuant to HRS §205- 4.5(b), allows the first dwelling on the lot to be a single-family dwelling.
3. The Farm Plan, GE Tax License (ID number 30136243), and the agreement to use the dwelling for agricultural or farm-related activity on the building site demonstrate that there will be income producing agricultural activity and the income will be taxed.
4. In addition, the following agencies have submitted their comments as stated below:
 - a. Department of Water Supply (DWS) (Letter dated June 23, 2004):

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

For your information, an existing 5/8-inch meter services this property and is adequate for only one dwelling at 400 gallons per day or a maximum of 600 gallons per day. This application is proposing an additional detached dwelling, so the installation of a separate 5/8-inch meter by the applicant is required in accordance with Department regulations. Water is available from the 12-inch waterline in Māmalahoa Highway, which fronts the subject parcel.

Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting the following conditions:

 1. Installation, by the Department of Water Supply, of a second 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily flow of 600 gallons.
 2. Installation of a backflow preventer (reduced pressure type) by a licensed contractor on the applicant's property just after each meter. The installation and assembly of the backflow preventers must be inspected by the Department before the water meter can be installed. The backflow preventer

Kelvin P. Jarneski

June 30, 2004

Page 2

shall be operated and maintained by the customer. A copy of our backflow preventer handout is being forwarded to the applicant to help them understand this requirement.

3. Remittance of the following charges, which are subject to change, to our Customer Service Section:

Facilities Charge (One 2 nd service at \$5,500.00 each)	\$5,500.00
Service Lateral Installation Charge (Install one meter on a County road)	2,600.00
Total (Subject to Change)	\$8,100.00

Should there be any questions, please contact Ms. Shari Komata of our Water Resources and Planning Branch at 961-8070, extension 252."

- b. Real Property Tax Office (RPT):

There were no comments received

- c. Department of Health (DOH) (Letter dated June 22, 2004):

"The Health Department found no environmental health concerns with regulatory implications in the submittals."

Decision:

In view of the above, your request to construct a **second farm dwelling** is subject to the following conditions:

1. The additional farm dwelling shall only be used to provide shelter for persons involved in the agricultural or farm-related activity on the building site. Family members who are not engaged in agricultural or farm-related activities are allowed to reside in the farm dwelling.
2. The agreement shall run with the land and apply to all persons who may, now or in the future, use or occupy the additional farm dwelling. The enclosed Additional Farm Dwelling Agreement must be returned to the Planning Department with the appropriate notarized signatures along with a check made out to the Bureau of Conveyances in the amount of \$25.00 in accordance with the enclosed Additional Farm Dwelling Agreement Instructions. The Planning Department will not approve a building permit application for the additional dwelling until the AFDA document and all required attachments have been accepted for recordation.
3. The First Party shall adhere to all other applicable rules, regulations, and requirements of the Planning Department (including but not limited to the Zoning Code, Chapter 25), Department of Public Works, Department of Water Supply, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.

EXHIBIT 'A'

Kelvin P. Jarneski

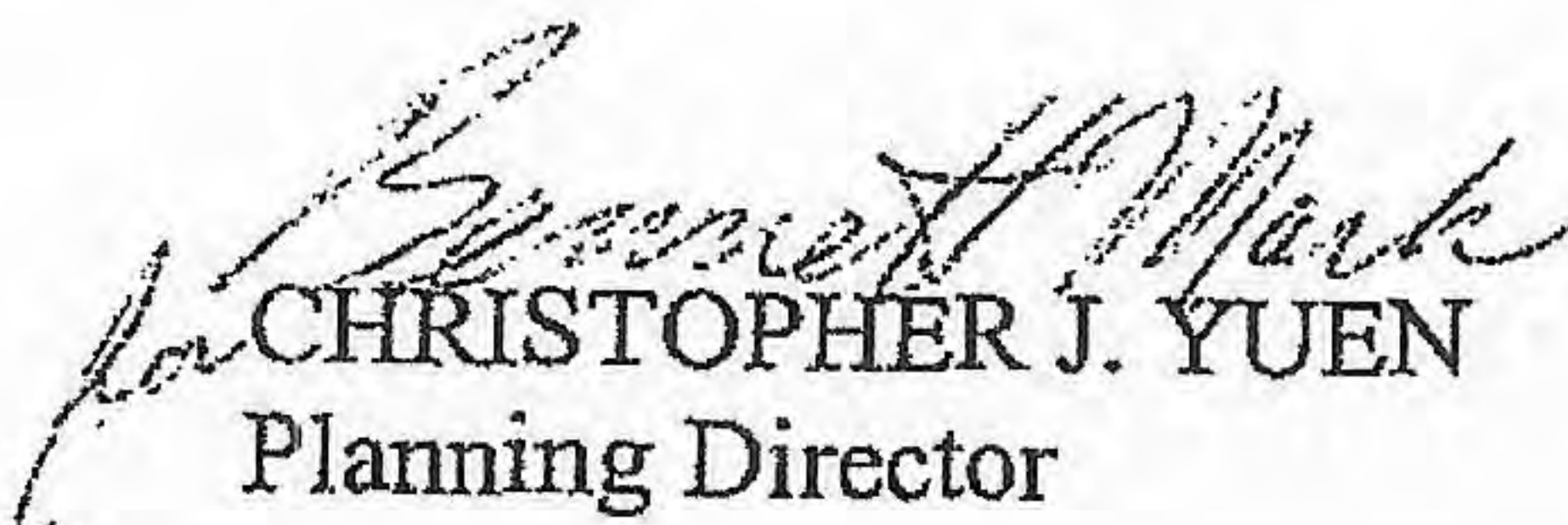
June 30, 2004

Page 2

4. Your Additional Farm Dwelling Agreement has been approved based wholly on ongoing agricultural activity as summarized previously in this letter.
5. The First Party shall allow the Second Party or its representative to inspect the farm upon reasonable prior notice.
6. This Additional Farm Dwelling Agreement shall be valid for a period of two (2) years from the date of this approval letter to secure a building permit for the additional farm dwelling. Failure to secure a building permit for this additional farm dwelling on or before July 1, 2006 may cause the Director to initiate proceedings to invalidate the AFDA.

If you have any questions please call Deanne Bugado of our West Hawaii Office at 327-3510.

Sincerely,


CHRISTOPHER J. YUEN
Planning Director

BM:deb

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Enclosure: AFDA document
AFDA document instruction sheet

xc: Mr. Milton Pavao, DWS
Mr. Mike McCall, RPT
Planning Department – Kona

EXHIBIT 'A'



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

MEMORANDUM

DATE: May 23, 2024

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

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: State Land Use Boundary Amendment Application (PL-SLU-2024-000009)
Request: Agricultural to Rural for 1.997 Acres of Land
Change of Zone Application (PL-REZ-2024-000060)
Request: Agricultural - 40 Acres (A-40a) to Residential Agricultural - 0.5 Acres
(RA-0.5) for 1.997 Acres of Land
Applicant: Kelvin P. Jameski
Tax Map Key: (3) 6-4-017:001, South Kohala District, 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

Planning Dept.
Exhibit 4

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/>

Coastal Zone
Management
Program

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide
Sustainability Branch

202405161237NA
PL-SLU-2024-000009
PL-REZ-2024-000060

June 10, 2024

Zendo Kern, Planning Director
County of Hawai'i Planning Department
West Hawai'i Office
74-5044 Ane Keohokālole Highway, Bldg E
Kailua-Kona, Hawai'i 96740
Via email to planning@hawaiicounty.gov

Dear Mr. Kern:

Subject: State Land Use Boundary Amendment Application
(PL-SLU-2024-000009) Agricultural to Rural
Change of Zoning Application (PL-REZ-2024-000060)
Request: Agricultural - 40 Acres (A-40a) to Residential
Agricultural - 0.5 Acres (RA-0.5) for 1.997 Acres
Applicant: Kelvin P. Jarneski
Tax Map Key: (3) 6-4-017:001, Pu'ukapu, Waimea, South Kohala
District, Hawai'i

Thank you for the opportunity to provide comments on the subject State Land Use District Boundary Amendment (DBA) and Zone Change applications.

Project Site

The subject property consists of 1.997 acres of land and is located on the Waipio Valley side of the Mamalahoa Highway. The University of Hawai'i College of Tropical Agricultural Research Station is approximately 500 feet to the southeast of the subject property. The closest urbanized area is Waimea Town, located approximately 2.5 miles to the west. The surrounding area is in the State Agricultural District but involves a variety of residential lots with no primary agricultural use. The site is in the South Kohala Community Development Plan (2008) area. The United States Geological Survey classifies this area to be within Lava Flow Hazard Zone 8, on a scale of ascending risk 9 to 1. Finally, county water is available at the subject site; however, there is no municipal wastewater infrastructure.

Regarding agricultural viability, the project site contains lands rated Class "C" according to the Land Study Bureau Overall Master Productivity Rating (LSB). Additionally, the State of Hawai'i's Agricultural Lands of Importance to the State of Hawai'i (ALISH) maps classify this site as containing "Prime" farmland soil. The subject lot was created prior to June 4, 1976, and is allowed for the construction of

Planning Dept.
Exhibit 5

Mr. Zendo Kern, Planning Director
June 10, 2024
Page 2

single-family dwellings, pursuant to Section 205-4.5(b), Hawaii Revised Statutes (HRS). Despite this provision, the subject property is currently used to raise and sell chickens. There is an existing single-family dwelling located on the property, and an additional farm dwelling permit was approved on June 30, 2004. The additional farm dwelling has not been constructed.

Request

The applicant is requesting a DBA from the State Agricultural District to the State Rural District, and a County Zone Change from the Agricultural District (A-40a) to the Residential-Agricultural District (RA-0.5a). The purpose of the requested action is to allow the applicant to subdivide the property into two 0.5-acre lots and one 1.5-acre lot. The applicant currently lives on the property and wishes to convey one of the 0.5-acre lots to a family member after the project site is subdivided. The applicant intends to install a cesspool to service the proposed additional dwelling. It is unclear as to how wastewater would be handled for the previously approved, but unconstructed farm dwelling.

Office of Planning and Sustainable Development's Comments

1. The requests are consistent with the South Kohala Community Development Plan, with the subject site being designated as Low-Density Urban use in the Land Use Pattern Allocation Guide (LUPAG) for Waimea. Given the information provided by the applicant, the requests sound reasonable.
2. The Hawai'i Department of Health Wastewater Regulations were amended in 2016 to prohibit the construction of new cesspools throughout the State of Hawai'i. If the request is approved, the applicant should be required to service the existing and resulting residential lots with a septic or aerobic treatment unit system as a condition of approval.
3. The State Historic Preservation Division should be consulted to confirm that the proposal would not affect historical properties or archaeological resources.

Thank you again for the opportunity to review the applications. If you have any questions, please contact Brandon Soo of our Land Use Division at brandon.a.soo@hawaii.gov. If you wish to respond to this comment letter, please include DTS 202405161237NA in the subject line.

Mahalo,

Mary Alice Evans

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

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

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 12, 2024

Zendo Kern, Director
Planning Department
County of Hawai'i
101 Pauahi Street, Suite 3
Hilo, HI 96720
Email: planning@hawaiiicounty.gov

IN REPLY REFER TO:
Project No. 2024PR00628
Doc. No. 2406JG06
Archaeology

Dear Mr. Kern:

SUBJECT: **Hawaii Revised Statutes (HRS) Chapter 6E-42 Historic Preservation Review**
County of Hawaii Change of Zone and State Land Use Boundary Amendment Applications
Permit Nos. PL-REZ-2024-000060 and PL-SLU-2024-000009
Applicant: Kelvin Jarneski (Landowner)
Pu'ukapu Ahupua'a, South Kohala District, Island of Hawai'i
TMK: (3) 6-4-017:001

This letter provides the State Historic Preservation Division's (SHPD's) review of the subject County of Hawaii change of zone and state land use boundary amendment permit applications received by our office on May 20, 2024. The submittal included a map of the proposed rezoning of the subject parcel, a State Land Use Boundary Amendment Permit application, a Change of Zone Permit application, a County Environmental Report, and a satellite image of the project parcel.

The proposed project area comprises the entirety of the 1.99-acre parcel. The applicant proposes changing the subject parcel's zoning from Agriculture (A-40a) to Residential Agriculture (RA-0.5) and subdividing the parcel into 2 lots comprised of a 0.5-acre lot and a 1.5-acre lot. The submittal materials indicate that a building permit for the construction of a second structure within the current parcel is active, but is not part of the current permit applications.

The submission materials indicate that the proposed project area was previously impacted by ground-disturbing activities associated with the development of the existing structure and agriculture within the parcel. A review of SHPD records indicate that the project area has not been included as part of any previous archaeological studies and that no historic properties have been previously identified therein. Aerial imagery indicate that the subject parcel and project area have been previously impacted by land clearing activities and residential and agricultural development. Thus, low potential exists for the project to encounter historic properties.

Based on the information provided, SHPD's project effect determination is **"No historic properties affected"** pursuant to HAR §13-284-7(a)(1) for the current project. Additionally, pursuant to HAR §13-284-7(e), when SHPD comments that the proposed project shall not affect significant historic properties, the HRS 6E historic preservation review process ends. 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) 933-7653.

Planning Dept.
Exhibit 6

Zendo Kern
June 12, 2024
Page 2

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

Aloha,



Jessica L. Puff
Architecture Branch Chief
Acting Administrator, State Historic Preservation Division

cc: Sidney Fuke, sidneyfuke@gmail.com
Kelvin Jameski, rebelkelso@gmail.com
Jessica Andrews, jessica.andrews@hawaiicounty.gov

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

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

MEMORANDUM

TO: Zendo Kern, Director
Planning Department

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

Brenda I. Iokepa-Moses

DATE: May 31, 2024

SUBJECT: State Land Use Boundary Amendment Application (PL-SLU-2024-000009) Request:
Agricultural to Rural for 1.997 Acres of Land
Change of Zone Application (PL-REZ-2024-000060)
Request: Agricultural - 40 Acres (A-40a) to Residential Agricultural - 0.5 Acres
(RA-0.5) for 1.997 Acres of Land
Applicant: Kelvin P. Jarneski
Tax Map Key: (3) 6-4-017:001, South Kohala District, 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.
- Green waste may be transported to the green waste sites located at the West Hawai'i Organics Facility and East Hawai'i Organics Facility, or other suitable diversion programs.
- Construction and demolition waste is prohibited at all County Transfer Stations.

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

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

Planning Dept.
Exhibit 7

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

DATE: June 10, 2024

Memorandum

TO: Zendo Kern, Planning Director

FROM: Department of Public Works, Engineering Division



SUBJECT: CHANGE OF ZONE APPLICATION (PL-REZ-2024-000060)

Request: Agricultural - 40 Acres (A-40a) to Residential Agricultural –
0.5 Acres (RA-0.5) for 1.997 Acres of Land

STATE LAND USE BOUNDARY AMENDMENT APPLICATION (PL-SLU-2024-000009)

Request: Agricultural to Rural for 1.997 Acres of Land

Applicant: Kelvin P. Jarneski

TMK: 6-4-017:001

We have reviewed your submittal dated May 14, 2024 and offer the following comments for your consideration:

1. All activities shall comply with the requirements of Hawaii County Code (HCC), Chapter 10, Erosion and Sedimentary Control. Agricultural operations may qualify for a conservation program with the applicable soil and water conservation district. An approved conservation program would be an exclusion to Chapter 10.
2. 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.
3. 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.
4. The section of Mamalahoa Highway that fronts the property is no longer under the jurisdiction of the County and is now under the jurisdiction of the State of Hawaii, Department of Transportation, Highways Division, Hawaii District

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



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

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

June 19, 2024

COH PLANNING DEPT
JUN 24 2024 PM 2:17

REC'D HAND DELIVERED

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **State Land Use Boundary Amendment Application (PL-SLU-2024-000009)**
Request - Agricultural to Rural
Change of Zone Application (PL-REZ-2024-000060)
Request - A-40a to RA-0.5
Applicant - Kelvin P. Jarneski
Tax Map Key 6-4-017:001

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

Please be informed that there are two (2) existing services fronting the subject parcel capable of supporting a proposed 2-lot subdivision (Account Nos. 780-88445 and 780-88455). Currently, water can be made available for an additional service for the third proposed lot in accordance with the Department's existing water availability conditions, which are subject to change without notice.

However, pursuant to Section 23-84 of the Hawai'i County Code regulating subdivisions, the following minimum requirements must be complied with for subdivision approval:

1. Install approximately 170 lineal feet of 6-inch waterline along Alanui 'Ohana Road from the existing 12-inch waterline within Māmalahoa Highway to front the proposed Lot N-1. The 6-inch waterline is required for both domestic water service and fire protection.
2. Install a fire hydrant to be located within 300 feet of each proposed lot.
3. Cut and plug the existing service lateral at the main and relocate to front proposed Lot N-1.
4. Install a reduced pressure type backflow prevention assembly within five (5) feet of the meter on private property.
5. 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.

Mr. Zendo Kern, Director

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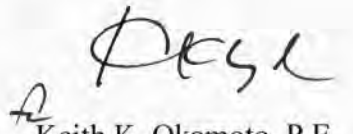
June 19, 2024

6. Submit the appropriate documents, properly prepared and executed, to convey the 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.

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, depending on the water situation.

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

Sincerely yours,


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

RQ:dfg

copy – Mr. Kelvin P. Jarneski
Mr. Sidney Fuke, Planning Consultant
Wes Thomas Associates



SidneyFuke, Planning Consultant

P.O. Box 1345 • Hilo, Hawai'i 96720
Cell: (808) 989-0640
E-mail: sidneyfuke@gmail.com

• Planning • Variance • Zoning
• Subdivision • Land Use Permits
• Environmental Reports

July 13, 2024

Mr. Zendo Kern, Director
Planning Department
COUNTY OF HAWAII
101 Pauahi Street
Hilo, HI 96720

Dear Mr. Kern:

Subject: SLU (PL-SLU-2024-000009) and Rezoning (PL-REZ-2024-000060) Applications
APPLICANT: Kelvin P. Jarneski
TMK: 6-4-017: 001

We would like to use this means to respond to agency comments, to date, regarding the subject application.

1. The Department of Water Supply noted that there are two existing water meters to service a 2-lot subdivision. However, if there is going to be a third lot, while water can be made available, it would be subject to the improvement terms outlined in its memo of June 19, 2024, to your office. The applicant will comply with this additional requirement in conjunction with the creation of a third lot.
2. Finally, the State Department of Health noted that individual wastewater systems will be allowed. In this case, it will be the septic system for any new dwelling constructed on any of the proposed lots. That will be done in conjunction with the building permit process. The Department's requirements, if applicable, relative to the National Pollutant Discharge Elimination System (NPDES) will be complied with prior to construction of activities requiring discharge into the ground, such as a drywell. Furthermore, all noise and air quality requirements will be adhered to by the contractor during the construction phases of this project.

We trust that this sufficiently responds to the various agencies' comments to date. If not or if there are questions relating to this matter, please feel free to direct them to me. Thank you very much.

Sincerely,

SIDNEY M. FUKU
Planning Consultant

Copy – Mr. Kevin Jarneski via email

Planning Dept. Exhibit 10



SidneyFuke, Planning Consultant

P.O. Box 1345 • Hilo, Hawai'i 96720
Cell: (808) 989-0640
E-mail: sidneyfuke@gmail.com

• Planning • Variance • Zoning
• Subdivision • Land Use Permits
• Environmental Reports

July 30, 2024

Mr. Zendo Kern, Director
Planning Department
COUNTY OF HAWAII
101 Pauahi Street
Hilo, HI 96720

Dear Mr. Kern:

Subject: SLU (PL-SLU-2024-000009) and Rezoning (PL-REZ-2024-000060) Applications
APPLICANT: Kelvin P. Jarneski
TMK: 6-4-017: 001

This is in response to your staff's comments regarding the status of the unbuilt second dwelling.

The applicant understands that the building permit for said dwelling has since expired. Further, should the subject applications be approved, the existing farm dwelling permit will be rendered moot. In that event, the applicant will take measures to have said agreement nullified and would have no objections to having a condition of the rezoning ordinance to that effect.

We trust that this sufficiently responds to your comments. If not or if there are questions relating to this matter, please feel free to direct them to me. Thank you very much.

Sincerely,

SIDNEY M. FUKU
Planning Consultant

Copy – Mr. Kevin Jarneski via email

Planning Dept. Exhibit <u>11</u>
