

COUNTY OF HAWAI‘I PLANNING DEPARTMENT

BACKGROUND REPORT

HO‘OULU-LĀHUI

CHANGE OF ZONE APPLICATION NO. PL-REZ-2024-000070

HO‘OULU-LĀHUI has submitted an application for a Change of Zone from an Agricultural 10-acre (A-10a) zoning district to an Agricultural 5-acre (A-5a) zoning district for a 12.043-acre portion of 22.349 acres of land. The subject property is located at 345 Makalika Street, approximately 1,100 feet west of its intersection with Railroad Avenue, Pana‘ewa Farm Lots, Por. Waiākea, South Hilo, Hawai‘i, TMK: (3) 2-2-048:013 (por.).

PROPOSED ACTION

1. **Applicants’ Request:** Change of Zone from an Agricultural 10-acre (A-10a) zoning district to an Agricultural 5-acre (A-5a) zoning for a 12.043-acre portion of 22.349 acres of land.
2. **Objective of the Request:** The applicant, Ho‘oulu-Lāhui is a non-profit organization that supports the Kua O Ka Lā New Century Public Charter School (hereinafter KOKL), which has been operating on the subject property after its previous facilities were destroyed in the 2018 Kīlauea lava flow in Puna. The purpose of the rezoning request is to reclassify 12.043 acres of the subject property from Agricultural 10-acre (A-10a) to Agricultural 5-acre (A-5a) to facilitate the subdivision of the land and allow the applicant to acquire a 5-acre portion of the larger property that currently houses the school. The rezoning is necessary to meet the minimum lot size requirements for subdivision, enabling KOKL to transition from a lease arrangement to fee-simple ownership, ensuring long-term stability for the school. The remainder of the property, including Nani Mau Gardens, will continue its existing use under the ownership of Nani Mau Garden Group LLC. Both Nani Mau Gardens and KOKL are operating under an existing Special Permit (SPP No. 73-159), which was amended by the State Land Use Commission in 2009.
3. **Construction Timetable and Cost:** The applicant aims to secure County rezoning approval quickly and begin the subdivision process immediately, with plans to complete it by early 2026. Since no new development is planned, costs will be minimal and limited

to necessary subdivision improvements, such as a new water meter. During this process, KOKL will continue operating under its existing Special Permit, and once the rezoning, subdivision, and land acquisition are complete. Upon successful rezoning and subdivision, the school intends to apply for a new Special Permit to formally support its continued operations, including additional office space and expanded community education opportunities. Additionally, the existing Special Permit will need to be amended to remove charter school uses from the Nani Mau Gardens portion of the property.

4. **Landowners:** Nani Mau Garden Group LLC.
5. **Supporting Information:** The applicants have submitted the attached in support of the request. **(Planning Department Exhibit 1 - Change of Zone Application received November 13, 2024 and additional information received on February 13, 2025)**

STATE & COUNTY PLANS

6. **State Land Use District:** Agricultural.
7. **General Plan Land Use Pattern Allocation Guide (LUPAG) MAP:** Low Density Urban (ldu). These areas include residential uses, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre.
8. **County Zoning:** Current zoning of the subject property is Agricultural-10 Acres (A-10a) and Agricultural-1 Acres (A-1a).
9. **Hilo Community Development Plan (CDP):** The Hilo CDP, adopted by Resolution No. 1 on May 21, 1975, identifies the area as “Alternative Residential Expansion.”
10. **Special Management Area (SMA):** The Special Management Area is a part of the Coastal Zone Management Program and regulated by the County. The subject property is not located within the Special Management Area and is situated approximately 4.5 miles from the nearest coastline.

DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

11. **Subject Property:** The subject, 23.349-acre parcel is generally rectangular in shape and is situated at an elevation of 200 feet above sea level. The property has been improved over the years with several structures, including event and visitor facilities supporting the

Nani Mau Gardens botanical garden, arboretum, restaurant, special events and related parking. Structures within the 5-acre portion of the property that supports the KOKL school uses include buildings that have been re-purposed as classroom and office buildings, a storage shed, two greenhouses, a dwelling, and a beauty salon. While the applicant states that it has yet to be determined whether the dwelling and beauty salon will be used for future school uses, a site visit indicated that the former beauty salon has already been converted into the school's office building.

12. **Surrounding Zoning/Land Uses:** The subject property and surrounding areas are predominantly zoned for agricultural use, with a mix of A-1a, A-3a, A-5a, and A-10a zoning designations. The neighboring properties to the south, east, and west consist primarily of single-family dwellings with some light agricultural uses, while parcels to the north are currently vacant. Pursuant to Ordinance No. 24-87 and Section 25-2-42(c)(4) of HCC, a report on surrounding properties is attached to this document (**Planning Department Exhibit 2**).
13. **ALISH:** Other Important Agricultural Land, which is land other than Prime or Unique Agricultural Land that is of statewide or local importance for the production of food, feed and forage crops.
14. **Land Study Bureau's Detailed Land Classification System:** "E" or "Very Poor".
15. **Flood Insurance Rate Map (FIRM)/Drainage:** The subject property is situated within Zone "X" on the Flood Insurance Rate Map (FIRM) by FEMA, an area determined to be an area of minimal flood hazard. According to the Department of Public Works (DPW) all development related 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 with the approval of the DPW, Engineering Division.
16. **Flora/Fauna Resources:** A biological survey of the 5-acre portion of the property designated for KOKL Public Charter School conducted by Ron Terry, Ph.D., of Geometrician Associates, LLC in June 2024 identified 132 plant species, including four native species—moa, hapu'u fern, māmakī, and pycneus sedge—none of which are rare or endangered. The remaining plant species are non-native, consisting of ornamental,

cultivated, and invasive species. The observed fauna was entirely non-native, with birds such as northern cardinals, house finches, and common mynas present, while Hawaiian hawks, an endangered species, have been sighted in the broader area. The property may also be visited by Hawaiian hoary bats and nēnē, though no nesting habitat for them was found. Other introduced species, such as feral cats, pigs, mongooses, and coqui frogs, are likely present. To mitigate potential impacts on native wildlife, tree removal will be restricted during bat pupping season, pre-construction surveys will be conducted for Hawaiian hawk nests, and exterior lighting will be shielded to prevent seabird disorientation. The survey concluded that the site's long history of development makes it unsuitable for most native species, and no significant impact on rare or endangered species is expected with the proposed mitigations in place.

17. **Archaeological/Cultural/Historical Resources:** No formal archaeological or cultural studies were conducted on the subject property because the subject property has a history of development and use as the Nani Mau Gardens and, more recently, as a charter school, which has significantly altered its original condition. A letter from the State Historic Preservation Division (SHPD) dated January 11, 2006 determined that no historic properties would likely be affected by the existing or proposed uses of the site. However, as a precaution, the applicant has committed to ceasing work and notifying the SHPD and County authorities if any inadvertent discoveries of archaeological or cultural significance are made during future land disturbance activities.
18. **Public Access:** There is no designated public access to the mountains or the shoreline that runs through the property.

PUBLIC UTILITIES AND SERVICES

19. **Vehicular Access/Traffic:** The subject property is accessed via Makalika Street, a paved, County-owned, and maintained roadway with 20-foot-wide pavement and grassed shoulders within a 50-foot-wide right-of-way, located approximately 0.6 miles east of Hawai'i Belt Highway. A Traffic Impact Analysis Report (TIAR) conducted for the 2009 Special Permit amendment that allowed the operation of a school on the property identified challenges with left turns onto Makalika Street from the highway during morning peak hours, leading to a recommendation for staff, parents, and buses to use

Railroad Avenue instead. A condition of the Special Permit requires periodic reminders to parents and staff to use Railroad Avenue to access the property. According to the applicant, the current school traffic volume remains low, generating only 26 peak-hour trips, as 90% of the current 140 students arrive and leave on buses or carpools. The 26 peak hour trips are well below the 50-trip threshold that would require a new TIAR. The driveway access from Makalika Street and parking configuration will remain unchanged, with an easement allowing continued shared use of the existing entry point and parking lot. Sufficient parking is available to support KOKL operations, and no major roadway improvements are planned. The subdivision will comply with County subdivision requirements, ensuring appropriate access and infrastructure support for the property. Based on the proposed A-5a zoning, DPW recommends that the applicant provide improvements to the property's Makalika and Awa Street frontages consisting of, but not limited to paved shoulders and swales, drainage improvements, and any required utility relocation, meeting the requirements of the Americans with Disabilities Act and install streetlights and traffic control devices as may be required by the DPW Traffic Division. The applicant shall be responsible for the design, purchase, and installation of such devices.

20. **Water:** According to the Department of Water Supply (DWS), the subject property is currently serviced by 2 water meters, an existing 1 ½-inch meter allotted 15 units of water, and a 5/8-inch meter allotted one (1) unit of water (with each unit of water equal to an average of 400 gallons per day). There also is an existing fire meter for an on-site fire hydrant. Based on their review of water demand calculations the estimated average daily water demand for the project is 1,738 gallons per day, or 5 additional units of water, which would require the installation of a 1-inch meter with a 1 ½-inch service lateral. This additional water can be made available from an existing 12-inch water line within Makalika Street, which fronts the subject parcel. DWS requests that the applicant remits a water commitment deposit for the additional water units and they will be required to construct and dedicate water system improvements and pay required facilities charges as part of the subdivision process.
21. **Wastewater:** There is no municipal sewer system servicing the subject area. The

wastewater management for the project is handled through Individual Wastewater Systems (IWS), including septic systems that are compliant with regulations set by the Hawai'i State Department of Health (DOH). Any new construction or development will also utilize DOH-approved IWS.

22. **Solid Waste:** According to the applicant, solid waste will be handled through commercial haulers into authorized landfill sites.
23. **Essential Utilities and Services:** Police, fire and medical services are available nearby in Hilo. Electrical and telephone services are available to the site.

AGENCY COMMENTS

24. **Department of Public Works – Engineering Division: (Planning Department Exhibit 3 – January 13, 2025 memo)**
25. **Department of Water Supply (Planning Department Exhibit 4 – January 13, 2025 memo)**
26. **State Department of Health (Planning Department Exhibit 5 – January 23, 2025 memo)**
27. **State Office of Planning and Sustainable Development (Planning Department Exhibit 6 – January 15, 2025 letter)**

AGENCIES – NO COMMENT/CONCERNS

28. Police Department.

AGENCIES – NO RESPONSE

29. Department of Public Works-Traffic Division, Department of Public Works-Building Division, Department of Environmental Management, Fire Department, State Department of Education, State Charter School Commission, State Land Use Commission, Department of Land and Natural Resources, Department of Land and Natural Resources – State Historic Preservation Division.

APPLICANT RESPONSE TO AGENCY COMMENTS

30. **Letter from Applicant Responding to Agency Comments (Planning Department Exhibit 7 – February 24, 2025 letter)**

PUBLIC COMMENTS

31. As of the date of this writing, the Planning Department has received no public comments on this application.

CHANGE OF ZONE APPLICATION

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

APPLICANT(S): Ho'oulu-Lahūi

→ APPLICANT'S SIGNATURE: *Luike Imaoka* DATE: 08/20/2024

ADDRESS: 345 Makalika Street, Hilo, HI 96720

LIST APPLICANT'S INTEREST (if not owner): purchasing a portion of the property

PHONE: (Bus.) (808) 640-3439 (Res.) _____ (Email) susie@kuaokala.org

REQUEST: A-10a TO A-5a
(Existing Zoning) (Proposed Zoning)

TAX MAP KEY(S): (3) 2-2-048:013

SIZE OF PROPERTY OR AFFECTED AREA(S) TO BE REZONED: 12 acres

LANDOWNER(S): Nani Mau Garden Group LLC

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION
(may be provided by letter with the below statement included):

→ _____ DATE: _____
_____ DATE: 8/26/2024

AGENT: Land Planning Hawaii LLC

AGENT ADDRESS: 194 Wiwoole Street, Hilo, HI 96720

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

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

ORIGINAL: Agent COPIES: Applicant

ATTACHMENT

Agricultural Rezoning

PLANNING DEPARTMENT
COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

- I. If your request is approved, do you intend to subdivide the subject land in accordance with the approved change of zone? Yes
- If yes, please answer the rest of question I and then to question 3.
- a. How many acres of the requested area do you intend to subdivide? 5 acres
- 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. In Application
2. If you have no firm plans of subdividing the subject area, do you intend to:
- a. Sell or lease the land to someone who has firm plans? _____
- b. Sell or lease the land to someone who has tentative plans? _____
- c. Sell or lease the land to someone who has no plans? _____
- d. Keep it? _____
- e. Other (please state) _____

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

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

How?

N/A

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

If so, what kind?

School buildings including classrooms and offices. Nani Mau facilities also occur on the Subject Property

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

Buildings will remain unchanged.

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

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

6. Was your request to allow for the creation of small agricultural lots? No

If so, did your plan include the following considerations?

a. Commodity to be produced? _____

What kinds of commodity?

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

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

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

Please state the proposed type of arrangement.

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.

Subject Property is the site of Nani Mau Gardens by Special Permit. The proposed Rezone would allow the school's non profit to purchase the campus

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

No

If so, please describe the problem.

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

No

If so, what kind?

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

Yes

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

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

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

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

Signature: _____

Address: _____

Telephone: _____

Date: _____



 194 Wiwoole Street Hilo HI 96720

 808-333-3393

 08/27/2024

**COUNTY ENVIRONMENTAL REPORT
COUNTY REZONING REQUEST (A-10a to A-5a)
HO‘OULU-LĀHUI
SOUTH HILO, HAWAI‘I
TMK: (3) 2-2-048: 013**

Table of Contents

I.	INTRODUCTION	4
II.	PROJECT LOCATION	4
III.	PROJECT DESCRIPTION	7
A.	Project Concept and Components	7
B.	Building Permitting History	9
C.	Project Timetable and Cost	11
IV.	INSTITUTIONAL CONSIDERATIONS	11
A.	State Land Use	11
B.	County General Plan	11
C.	Hilo Community Development Plan	11
D.	County Zoning	14
E.	Relationship to SMA Objectives and Policies	14
F.	Other Permitting Requirements	16
V.	ENVIRONMENTAL CONSIDERATIONS	16
A.	General Description	16
B.	Soils and Topography	17
C.	Natural Hazards	17
D.	Flora/Fauna	19
E.	Historic/Cultural/Archaeological Resources	20
F.	Valued Cultural Resources	21
G.	Water and Coastal Resources	21
H.	Noise, Air Quality, and Dust	21
I.	Scenic and Visual Considerations	22
VI.	SOCIAL AND RELATED CONSIDERATIONS	22
A.	Surrounding Land Uses	22
B.	Economic Impacts	22
C.	Agricultural Impacts	22
VII.	INFRASTRUCTURAL CONSIDERATIONS	23
A.	Road	23
B.	Water	24
C.	Wastewater	24
D.	Solid Waste	24
E.	Other Government Services	24

F. Other Utilities	25
VIII. IMPACT SIGNIFICANCE ANALYSIS	25
A. Relationship Between Local Short-Term Uses of Environment and Maintenance and Enhancement of Long-Term Productivity	25
B. Irreversible and Irretrievable Commitment of Resources	25
C. Mitigative Measures	26
D. Alternatives to the Proposed Project	26
IX. REGULATORY ANALYSIS	27
A. General Plan LUPAG Map.....	27
B. General Plan Polices.....	27
C. Hilo Community Development Plan	30
D. Zoning and Subdivision.....	30
E. State Land Use Agricultural Standards	31
X. CONCLUSION	31

Figures

1. Location Map.....	5
2. Proposed Subdivision Layout.....	6
3. Zoning Map.....	8
4. Site Plan with Permitting Information.....	10
5. State Land Use Map	12
6. LUPAG Map.....	13
7. Flood Hazard Assessment Map	18

Exhibits

- A. Rezone Exhibit and Metes and Bounds Description
- B. SHPD Determination Letter
- C. Biotic Survey

I. INTRODUCTION

Ho‘oulu-Lāhui (“**applicant**”) seeks to rezone a portion of the subject parcel identified by TMK (3) 2-2-048:013 from the Agricultural 10-acre district to the Agricultural 5-acres (A-5a) district. The parcel contains a total of 22.345 acres of land with a split zoning designation of Agricultural 1-acre (A-1a) and Agricultural 10-acres (A-10a). The A-1a zoned portion of the parcel was previously rezoned to A-1a from A-10a and A-3a under Ordinance No. 95-55. That zoning ordinance has since gone stale after conditions of the ordinance were not met. However, the current project does not propose any use of the A-1a zoned area and only proposes to rezone the 12.039-acre area of the parcel which is currently zoned A-10a to A-5a.

The property is located at 345 Makalika Street and is situated at the northeast corner of the intersection of Awa Street and Makalika Street in the Panaewa Farm Lots, South Hilo, Hawai‘i (**Figure 1**). The site is the location of Nani Mau Gardens complex as well as Kua O Ka Lā New Century Public Charter School (KOKL), all permitted under Special Permit No. 73-159. The Special Permit, which was originally only for the operation of an arboretum with visitor facilities, has been amended several times since its initial issuance in 1973 to include a variety of additional uses, including the existing charter school operations.

KOKL currently leases the 5-acre portion of the subject property containing the school facilities. The applicant, Ho‘oulu-Lāhui, is the non-profit corporation which supports KOKL. The landowner, Nani Mau Garden Group LLC, has entered into a legally binding agreement with Ho‘oulu-Lāhui to subdivide the property into two (2) parcels - one approximately 5-acre parcel containing the KOKL facilities and a second approximately 17.345-acre parcel containing the remainder of the property (**Figure 2**) – and then sell the approximately 5-acre parcel to Ho‘oulu-Lāhui which will support the continued KOKL operations on the land. The requested change of zone from A-10 to A-5a is necessary to effectuate that agreement. The proposed rezone map along with a corresponding written metes and bounds description is attached as **Exhibit A**.

Ho‘oulu-Lāhui and KOKL are committed to being good neighbors and have already begun community outreach efforts to inform surrounding property owners of their plans via presentations to local organizations and community flyers.

II. PROJECT LOCATION

As noted earlier, the subject property is located at 345 Makalika Street, at the intersection of Awa Street and Makalika Street (**Figure 1**). Vehicular access to the property is via Makalika Street, a paved and County owned and maintained public roadway.

ArcGIS Web Map

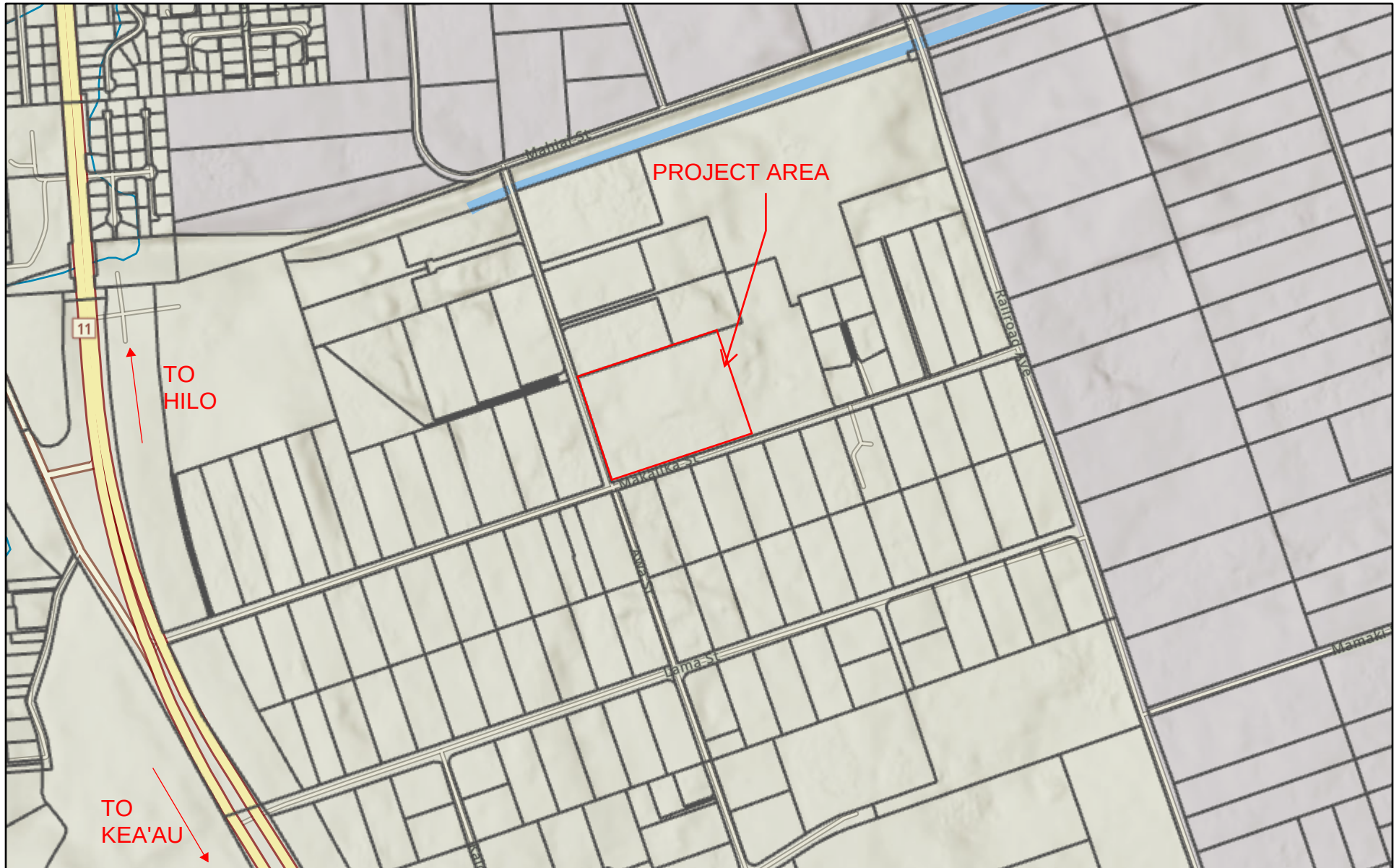
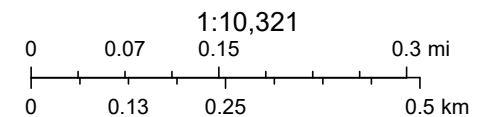


FIGURE 1

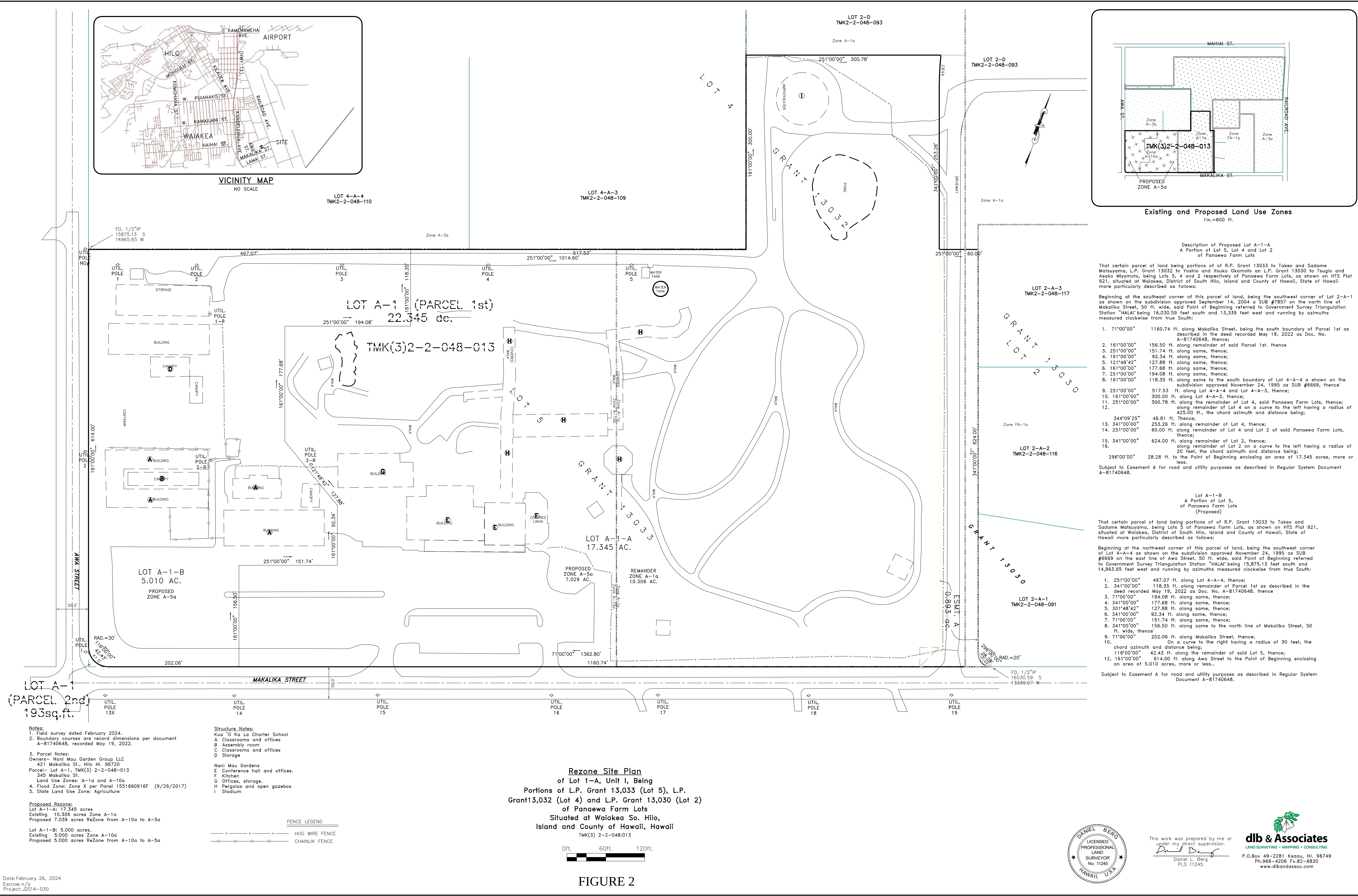
 Parcels (boundary lines)



Esri, NASA, NGA, USGS, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US

ArcGIS Web AppBuilder

Sources: Esri, USGS | Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, USFWS |



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

A. Project Concept and Components

The subject parcel contains a total of 22.345 acres of land with a split zoning designation of A-1a and A-10a (**Figure 3**). The A-1a portion of the parcel was previously rezoned from A-10a and A-3a under Ordinance 95-55. That zoning went stale after conditions of the ordinance were not met. The current project does not propose any use of the A-1a zoned area; rather the applicant proposes only to rezone the 12.039-acre area of the parcel which is currently zoned A-10a and is not subject to the requirements or conditions related to Ordinance 95-55.

KOKL, which is supported by the non-profit Ho‘oulu-Lāhui, maintains a mission to provide Hawaiian culturally-driven, values-based and place-based educational experiences through pilina ‘āina (relationship with land), pilina kānaka (relationship with each other), and pilina ‘uhane (relationship with spirit). After the 2018 Kilauea lava flow in Puna destroyed the previous KOKL facilities, the school re-established itself in its current leased location on the Nani Mau Garden property.

The school currently operates under an existing Special Permit and leases the approximately 5-acre portion of the property containing the KOKL facilities. The school, in conjunction with Ho‘oulu-Lāhui, funded the construction of various upgrades and ADA compliant improvements in order to permit the use of an existing building as a school. Acquisition of an approximately 5-acre portion of the property containing the KOKL facilities is a critical step in the school’s long term recovery goals and will enable the school to ensure stability for its students and staff. In order to purchase that area, however, the subject 12.039-acre portion of the parcel must first be rezoned to A-5a so that it can be subdivided from the larger lot.

Upon successful completion of the proposed rezone, subdivision and acquisition of the 5-acre area, Ho‘oulu-Lāhui will own the KOKL facilities and continue to support KOKL operations.

The school currently supports a student body of approximately 140 students and 20 staff members. Upon approval of the zone change, the school intends to pursue a new Special Permit to support its current operations along with additional office space and expanded opportunities for community support and education. The applicant further acknowledges that in addition to securing a new Special Permit, the existing Special Permit 73-159 will need to be amended to remove Charter School Uses. The applicant anticipates this will be completed within 18 months of approval of this request.

ArcGIS Web Map

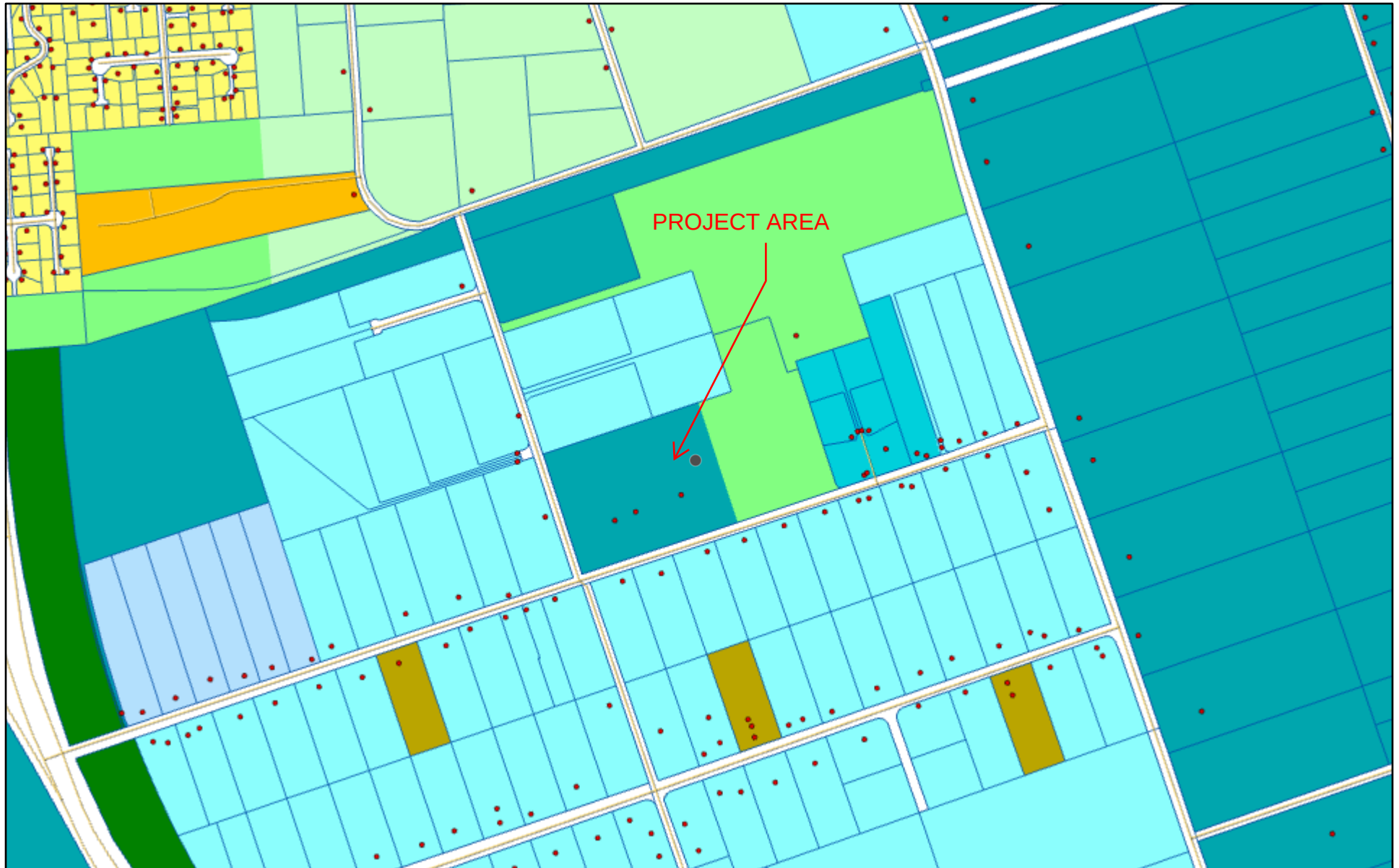
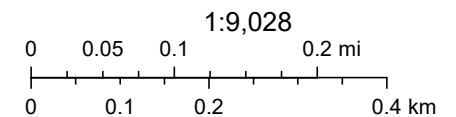
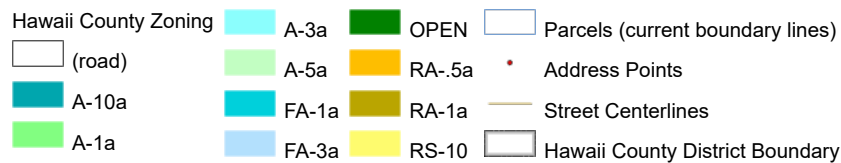


FIGURE 2



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Web AppBuilder for ArcGIS

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

Water is available through the Hawai'i County Department of Water Supply with sufficient capacity to serve both of the proposed lots and the proposed use. Water efficient fixtures and practices will be implemented throughout the development to reduce water use. Wastewater will continue to be handled via existing septic systems on each of the proposed lots in accordance with the State Department of Health regulations. Electricity is available through Hawaiian Electric Light Company.

As proposed, Lot A-1-B, containing approximately 5.0 acres, will be sold to the applicant and Nani Mau Gardens will continue to own the remainder of the parcel consisting of approximately 17.345 acres, 7.039 of which will be zoned A-5a and 10.306-acres of which will remain in its currently stale A-1a zoning (Proposed Lot A-1-A). Proposed Lot A-1-A will maintain the existing driveway access to Makalika Street. An easement will be provided over this portion of Lot A-1-A to allow KOKL continued use of the existing driveway. There will be sufficient parking on Lot A-1-B to serve the KOKL facilities. Thus, no additional improvements are planned to the existing access and parking configuration.

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

B. Building Permitting History

The permitting history of the 22.345-acre subject property is complex given the long history of changing uses and numerous structures on the property. The following represents our best assessment of a permitting history for the buildings identified for current or future school use (**Figure 4**).

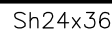
Two greenhouses were built near the northwest corner of the property under permits 880173 and 021398

A small (approximately 20' x 20') storage shed was built near the northwest corner of the property under 880802

(A) A maintenance building was built in 1990 under permit 902846 and was converted to charter school use under permit 2020-00164 in 2020.

(C) A dwelling was built around 1990 under permit 902196 and is served by a permitted cesspool. Proposed school uses are still to be determined.

(D) Originally permitted and used as a tram garage under permit 901864 with a permitted cesspool, this structure was later converted to a beauty salon under permit 021916. Proposed school uses are still to be determined. It is assumed a new septic system will need to be provided for this building.



C. Project Timetable and Cost

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

Tentatively, plans call for having the land subdivided by early-2026. The estimated cost of improvements for this project will be minimal as no new development is proposed. Only costs associated with improvements required to complete the subdivision are expected (new water meter etc.)

In the meantime, KOKL will continue to operate the school in under the existing Special Permit. Upon successful completion of the rezone, subdivision and Ho‘oulu-Lāhui’s acquisition of the land, KOKL intends to apply for a Special Permit to expand the school use, and to amend the existing Special Permit to remove school uses. Those tasks are anticipated to take approximately 18 months.

IV. INSTITUTIONAL CONSIDERATIONS

A. State Land Use

The subject site is designated entirely State Land Use *Agriculture* (**Figure 5**). The applicant’s request to rezone the parcel from A-10a to A-5a is consistent with its current Agricultural designation and no changes to the State Land Use designation are being requested. The County of Hawai‘i can process the rezoning request.

B. County General Plan

The County General Plan Land Use Pattern Allocation Guide (“LUPAG”) map designates the subject site as Low Density Urban (**Figure 6**). This designation identifies land for residential use with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre. The proposed 2-lot subdivision and the existing and proposed expansion of the school operations are consistent with the Low Density Urban designation and no General Plan amendment would be required to effectuate this project.

C. Hilo Community Development Plan

The Hilo Community Development Plan (HCDP) was adopted by the Planning Commission in 1975 and was intended to further define the General Plan and provide short and middle range implementation strategies of the General Plan. Since the adoption of the HCDP, there have been significant land developments in the City of Hilo, including the shopping complexes in and

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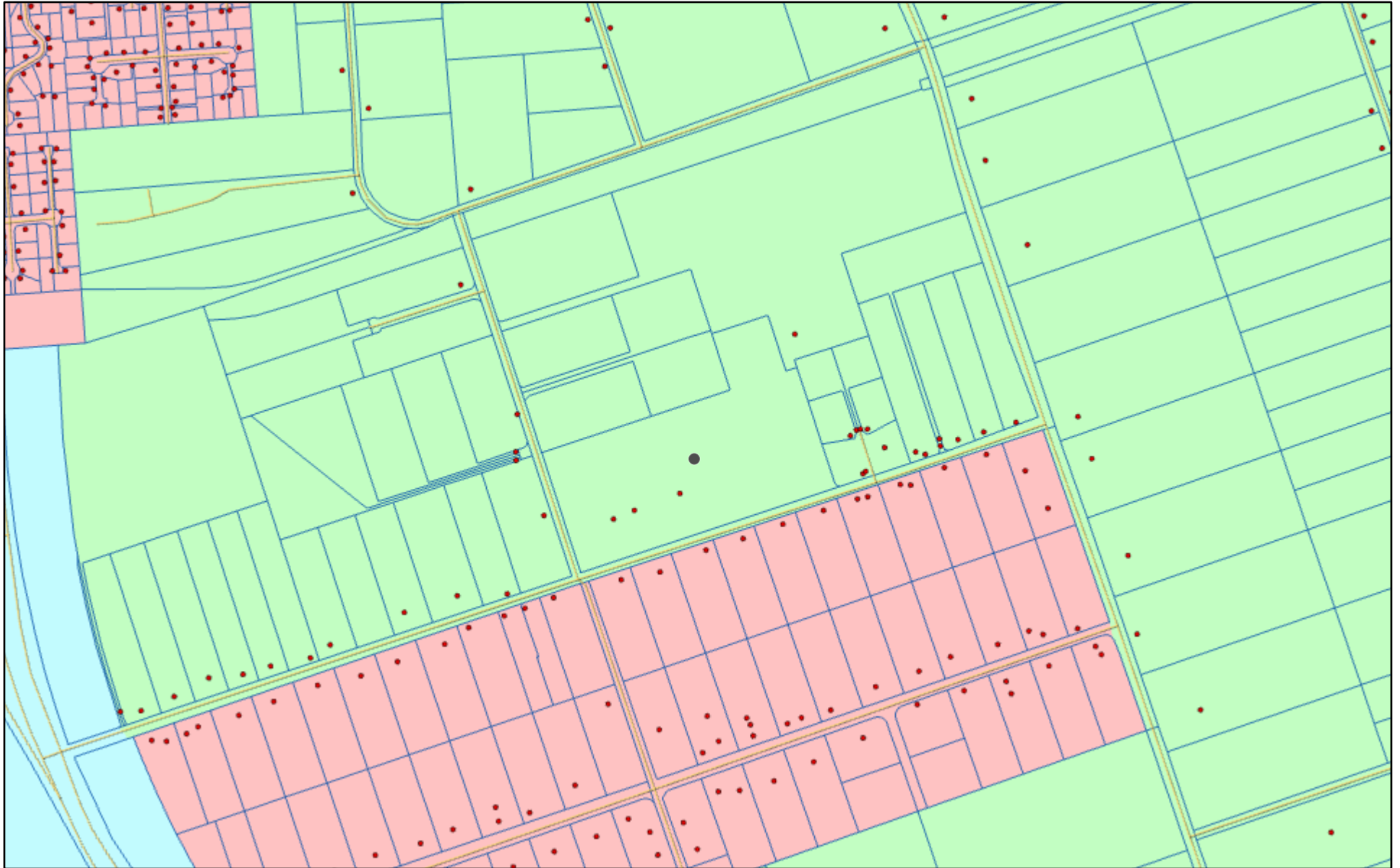
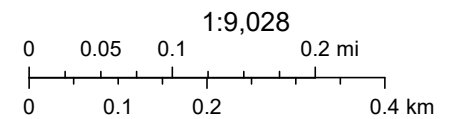
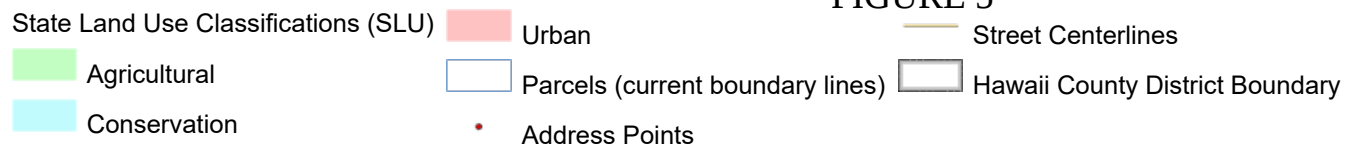


FIGURE 5



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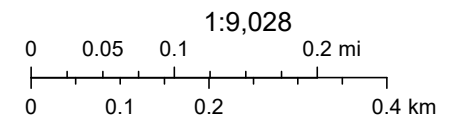
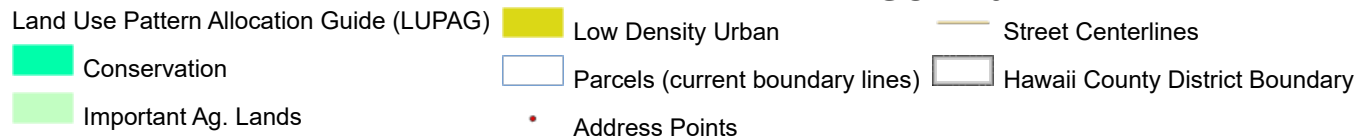
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FIGURE 6



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around the Puainako/Kanoelehua Intersection, expanded commercial uses near the University complexes, and commercial/industrial uses along the southern portion of the Waiākea Houselots area. These developments along with many other changes in Hilo over the years render many of the HCDP land use concepts obsolete. Although the document was reviewed by the County Council, the HCDP was never adopted by ordinance. The General Plan has been updated since 1975, while the HCDP has not.

While the overall HCDP may be obsolete, its Land Use Plan identified the subject area and surrounding lands for “Alternative Residential Expansion”. The existing and proposed KOKL activities are consistent with this designation.

D. County Zoning

The County zoning of the subject is split between A-1a and A-10a (**Figure 3**). The A-1a portion of the parcel was previously rezoned from A-10a and A-3a under Ordinance 95-55. The current project does not propose any use or changes to the A-1a zoned area, rather the applicant proposes only to rezone the 12.039-acre area of the parcel which is currently zoned A-10a and is not subject to the requirements and/or conditions related to Ordinance 95-55.

The neighboring properties generally consist of FA-1a and A-3a and range in size from approximately 1 to 4 acres, with a larger approximately 32-acre parcel located to the northeast that is zoned A-1a.

If the requested change of zone is approved, the proposed 2-lot subdivision will be carried out in accordance with both the Zoning and Subdivision Code standards, ensuring compliance with the applicable regulations. All land uses and standards will be in full alignment with the requirements of the requested A-5a zone.

E. Relationship to SMA Objectives and Policies

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

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

The site is not adjacent to the ocean. It sits over 4.5 miles from the shoreline at an elevation of approximately 200 feet. As such, the proposed action should not have any adverse impacts on the area's **coastal recreational** and **marine resources** nor should it have any impacts on **beach protection**.

The likelihood of the proposed project having any impact on the area's **historic resources** is low as the site has been previously cleared and used for commercial and school use for decades. A January 11, 2006 letter from the State Historic Preservation Division regarding the original conversion of a portion of the property to charter school use indicated their determination that no historic properties would likely be affected (**Exhibit B**). As the use of the land will remain substantially the same under the proposed project, no affect to any historic property is anticipated. Nevertheless, in the event any undocumented archaeological features are found during any future earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-HPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

The current request seeks to rezone and subdivide a 12.039-acre portion of the property. Upon successful completion of the requested rezone and subdivision, the applicant intends to purchase the 5-acre portion of the property containing the KOKL facilities to ensure and support the continued operations of KOKL on the property.

No **scenic and open space resources** would be impacted by this request. The proposed use of the property will remain the same. The request to rezone and subdivide will simply be so that Ho‘oulu-Lāhui can purchase the portion of the property containing the school so that KOKL can continue to operate and invest in its facilities. Thus, the proposed action will not have a visual impact and will not disrupt any scenic or open space resources.

Relative to **Coastal Ecosystems**, impacts should be negligible, if at all, as the site is located over 4.5 miles from the ocean and the proposed use of the property will remain the same. Any new wastewater generating facilities will be served by DOH approved Individual Wastewater Systems (IWS).

The subject property already hosts various commercial uses approved under Special Permit No. 73-159 and subsequent amendments. Thus, the type and intensity of land use on the property will remain relatively the same. However, this action will provide a greater sense of stability to KOKL students and staff and enable Ho‘oulu-Lāhui to invest in the KOKL facilities with greater confidence as the fee simple owner of the property. In so doing, the project could provide some limited **economic** benefit to the school.

Because of its distance from the shoreline, the site is not subject to **coastal hazards**.

Relative to the **managing development** objective, this function is more applicable to the "authority" or approving agencies. However, it is noted that the project would operate within the requirements of the Zoning Code. If

approved, the requested use and design/parameters (parking, height, setback, etc.) would be consistent with the requested A-5a zoning. In that regard, the project would be consistent with this policy.

Finally, in terms of the **public participation** objective, this is generally a public agency function. This is achieved through the Marine and Coastal Zone Management Advisory Group (MACZMAG) and the public hearing process required pursuant to the Planning Commission's Rules and County Council's meetings on this application. Notices of this application will become available through the posting of a sign on the property, as well as sending two (2) notices to surrounding property owners, one at the time the application is filed and again, prior to the public hearing.

Based on the foregoing, it is concluded that the requested improvements would be consistent with the objectives, policies, and guidelines of the Coastal Zone Management Policies, as outlined in Chapter 205-A-23, HRS and Planning Commission Rule No. 9 relating to the Special Management Area.

F. Other Permitting Requirements

As noted earlier, other permits would still be required, including a new Special Permit after, should the change of zone be approved. Other permits would be of the "ministerial" variety, such as Subdivision Approval, Building Permits, etc.

V. ENVIRONMENTAL CONSIDERATIONS

A. General Description

The parcel is generally rectangular in shape, but with an area of land extending from the northeast corner. The parcel fronts Makalika Street to the south and follows along Awa Street to the west.

The parcel has been previously cleared and fully developed for the Nani Mau Garden and other commercial uses. It currently contains the Nani Mau Garden facilities and the KOKL facilities.

The project area is situated at approximately 200-foot elevation with the land sloping gently downward from the *mauka* to *makai* direction with the lower end on lying to the northeast.

Surrounding properties to the south, east and west are zoned A-3a and FA-1a and consist of a mix of residential and agricultural uses, varying in size from 1 to 4 acres. Surrounding properties to the north are currently vacant and include two 4-acre, A-3a zoned parcels and a 32 acre A-1a zoned parcel.

The annual median rainfall for this area is approximately 140 inches. The average daily temperature ranges from 69 degrees to 75 degrees Fahrenheit and the site is generally exposed to northeast trade winds.

B. Soils and Topography

According to the Natural Resource Conservation Service's Land Study Bureau Overall Master Productivity Rating, the property is designated as "E", or very poor.

According to the US Department of Agriculture Natural Resource Conservation Service, the soil in the project area is identified as Papai extremely cobbly highly decomposed plant material with 2 to 10 percent slopes. This soil type is derived from organic material over a lava flows. It is well drained with a low runoff class.

The property is classified as "other" agricultural lands according to the Agricultural Lands of Importance to the State of Hawai'i (ALISH) classification system.

As noted earlier, the topography of the site slopes slightly downward in a mauka to makai direction with the lower end of the property lying to the northeast.

C. Natural Hazards

1. Drainage

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies most of the project area as Zone "X" (areas outside of the 500-year flood) (**Figure 7**). There are no identified existing drainage ways on the site and the applicant has not observed any significant runoff or erosion in the recent past on the subject site. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process.

2. Volcanic, Earthquake and Tsunami Hazards

According to the United States Geological Survey maps, the project site is located within Lava Flow Hazard Zone 3, on a scale of risks 9 to 1 with 1 being the highest. All of Hilo falls in the Zone 3 category. The Building Code designates the entire Island of Hawai'i Earthquake Zone

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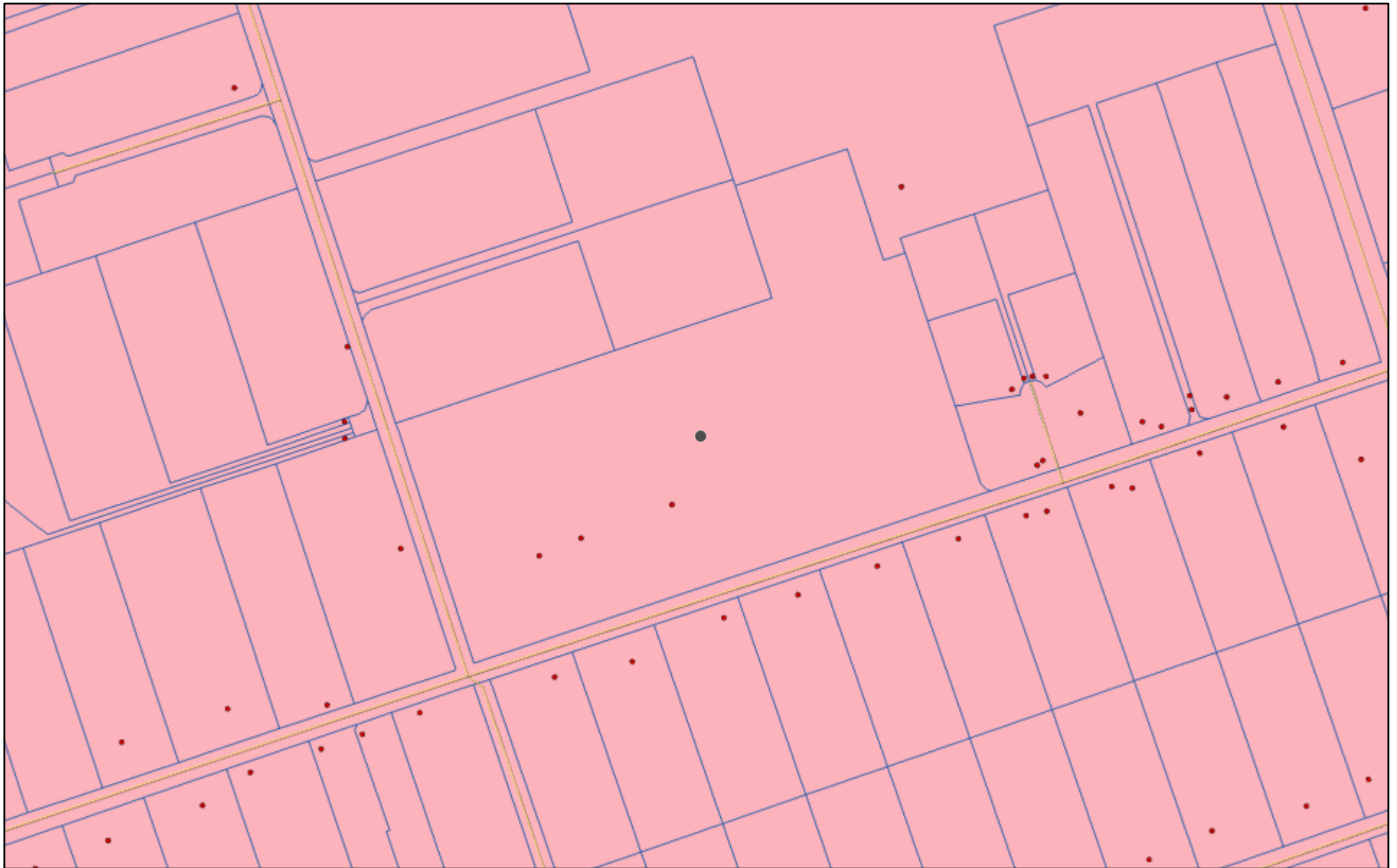


FIGURE 7

National Flood Hazard Layer Flood Zones



X

Parcels (current boundary lines)



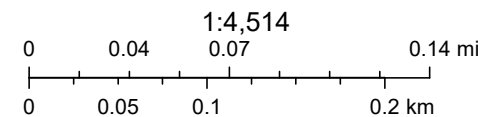
Address Points



Street Centerlines



Hawaii County District Boundary



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“D” and contains certain structural requirements to address the relative seismic hazard. Any potential structures would have to comply with these standards.

As the property is located over 4.5 miles from the coast and sits at an elevation of approximately 200 feet, it is located outside of the Civil Defense's Tsunami Evacuation Zone.

D. Flora/Fauna

A biological survey of the approximately 5-acre area of the subject property intended to be purchased by the applicant to support the continued KOKL operations was conducted by Ron Terry, Ph.D. of Geometrician Associates, LLC in June of 2024 (**Exhibit C**). The report states that despite the long history of disturbance on the property and the apparent lack of any natural areas, in an abundance of caution, Kua O Ka La contracted with Geometrician Associates to closely inspect the subject portion of the property to identify floral and fauna resources.

No rare, threatened or endangered plant species were present during the survey. A full list of plant species found within the project area is contained within the report. The report states that of the 132 plant species found within the subject area, four are native. These include the indigenous moa (*Psilotum nudum*), the endemic hapu'u fern (*Cibotium glaucum*), the endemic tree mamaki (*Pipturus albidus*) and the indigenous sedge pycneus (*Cyperus polystachyos*). All but moa were planted on the property and each of these natives are very common on the Big Island and elsewhere in Hawai'i.

With regard to fauna, the observed bird fauna was entirely non-native and included northern cardinals (*Cardinalis cardinalis*), house finches (*Haemorphous mexicanus*), yellow-billed cardinals (*Paroaria capitata*), spotted doves (*Spilopelia chinensis*), zebra doves (*Geopila striata*), Japanese white-eyes (*Zosterops japonicus*), saffron finches (*Sicalis flaveola*), common mynas (*Acridotheres tristis*), common waxbills (*Estrilda astrild*) and chickens (*Gallus gallus*). Although no Hawaiian hawks were seen during the survey, the report noted that they occur throughout the island of Hawai'i and have been observed many times in the area. The report noted that the area is generally poor habitat for other native forest birds due to the low elevation, non-native vegetation, and ongoing human activities. It also considered any potential shorebirds, waterbirds or seabirds that could possibly be found in the area.

The report noted that wide-ranging Hawaiian hoary bats (*Lasiurus cinereus semotus*), the only native Hawaiian land mammals, are likely present at times on or near the property. Aside from bats, the other mammals likely to be found in the project area are all introduced species such as feral cats (*Felis catus*), dogs (*Canis familiaris*), feral pigs (*Sus scrofa*), mongooses (*Herpestes* spp.)

and various species of rats (*Rattus* spp.) and mice (*Mus* spp.). None are of conservation concern and all are deleterious to native flora and fauna.

In order to avoid impacts to the listed endangered but regionally widespread terrestrial vertebrates, the applicant will abide by the following mitigation measures recommended in the report:

- Construction should refrain from activities that disturb or remove shrubs or trees taller than 15 feet between June 1 and September 15, when Hawaiian hoary bats may be sensitive to disturbance.
- If major construction including grading by heavy equipment or large tree removal occurs between the months of March and September, inclusive, a pre-construction hawk nest search by a qualified ornithologist using standard methods should be conducted. If Hawaiian hawk nests are present nearby, these major activities should be delayed until October, when hawk nestlings will have fledged.
- Any new exterior lighting associated with the project should be shielded from shining upward, in conformance with Hawai'i County Code Section 14-50 et seq., to minimize the potential for seabird disorientation. The project should utilize blue-deficient lighting such as filtered LED lights or amber LED lights, with a Correlated Color Temperature (CCT) of 2700 Kelvin or less, which promotes dark skies and minimizes impacts to seabirds. Existing lighting should be converted to these specifications as the occasion allows.
- If nēnē are observed nesting or lingering in the area, DLNR should be contacted to determine appropriate mitigation.

Given the above, it is unlikely that the development of the subject property would cause any adverse floral or faunal impacts.

E. Historic/Cultural/Archaeological Resources

As the site was formerly cleared for the Nani Mau Gardens and associated commercial uses, no commissioned archaeological survey of the site was made. Additionally, a January 11, 2006 letter from the State Historic Preservation Division regarding the original conversion of a portion of the property to charter school use indicated their determination that no historic properties would likely be affected (**Exhibit B**) by the school use. As the use of the land will remain substantially the same under the proposed project, no affect to any historic property is anticipated. However, if needed, an archaeological monitoring plan can be prepared and implemented in conjunction with any future land clearing activity.

Furthermore, in the event any inadvertent discoveries are made during any land disturbance activity relating to this project, work will cease, and the applicant

will immediately notify the Planning Department and the State DLNR and secure their clearances before proceeding further.

F. Valued Cultural Resources

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

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

It is not known whether the subject or immediate surrounding area was used in the recent past for the gathering of plants by Native Hawaiians. The applicant has not observed any Native Hawaiians gathering plants on the site or the adjoining properties. Thus, it would appear unlikely that the site would serve such purpose today.

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

Based on the above, it does not appear that the project would have any potential adverse impact relative to the cultural and historical resources of the area.

G. Water and Coastal Resources

The subject site is located over 4.5 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.

Any future new construction would be served by Individual Wastewater Systems meeting with the approval of the State Department of Health. County drainage requirements, appropriate drywell and/or similar means to capture runoff from any future improvements would be built, if necessary, in conjunction with the appropriate permitting process.

H. Noise, Air Quality, and Dust

The proposed rezone and subdivision should not generate any direct long-term noise or dust impacts. The only discernible air quality impact could be associated with the vehicular traffic to and from the site. While traffic could

impact the ambient air quality, the impact should not be significant, especially considering higher EPA standards for automobile air emissions, the air quality impact should be negligible. Additionally, as the use of the property will remain relatively the same as it is in its current state, the corresponding noise and air quality levels should remain the same.

As such, with the exception of possible construction dust which could be generated during any future construction projects, long term noise, air quality and dust impacts generated by the project should be minimal.

I. Scenic and Visual Considerations

In the *Natural Beauty* element of the General Plan, there are sites or areas listed as being a scenic resource. The subject site is not listed as a scenic site, nor will the proposed rezoning and subdivision action affect any of the scenic resources outlined in the General Plan.

VI. SOCIAL AND RELATED CONSIDERATIONS

A. Surrounding Land Uses

The subject parcel, as well as the surrounding parcels are all zoned agricultural. The proposed project seeks to rezone a 12.039-acre portion of the subject parcel in order to subdivide the parcel. The surrounding land uses to the east, west and south consist primarily of single-family dwellings with some light agricultural uses. Parcels to the north are currently vacant.

Given the existing and zoned conditions, the proposed rezoning and subdivision would be congruous with the surrounding land uses.

B. Economic Impacts

The requested zoning would have some measure of economic impact, as it will support a local school which educates children in our community. Education not only enhances economic opportunities for students, but also provides economic opportunities in the form of employment options for teachers, administrators and staff. Additionally, Ho‘oulu-Lāhui will be able to invest in the KOKL facilities with greater confidence. Thus, the proposed project should have some measure of economic benefit.

C. Agricultural Impacts

Although the subject site is within the State Land Use Agricultural district, it is designated on the LUPAG map as Low Density Urban. Further, the soils within the subject area are rated “E” or “very poor” by the Land Study Bureau. According to the Agricultural Lands of Importance to the State of Hawai‘i (ALISH) classification system, the property is designated as “other lands”. In

recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the Land Use Commission approved Docket No. SP73-159 on October 17, 1973 to allow the establishment of the Nani Mau Gardens commercial arboretum on the subject property. Since that approval, ten subsequent amendments to the permit were also approved to allow for expanded commercial uses as well as the establishment of a charter school on the property, further legitimizing the existing unusual, yet reasonable, uses of this agricultural land. Since the intention of the proposed rezone and subdivision is simply to subdivide out a portion of the property so that Ho‘oulu-Lāhui can become the fee simple owner of the existing KOKL facility, this project does not propose any changes to the existing approved land uses on the property and thus will not have any negative impact on its agricultural use.

VII. INFRASTRUCTURAL CONSIDERATIONS

A. Road

Access to the proposed lots would be from Makalika Street, a County owned and maintained roadway with a 50-foot right-of-way which connects to Hawai‘i Belt Highway approximately 0.6 miles to the west. The subdivided lots would continue to share access from Makalika Street via an access and parking easement.

A Traffic Impact Analysis was prepared in conjunction with the 2009 special permit amendment which allowed for the operation of a charter school on the property. That analysis acknowledged the difficulty with making a left turn across the highway to access Makalika Street during morning peak traffic due to the heavy makai bound traffic volumes. Thus, all staff, parents and bus drivers are advised to use Railroad Avenue rather than Hawai‘i Belt Highway for access to Makalika Street in order to avoid making a left turn across the highway in the morning. With that condition, the analysis indicated that the school use would not have an adverse traffic impact given that most students are bussed to the site.

Table 1 below summarizes current traffic attributable to school use. Accounting for bus and van ridership along with carpooling, approximately 26 peak hour trips are generated by school use. The Traffic Study for the 2009 Special Permit Amendment estimated school related traffic at 15 – 20 peak hour trips, not significantly different from current existing peak school traffic. Relative to concurrency requirements of the requested Change of Zone, the existing school use generates far fewer than the 50 peak hour trips that would trigger a new formal Traffic Study. Furthermore, these are existing traffic levels. Currently, there are no firm plans for increasing enrollment. The proposed rezoning and subsequent subdivision of the KOKL will not result in any appreciable change to the existing traffic conditions.

Table 1. Vehicular trips associated with existing school use.

MODE OF TRANSPORT	NUMBER OF STUDENTS	TOTAL VEHICLES	DROP OFF 6:00 - 7:00 AM	DROP OFF 7:00 - 8:00 AM	DROP OFF 8:00 - 9:00 AM	PICK UP 1:00 - 2:00 PM	PICK UP 2:00 - 3:00 PM	DEPART 3:00 - 4:00 PM
BUS	90			1			1	
VAN	15			1			1	
# OF CARPOOLERS	20	8		5	3	5	3	
# OF INDIVIDUAL RIDERS	15	15		6	9	9	6	
STAFF CARS			7	13			5	15
TOTAL VEHICLES			7	26	12	14	16	15

B. Water

Consultation with the Department of Water Supply has confirmed the availability of County water for the proposed rezoning, subdivision and school use pending review of water use calculations provided to DWS.

C. Wastewater

There is no County sewer system in this area. As noted earlier, any new construction will be served by Individual Wastewater Systems meeting the approval of the Department of Health.

D. Solid Waste

Solid waste will be handled through commercial haulers into authorized landfill sites. With the requested A-5a zoning, the potential for uses with toxic or related chemical waste would be minimal, if at all.

E. Other Government Services

As this property is located approximately 3 miles from downtown Hilo and 0.5 miles from Hawai'i Belt Road, no extension of government services would be required. There is a Fire Station and Police Station located within close

proximity to the subject site. In addition, there are recreation facilities in the general area as well.

As such, the project should not result in the extension of any government services. Further, the required public facilities are located reasonably proximate to the subject site.

F. Other Utilities

All other utilities such as telephone and electrical services already serve the site.

VIII. IMPACT SIGNIFICANCE ANALYSIS

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

After losing their original campus in the 2018 Kilauea eruption, land acquisition is the first and critical step in KOKL's long term recovery and goal to ensure stability for the school, students, family and staff. If this rezone request were denied, the short-term use of the area of the proposed rezoning would probably continue in its current condition, but the applicant would not be able to acquire the land the KOKL facilities are located on, leaving the future of the school uncertain.

B. Irreversible and Irretrievable Commitment of Resources

As the site has been relatively disturbed in the past and the proposed project intends for the property to remain in its current use, it is not likely that the project would result in an irreversible commitment of natural or archaeological resources.

The soil on the parcel is entirely classified as "E" or "very poor". The property is currently not being used for agriculture. The proposed project would simply allow for a 2-lot subdivision so that the school's non-profit can purchase the new parcel fee-simple. The zoning of the parcel will remain Agricultural, and the school will continue to operate by way of a Special Permit.

Furthermore, as the site was formerly cleared and developed and the project proposes no new development, no commissioned archaeological survey of the site was made. However, if needed, an archaeological monitoring plan can be prepared and implemented in conjunction with any future land clearing activity.

Thus, this project proposes to enhance and continue existing approved uses on the property and does not pose an irreversible or irretrievable commitment of resources.

C. Mitigative Measures

The applicant intends to make improvements, if required, generally consistent with the subdivision process. Relating to the required construction, contractors will be obligated to comply with appropriate State noise and air quality standards.

Should unanticipated archaeological finds be discovered in conjunction with any further development of the site, work will stop (as is required by the State and County) and clearance will be secured before work is resumed.

All required grading or grubbing work would be done in conjunction with the required permits. This is to assure that the development of this site does not adversely affect the drainage of surrounding properties.

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

D. Alternatives to the Proposed Project

1. No Project

Under the *status quo* alternative, the site would likely continue in its current state. The applicant would not be able to secure the long-term future of the school by purchasing the land.

2. Alternative Zoning

Alternative zoning designations were considered for this project including Village Commercial (CV) Zone, and Residential Commercial Mixed (RCX) Zone. Either of these zonings would permit the proposed school use but neither would be in as good alignment with the surrounding uses, LUPAG designation, and zoning. Further, costly road frontage improvements and a State Land Use Boundary Amendment would be required with either of these alternative zoning designations.

3. Evaluation of Alternatives

As proposed, the project's impacts to the area's social and physical infrastructure would not be pronounced. Certain mitigative measures, including landscape buffering, could be taken to address any possible impacts associated with the development of this project. Each subdivided parcel would maintain a 5-acre minimum size. Thus, the

requested A-5a zoning would be the most prudent and beneficial zoning designation for this property.

IX. REGULATORY ANALYSIS

A. General Plan LUPAG Map

The General Plan provides for the long-range comprehensive development of the Island of Hawai‘i. It provides direction for balanced growth in the County. The LUPAG map designates the site as Low Density Urban. This designation identifies land for residential use with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre. The proposed two-lot subdivision and continued use of the property by the school would be consistent with the *Low Density Urban* designation and 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.

The requested zoning would have some measure of **economic** impact, as it will support a local school which educates the children in our community. Education not only enhances economic opportunities for students, but also provides economic opportunities in the form of employment options for teachers and staff. Further, as the fee simple owner, Ho‘oulu-Lāhui will be able to invest in the KOKL facilities with greater confidence. Thus, the proposed project should have some measure of economic benefit.

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

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

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

If required, while not necessary for a project of this nature and size, a solid waste management plan could be prepared and implemented. The project will also be minimal in noise, except what may be associated with the general school uses. Any noise-generating facility, such as air conditioners, would be carefully placed to minimize their noise impacts to adjoining properties.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies most of the project area as Zone “X” (areas outside of the 500-year flood) (**Figure 7**). There are no identified existing drainage ways on the site and the applicant has not observed any significant runoff or erosion in the recent past on the subject site. Nonetheless, if required, a drainage system will be designed and constructed in conjunction with the subdivision approval to minimize the volume of surface runoff generated by this development.

As the site was formerly cleared and has been used extensively for botanical gardens and associated commercial uses, no commissioned archaeological survey of the site was made, and no impact is anticipated to any **historic sites**. A January 11, 2006 letter from the State Historic Preservation Division regarding the original conversion of a portion of the property to charter school use indicated their determination that no historic properties would likely be affected (**Exhibit B**) by the school use. As the use of the land will remain substantially the same under the proposed project, no affect to any historic property is anticipated. Nonetheless, work will cease if unanticipated archaeological remains are discovered during the development of this project. Work will resume only after proper clearances from the State and/or County have been received.

In consideration of the Geometrician Associates biological survey (**Exhibit C**) and recommended mitigations, the proposed project should not impact any rare or endangered floral or faunal resources. As identified in the report, any potential impacts could be mitigated, if required, by timing of vegetation clearing to accommodate nesting and breeding cycles of these wide-ranging native and endangered species. As such, the subject project should not have any significant impact on rare or endangered plant or animal life in this area.

The proposed A-5a zoning will have no impact on the objectives of the **housing element** since no residential uses are proposed. The Plan also emphasizes that developments be mindful of an area's **natural beauty**. The

project does intend to retain the area's natural beauty and blend with the existing terrain and surrounding area.

As the project site is approximately 4.5 miles from the ocean and has an elevation of approximately 200 feet, the usual **coastal resources** concern is not pronounced. There will be no interference with shoreline access. Further, through the use of DOH approved Individual Wastewater Systems, impacts to the coastal water will be minimized.

There will be marginal impact to **public facilities**. Wastewater will be handled by Individual Wastewater Systems approved by the Department of Health, and a Department of Water Supply water line exists to the site. Vehicular access to the site is currently planned off of Makalika Street, a County owned and maintained roadway with a 50-foot right-of-way and 20 feet of pavement. Nani Mau Gardens will continue to own proposed Lot A-1-A, containing the existing driveway access to Makalika Street. An easement will be provided over Lot A-1-A to allow for the continued shared use of the existing driveway and parking lot. Thus, no improvements are planned to the existing access and parking configuration.

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

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

Discussion

In view of the foregoing goals and policies, it is noted that the requested zoning would be generally compatible with the surrounding area. Properties to the south, west and north are zoned A-3a, while properties to the east are zoned A-1a and FA-1a. Thus, the requested A-5a zoning would be more appropriate

for the area than the current zoning designation of A-10a. Additionally, the purpose of the proposed rezone would be to support the continued KOKL school operations. As this property was previously used by Connections Charter School prior KOKL's occupation of the space, the site's long history of school use is well incorporated into the surrounding neighborhood.

As Hilo and its surrounding area continue to grow, there is an increased need for community facilities like schools. The subject project also fulfills other policies and standards articulated in the General Plan. The site is already serviced by adequate infrastructure including a 12-inch water line fronting the site. In addition, police and fire protective services are available nearby, wastewater can be handled by private individual wastewater systems and all other utilities are available to the site. As such, this development should not require additional public services to be provided.

The property has no severe topographic or geologic problems that would render the land unusable for the proposed subdivision and activity. The prospects of the site serving as a habitat for rare or endangered plant or animal life appear remote. Likewise, surface and subsurface archaeological remains do not appear to be likely on this site.

C. Hilo Community Development Plan

The Hilo Community Development Plan (HCDP) was adopted by the Planning Commission in 1975 and was intended to further define the General Plan and provide short and middle range implementation strategies of the General Plan. Since the adoption of the HCDP, there have been significant land developments in the City of Hilo, including the shopping complexes in and around the Puainako/Kanoiehua Intersection, expanded commercial uses near the University complexes, and commercial/industrial uses along the southern portion of the Waiākea Houselots area. These developments along with many other changes in Hilo over the years render many of the HCDP land use concepts obsolete. Although the document was reviewed by the County Council, the HCDP was never adopted by ordinance. The General Plan has been updated since 1975, while the HCDP has not.

While the overall HCDP may be obsolete, its Land Use Plan identified the subject area and surrounding lands for "Alternative Residential Expansion". The existing and proposed KOKL activities are consistent with this designation.

D. Zoning and Subdivision

The designated zoning of the site is A-10a. Should the A-5a zoning be approved, the requirements of the zoning and subdivision codes would generally be complied with, including use and related development standards.

These include the possible incorporation of appropriate restrictive covenants relating to density, use, and design restrictions.

E. State Land Use Agricultural Standards

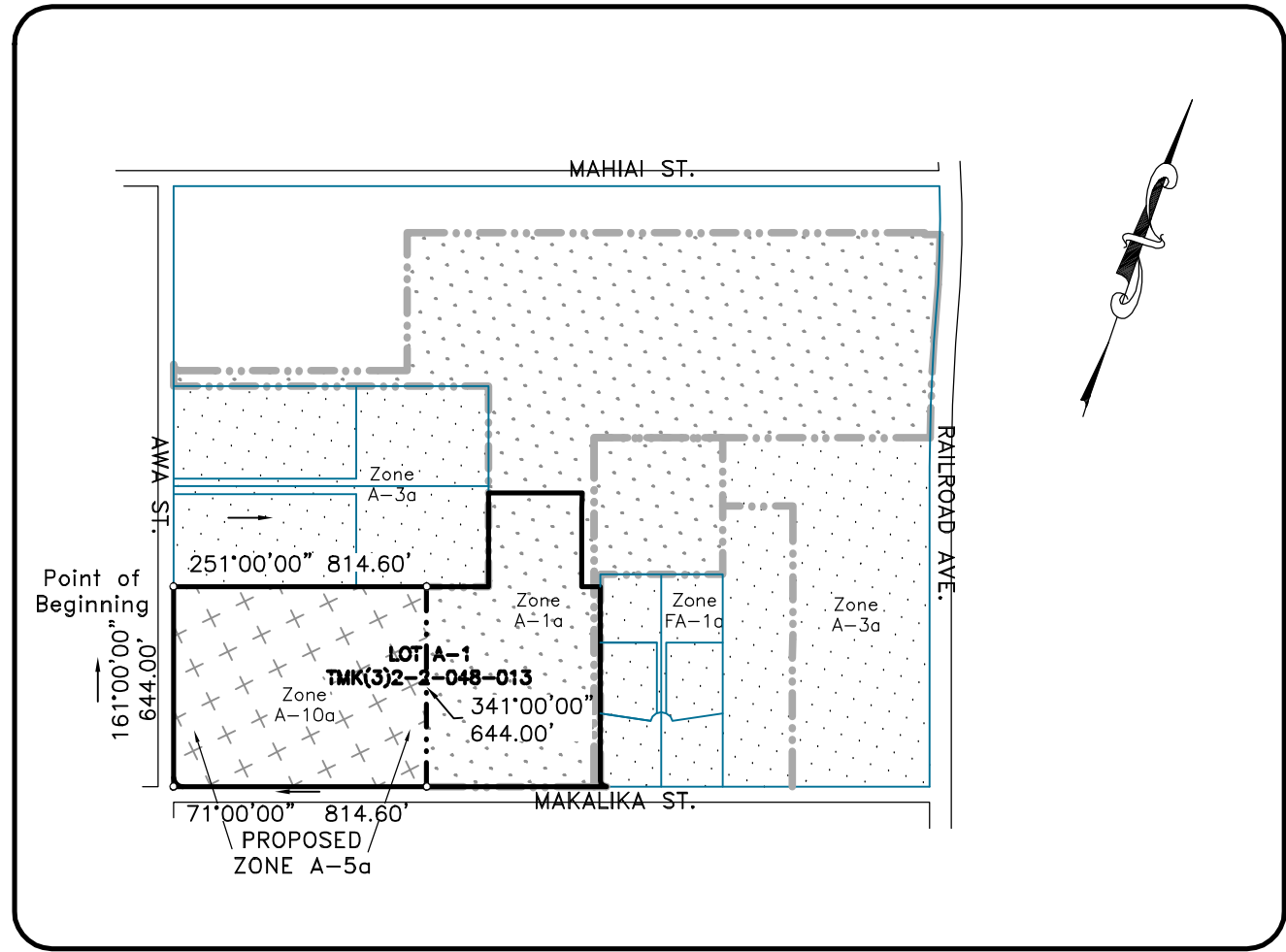
The subject site is designated State Land Use *Agricultural* (**Figure 5**). The applicant's request to rezone a portion of the parcel from A-10a to A-5a is consistent with its current State land use designation and no changes to the State Land Use designation are being requested. The County of Hawai'i can process the rezoning request.

X. CONCLUSION

Based on the consistency of the proposed change of zone request with the County's land use policies, approval of this request would be logical and reasonable. The requested density is consistent with the surrounding area and properties. The alternative of leaving the land in A-10a zoning would not be reasonable as it would keep KOKL and Ho'oulu-Lāhui from realizing their goal of attaining the stability of fee simple ownership.

EXHIBIT A

REZONE EXHIBIT MAP & METES AND BOUNDS DESCRIPTION



Existing and Proposed Land Use Zones

1in.=600 ft.

Proposed Rezone
From A-10a to A-5a
Within of a Portion of Lot 1-A, Unit I, Being a
Portion of L.P. Grant 13,033 Lot 5
of Panaewa Farm Lots
Situated at Waiakea So. Hilo,
Island and County of Hawaii, Hawaii
TMK(3) 2-2-048:013

Date: August 13, 2024
Project: J2014-030

Legal Description

A Portion of Lot A-1
Being a Portion of Lot 5,
of Panaewa Farm Lots.
(Proposed Land Use Rezone from A-10a to A-5a)

That certain parcel of land being a portion of R.P. Grant 13033 to Takeo and Sadame Matsuyama, being Lot 5 of Panaewa Farm Lots, as shown on HTS Plat 921, situated at Waiakea, District of South Hilo, Island and County of Hawaii, State of Hawaii more particularly described as follows:

Beginning at the northwest corner of this parcel of land, being the southwest corner of Lot 4, Grant 130032 to Yoshiro Kami Itusuko Kami, said Panaewa Farm Lots on the east line of Awa Street, 50 ft. wide, said Point of Beginning referred to Government Survey Triangulation Station "HALAI" being 15,875.13 feet south and 14,965.65 feet west and running by azimuths measured clockwise from true South:

1. 251°00'00" 814.60 ft. along Lot 4, thence;
2. 341°00'00" 644.00 ft. along remainder of Lot 5. thence
3. 71°00'00" 814.60 ft. along north line of Makalika Street, 50 feet wide, thence;
4. 161°00'00" 644.00 ft. Along east side of said Awa Street to the Point of Beginning, enclosing an area of 12.043 acres, more or less.

Affects TMK(3) 2-2-048-013
This description was prepared by me or under my direction.



This work was prepared by me or
under my direct supervision.
Daniel Berg
Daniel L. Berg
PLS 11245


dlb & Associates
LAND SURVEYING • MAPPING • CONSULTING
P.O.Box 49-2281 Kaaau, HI. 96749
Ph.966-4206 Fx.82-6830
www.dlbandassoc.com

A Portion of Lot -A-1

Being a Portion of Lot 5,
of Panaewa Farm Lots.

(Proposed Land Use Rezone from A-10a to A-5a)

That certain parcel of land being a portion of R.P. Grant 13033 to Takeo and Sadame Matsuyama, being Lot 5 of Panaewa Farm Lots, as shown on HTS Plat 921, situated at Waiakea, District of South Hilo, Island and County of Hawaii, State of Hawaii more particularly described as follows:

Beginning at the northwest corner of this parcel of land, being the southwest corner of Lot 4, Grant 130032 to Yoshiro Kami Itusuko Kami, said Panaewa Farm Lots on the east line of Awa Street, 50 ft. wide, said Point of Beginning referred to Government Survey Triangulation Station "HALAI" being 15,875.13 feet south and 14,965.65 feet west and running by azimuths measured clockwise from true South:

1. 251°00'00" 814.60 ft. along Lot 4, thence;
2. 341°00'00" 644.00 ft. along remainder of Lot 5. thence
3. 71°00'00" 814.60 ft. along north line of Makalika Street, 50 feet wide, thence;
4. 161°00'00" 644.00 ft. Talong said Awa Street to the Point of Beginning enclosing an area of 12.043 acres, more or less.

Affects TMK(3) 2-2-048-013



This description was prepared by
me or under my direction.

Daniel L. Berg

Daniel L. Berg,
PLS 11245

EXHIBIT B

SHPD DETERMINATION LETTER



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN KAKANO
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

January 11, 2006

Jon Hayashi
Nani Mau, Inc.
421 Makakila Street
Hilo, Hawaii 96720

LOG NO: 2006.0011
DOC NO: 0601MM04
Archaeology

Dear Mr. Hayashi:

**SUBJECT: Chapter 6E-42 Historic Preservation Review [County/Planning] –
Request for Determination of “No Historic Properties Affected” for Special Permit
to Convert an Existing Building for Charter School Classroom Use
Waiakea Ahupua‘a, South Hilo District, Island of Hawaii
TMK: (3) 2-2-048:013**

1. We believe there will be **no historic properties affected**, because:

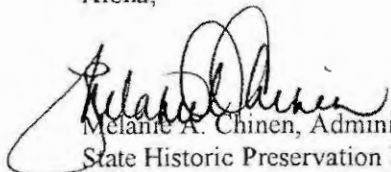
- ☐ a) intensive cultivation has altered the land
- ☒ b) residential development/urbanization has altered the land*
- ☐ c) previous grubbing/grading has altered the land
- ☐ d) an acceptable archaeological assessment or inventory survey found no historic properties
- ☐ e) other: ***Building is less than 50 years old**

2. This project has already gone through the historic preservation review process, and mitigation has been completed ____.

☒ Thus, we believe that “no historic properties will be affected” by this undertaking.

In the unlikely event that historic sites, including human skeletal remains, are identified during the construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Division, Hawaii Section, needs to be contacted immediately at (808) 327-3690.

Aloha,


Melanie A. Chinen, Administrator
State Historic Preservation Division

MM:dlb

EXHIBIT C

BIOTIC SURVEY

Biological Survey of 5-Acre Portion of TMK (3) 2-2-048: 013 South Hilo District, Island of Hawai'i

By Ron Terry, Ph.D., Geometrician Associates, LLC
Prepared for Ku O Ka La Public Charter School, June 2024

Introduction

This biological survey concerns a rezoning request that would enable further use and development of a 5-acre portion of the property on Makalika Street in the Panaewa area of Hilo as the campus for Kua O Ka La Public Charter School. Since the 1970s when the property was graded and developed, it has supported a commercial botanical garden, an event venue and the charter school. For purposes of this report, only the five acres contained within the red line on Figure 1 – where Kua O Ka La Charter School does and will operate – is covered.

In order to ensure that changes of zone do not lead to adverse effects to threatened and endangered (T&E) species or important habitat, the County of Hawai'i requires applicants to address the existing flora and fauna and potential effects from activities made possible by a change of zone. Despite the long history of disturbance on the property and the apparent lack of any natural areas, in an abundance of caution, Kua O Ka La requested Geometrician Associates to closely inspect the property and prepare a full plant species list. If listed T&E plants were present, measures would be taken to prevent harm to them, although because of their context within a botanical garden they would be unlikely to have legally protected status. The faunal portion of the survey consisted of visual/auditory faunal surveys during the botanical survey that covered birds and introduced mammals, reptiles, or amphibians, as well as habitat assessment. Although no sonar or radar surveys for Hawaiian hoary bat (*Lasiurus cinereus semotus*) were undertaken, the general value of the habitat for the bat was evaluated. Not included in the survey was systematic invertebrate survey, because the lack of natural vegetation precludes the present of T&E invertebrates. The scope of work also included determining appropriate measures necessary to avoid harm to widespread T&E animal species.

I surveyed the 5.0-acre area on June 3, 2024. In addition to planted areas, there are many buildings and greenhouses in the area. It should be noted that the U.S. Fish and Wildlife Service's Critical Habitat Mapper indicates no designated or proposed critical habitat within or near the area (Source: <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>). Due to its use as a botanical garden, a very large number of species was present. I was able to identify the great majority of species to genus, but several plants (all non-native) were only identifiable to family. Other juvenile or sickly plants were not able to be identified, but their morphology and context strongly indicated that they were not native plants and thus of no concern for biological conservation.

Findings: Flora and Rare, Threatened or Endangered Species

Table 1 is a list of plant species detected. Of the 132 species, four are native, with two of those natives indigenous (native to Hawai'i and elsewhere), and two endemic (native

only to Hawai‘i). These include two ferns/fern allies – the indigenous moa (*Psilotum nudum*) and the endemic hapu‘u (*Cibotium glaucum*) – and the endemic tree mamaki (*Pipturus albidus*) and indigenous sedge pycneus (*Cyperus polystachyos*). All but moa were planted on the property; each of these natives is very common on the Big Island and elsewhere in Hawai‘i.

Findings: Fauna

The observed bird fauna was entirely non-native and included northern cardinals (*Cardinalis cardinalis*), house finches (*Haemorhous mexicanus*), yellow-billed cardinals (*Paroaria capitata*), spotted doves (*Spilopelia chinensis*), zebra doves (*Geopelia striata*), Japanese white-eyes (*Zosterops japonicus*), saffron finches (*Sicalis flaveola*), common mynas (*Acridotheres tristis*), common waxbills (*Estrilda astrild*) and chickens (*Gallus gallus*). Additional observations at different seasons and times of the day would undoubtedly reveal more bird species, with nearly all likely to be non-native. Recent surveys I have done nearby also detected yellow-fronted canaries (*Serinus mozambicus*), and Hawaiian hawks (*Buteo solitarius*).

Although no Hawaiian hawks were seen, they have been observed many times in the area, circling and foraging or perching, often on ‘ōhi‘a (*Metrosideros polymorpha*) trees. This formerly federally-listed endangered bird (still listed by the State of Hawai‘i) is very commonly seen in forests, agricultural areas, and even towns throughout East Hawai‘i. Hawaiian hawks generally prefer ‘ōhi‘a forest habitat but are known to breed successfully in both native and non-native forests. They occur throughout the island of Hawai‘i from sea level to 8,500 feet in elevation. Hawks often forage in forests near agricultural tracts and nest in tall trees of a variety of species. Most nesting occurs in tall native ‘ōhi‘a trees, although hawks may also nest in non-native trees, including eucalyptus, albizia, ironwood, mango, coconut palm and macadamia. Nest construction is protracted, beginning up to two months before the first egg is laid and continuing into the nestling period. Egg-laying generally occurs from March to June, and fledging from July to September. Both sexes contribute to nest-building. Clutch size is nearly always one, although clutches of two and three eggs have been reported. Both sexes incubate but females perform most of the brooding of nestlings, while males provide most of the food to chicks and female. Both adults feed fledglings, which are dependent on adults for up to nine months. Hawks can be vulnerable to disturbance during the nesting season from March 1 to September 30 of each year.

The area is generally poor habitat for other native forest birds due to the low elevation, non-native vegetation, and intrusive, ongoing human activities. The native Hawai‘i ‘amakihi (*Chlorodrepanis virens virens*) has been detected in some of the few remaining lowland ‘ōhi‘a forests within Panaewa and it is likely to be occasionally present. Bird survey work in nearby Puna documented in Spiegel et al (2006) indicates that in many lowland forests, Hawai‘i ‘amakihi are the most common and widespread native birds and are significantly associated with ‘ōhi‘a. Some populations of this native honeycreeper appear to have adapted to the mosquito-borne diseases of the Hawaiian lowlands. At low elevations there has been widespread recovery of this species and a changing composition of the forest bird community; nevertheless, lowlands dominated by non-native vegetation

and bird species continue to have few native forest birds, even this one. The Hawai'i 'amakihi is not a listed T&E species.

Because of the non-coastal location, only one species of shorebird is likely to be seen. The very common native resident migratory bird Pacific golden-plover (*Pluvialis fulvia*) also utilizes inland habitats during its winter residency in Hawai'i, especially patches of short grass such as found in the lawns at Nani Mau Gardens. The kolea is not a listed T&E species but is protected from killing under the Migratory Bird Treaty Act.

Due to the lack of streams or ponds, the only listed waterbird likely to occasionally be present in the general area is the threatened Hawaiian goose or nēnē (*Branta sandwicensis*). Nēnē have become very common on many Hawaiian islands and can be found at elevations ranging from sea level to sub-alpine areas above 7,000 feet. Historically, flocks moved between high-elevation feeding habitats and lowland nesting areas. Nests consist of a shallow scrape lined with plant material and down. Breeding pairs usually return to the previous year's nest site, typically in dense vegetation. Nēnē have an extended breeding season, and nesting may occur in all months except May, June, and July. There are no areas with characteristics that would be likely to host nēnē, and no signs of this bird were observed, but they could occasionally be present.

Although they would rarely if ever be visible, several listed seabirds may overfly the Panaewa area between the months of May and November, including the endangered Hawaiian petrel (*Pterodroma sandwichensis*), the endangered band-rumped storm petrel (*Oceanodroma castro*), and the threatened Newell's shearwater (*Puffinus auricularis newelli*). These seabirds hunt over the ocean during the day and fly to higher elevations at night to nest. The Hawaiian petrel was formerly common on the Island of Hawai'i. This pelagic seabird reportedly nested in large numbers on the slopes of Mauna Loa and in the saddle area between Mauna Loa and Mauna Kea, as well as at the mid-to-high elevations of Hualālai. It has within recent historic times been reduced to relict breeding colonies located at high elevations on Mauna Loa, Kohala and, possibly, Hualālai. The Hawaiian petrel (as well as the band-rumped storm petrel) generally nest on the Big Island well above 5,000 feet in elevation. Some Hawaiian petrel nests have recently been found at lower elevations on Kohala volcano. Both the Newell's shearwater and Hawaiian petrel are known to burrow under ferns on forested mountain slopes. These burrows are used year after year, usually by the same pair of birds. Although capable of climbing shrubs and trees before taking flight, they need an open downhill flight path through which they can become airborne. Once abundant on all the main Hawaiian islands, most Newell's shearwater colonies are today found in the steep terrain between 500 to 2,300 feet on Kaua'i. Band-rumped storm petrels have recently been discovered to be nesting on the Mauna Loa side of the saddle between this mountain and Mauna Kea. Although each of these seabirds may fly over Panaewa on their way to and from mountain nesting areas and the open ocean, no suitable nesting habitat for any of them is present at the property.

The primary cause of mortality in these seabird species in Hawai'i is thought to be predation by alien mammals at the nesting colonies. Collision with man-made structures is another significant cause. Nocturnally flying seabirds, especially fledglings on their way to sea in the summer and fall, can become disoriented by exterior lighting.

Disoriented seabirds may collide with manmade structures and, if not killed outright, become easy targets of predatory mammals including cats and mongooses.

Hawaiian hoary bats (*Lasiurus cinereus semotus*), the only native Hawaiian land mammals, are likely present at times on or near the property. They have been found throughout South Hilo and in most areas on the island of Hawai'i. Bats may forage for flying insects in the area on a seasonal basis and may also roost in trees and large shrubs. Bats are often visible while they are feeding on flying insects near dusk and dawn at various locations around the island of Hawai'i. Bat presence can also be verified by radar and echolocation detectors. If a bat is detected during a night's study, this merely indicates that they were present in the area. Determination of bat populations or usage patterns requires much more sophisticated, long term studies. Conversely, the absence of bat detections does not indicate an absence of bats, which may have been absent for only a night, a week, or a season, or may have simply gone undetected. No bats were observed in the survey, which took place in daylight and did not use any detection equipment. For the purposes of this assessment, it is assumed that Hawaiian hoary bats are present at least some of the time, as they have been frequently seen and detected in groves and orchards. Hawaiian hoary bats are vulnerable to disturbance during the summer pupping season and require special mitigation measures.

Aside from bats, the other mammals in the project area are all introduced species. The area is likely to have domestic and feral cats (*Felis catus*), dogs (*Canis familiaris*), feral pigs (*Sus scrofa*), mongooses (*Herpestes* spp.) and various species of rats (*Rattus* spp.) and mice (*Mus* spp.). However, none were observed during the survey. Coqui frogs (*Eleutherodactylus coqui*) are also likely to be present, along with several other species of non-native reptiles and amphibians. None are of conservation concern and all are deleterious to native flora and fauna.

Although as stated above, no invertebrate survey was conducted, it should be noted that no likely hosts such as tree tobacco of the endangered Blackburn's sphinx moth (mainly found on the Kona side of the island) were observed. Similarly, the vegetation did not appear to contain the species necessary to sustain various T&E damselflies (*Megalagrion* spp.) or picture wing flies (*Drosophila* spp.), which are found in protected native rainforests.

Impacts and Mitigation Measures

No rare, threatened or endangered plant species are present. Neither the change of zone or subsequent activities would affect rare, threatened or endangered plants, nor would they intrude into a sensitive native ecosystem.

In order to avoid impacts to the endangered but regionally widespread terrestrial vertebrates listed above, we recommend that the project commit to several conditions.

- Construction should refrain from activities that disturb or remove shrubs or trees taller than 15 feet between June 1 and September 15, when Hawaiian hoary bats may be sensitive to disturbance.

- If major construction including grading by heavy equipment or large tree removal occurs between the months of March and September, inclusive, a pre-construction hawk nest search by a qualified ornithologist using standard methods should be conducted. If Hawaiian hawk nests are present nearby, these major activities should be delayed until October, when hawk nestlings will have fledged.
- Any new exterior lighting associated with the project should be shielded from shining upward, in conformance with Hawai'i County Code § 14-50 et seq., to minimize the potential for seabird disorientation. The project should utilize blue-deficient lighting such as filtered LED lights or amber LED lights, with a Correlated Color Temperature (CCT) of 2700 Kelvin or less, which promotes dark skies and minimizes impacts to seabirds. Existing lighting should be converted to these specifications as the occasion allows.
- If nēnē are observed nesting or lingering in the area, DLNR should be contacted to determine appropriate mitigation.

Report Limitations

No biological survey of a large, complex area can claim to have detected every species present. Some plant species are cryptic in juvenile or even mature stages of their life cycle. Dry conditions can render almost undetectable plants that extended rainfall may later invigorate and make obvious. Thick brush can obscure even large, healthy specimens. Birds utilize different patches of habitat during different times of the day and seasons, and only long-term study can determine the exact species composition. The findings of this survey must therefore be interpreted with proper caution; in particular, there is no warranty as to the absence of any particular species.

Literature Cited or Consulted

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- Day, R. H., B. Cooper, and T. C. Telfer. 2003. *Decline of Townsend's (Newell's) Shearwaters (Puffinus auricularis newelli) on Kauai, Hawaii*. The Auk 120: 669-679.
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- _____. 2016. *Endangered and Threatened Wildlife and Plants; Endangered Status for 49 Species from the Hawaiian Islands*. Federal Register / Vol. 81, No. 190 / Friday, September 30, 2016 / Rules and Regulations DEPARTMENT OF THE INTERIOR Fish and Wildlife Service 50 CFR Part 17 [Docket No. FWS–R1–ES–2015–0125; 4500030113] RIN 1018–BB07
- _____. 2024. ECOS Environmental Conservation Online System. <https://ecos.fws.gov/ecp/species-reports>.
- University of Hawai'i at Hilo, Dept. of Geography. 1998. *Atlas of Hawai'i*. 3rd ed. Honolulu: University of Hawai'i Press.

[illegible]

Table 1. Plant Species Observed in 5-acre Property

Scientific Name	Family	Common Name	Life Form	Status
<i>Ageratum conyzoides</i>	Asteraceae	Ageratum	Herb	A
<i>Aleurites moluccana</i>	Euphorbiaceae	Kukui	Tree	A
<i>Aloe vera</i>	Asparagaceae	Aloe	Shrub	A
<i>Amaranthus spinosus</i>	Amaranthaceae	Spiny amaranth	Herb	A
<i>Andropogon virginicus</i>	Poaceae	Broomsedge	Grass	A
<i>Annona muricata</i>	Annonaceae	Soursop	Tree	A
<i>Araucaria columnaris</i>	Araucariaceae	Cook pine	Tree	A
<i>Artocarpus altilis</i>	Moraceae	Breadfruit	Tree	A
<i>Arundina graminifolia</i>	Orchidaceae	Bamboo orchid	Herb	A
<i>Averrhoa carambola</i>	Oxalidaceae	Star fruit	Tree	A
<i>Axonopus compressus</i>	Poaceae	Wide-leaved carpet grass	Grass	A
<i>Barleria repens</i>	Acanthaceae	Coral creeper	Shrub	A
<i>Bauhinia x blakeana</i>	Fabaceae	Hong Kong orchid tree	Tree	A
<i>Begonia hirtella</i>	Begoniaceae	Begonia	Herb	A
<i>Bidens pilosa</i>	Asteraceae	Beggar's tick	Herb	A
<i>Blechnum appendiculatum</i>	Blechnaceae	Blechnum	Fern	A
<i>Buddleia asiatica</i>	Scrophulariaceae	Buddleia	Shrub	A
<i>Carica papaya</i>	Caricaceae	Papaya	Tree	A
<i>Catharanthus roseus</i>	Apocynaceae	Madagascar periwinkle	Shrub	A
<i>Centella asiatica</i>	Apiaceae	Asiatic pennywort	Herb	A
<i>Chamaecrista nictitans</i>	Fabaceae	Partridge pea	Herb	A
<i>Christella parasitica</i>	Thelypteridaceae	Cyclosorus	Fern	A
<i>Chrysophyllum oliviforme</i>	Sapotaceae	Satin leaf	Tree	A
<i>Cibotium glaucum</i>	Cibotiaceae	Hapu'u pulu	Fern	E
<i>Citharexylum spinosum</i>	Verbenaceae	Fiddlewood	Tree	A
<i>Citrus spp.</i>	Rutaceae	Citrus	Tree	A
<i>Clusia rosea</i>	Clusiaceae	Autograph tree	Tree	A
<i>Cocos nucifera</i>	Arecaceae	Coconut	Tree	A
<i>Codiaeum variegatum</i>	Euphorbiaceae	Croton	Shrub	A
<i>Coffea arabica</i>	Rubiaceae	Coffee	Shrub	A
<i>Colocasia esculenta</i>	Araceae	Taro	Shrub	PI
<i>Commelina diffusa</i>	Commelinaceae	Honohono	Herb	A
<i>Conyza bonariensis</i>	Asteraceae	Hairy horseweed	Herb	A
<i>Cordyline fruticosa</i>	Asparagaceae	Ti	Shrub	PI
<i>Cocos nucifera</i>	Arecaceae	Coconut	Tree	A
<i>Codiaeum variegatum</i>	Euphorbiaceae	Croton	Shrub	A

Table 1, continued				
Scientific Name	Family	Common Name	Life Form	Status
<i>Coffea arabica</i>	Rubiaceae	Coffee	Shrub	A
<i>Colocasia esculenta</i>	Araceae	Taro	Shrub	PI
<i>Commelina diffusa</i>	Commelinaceae	Honohono	Herb	A
<i>Conyza bonariensis</i>	Asteraceae	Hairy horseweed	Herb	A
<i>Cordyline fruticosa</i>	Asparagaceae	Ti	Shrub	PI
<i>Crepis capillaris</i>	Asteraceae	Hawk's beard	Herb	A
<i>Crotalaria</i> spp.	Fabaceae	Rattlepod	Herb	A
<i>Cucurbita pepo</i>	Cucurbitaceae	Squash, pumpkin	Vine	A
<i>Cynodon dactylon</i>	Poaceae	Bermuda grass	Grass	A
<i>Cyperus halpan</i>	Cyperaceae	Cyperus	Sedge	A
<i>Cyperus polystachyos</i>	Cyperaceae	Pycrus	Sedge	I
<i>Dendrobium nobile</i>	Orchidaceae	Cane orchid	Shrub	A
<i>Desmodium incanum</i>	Fabaceae	Desmodium	Vine	A
<i>Desmodium intortum</i>	Fabaceae	Tick clover	Vine	A
<i>Digitaria ciliaris</i>	Poaceae	Henry's crab grass	Grass	A
<i>Dimocarpus longan</i>	Sapindaceae	Longan	Tree	A
<i>Dissotis rotundifolia</i>	Melastomataceae	Dissotis	Herb	A
<i>Dracaena fragrans</i>	Asparagaceae	Massangeana	Shrub	A
<i>Dracaena marginata</i>	Asparagaceae	Money tree	Tree	A
<i>Dracaena reflexa</i>	Asparagaceae	Song of India	Tree	A
<i>Drymaria cordata</i>	Caryophyllaceae	Pipili	Herb	A
<i>Dyopsis lutescens</i>	Arecaceae	Areca palm	Tree	A
<i>Emilia fosbergii</i>	Asteraceae	Pualele	Herb	A
<i>Emilia sonchifolia</i>	Asteraceae	Flora's paintbrush	Herb	A
<i>Epipremnum aureum</i>	Areaceae	Pothos vine	Vine	A
<i>Eragrostis pectinacea</i>	Poaceae	Carolina lovegrass	Grass	A
<i>Erechtites hieracifolia</i>	Asteraceae	Erechtites	Herb	A
<i>Eugenia uniflora</i>	Myrtaceae	Surinam cherry	Shrub	A
<i>Euphorbia hirta</i>	Euphorbiaceae	Garden spurge	Herb	A
<i>Euphorbia prostrata</i>	Euphorbiaceae	Prostrate spurge	Herb	A
<i>Filicium decipiens</i>	Sapindaceae	Fern tree	Tree	A
<i>Garcinia</i> sp.	Clusiaceae	Mangosteen	Tree	A
<i>Gardenia jasminoides</i>	Rubiaceae	Gardenia	Shrub	A
<i>Heliconia</i> spp.	Heliconiaceae	Heliconia	Shrub	A
<i>Hibiscus rosa-sinensis</i>	Malvaceae	Ornamental hibiscus	Shrub	A
<i>Hyptis pectinata</i>	Lamiaceae	Comb hyptis	Shrub	A
<i>Ipomoea batatas</i>	Convolvulaceae	Sweet potato	Vine	A

Table 1, continued				
Scientific Name	Family	Common Name	Life Form	Status
<i>Ipomoea ochracea</i>	Convolvulaceae	Yellow morning glory	Vine	A
<i>Ipomoea triloba</i>	Convolvulaceae	Little bell	Vine	A
<i>Ixora</i> sp.	Rubiaceae	Ixora	Shrub	A
<i>Kigelia africana</i>	Bignoniaceae	Sausage tree	Tree	A
<i>Litchi chinensis</i>	Sapindaceae	Lychee	Tree	A
<i>Macadamia integrifolia</i>	Proteaceae	Macadamia	Tree	A
<i>Macaranga mappa</i>	Euphorbiaceae	Bingabing	Shrub	A
<i>Mangifera indica</i>	Anacardiaceae	Mango	Tree	A
<i>Manilkara zapota</i>	Sapotaceae	Sapodilla	Tree	A
<i>Megathyrsus maximus</i>	Poaceae	Guinea grass	Grass	A
<i>Melinis minutiflora</i>	Poaceae	Molasses grass	Grass	A
<i>Melochia umbellata</i>	Sterculiaceae	Melochia	Tree	A
<i>Mimosa pudica</i>	Fabaceae	Sensitive plant	Herb	A
<i>Momordica charantia</i>	Cucurbitaceae	Bitter gourd	Vine	A
<i>Monstera deliciosa</i>	Araceae	Monstera	Vine	A
<i>Morinda citrifolia</i>	Rubiaceae	Noni	Tree	PI
<i>Musa x paradisiaca</i>	Musaceae	Banana	Shrub	PI
<i>Myrciaria cauliflora</i>	Myrtaceae	Jaboticaba	Tree	A
<i>Nephelium lappaceum</i>	Sapindaceae	Rambutan	Tree	A
<i>Nephrolepis multiflora</i>	Lomariopsidaceae	Sword fern	Fern	A
<i>Oncidium</i> sp.	Orchidaceae	Oncidium	Shrub	A
<i>Oxalis corniculata</i>	Oxalidaceae	Creeping wood sorrel	Herb	A
<i>Pachira aquatica</i>	Bombaceae	Malabar chestnut	Shrub	A
<i>Paederia foetida</i>	Rubiaceae	Maile pilau	Vine	A
<i>Polyscias guilfoylei</i>	Araliaceae	Panax	Tree	A
<i>Panicum repens</i>	Poaceae	Wainaku grass	Grass	A
<i>Paspalum conjugatum</i>	Poaceae	Hilo grass	Grass	A
<i>Passiflora edulis</i>	Passifloraceae	Lilikoi	Vine	A
<i>Persea americana</i>	Lauraceae	Avocado	Tree	A
<i>Philodendron hederacea</i>	Araceae	Heartleaf philodendron	Vine	A
<i>Phlebodium aureum</i>	Polypodiaceae	Hare's foot fern	Fern	A
<i>Phymatosorus grossus</i>	Polypodiaceae	Lau'ae	Fern	A
<i>Pilea microphylla</i>	Urticaceae	Rockweed	Herb	A
<i>Pipturus albidus</i>	Urticaceae	Mamaki	Shrub	E
<i>Pityrogramma calomelanos</i>	Pteridaceae	Silver fern	Fern	A
<i>Platynerium bifurcatum</i>	Polypodiaceae	Elkhorn fern	Fern	A
<i>Portulaca umbraticola</i>	Portulacaceae	Wingpod purslane	Herb	A
<i>Pseuderanthemum carruthersii</i>	Acanthaceae	Golden eldorado	Shrub	A

Table 1, continued				
Scientific Name	Family	Common Name	Life Form	Status
<i>Psidium guajava</i>	Myrtaceae	Common guava	Tree	A
<i>Psilotum nudum</i>	Psilotaceae	Moa	Fern ally	I
<i>Pteris vittata</i>	Pteridaceae	Ladder brake	Fern	A
<i>Sacciolepis indica</i>	Poaceae	Glenwood grass	Grass	A
<i>Schizachyrium condensatum</i>	Poaceae	Tufted beardgrass	Grass	A
<i>Spathodea campanulata</i>	Bignoniaceae	African tulip	Tree	A
<i>Spermacoce assurgens</i>	Rubiaceae	Buttonweed	Herb	A
<i>Sporobolus</i> spp.	Poaceae	Smutgrass	Grass	A
<i>Syzygium malaccense</i>	Myrtaceae	Mountain apple	Tree	A
<i>Syzygium paniculatum</i>	Myrtaceae	Magenta cherry	Tree	A
<i>Syzygium samarangense</i>	Myrtaceae	Wax apple	Tree	A
<i>Tetragonia tetragonioides</i>	Aizoaceae	New Zealand spinach	Herb	A
<i>Theobroma cacao</i>	Malvaceae	Cacao	Tree	A
<i>Tibouchina herbacea</i>	Melastomataceae	Cane tibouchina	Herb	A
<i>Torenia asiatica</i>	Scrophulariaceae	Olaa beauty	Tree	A
<i>Thunbergia fragrans</i>	Acanthaceae	White thunbergia	Vine	A
<i>Trema orientalis</i>	Ulmaceae	Gunpowder tree	Tree	A
<i>Vigna luteola</i>	Fabaceae	Hairypod cowpea	Vine	A

Several ornamental plants including numerous species in the Bromeliaceae were not identified to genus or species.

* A = alien; I = indigenous; E= endemic; PI: Polynesian introduction



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

February 13, 2025

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

Dear Mr. Darrow:

Subject: Area of Parcel and Change of Zone Correction
Change of Zone Application – PL-REZ-2024-000070
Applicant: Ho‘oulu-Lahūi
Panaewa Farm Lots, South Hilo, Hawaii, TMK: (3) 2-2-048:013

It has been brought to our attention that the application incorrectly states the area of the requested rezone to be 12.039 acres, when the correct area according to the Metes & Bounds description is 12.043 acres. Similarly, the application states the overall parcel is 22.345 acres while the correct figure is 22.349 acres. Please let this letter serve as a correction for these figures.

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

Sincerely,

JOHN PIPAN
Planning Administrator

TMK #	Zoning	Parcel Size (Square Feet/Acres)	Can the Lot be Subdivided?	# of Lots that can be Created by Subdivision	Rezone Ordinance #	Condition Status- Active/Expired/ Complete	Time Remaining to Perform Condition
220480080000	A-3a	4 Acres	No	None	94-004	Complete	Subdivision Approved 10.4.1994
220480090000	A-3a	3.731 Acres	No	None	93-016	Complete	Subdivision Approved 3.12.1995
220480100000	A-3a	3.151 Acres	No	None	96-073	Complete	Subdivision Approved 10.24.2007
220480110000	A-10a	7.671 Acres	No	None	N/A	N/A	N/A
220480120000	A-3a	4.003 Acres	No	None	95-056	Complete	Subdivision Approved 11.23.1995
220480130000	A-1a/A-10a	22.349 Acres	Yes	11	N/A	N/A	N/A
220480140000	FA-1a	1.0201 Acres	No	None	99-137	Complete	Subdivision Approved 9.13.2004
220480870000	A-10a	13.713 Acres	No	None	N/A	N/A	N/A
220480910000	FA-1a	1.0181 Acres	No	None	99-137	Complete	Subdivision Approved 9.13.2004
220480920000	FA-1a	3.16 Acres	Yes	3	23-096	Active	N/A- No Timed Conditions
220480930000	A-1a	31.44 Acres	Yes	25 Per Rez. Ord. Condition B	15-096	Expired	Ordinance went stale 11.10.2021
220480940000	A-3a	3.162 Acres	No	None	83-036	Complete	Subdivision Approved 1.27.1985
220480950000	A-3a	3.162 Acres	No	None	83-036	Complete	Subdivision Approved 1.27.1985
220480960000	A-3a	3.16 Acres	No	None	83-036	Complete	Subdivision Approved 1.27.1985
220480970000	A-3a	4.508 Acres	No	None	83-036	Complete	Subdivision Approved 1.27.1985
220480980000	A-3a	3 Acres	No	None	94-004	Complete	Subdivision Approved 10.4.1994
220481000000	A-3a	3 Acres	No	None	94-004	Complete	Subdivision Approved 10.4.1994
220481030000	A-3a	3.828 Acres	No	None	93-016	Complete	Subdivision Approved 3.12.1995
220481040000	A-3a	3.983 Acres	No	None	93-016	Complete	Subdivision Approved 3.12.1995
220481050000	A-3a	4.175 Acres	No	None	93-016	Complete	Subdivision Approved 3.12.1995
220481060000	A-3a	4.206 Acres	No	None	93-016	Complete	Subdivision Approved 3.12.1995
220481070000	Roadway Lot	3,193 Square Feet	No	None	93-017	Complete	Subdivision Approved 3.12.1995
220481080000	A-3a	3.496 Acres	No	None	95-056	Complete	Subdivision Approved 11.23.1995
220481090000	A-3a	3.496 Acres	No	None	95-056	Complete	Subdivision Approved 11.23.1995
220481100000	A-3a	4.003 Acres	No	None	95-056	Complete	Subdivision Approved 11.23.1995
220481160000	FA-1a	1.0002 Acres	No	None	99-137	Complete	Subdivision Approved 9.13.2004
220481170000	FA-1a	1.0741 Acres	No	None	99-137	Complete	Subdivision Approved 9.13.2004
220481180000	FA-1a	1.0741 Acres	No	None	99-137	Complete	Subdivision Approved 9.13.2004
220481190000	FA-1a	1.002 Acres	No	None	99-137	Complete	Subdivision Approved 9.13.2004

TMK #	Zoning	Parcel Size (Square Feet/Acres)	Can the Lot be Subdivided?	# of Lots that can be Created by Subdivision	Rezone Ordinance #	Condition Status- Active/Expired/ Complete	Time Remaining to Perform Condition
220481200000	A-3a	3.151 Acres	No	None	96-073	Complete	Subdivision Approved 10.24.2007
220481220000	A-3a	3.794 Acres	No	None	96-073	Complete	Subdivision Approved 10.24.2007
220481230000	Roadway Lot	29,395 Square Feet	No	None	N/A	N/A	N/A
220510130000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510140000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510150000	RA-1a	2.73 Acres	Yes	2	11-009	Expired	Ordinance went stale 2.3.2021
220510160000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510170000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510180000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510190000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510200000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510210000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510220000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510240000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510250000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510260000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510270000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510280000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510290000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510300000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510310000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510320000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510330000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220510340000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220520190000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220520200000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220520210000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220520220000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220520230000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220520240000	A-3a	1.419 Acres	No	None	N/A	N/A	N/A

TMK #	Zoning	Parcel Size (Square Feet/Acres)	Can the Lot be Subdivided?	# of Lots that can be Created by Subdivision	Rezone Ordinance #	Condition Status- Active/Expired/ Complete	Time Remaining to Perform Condition
220520250000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220520260000	A-3a	2.73 Acres	No	None	N/A	N/A	N/A
220520270000	RA-1a	2.73 Acres	Yes	2	16-016	Active	Final Subdivision Approval must be secured by 3.16.2026
220520340000	A-3a	1.315 Acres	No	None	N/A	N/A	N/A
220610600000	Roadway Lot	14.572 Acres	No	None	N/A	N/A	N/A

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

DATE: January 13, 2025

Memorandum

TO: Jeff Darrow, Planning Director

FROM: Department of Public Works, Engineering Division



SUBJECT: CHANGE OF ZONE APPLICATION (PL-REZ-2024-000070)

Request: Agricultural-10 Acres (A-10a) to Agricultural-5 Acres (A-5a)

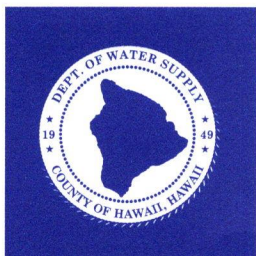
Applicant: Ho'oulu-Lāhui

TMK: 2-2-0048:013 (por.)

Sorry for the delay. We have reviewed your submittal dated December 12, 2024 and offer the following comments for your consideration:

1. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage study shall be prepared and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works, Engineering Division.
2. The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.
3. Based upon the proposed zoning, we recommend that the applicant provide improvements to the subject's Makalika and Awa Street frontages consisting of, but not limited to paved shoulders and swales, drainage improvements, and any required utility relocation, meeting the requirements of the Americans with Disabilities Act.
4. Install streetlights and traffic control devices as may be required by the Traffic Division, Department of Public Works. The applicant shall be responsible for the design, purchase, and installation of such devices.

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



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

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

January 14, 2025

COH PLANNING DEPT
JAN 14 2025 PM 3:55

TO: Mr. Jeffrey Darrow, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Change of Zone Application (PL-REZ-2024-000070)**
Request - A-10a to (A-5a)
Applicant - Ho'oulu-Lāhui
Tax Map Key (3) 2-2-048:013 Portion

REC'D HAND DELIVERED

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

Please be informed that there is a total of two existing domestic services (Account Nos. 130-99050 and 130-99100) for the subject parcel. An existing 1½-inch meter allotted 15 units of water, and a 5/8-inch meter allotted one (1) unit of water. Each unit of water is equal to an average of 400 gallons per day which is suitable for only one (1) single-family dwelling. There also is an existing fire meter for an on-site fire hydrant.

We have reviewed water demand calculations prepared by Island Engineering, LLC, dated February 13, 2024. Based on the calculations provided, the estimated average daily water demand for the project is 1,738 gallons per day (GPD), or five (5) units of water. A 1-inch meter with a 1½-inch service lateral will be required.

Water can be made available from an existing 12-inch water line within Makalika Street, which fronts the subject parcel, in accordance with the Department's existing water availability conditions, which are subject to change without notice.

Therefore, pursuant to Rule 5 of the Department's Rules and Regulations, a copy of which is being forwarded to the applicant, a water commitment may be issued. Based on the 5 additional units requested in the proposed 2-lot development, the required water commitment deposit is \$750.00.

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

For the applicant's information, final subdivision approval will be subject to compliance with the following requirements:

1. Construct necessary water system improvements, which shall include, but not be limited to:
 - a. a service lateral that will accommodate 1-inch meter to front the school lot, and
 - b. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

Submit construction plans and design calculations prepared by a professional engineer, architect, or land surveyor, registered in the State of Hawai'i, for review and approval.

2. Remit the prevailing facilities charge, which is subject to change, in accordance with the Department's Rules and Regulations.

FACILITIES CHARGE (FC):

<u>5 additional units @ \$6,095.00/unit</u>	<u>\$30,475.00</u>
Total FC	\$30,475.00

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

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

3. Should it be necessary, 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.

Mr. Jeffrey Darrow, Director

Page 3

January 14, 2025

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

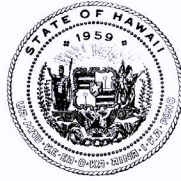
Sincerely yours,

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

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

RQ:dfg

copy – Ho‘oulu-Lāhui
Nani Mau Garden Group LLC
Land Planning Hawai‘i LLC



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

MEMORANDUM

DATE: December 23, 2024

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

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Change of Zone Application (PL-REZ-2024-000070)
Request: Agricultural-10 Acres (A-10a) to Agricultural-5 Acres (A-5a)
Applicant: Ho'oulu-Lāhui
Tax Map Key: (3) 2-2-048:013 (por.), Pana'ewa Farm Lots South Hilo, Hawai'i

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

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

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

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

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all

airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.

3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

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

Hazard Evaluation & Emergency Response Office

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

Indoor and Radiological Health Branch

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

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental

compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.

2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

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

Wastewater Branch

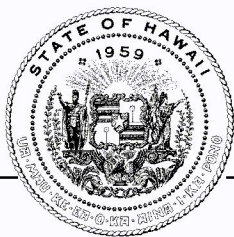
For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

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

Other

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



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

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Coastal Zone
Management
Program

DTS202412121032NA
PL-REZ-2024-000070

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide
Sustainability Branch

January 15, 2025

Mr. Jeffrey W. Darrow
Acting Planning Director
Hawai'i Planning Department, East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Dear Mr. Darrow:

Subject: Change of Zone Application (PL-REZ-2024-000070)
Applicant: Ho'oulu-Lāhui
Landowner: Nani Maui Garden Group LLC
Request: Agricultural-10 Acres to (A-10a) to
Agricultural-5 Acres (A-5a)
345 Makalika Street, Hilo, Hawai'i 96720
Tax Map Key: (3) 2-2-048: 013

The Office of Planning and Sustainable Development ("OPSD") received your December 12, 2024, letter requesting comments on this zone change application (Application).

The proposal seeks a zone change from Agricultural-10 Acres (A-10a) to Agricultural-5 Acres (A-5a) for a 12.039-acre portion (Petition Area) of a 22.345-acre parcel located at 345 Makalika Street in South Hilo, Hawai'i (Property). The 12.039-acre portion of land currently hosts the Kua O Ka Lā New Century Public Charter School (KOKL), a charter school which provides Hawaiian culture-driven, values-based education to approximately 140 students, and Nani Mau Gardens, a botanical garden and event venue. The primary objective of the zone change is to facilitate the subdivision of the Property into two lots: a 5-acre parcel for the school facilities, to be purchased by the Applicant, and a 17.345-acre parcel for the remaining Nani Mau Gardens. The rezoning would enable KOKL to secure long-term stability through fee-simple ownership of the school site. No new development is proposed in the zone change application and existing uses will remain unchanged. The application mentions additional office space and expanded opportunities for community support and education for future entitlements.

The 22.345-acre parcel is entirely located within the State Agricultural District and the non-agricultural uses are authorized by State Special Permit No. 73-159 (SP73-159), pursuant to Hawai'i Revised Statutes (HRS) Section 205-6. In 1973, SP73-159 was approved by the State Land Use Commission (LUC) to allow the establishment of a commercial arboretum in a 23.793-acre permit area. According to our records, SP73-159 has been amended ten times since 1973. The most recent amendment occurred in

Mr. Jeffrey W. Darrow
January 15, 2025
Page 2

2009, which permitted the establishment of the existing charter school. The Applicant plans to seek a separate special permit for the charter school site once the zone change is approved, which would require another amendment of SP73-159 to remove the charter school property and use from the existing special permit.

The Petition Area has a Land Study Bureau Overall Master Productivity Rating of “E”, or very poor. The Petition Area is classified as “Other” agricultural lands according to the Agricultural Lands of Importance to the State of Hawai‘i. The State Historic Preservation Division indicated a determination that no historic properties will be affected by school use. Finally, the Land Use Pattern Guide map from the General Plan designates the site as Low Density Urban.

OPSD offers the following comments related to the subject zone change application.

- OPSD is supportive of the charter school use and overall intent behind the zone change application. We understand that long-term stability and further investment in school facilities would benefit from fee-simple ownership of the school site.
- However, OPSD suggests that a County-level district boundary amendment—which could be accomplished with the change in zone pursuant to HRS Section 205-3.1—would be preferable to using a special permit pursuant to HRS Section 205-6 to authorize long-term use of the Property for school and related purposes.

Thank you for the opportunity to review and comment on this zone change application. If you have any questions, please contact Brandon Soo at brandon.a.soo@hawaii.gov. If you respond to this comment letter, please include DTS202412121032NA in the subject line.

Mahalo,



Mary Alice Evans
Director

February 24, 2025

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

Dear Mr. Darrow:

Subject: Response to Comments Regarding Special Permit Application (PL-REZ-2024-000070)
Applicant: Ho‘oulu-Lāhui
Pana‘ewa Farm Lots, South Hilo District, Hawai‘i TMK (3) 2-2-048:013 (por.)

Thank you for your review of the subject application. This letter is in response to comments received from the Department of Water Supply and Department of Public Works, Engineering Division.

The Department of Water Supply confirmed that water can be made available from an existing 12-inch water line within Makalika Street which fronts the subject parcel, in accordance with the Department’s existing water availability conditions. The applicant will secure the necessary water commitment, construct the necessary water system improvements and pay the required facilities charge in accordance with the DWS requirements.

In response to comments received from the Department of Public Works, Engineering Division, we provide the following:

1. *All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage study shall be prepared and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works, Engineering Division.*

All development-generated runoff will be disposed of on site and not directed toward any adjacent properties. As proposed, the subject Change of Zone will not require any construction or ground altering activities and so it will not alter the existing drainage in any way. Should any construction activities be necessary or proposed at a future time, the applicant will prepare a drainage study and construct any necessary drainage system meeting the approval of the Department of Public Works, Engineering Division.

2. *The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.*

The applicant acknowledges and concurs with this comment.

3. *Based upon the proposed zoning, we recommend that the applicant provide improvements to the subject's Makalika and Awa Street frontages consisting of but not limited to paved shoulders and swales, drainage improvements, and any required utility relocation, meeting the requirements of the Americans with Disabilities Act.*

The purpose of the subject request is not to change the use of the property, but merely to enable the applicant to purchase the portion that already contains the Kua O Ka La charter school facilities so that the applicant can obtain fee ownership of the parcel instead of leasing. This will provide greater long-term stability for the school and enhance the school's ability to invest in its facilities. As the school has already been operating on the site for several years without the recommended roadway improvements, it does not appear that these improvements are necessary. The subject parcel is Agricultural and primarily surrounded by other large Agricultural lots, with the majority of the surrounding properties being 2+ acres in size. As such, nearly all KOKL students arrive to the facility by bus or car and there is very little pedestrian traffic in the area. Thus, the recommended paved shoulders and swales along the property frontage do not appear necessary and would be inconsistent with the remainder of the roads and surrounding area.

Additionally, the applicant is a non-profit established to support Kua O Ka La Charter School. Requiring this non-profit to construct paved shoulders, swales and drainage along the approximately 1,500 feet of roadway frontage along Makalika and Awa Street would be cost prohibitive for the school.

Given the above, we believe that the benefit to the school and the community which will be provided under the proposed rezone outweighs the need for paved shoulders and swales along the parcel's frontage in this circumstance. Further, given that there are essentially no impacts to area roads due to the proposed change of zone and subsequent subdivision, such costly roadway improvements are out of proportion to the project's impacts. We respectfully request that the applicant not be required to make the roadway frontage improvements.

4. *Install streetlights and traffic control devices as may be require by the Traffic Division, Department of Public Works. The applicant shall be responsible for the design, purchase, and installation of such devices.*

Should any streetlights or traffic control devices be required, the applicant will comply with this condition.

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

Sincerely,

John Pipan
Land Planning Hawai'i LLC