

## **COUNTY OF HAWAI‘I PLANNING DEPARTMENT**

### **BACKGROUND REPORT**

#### **LA SERVICES INC.**

#### **CHANGE OF ZONE APPLICATION NO. PL-REZ-2024-000069**

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**LA SERVICES INC.** has submitted an application for a Change of Zone from a Single-Family Residential-10,000 square feet (RS-10) zoning district to a Village Commercial-10,000 square feet (CV-10) zoning district for a 6,920-square-foot portion of a 25,955-square foot parcel. The subject property is located at 95-5591 Māmalahoa Highway, at the southwest corner of its intersection with Pua‘ala Place, Nā‘ālehu Village, Portion of Ka‘ūnāmano, Ka‘ū, Hawai‘i, TMK: (3) 9-5-009:001(por.)

#### **PROPOSED ACTION**

1. **Applicant’s Request:** The applicant is requesting a Change of Zone from a Single-Family Residential-10,000 square feet (RS-10) zoning district to a Village Commercial-10,000 square feet (CN-10) zoning district for an approximately 6,920-square-foot portion of a 25,955-square foot parcel. The Village Commercial (CV) zoning district, with a minimum area required for each building site of 10,000 square feet, would allow a maximum density of two building sites (lots) for the 25,955-square foot parcel. In addition, 5 double-family residential units or 5 multiple-family residential units could be constructed on the 6,920-square-foot rezone area should the change of zone be approved. The CV district provides for a broad range or variety of commercial and light industrial uses that are necessary to serve the population in rural areas where the supplementary support of the general business uses and activities of a central commercial district is not readily available. Requirements for establishing land uses in the CV zoning district, including a list of the variety of permitted land uses, are shown in Section 25-5-120 to 128 of the Zoning Code. **(Planning Department Exhibit 1 - Zoning Code Requirements for Village Commercial Districts)**
2. **Objective of the Request:** The 6,920-square-foot rezone area was recently consolidated with an adjacent 19,035-square-foot parcel under the same ownership, which established the 25,955-square foot subject property. The objective of the current request is to

establish a unified zoning designation of CV-10 for the entire property. The applicant states that there is no current plan to develop the rezone area.

3. **Construction Timetable and Cost:** The applicant notes that the rezone area would be ready for development of a commercial use following approval of the change of zone, however there are no current plans for establishment of such a use nor plans for construction or improvements.
4. **Landowners:** LA Services Inc.
5. **Supporting Information:** The applicant has submitted the attached in support of the request. **(Planning Department Exhibit 2 - Change of Zone Application submitted on August 26, 2024)**

#### **STATE & COUNTY PLANS**

6. **State Land Use District:** Urban.
7. **General Plan Land Use Pattern Allocation Guide (LUPAG) MAP:** Medium Density Urban (mdu). These areas include uses such as village and neighborhood commercial and single family and multiple family residential and related functions (multiple family residential - up to 35 units per acre).
8. **County Zoning:** Single-Family Residential-10,000 square feet (RS-10).
9. **Ka‘ū Community Development Plan (CDP):** The Ka‘ū CDP, adopted as Ordinance No. 2017-66 on October 17, 2017, identifies the subject property as Medium Density Urban on the official Land Use Policy Map for Nā‘ālehu.
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 2 miles from the nearest coastline.

#### **DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA**

11. **Subject Property:** The subject, 6,920-square-foot rezone area is rectangularly shaped and level, with an existing 10-foot-wide electrical easement running diagonally from north to south. The property has been cleared and leveled with a gravel surface, with no existing structures or landscaping.
12. **Surrounding Zoning/Land Uses:** Surrounding lands are zoned Single-Family

Residential (RS-10 and RS-15), Village Commercial (CV-10 and CV-7.5), and Open.

Existing surrounding land uses include residential, commercial, retail, and park land, with a service station and convenience store on the portion of the subject property adjacent to the highway. Pursuant to Ordinance No. 24-87 and Section 25-2-42(c)(4) of the Hawai‘i County Code, a report on surrounding properties is attached to this document (**Planning Department Exhibit 3**).

13. **Flood Insurance Rate Map (FIRM):** The subject property is situated within Zone “X” on the Flood Insurance Rate Map (FIRM) by FEMA, an area determined to be outside the 500-year flood plain.
14. **Flora/Fauna Resources:** No formal flora/fauna study was submitted with the application. The applicant notes the property has been cleared and given the development of the surrounding area, it is unlikely that there are endangered species of plants or animals on the subject property.
15. **Archaeological/Cultural/Historical Resources:** No formal archaeological or cultural studies were conducted as the subject property has been previously impacted by ground-disturbing activities associated with clearing the land. The subject property is not adjacent and/or proximate to the shoreline, therefore, marine life and coastal access for Native Hawaiian gathering and fishing rights is not an issue. Although there are no known customary or cultural rights exercised on the subject property nor any known archeological sites, the applicant notes that if archeological or historical sites of significance are found, the owner will notify the proper agencies and take necessary remediation action.
16. **Public Access:** There is no public access to the mountains or the shoreline that runs through the property.

#### **PUBLIC UTILITIES AND SERVICES**

17. **Vehicular Access/Traffic:** Access to the rezone area is from Pua‘ala Place, a 20-foot-wide private, partially paved road surrounded by a wire fence, by way of Māmalahoa Highway, a State-owned and maintained roadway. The applicant has provided verification of the legal right to use Pua‘ala Place to access the rezone area. Since no specific project has been proposed for the rezone area, no immediate traffic impact is

expected. Requests for comments were sent to the Department of Transportation and the Department of Public Works; however, no responses have been received as of the date of this writing.

18. **Water:** According to the applicant, an existing water line adjacent to the property, running along the east side of Pua‘ala Place, is available to supply water to the rezone area. According to the Department of Water Supply (DWS), an existing 8-inch waterline within Māmalahoa Highway, fronting the recently consolidated parcel, supplies water to two existing 5/8-inch meters, with each meter limited to one unit of water with an average daily usage of 400 gallons. DWS states that the existing water system cannot support the change of zone and cannot provide additional water beyond the existing services. Further, DWS notes that in order to make water available, extensive improvements and additions would be required including storage, booster pumps and distribution facilities, for which sufficient funding is not available. Lastly, the existing 8-inch waterline is inadequate to provide the required fire flow of 2,000 gallons per minute for fire protection, as required by DWS Water System Standards for commercial zoning. Additionally, DWS’s existing storage facilities that serve the area are inadequate to provide the requisite volume of water needed for fire protection as required per DWS Water System Standards.
19. **Wastewater:** According to the applicant, there is an existing septic tank for wastewater disposal. Given that the rezone area does not have access to a municipal sewer system, any new use will require a new wastewater disposal system, meeting with approval of the State Department of Health.
20. **Solid Waste:** The applicant states that solid waste will be handled by a commercial hauler and disposed of at authorized landfills or transfer stations.
21. **Essential Utilities and Services:** Police, Fire and medical services are available in Nā‘ālehu and/or Pāhala. Electrical and telephone services are available to the site.

#### **AGENCY COMMENTS**

22. **State Department of Health: (Planning Department Exhibit 4 – February 11, 2025 memo)**



23. **Department of Water Supply: (Planning Department Exhibit 5 – March 17, 2025 memo)**

**AGENCIES – NO COMMENT/CONCERNS**

24. Police Department.

**AGENCIES – NO RESPONSE**

25. Department of Land and Natural Resources – Engineering Division and Land Division, Department of Transportation, Department of Public Works – Engineering Division, Department of Environmental Management, Fire Department, Real Property Tax Office.

**PUBLIC COMMENTS**

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

**Section 25-5-115. Minimum building site average width.**

Each building site in the CG district shall have a minimum building site average width of sixty feet.

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

**Section 25-5-116. Minimum yards.**

The minimum yards in the CG district shall be as follows:

- (1) Front or rear yards, fifteen feet; and
- (2) Side yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side yard adjoins the side yard of a building site in an RS, RD, RM or RCX district, there shall be a side yard which conforms to the side yard requirements for dwelling use of the adjoining district.

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

**Section 25-5-117. Landscaping of yards.**

- (a) All front yards in the CG district shall be landscaped, except for necessary access drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
- (b) Where any required side or rear yard in the CG district adjoins a building site in an RS, RD, RM or RCX district, the side or rear yard shall be landscaped with a screening hedge not less than forty-two inches in height, within five feet of the property line, except for necessary drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 12.)

**Section 25-5-118. Other regulations.**

- (a) Plan approval shall be required for all new structures and additions to existing structures in the CG district, except for construction of one single-family dwelling and any accessory buildings per lot.
- (b) Exceptions to the regulations for the CG district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 13; am 2015, ord 15-33, sec 4.)

**Division 12. CV, Village Commercial Districts.****Section 25-5-120. Purpose and applicability.**

The CV (village commercial) district provides for a broad range or variety of commercial and light industrial uses that are necessary to serve the population in rural areas where the supplementary support of the general business uses and activities of a central commercial district is not readily available.

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

**Section 25-5-121. Designation of CV districts.**

Each CV (village commercial) district shall be designated by the symbol "CV" followed by a number which indicates the minimum land area, in number of thousands of square feet, required for each building site.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-122. Permitted uses.**

- (a) The following uses shall be permitted in the CV district:
- (1) Adult day care homes.
  - (2) Amusement and recreation facilities, indoor.
  - (3) Art galleries, museums.
  - (4) Automobile sales and rentals.
  - (5) Automobile service stations.
  - (6) Bars.
  - (7) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (8) Boarding facilities, rooming, or lodging houses, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (9) Business services.
  - (10) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (11) Churches, temples and synagogues.
  - (12) Commercial parking lots and garages.
  - (13) Community buildings, as permitted under section 25-4-11.
  - (14) Convenience stores.
  - (15) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (16) Crop production.
  - (17) Day care centers.
  - (18) Dwellings, double-family or duplex, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (19) Dwellings, multiple-family, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (20) Dwellings, single-family.
  - (21) Family child care homes.
  - (22) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
  - (23) Financial institutions.

- (24) Group living facilities.
- (25) Home occupations, as permitted under section 25-4-13.
- (26) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
- (27) Hotels, when the design and use conform to the character of the area, as approved by the director.
- (28) Laboratories, medical and research.
- (29) Lodges.
- (30) Manufacturing, processing and packaging light and general, except for concrete or asphalt products, where the products are distributed to retail establishments located in the immediate community, as approved by the director.
- (31) Medical clinics.
- (32) Meeting facilities.
- (33) Model homes, as permitted under section 25-4-8.
- (34) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- (35) Offices.
- (36) Personal services.
- (37) Photography studios.
- (38) Public uses and structures, as permitted under section 25-4-11.
- (39) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops, which are designed to primarily serve the local area.
- (40) Repair establishments, major, when there are not more than five employees, as approved by the director.
- (41) Repair establishments, minor.
- (42) Restaurants.
- (43) Retail establishments.
- (44) Schools.
- (45) Short-term vacation rentals.
- (46) Telecommunication antennas, as permitted under section 25-4-12.
- (47) Temporary real estate offices, as permitted under section 25-4-8.
- (48) Theaters.
- (49) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the CV district, provided that a use permit is issued for each use:
  - (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (2) Major outdoor amusement and recreation facilities.
  - (3) Yacht harbors and boating facilities.

- (c) Residential uses in connection with the operation of any permitted uses shall be permitted in the CV district.
  - (d) Buildings and uses similar to the permitted uses listed in subsection (a) above shall be permitted in the CV district, as approved by the director.
  - (e) Buildings and uses normally considered accessory to the uses permitted in this section shall also be permitted in the CV district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 14; am 2014, ord 14-86, sec 12; am 2018, ord 18-114, sec 12; am 2021, ord 21-26, sec 12.)

**Section 25-5-123. Height limit.**

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

**Section 25-5-124. Minimum building site area.**

The minimum building site area in the CV district shall be seven thousand five hundred square feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-125. Minimum building site average width.**

Each building site in the CV district shall have a minimum building site average width of sixty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-126. Minimum yards.**

The minimum yards in the CV district shall be as follows:

- (1) Front or rear yards, fifteen feet; and
- (2) Side yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side yard adjoins the side yard of a building site in an RS, RD, RM or RCX district, there shall be a side yard which conforms to the side yard requirements for dwelling use of the adjoining district.

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

**Section 25-5-127. Landscaping of yards.**

- (a) All front yards in the CV district shall be landscaped, except for necessary access drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
  - (b) Where any required side or rear yard in the CV district adjoins a building site in an RS, RD, RM or RCX district, the side or rear yard shall be landscaped with a screening hedge not less than forty-two inches in height, within five feet of the property line, except for necessary drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 14.)

**Section 25-5-128. Other regulations.**

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

**Division 13. MCX, Industrial-Commercial Mixed Districts.****Section 25-5-130. Purpose and applicability.**

The purpose of the MCX (industrial-commercial mixed use) district is to allow mixing of some industrial uses with commercial uses. The intent of this district is to provide for areas of diversified businesses and employment opportunities by permitting a broad range of uses, without exposing nonindustrial uses to unsafe and unhealthy environments. This district is intended to promote and maintain a viable mix of light industrial and commercial uses.

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

**Section 25-5-131. Designation of MCX districts.**

Each MCX (industrial-commercial mixed use) district shall be designated by the symbol “MCX” followed by a number which indicates the minimum land area, in number of thousands of square feet, required for each building site.

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

**Section 25-5-132. Permitted uses.**

- (a) The following uses shall be permitted in the MCX district:
  - (1) Agricultural products processing, minor.
  - (2) Amusement and recreation facilities, indoor.
  - (3) Art galleries, museums.
  - (4) Art studios.
  - (5) Automobile sales and rentals.
  - (6) Automobile service stations.
  - (7) Bars, nightclubs and cabarets.
  - (8) Broadcasting stations.
  - (9) Business services.
  - (10) Car washing.
  - (11) Catering establishments.
  - (12) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (13) Churches, temples and synagogues.

# CHANGE OF ZONE APPLICATION

## COUNTY OF HAWAII PLANNING COMMISSION

(Type or legibly print the requested information)

APPLICANT(S): L. A. Services, Inc. – Benjamin Alonzo, Sr. President

APPLICANT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

ADDRESS: P. O. Box 335 Keaau, Hawaii 96749

\_\_\_\_\_

\_\_\_\_\_

LIST APPLICANT'S INTEREST (if not owner): \_\_\_\_\_

PHONE: (Bus.) 808-960-1246 (Res.) \_\_\_\_\_ (Email) keaauservice@hawaii.rr.com

REQUEST: RS-10 TO CV-10  
(Existing Zoning) (Proposed Zoning)

TAX MAP KEY(S): (3)9-5-009-014-0000

SIZE OF PROPERTY OR AFFECTED AREA(S) TO BE REZONED: 6919.3 Sq. Ft.

LANDOWNER(S): L. A. Services, Inc. – Benjamin Alonzo, Sr. President

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION

(may be provided by letter with the below statement included):

\_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_ DATE: \_\_\_\_\_

AGENT: \_\_\_\_\_

AGENT ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PHONE: (Bus.) 808-960-1246 (Res.) \_\_\_\_\_ (Email) keaauservice@hawaii.rr.com

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

ORIGINAL: L. A. Services, Inc. – Benjamin Alonzo, Sr. President

COPIES: L. A. Services, Inc. – Benjamin Alonzo, Sr. President

**THIS CHANGE OF ZONE APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:**

1. A filing fee of five hundred dollars (\$500) plus twenty-five dollars (\$25) per lot or unit proposed by the amendment to be paid via EPIC.
2. An original (signed) copy of the completed application and the appropriate Departmental Zoning Questionnaire.
3. A Background and County Environmental Report to include information as listed on the attached form.  
Note: A County Environmental Report shall not be required for an application where an Environmental Impact Statement or Environmental Assessment has been completed and filed with the Office of Environmental Quality Control in compliance with HRS, Chapter 343, Environmental Impact Statements.
4. A location map and description of the property in sufficient detail to determine its precise location..
5. A scale-drawn plot plan of the property showing property lines and measurements ; all existing and proposed structures, uses and improvements; proposed subdivision; and reference points such as roadways, shoreline, etc.
6. A legal description of the proposed rezone area in map and written form by metes and bounds as certified by a surveyor shall be submitted with this application. This application shall not be considered complete unless the metes and bounds description in map and written form have been received.
7. A list of the names, addresses and tax map keys of all owners and lessees of record of surrounding properties who are required to receive notice.
8. Any other plans or additional information relevant to this application may be requested by the Planning Director to facilitate processing of this request.



# **Background and County Environmental Report**

(Attachment to Change of Zone, Project District, and Agricultural Project District Applications)

**Please use this form as a guide for required information to be included in your Change of Zone, Project District or Agricultural Project District - Background and County Environmental Report.**

## **A. SUBJECT REQUEST**

### **1. Details of Proposed Use/Development:**

#### **a. Project description:**

The property is located in Naʻalehu approximately 230-feet southerly from the Mamalahoa Highway on Puaala Place (a 20-foot designated roadway).

The property lies south of and is adjacent to a commercial property zoned (CV-10) which includes a service station and convenience store with a parking area on the south immediately adjacent to the subject property. Please see photos below:









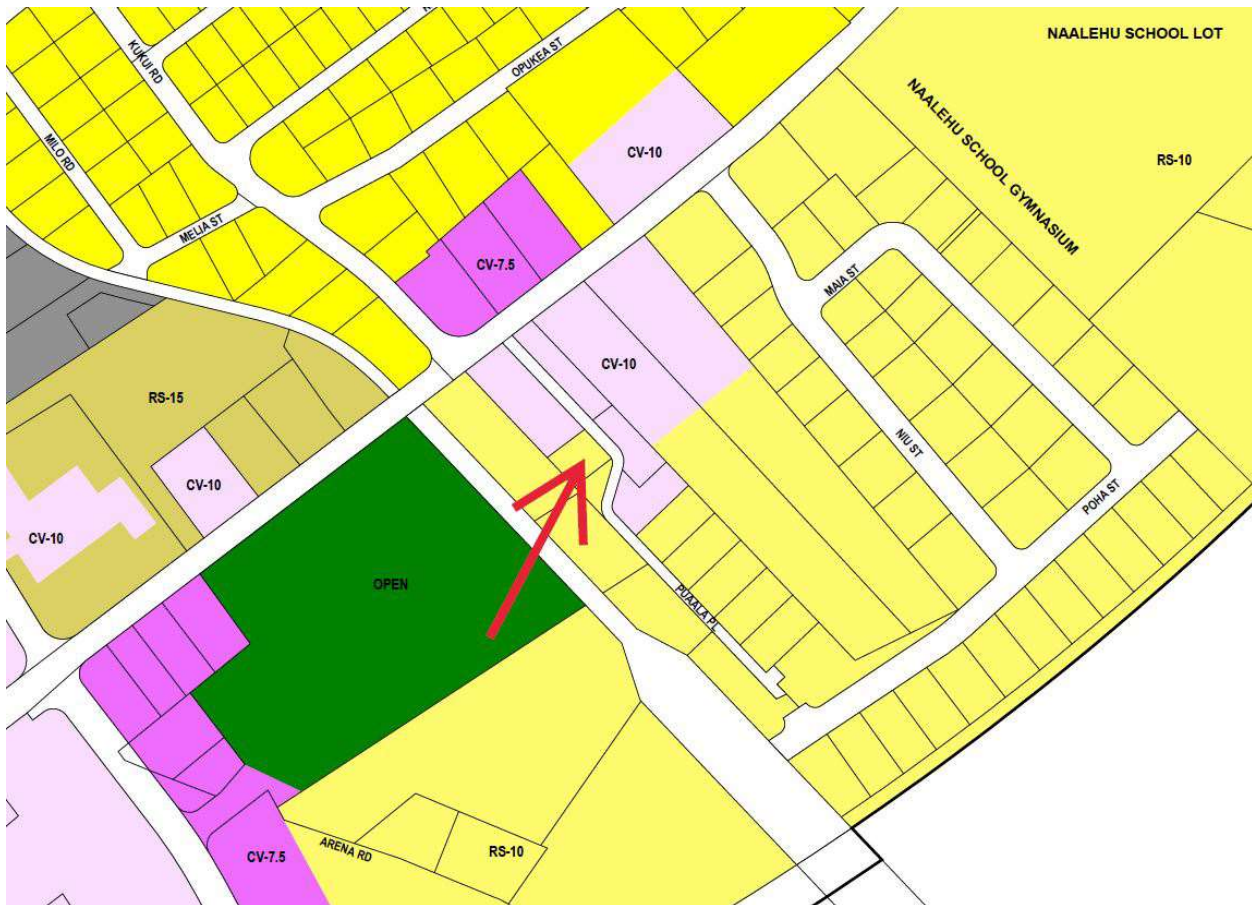
The entire property is rectangle in shape and entirely level. Access to the property is via Puaala Place running along the easterly side of the service station and convenience store mentioned above. This is a paved road.

The subject parcel consists of 6,919.3-square feet and currently has no structures on the property. Please see attached Naalehu Zone Map on page four of this document.

There is an existing buried waterline running along the easterly side of the property on Puaala Place. Please see the photo attached below. This photo shows the scar in the asphalt where the waterline was buried and is running from a main water line on Mamalahoa Highway. There is a water meter and valve at the tie in. This waterline is currently servicing the residents living along Puaala Place. For the immediate purposes of this re-zoning and lot consolidation request, there is no need for a waterline to be run to the subject property.



- b. Statement of objectives and reasons for the request:  
LA SERVICES, INC ("applicant") is requesting the rezoning of a 6,919.3 - square foot parcel of land, BEING LAND COURT AWARDED 7314 TO KAUNAMANO, GRANT 1377, SITUATED AT NAALEHU, DISTRICT OF KA'U, ISLAND AND COUNTY OF HAWAII, STATE OF HAWAII; from the Residential (RS-10) to Commercial (CV- 10) district. The property is immediately adjacent to multiple parcels to the north and east including a service station and convenience store currently zoned CV-10. Parcels lying to the south and west are currently zoned RS-10. (Please see attached Naalehu Zone Map).



- c. Number of acres/square feet: *6,919.3 - square foot*
- d. Proposed units/lots/floor area of proposed building envelope: Not known at this time.
- e. Development timeframe and cost:



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

Upon rezoning approval, plans call for having the subject parcel consolidated and ready for commercial use as soon as possible. There are no plans for any construction of improvements or other enhancements to the subject property at this time.

- f. Membership size/number of employees and clientele: N/A
- g. Parking arrangement: There is currently a designated parking area just to the north of the subject property adjacent to and just behind the commercial building on the north that fronts Mamalahoa Highway. Please see photo:



- h.* Traffic impacts (assessment of existing traffic conditions, anticipated increase in traffic and traffic impacts from proposed use). Please note, a Traffic Impact Analysis Report (TIAR) may be required pursuant to HCC Chapter 25-2-46): There is no anticipated increase in traffic or additional traffic impacts. Please see item (g) and photo above.
- I. Proposed on-site and off-site infrastructure: No proposed on-site or off-site infrastructure at this time.
- J. Other related information:  
Owner of subject property acknowledges that other permits may be necessary for such items as access to water, building construction and other future development.

**B. CONFORMANCE WITH STATE/COUNTY PLANS**

**2. State Land Use designation:**

The subject site is designated Medium Density Urban. Based on the proposed lot size, no State Land Use Commission action is required. The County of Hawai'i can process the rezoning request.

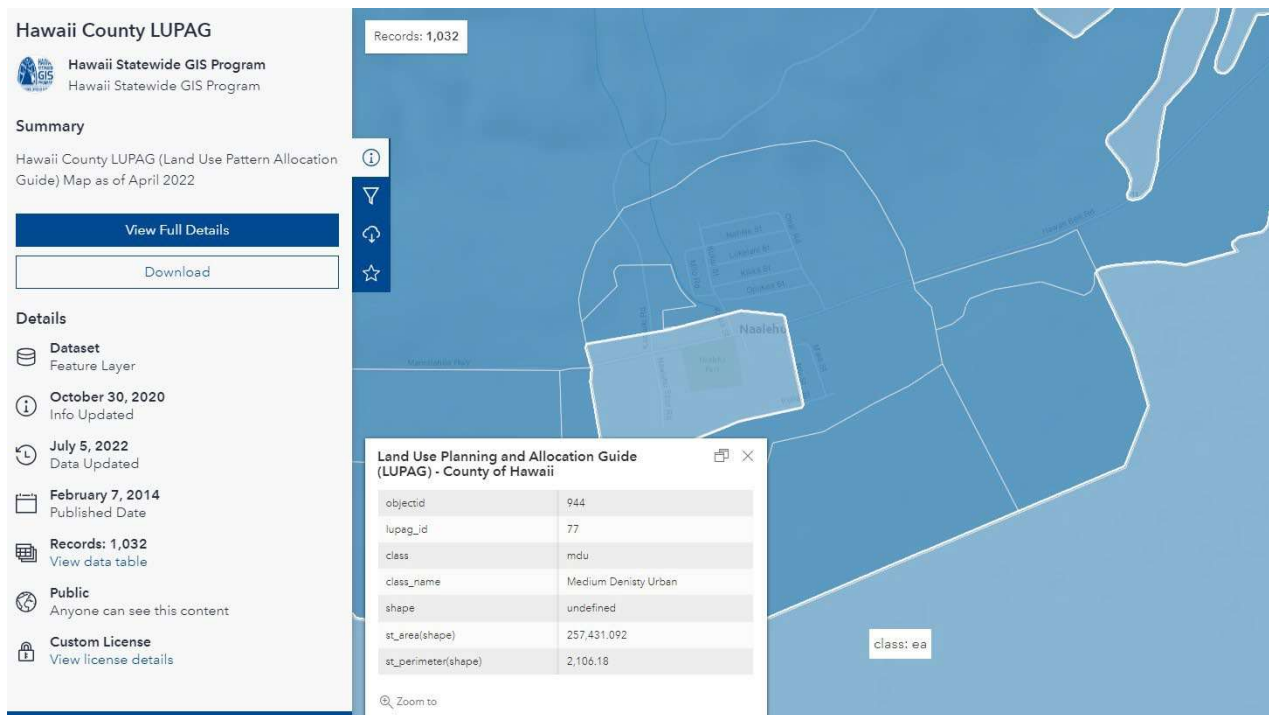
**3. County Zoning:**

The County zoning of the subject property is Residential (RS-10). The subject property is adjoining a commercial site on the north between the subject property and the Mamalahoa Highway. The existing commercial property lying northerly on Mamalahoa Highway sits on approximately 0.37 acres and is zoned CV-10.

If approved, the site would be consolidated to become part of the 0.37 acre property described above and would be used for commercial purposes.

All uses and standards consistent with the requested CV-10 zone would be adhered to.

This parcel is located in the Urban District therefore a rezoning from RS-10 to CV-10 is consistent with the overall land use designation and other zonings in the adjacent area.



#### 4. General Plan designation (LUPAG Map):

The County General Plan Land Use Pattern Allocation Guide ("LUPAG") map designates the subject site as Medium Density Urban. This designation allows for ancillary community and public uses and convenience type of commercial uses, which are also consistent with the desired Village Commercial District (minimum land area of 10,000 square feet, required for each building site) zoning designation. See LUPAG map below.

No General Plan amendment would be required pertaining to this rezoning request.

The County Zoning Charter requires all change of zones to be consistent with the designation in the General Plan. In this case, the GP LUPAG designation is Medium Density Urban, and thus, the requested CV-10 zoning would be consistent.

The requested zoning would be consistent with the Medium Density Urban designation of the LUPAG map. It would also be generally compatible with the surrounding area. The subject property is adjacent to parcels on the north, east, and south that are currently zoned CV10. Please refer to zoning map on page 4.



##### 5. Applicable goals/policies and objectives of the General Plan:

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 Medium Density Urban. This designation allows the requested CV-10 zoning without a General Plan amendment.

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

##### General Plan Policies:

In regard to the **General Plan; Land Use and Village Commercial District (minimum land area of 10,000 square feet)**, the pertinent goals, policies, and standards of the General Plan note the following as they pertain specifically to this rezoning and consolidation request:



## Economic

### *Applicable goals and policies from the General Plan:*

#### *Goals:*

- *Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environment.*
- *Economic development and improvement shall be in balance with the physical, social, and cultural environments of the island of Hawaii.*
- *Strive for diversity and stability in the economic system.*
- *Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.*
- *Strive for an economic climate that provides its residents an opportunity for choice of occupation.*
- *Strive for diversification of the economy by strengthening existing industries and attracting new endeavors.*
- *Strive for full employment.*
- *Promote and develop the island of Hawaii into a unique scientific and cultural model, where economic gains are in balance with social and physical amenities. Development should be reviewed on the basis of total impact on the residents of the County, not only in terms of immediate short run economic benefits.*

#### *Policies:*

- *Capital improvements program shall improve the quality of existing commercial and industrial areas.*
- *The land, water, air, sea, and people shall be considered as essential resources for present and future generations and should be protected and enhanced through the use of economic incentives.*
- *Encourage active liaison with the private sector with respect to the County's requirements for establishing businesses on the island.*
- *Identify the needs of the business community and take actions that are necessary to improve the business climate.*

### *Applicable courses of action from the General Plan specific to the Kau district:*

- *Balance development with the social and physical environment of the area.*
- *Provisions for orderly development, housing, and pollution controls shall be implemented.*
- *Recognize the natural beauty of the area as a major economic*

- and social asset.*
- *Protect this resource through appropriate review processes when development is proposed.*

This rezoning and consolidation request is in alignment with the economic goals and policies from the General Plan as outlined above. The change in zoning and consolidation may provide limited short-term **economic** opportunities through the construction of any improvements impacting the subject property.

More importantly, however, longer-term opportunities would be created largely in the form of providing employment opportunities for local residents with the potential addition of a commercial enterprise on the subject property. In so doing, the resultant project should add revenues to the County and State coffers by way of increased property tax revenue and increased General Excise Tax base.

### Energy

*Applicable goals and policies from the General Plan:*

*Goals:*

- *Strive towards energy self-sufficiency*
- *Establish the Big Island as a demonstration community for the development and use of natural energy resources.*

*Policies:*

- *Encourage the development of alternate energy resources.*
- *Encourage the development and use of agricultural products and by-products as sources of alternate fuel.*
- *Encourage the expansion of an energy research industry.*
- *Strive to educate the public on new energy technologies and foster attitudes and activities conducive to energy conservation.*
- *Ensure a proper balance between the development of alternative energy resources and the preservation of environmental fitness and ecologically significant areas.*
- *Strive to assure a sufficient supply of energy to support present and future demands.*
- *Provide incentives that will encourage the use of new energy sources and promote energy conservation.*
- *Seek funding from both government and private sources for research and development of alternative energy resources.*
- *Coordinate energy research and development efforts of both the government and*

- private sectors.*
- *Encourage the continuation of studies concerning the development of power that can be distributed at lower costs to consumers.*
  - *Strive to diversify the energy supply and minimize the environmental impacts associated with energy usage.*
  - *Continue to encourage the development of geothermal resources to meet the energy needs of the County of Hawaii.*
  - *Encourage the use of solar water heating through the continuation of state tax credit programs, through the Building Code, and in County construction.*
  - *Encourage energy-saving design in the construction of buildings.*
  - *Support net-metering and other incentives for independent power producers.*

Any future commercial development on the subject property 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 in the area as well as the potential for use of agricultural products and by-products as sources of alternate fuel. It is also intended that any future commercial development on the subject property will strive to diversify the energy supply and minimize the environmental impacts associated with energy use.

There are currently no known geothermal resources available as an energy source for the subject property.

There is currently a commercial size propane tank on the adjacent property to the north owned and operated by the owner of the subject property. See photo below.



### Environmental Quality

*Applicable goals and policies from the General Plan:*

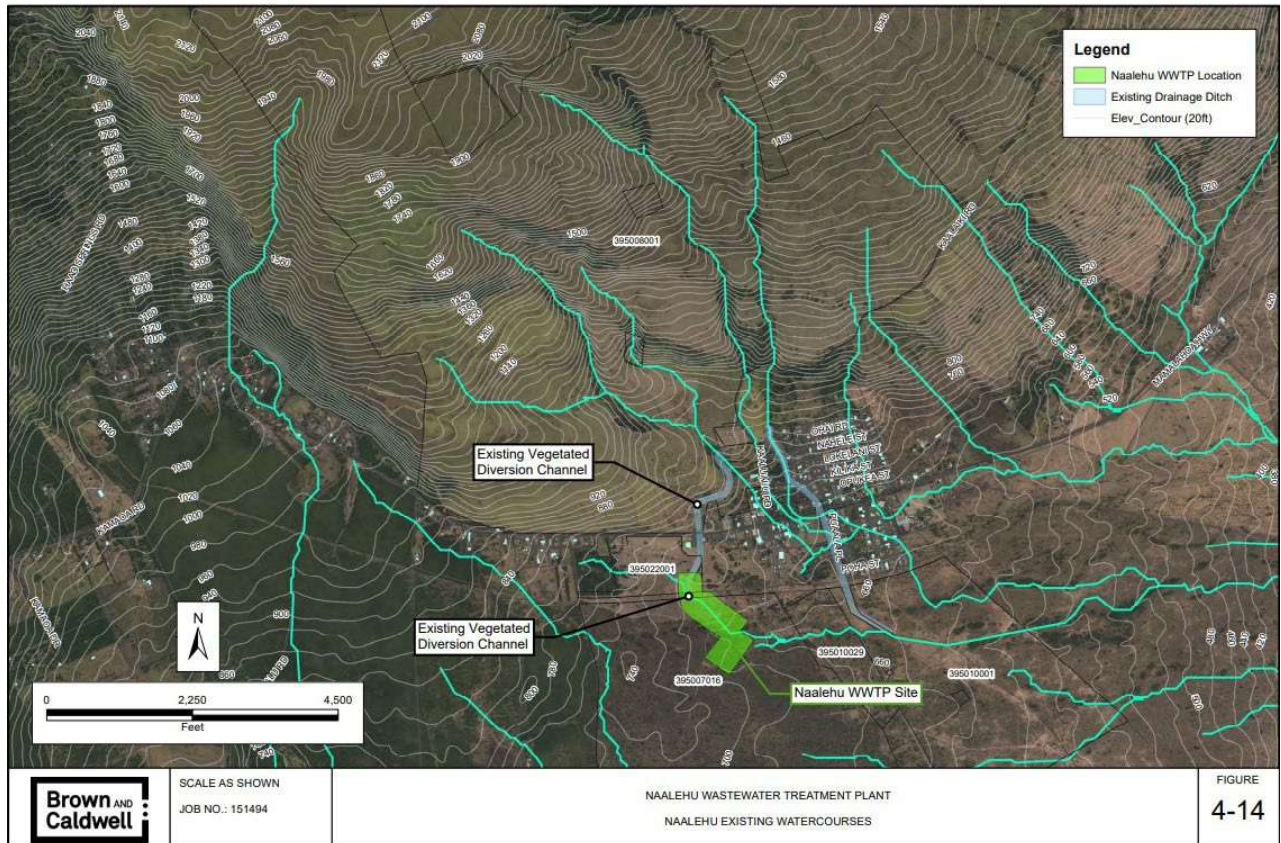
*Goals:*

- *Define the most desirable use of land within the County that achieves an ecological balance providing residents and visitors the quality of life and an environment in which the natural resources of the island are viable and sustainable.*
- *Maintain and, if feasible, improve the existing environmental quality of the island.*
- *Control pollution.*

*Policies:*

- *Take positive action to further maintain the quality of the environment.*
- *Reinforce and strengthen established standards where it is necessary, principally by initiating, recommending, and adopting ordinances pertaining to the control of pollutants that affect the environment.*
- *Encourage the concept of recycling agricultural industrial, and municipal waste material.*

- *Participate in watershed management projects to improve stream and coastal water quality and encourage local communities to develop such projects.*
- *Work with the appropriate agencies to adopt appropriate measures and provide incentives to control point and nonpoint sources of pollution.*
- *Review the County grading and grubbing ordinances to ensure that they adequately address potential erosion and runoff problems.*



The attached map above shows the existing water courses in the Naalehu area. The map shows an existing diversion channel running directly to the west of the subject property that ties into a runoff stream to the south eventually draining into the Pacific Ocean. This channel helps to support the objective listed in the General Plan regarding watershed management efforts for the immediate area.

It is anticipated that the rezoning and consolidation of the subject property would be in harmony with the General Plan objectives regarding air, noise and soil pollution.



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 systems would be consistent with the requirements of the State 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, any noise-generating facility, such as air conditioners, would be carefully placed to minimize their noise impacts to adjoining properties.

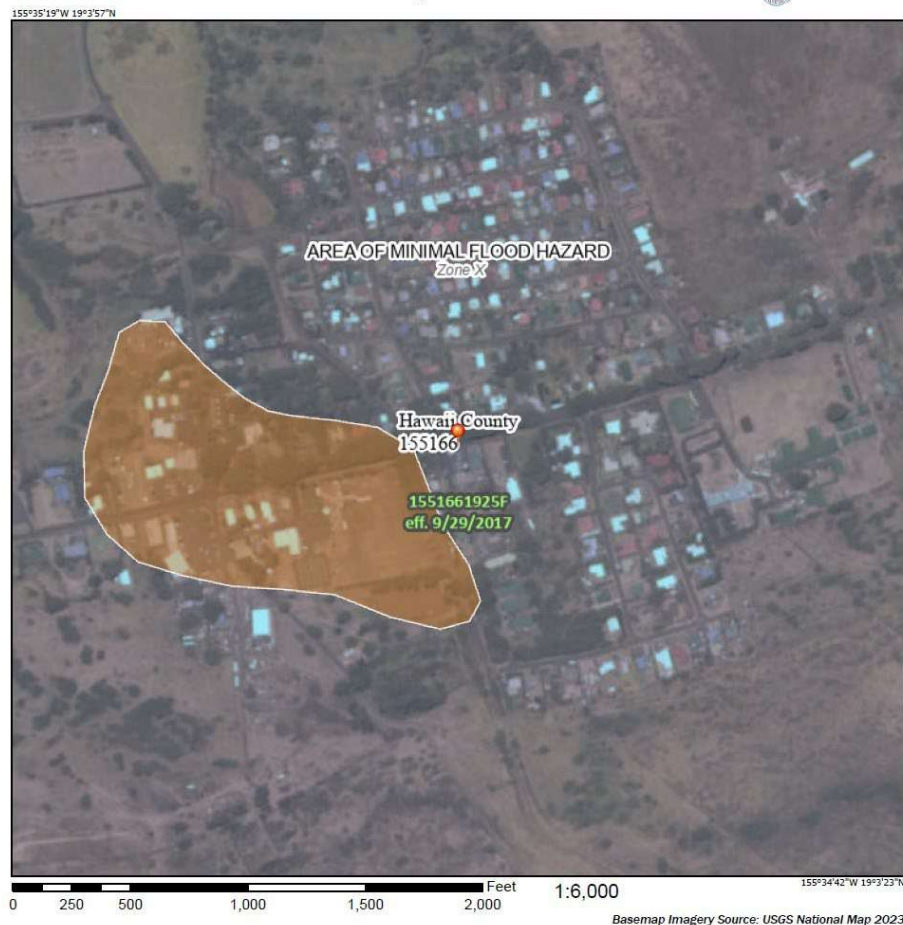
#### **Flooding and Other Natural Hazards for Ka'u Region:**

*Applicable goals and policies from the General Plan:*

*Goals:*

- *Improve and upgrade existing flood control measures as necessary.*
- *Continue proper soil conservation measures to complement the existing systems.*
- *Investigate potential solutions to prevent the closure of the Hawaii Belt Road due to flooding.*
- *Ensure that purchasers of homes and other real property are fully informed of hazards from lava flows and other volcanic emissions.*

## National Flood Hazard Layer FIRMette



### Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

|                             |  |                                                                                                                                                                   |
|-----------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SPECIAL FLOOD HAZARD AREAS  |  | Without Base Flood Elevation (BFE)<br>Zone A, V, AE99                                                                                                             |
|                             |  | With BFE or Depth Zone AE, AO, AH, VE, AR                                                                                                                         |
|                             |  | Regulatory Floodway                                                                                                                                               |
| OTHER AREAS OF FLOOD HAZARD |  | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
|                             |  | Future Conditions 1% Annual Chance Flood Hazard Zone X                                                                                                            |
|                             |  | Area with Reduced Flood Risk due to Levee. See Notes, Zone X                                                                                                      |
|                             |  | Area with Flood Risk due to Levee Zone D                                                                                                                          |
| OTHER AREAS                 |  | NO SCREEN Area of Minimal Flood Hazard Zone X                                                                                                                     |
|                             |  | Effective LOMRs                                                                                                                                                   |
|                             |  | Area of Undetermined Flood Hazard Zone D                                                                                                                          |
| GENERAL STRUCTURES          |  | Channel, Culvert, or Storm Sewer                                                                                                                                  |
|                             |  | Levee, Dike, or Floodwall                                                                                                                                         |
| OTHER FEATURES              |  | Cross Sections with 1% Annual Chance Water Surface Elevation                                                                                                      |
|                             |  | Coastal Transect                                                                                                                                                  |
|                             |  | Base Flood Elevation Line (BFE)                                                                                                                                   |
|                             |  | Limit of Study                                                                                                                                                    |
| MAP PANELS                  |  | Digital Data Available                                                                                                                                            |
|                             |  | No Digital Data Available                                                                                                                                         |
|                             |  | Unmapped                                                                                                                                                          |
|                             |  | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.                              |

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/26/2024 at 2:21 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

As shown on the attached FEMA Flood Hazard Map above the subject property is outside of any flood way. As mentioned in the previous section under environmental objectives, an existing diversion channel running directly to the west of the subject property that ties into a runoff stream to the south eventually draining into the Pacific Ocean.

If necessary and per guidance/direction from the county, a drainage system will be designed and constructed in a manner to protect the property as well as to minimize the volume of surface runoff generated by this development.

### Historic Sites for Ka'u

The subject property does not appear to have evidence of any items of **historic significance** on or near the property. If the owner of the property

and petitioner of this application is made aware any evidence not known at this time, any work on site will cease until proper clearances from the State and/or County have been received.

### **Natural Beauty**

*Within the Ka'u district is located most of Hawaii Volcanoes National Park. The park is a natural area with a minimum of man-made objects blended into the character of the physical environment. The landscape is a contrast between open lava land with little or no vegetation and dense ohia lehua forests.*

*In the southern part of Ka'u the natural beauty of the landscape is characterized by vistas from the mountain slopes to the ocean. The coast is highlighted by Manuka Bay, Green Sands Beach, and Punahuu Black Sand Beach.*

No impact on the natural beauty of the area is anticipated from the proposed rezoning and consolidation of the subject property.

### **Natural Resources and Shoreline**

*Applicable goals and policies from the General Plan:*

#### *Goals:*

- *Protect and conserve natural resources from undue exploitation, encroachment, and damage.*
- *Provide opportunities for recreational, economic, and educational needs without despoiling or endangering natural resources.*
- *Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.*
- *Protect rare or endangered species and habitats native to Hawaii.*
- *Protect and effectively manage Hawaii's open space, watersheds, shoreline, and natural areas.*
- *Ensure that alterations to existing landforms, vegetation, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of an earthquake.*

#### *Policies:*

- *Require users of natural resources to conduct their*

*activities in a manner that avoids or minimizes adverse effects on the environment.*

- *Promote sound management and development of Hawaii's land and marine resources for potential economic benefit.*
- *Encourage public and private agencies to manage the natural resources in a manner that fully avoids or minimizes adverse effects on the environment and depletion of energy and natural resources.*
- *Encourage an overall conservation ethic in the use of Hawaii's resources by protecting, preserving, and conserving the critical and significant natural resources of the County of Hawaii.*
- *Encourage the protection of watersheds, forest, brush, and grassland from destructive agents and uses.*
- *The installation of utility facilities, highways and related public improvements in natural and wildland areas should avoid the contamination or despoilment of natural resources where feasible by design review, conservation principles, and by mutual agreement between the County and affected agencies.*
- *Encourage the continued identification and inclusion of unique wildlife habitat areas of native Hawaiian flora and fauna within the Natural Area Reserve System.*
- *Encourage the use of native plants for screening and landscaping.*

*The following shall be considered for the protection and conservation of natural resources:*

- *Areas necessary for the protection and propagation of specified endangered native wildlife, and conservation for natural ecosystems of endemic plants, fish and wildlife.*
- *Lands necessary for the preservation of forests, park lands, wilderness and beach areas.*
- *Lands with a general slope of 20 per cent or more that provide open space amenities or possess unusual scenic qualities.*
- *Lands necessary for the protection of watersheds, water sources and water supplies.*
- *Lands with topographic, locational, soils, climate or other environmental factors that may not be normally adaptable or required for urban, rural, agricultural or public use.*
- *The Coastal Zone and Special Management Area is defined by statute and in accordance with the adopted objectives and guidelines.*
- *Protect and conserve natural resources from undue exploitation, encroachment, and damage.*

The subject property does not have any significant impact on rare or endangered plant or animal life in this area. The property is mostly clear of plants, brush, trees, grass, and other vegetation.

As the project site is approximately two miles from the ocean, the usual **coastal resources** concern is not pronounced. There will be no interference with shoreline access.

The use of a septic system on the subject property will ensure no quantifiable impacts to coastal water in the area. This item will be addressed more thoroughly under item “Sewer” in the Public Utilities General Plan section.

The subject property does not fall under the scope or jurisdiction of any of the areas considered for the protection and conservation of natural resources listed above.

### **Housing:**

Not applicable to this rezoning and consolidation request.

### **Public Facilities**

*Applicable goals and policies from the General Plan:*

*Goals:*

- *Encourage the provision of public facilities that effectively service community and visitor needs and seek ways of improving public service through better and more functional facilities in keeping with the environmental and aesthetic concerns of the community.*

*Policies:*

- *Continue to seek ways of improving public service through the coordination of service and maximizing the use of personnel and facilities.*
- *Develop short and long-range capital improvement programs and operating budgets for public facilities and services.*
- *Capital Improvement and Operating budgets shall reflect the goals and policies of the County General Plan.*

*Standards:*

- *Standards have been established in each of the four major groupings of public facilities.*
- *The various public facilities have been categorized into education, protective services, health and sanitation, and government operations.*
- *The following are set forth for the overall provision and*



*maintenance of public facilities in the County:*

*Education:*

The Naalehu Elementary School is approximately 0.25 miles to the east of the subject property.

The Ka'u High School complex is comprised of Ka'u High School, Pahala Elementary School, and Naalehu Elementary and Intermediate School, and serves a total enrollment of 810 students from kindergarten through the 12th grade level. The overall physical facilities at Naalehu and Pahala are adequate to serve the district needs. Pahala and Naalehu both have adequate library facilities. Pahala is a joint community school library facility located within the school complex and houses a collection of 19,564 volumes. Naalehu's facility is located behind the local post office and houses a collection of 7,631 volumes.

Protective Services:

*Policies:*

- *Development of police and fire facilities should entail joint use structures whenever feasible.*
- *Police headquarters shall be near the geographic center of the service area and near concentrations of commercial and industrial use.*
- *Encourage the further development and expansion of community policing programs and neighborhood and farm watch programs in urban, rural and agricultural communities.*
- *The County of Hawaii Emergency Operations Center shall be improved to meet the requirements set forth by federal and State regulations.*
- *Mitigate hazards through the preparation of disaster assessment reports and appropriate follow-up on the assessment recommendations.*

*Standards:*

- *2.5 police officers per 1,000 resident population.*
- *Fire stations within five miles of concentrated settlement areas.*
- *First response emergency medical service within eight minutes of concentrated settlement areas (alternative means, such as training police officers or volunteer fire personnel,*

*could be available to provide first response).*

*Courses of Action:*

- *Fire protection and emergency medical services for Ocean View, Naalehu and Pahala shall be encouraged.*
- *Consideration shall be given to a joint police-fire facility.*

There is a 24-hour fire/EMS operation in Naalehu and a 24-hour facility located in Pahala.

Twenty-four hour, on-call volunteer services are provided within Ocean View, Discovery Harbour, Naalehu and Pahala.

A newly built police station in Naalehu serves the entire Ka'u district.

The Ka'u District substation is located in Ocean View.

Government Operations:

*Course of Action*

- *Expand/improve facilities as necessary*

The courthouse and State agencies are located in Naalehu and adequately serve the needs of the district.

Postal facilities are located in Naalehu, Pahala, Ocean View, and the Hawaii Volcanoes National Park area.

Health and Sanitation:

Health:

A public health center is located in Naalehu.

Solid Waste:

Private and commercial waste in Naalehu is taken to the Wai'ohinu Transfer Station at Kaulia Road, Naalehu, HI

Cemeteries:

Public cemeteries are located in Naalehu and Waiohinu.

There will be marginal impact to **public facilities**. The wastewater system will be private, and a county water line exists at the site. Vehicular access to the site is available as described previously in this document and accessible by emergency vehicles. Schools and other public facilities are also located proximate to the site, most of them being less than 1 mile away.

## **Public Utilities:**

### *Goals*

- *Ensure that properly regulated, adequate, efficient and dependable public and private utility services are available to users.*
- *Maximize efficiency and economy in the provision of public utility services.*
- *Design public utility facilities to fit into their surroundings or concealed from public view.*

### *Policies*

- *Public utility facilities shall be designed to complement adjacent land uses and shall be operated to minimize pollution or disturbance.*
- *Provide utilities and service facilities that minimize total cost to the public and effectively service the needs of the community.*
- *Utility facilities shall be designed to minimize conflict with the natural environment and natural resources.*
- *Improvement of existing utility services shall be encouraged to meet the needs of users.*
- *Encourage the clustering of developments in order to reduce the cost of providing utilities.*
- *Develop short- and long-range capital improvement programs and plans for public utilities within its jurisdiction that are consistent with the General Plan.*
- *Water, sewerage, electricity, gas, and telecommunication services are treated individually in this section to clarify the factors that comprise the public utilities element.*

### *Water General Policies:*

- *Water system improvements shall correlate with the County's desired land use development pattern.*
- *All water systems shall be designed and built to Department of Water Supply standards.*
- *Improve and replace inadequate systems.*
- *Water sources shall be adequately protected to prevent depletion and contamination from natural and man-made occurrences or events.*
- *Water system improvements should be first installed in areas that have established needs and characteristics, such as occupied dwellings, agricultural operations and other uses, or in areas adjacent to them if there is need for urban expansion.*
- *Develop and adopt standards for individual water catchment*

*units.*

- *Promote the use of ground water sources to meet State Department of Health water quality standards.*
- *Seek State and Federal funds to assist in financing projects to bring the County into compliance with the Safe Drinking Water Act.*
- *Develop and adopt a water master plan that will consider water yield, present and future demand, alternative sources of water, guidelines and policies for the issuing of water commitments.*

#### *Standard*

- *Public and private water systems shall meet the requirements of the Department of Water Supply and the Subdivision Control Code.*

#### *Courses of Action*

- *Provide additional water system improvements for the currently serviced areas of Naalehu, Waiohinu, and Pahala.*
- *Pursue groundwater source investigation, exploration and well development at Ocean View, Pahala, and Waiohinu.*
- *Continue to evaluate growth conditions to coordinate improvements as required to the existing water system.*

The sources supplying Waiohinu, Naalehu and South Point are Haao Springs, Mountain House Tunnel Spring and a deep well in Naalehu. The water from the Mountain House Tunnel is piped to Haao Spring and distributed to South Point, Waiohinu, and Naalehu on separate lines.

The Department of Water Supply has a license with the State that allows the department to obtain water from the Mountain House Tunnel. The Waiohinu system receives its water supply from an 8-inch line from Haao Springs. Presently, the average consumption is 0.12 mgd. The Naalehu system receives its water supply from the Waiohinu system. The former sugar plantation has dedicated the system within Naalehu Village to the County.

The Naalehu deep well with a capacity of 0.54 mgd supplements the system. The average water consumption is 0.08 mgd.

## Telecommunications:

### *Policies:*

- *Encourage underground telephone lines where they are economically and technically feasible.*
- *Work with the telecommunications industry to increase the availability of emergency telephones throughout the island.*
- *Develop standards for the construction of wireless telecommunication facilities.*
- *Work closely with the telephone company to provide all users with efficient service.*

### *Standard*

- *In the development and placement of telephone facilities, such as lines, telecommunications and cellular towers, poles, and substations, the design of the facilities shall consider the existing environment, and scenic view and vistas shall be considered and preserved where possible.*

Not applicable to this rezoning and consolidation request.

## Electricity:

### *Policies*

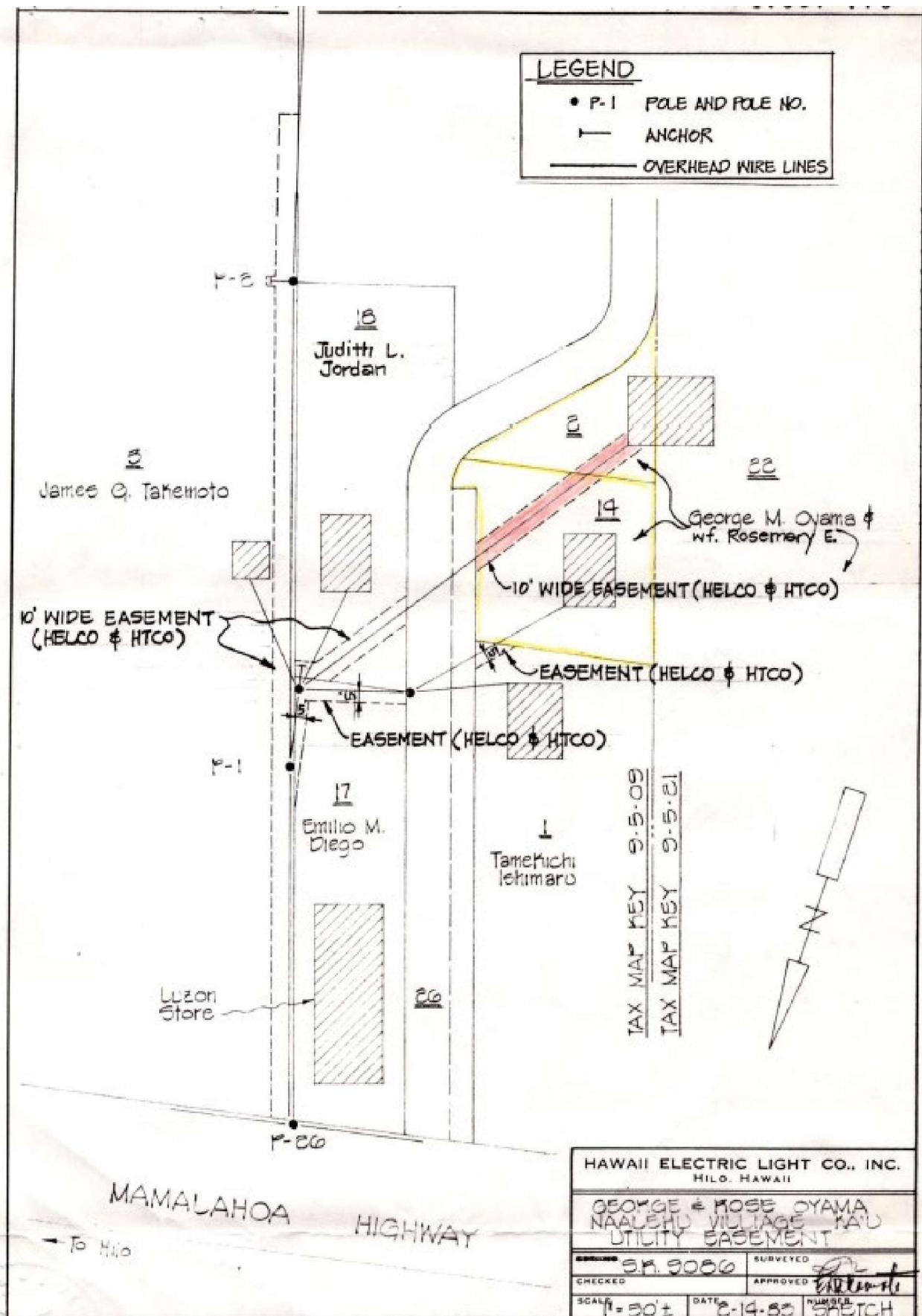
- *Power distribution shall be placed underground when and where practical.*
- *Encourage developers of new urban areas to place utilities underground.*
- *Conform to safety standards as established by appropriate regulatory authorities.*

### *Standards*

- *There shall be minimal obstruction of scenic views and vistas by electrical facilities.*
- *Facilities such as substations shall mitigate and minimize any aesthetic impacts to surrounding properties and scenic vistas.*

The attached utility easement sketch below shows an existing HELCO easement to and across the subject property. Power to the property will be from existing overhead lines.







Gas:

*Policy*

- *Gas storage facilities shall be located to minimize danger to commercial and residential areas.*

*Standard*

- *County ordinances shall reflect appropriate safety standards for gas facilities.*

Not applicable to this rezoning and consolidation request.

Sewer:

*Standards*

- *Incorporate sewage works standards proposed in the "Sewerage Study for All Urban and Urbanizing Areas of the County of Hawaii" and the "Water Quality Management Plan for the County of Hawaii."*
- *Sewerage systems shall be designed for a particular area, depending on topography, geology, density of population, costs, and other considerations of the specific area.*
- *All wastewater disposal systems shall conform to the applicable provisions of Chapter 11-62, Hawaii Administrative Rules for the Department of Health to ensure proper treatment and disposal of wastewater and to prevent further contamination of waterways, underground water sources, and the coastal waters.*

*KA'U Profile*

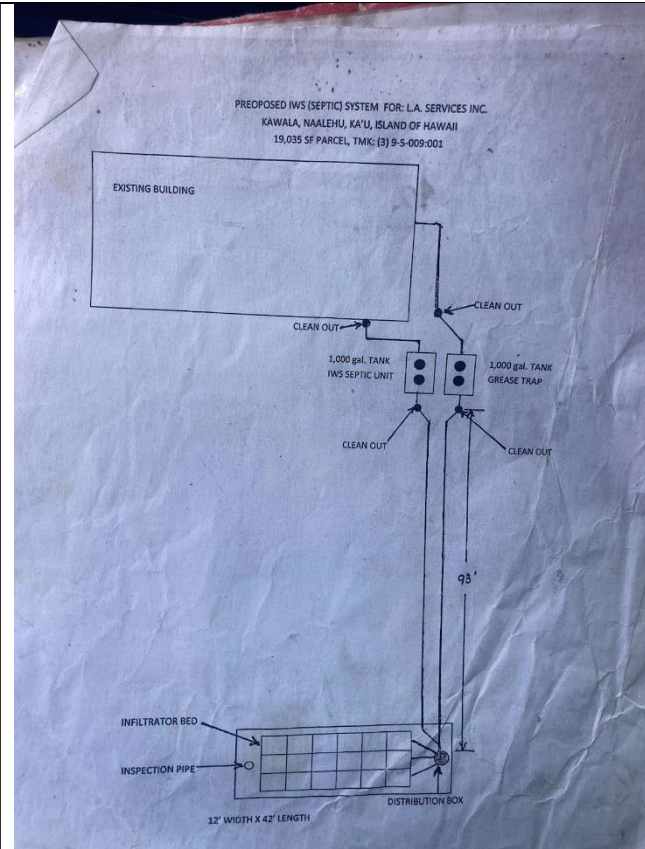
*The Ka'u district is characterized by many small communities, largest of which are Naalehu and Ocean View. The County has no sewerage system in the Ka'u district. A private system exists for the Punaluu Resort development at Punaluu, but most residents are served by individual waste disposal systems. The cesspools and septic systems presently in use in the Ka'u area apparently functioning adequately. Thus, considering the low density and wide distribution of the housing units and the relatively small population growth anticipated, the individual treatment units will continue to be utilized.*

*Course of Action*

- *Work closely with landowners to insure the development of adequate sewerage treatment facilities.*

Please see attached photos showing design, construction, and placement of current septic system:









Recreation:

Not applicable to this rezoning and consolidation request.

Transportation:

Not applicable to this rezoning and consolidation request.

Roadways:

*KA'U Profile*

*The primary highway through the Ka'u district is the Mamalahoa Highway. Certain portions of this highway system are narrow with sharp vertical and horizontal curves and relatively short sight distance. Flooding also occurs in certain areas. This district also has an intricate system of former plantation and older subdivision roads. The majority of the private roads in the large subdivisions are cinder-surfaced and/or oil-treated and lack adequate maintenance.*

*Courses of Action*

- *Continue to improve Mamalahoa Highway, realigning where necessary.*
- *Install culverts and construct drainage channels and other related improvements.*
- *Encourage the improvement of substandard subdivision roads.*

As previously mentioned, the subject property is located in Na'alehu approximately 230-feet southerly from the Mamalahoa Highway on Puaala Place (a 20-foot paved designated roadway).

Transportation Terminals:

Not applicable to this rezoning and consolidation request.

Mass Transit:

Not applicable to this rezoning and consolidation request.



## Land Use:

The following are listed primarily for informational and reference purposes from the General Plan:

*Rezoning is the primary method for changing the allowed uses of land. Rezoning must be consistent with the General Plan, including the Land Use Pattern Allocation Guide Map. Other factors besides the map consistency must be taken into account during the rezoning process, which requires specific consideration of a number of factors to determine the suitability of the property for the proposed zone. These include proximity to roads, utilities, and public services, environmental factors such as drainage, slope, and soil types, and other public concerns.*

*The tabulation of zoned lands based on the County zoning as of December 2000 is as follows:*

- *Single-family residential: 20,189 acres*
- *Multiple residential (including duplex): 3,065 acres*
- *Resort: 1,353 acres*
- *Commercial: 2,859 acres*
- *Industrial: 6,039 acres*
- *Industrial-Commercial Mixed: 27 acres*
- *Family Agriculture: 100 acres*
- *Residential-Agriculture: 2,105 acres*
- *Agricultural: 1,219,773 acres\**

*\*includes lands changed from Unplanned to Agriculture as part of the 1996 amendments to the Zoning Code*

- *Open: 317,262 acres.*
- *Project District: 1,748 acres*
- *Agricultural Project District: 23 acres*
- *Lands not zoned (includes Forest Reserves and National Parks): 933,842 acres*

*Urban Designations Medium Density: Village and neighborhood commercial and single family and multiple family residential and related functions (multiple family residential -- up to 35 units per acre).*

*The urban centers include high, medium and low density designations. These centers and clusters provide physical, social, governmental and economic concentrations so that the total activities of the community can be more readily and easily conducted. In the County, several of these centers have political and social antecedents, while others have been influenced by economic practices. Some of the County's possible future centers may result from the development of resort areas.*

*The future improvement and development objectives are directed toward making urban and rural centers more efficient, livable, and safe. Growth should be encouraged in terms of renewing older areas or extending existing areas. The creation of new urban and rural centers should be initiated only when it is in the public interest and must be accompanied by commitments from both government and the private sector for the development of basic community and public facilities and services. Infrastructure costs less when new residential areas are located near existing highways, water and sewer lines, and employment centers.*

*The location of urban and rural uses should be evaluated from the standpoint of how each use services existing and future land uses of the surrounding area. The direction and form of growth in accord with future demand will be influenced by many factors. The General Plan Land Use Pattern Allocation Guide Map shall also designate areas*

*for urban expansion. An area is designated as urban expansion when the specific settlement pattern and types of uses have yet to be determined. The methodology used to develop the land use pattern reflects estimates of future population based on economic and employment evaluations, existing land uses and zoned areas, determination of community facility needs, and transportation demands for the entire island. The topography and other physical features of each area were also analyzed, and other factors, particularly economic, social, and physical characteristics, were noted. The following table illustrates the Proposed Land Use Pattern Acreage Allocation by districts. The high, medium, and low density allocations are included within the residential and commercial allocations.*

**Table 14-4. Land Use Pattern Allocation Guide (LUPAG) Map, Estimated Land Use Allocation Acreage by Judicial District**

| <b>LUPAG Map Designations</b>   | <b>Puna</b> | <b>South Hilo</b> | <b>North Hilo</b> | <b>Hama-kua</b> | <b>North Kohala</b> | <b>South Kohala</b> | <b>North Kona</b> | <b>South Kona</b> | <b>Ka'u</b> | <b>Total</b> |
|---------------------------------|-------------|-------------------|-------------------|-----------------|---------------------|---------------------|-------------------|-------------------|-------------|--------------|
| High Density Urban              | 0           | 847               | 0                 | 0               | 0                   | 0                   | 458               | 0                 | 0           | 1,305        |
| <b>Medium Density Urban</b>     | <b>478</b>  | <b>1,481</b>      | <b>69</b>         | <b>292</b>      | <b>176</b>          | <b>1,282</b>        | <b>1,456</b>      | <b>292</b>        | <b>421</b>  | <b>5,947</b> |
| Low Density Urban               | 8,013       | 10,073            | 617               | 2,293           | 2,668               | 5,084               | 6,287             | 1,070             | 1,148       | 37,253       |
| Industrial                      | 669         | 4,264             | 29                | 132             | 51                  | 1,869               | 3,889             | 0                 | 74          | 10,977       |
| Impor- tant Agri- cultural Land | 49,770      | 37,237            | 21,632            | 78,023          | 41,314              | 51,500              | 26,703            | 32,804            | 47,300      | 386,283      |
| Exten- sive Agri- culture       | 88,573      | 26,078            | 31,755            | 82,924          | 21,885              | 71,299              | 105,074           | 66,368            | 167,426     | 661,382      |
| Rural                           | 29,251      | 2,542             | 71                | 0               | 102                 | 1,908               | 1,001             | 31                | 13,090      | 47,996       |
| Resort / Resort Node            | 0           | 84                | 0                 | 0               | 47                  | 3,212               | 2,289             | 15                | 29          | 5,676        |
| Open Area                       | 2,335       | 1,798             | 434               | 1,266           | 2,119               | 14,074              | 6,233             | 2,699             | 4,738       | 35,696       |
| Conser- vation                  | 137,210     | 167,779           | 119,710           | 235,212         | 11,217              | 13,957              | 199,585           | 43,395            | 426,956     | 1,355,021    |
| Urban Expan- sion Area          | 3,844       | 122               | 62                | 0               | 258                 | 12,264              | 11,995            | 0                 | 597         | 29,142       |
| Univer- sity Use                | 0           | 664               | 0                 | 0               | 0                   | 0                   | 461               | 0                 | 0           | 1,125        |

### **Commercial Development:**

#### *Ka'U Profile*

*Commercial activities in the Ka'u district are concentrated in the communities of Pahala, Naalehu, and Waiohinu and the area of the Hawaii Volcanoes National Park. Pahala was built around a former sugar mill, once the major employer of the area, and contains a high school and hospital that serve the district. Commercial facilities, consisting mainly of convenience goods and services, are located in this community. Naalehu contains a greater variety of commercial*

*facilities. Government facilities in the community include educational facilities for elementary and intermediate students and a police facility serving the district. Commercial development includes a small shopping center complex. Waiohinu lies a few miles southwest of Naalehu. The major commercial facility here is a 14-unit hotel with a few small commercial establishments within the community. There are various commercial establishments, including general stores, restaurants, service station, laundromat and offices in Ocean View along both sides of Highway 19.*

*The Hawaii Volcanoes National Park in the Ka'u district contains commercial facilities connected with the Volcano House hotel complex and the Kilauea Military Camp.*

*Courses of Action*

- *Centralization of commercial activity in the communities of Pahala, Naalehu and Ocean View and the area of the Volcanoes National Park shall be encouraged.*
- *Do not allow strip or spot commercial development on the highway outside of the designated urban areas.*

The request to rezone and consolidate the parcel as described in Item A.1.a. on page 3 of this document shows consistency with and support of the General Plan Courses of Action for commercial development and activity as listed above.

**6. Consistency with Applicable Community Development Plan (CDP):**

**Community Objectives:**

*Objective 1: Encourage future settlement patterns that are safe, sustainable, and connected. They should protect people and community facilities from natural hazards, and they should honor the best of Ka'ū's historic precedents: concentrating new commercial and residential development in compact, walkable, mixed-use town/village centers, allowing rural development in the rural lands, and limiting development on the shorelines*

*Objective 11: Increase the number and diversity of income sources for residents, including jobs and entrepreneurial opportunities that complement Ka'ū's ecology, culture, and evolving demographics.*

*Objective 12: Establish or expand retail, service, dining, and entertainment centers in rural villages and towns capable of supporting Ka'ū-appropriate growth.*

The request to rezone and consolidate the parcel as described in Item A.1.a. on page 3 of this document shows consistency with and support of the CDP objectives as listed above.

**Land Use Policy:**

*Land Use Policies speak to the preservation of the preferred settlement pattern in Ka 'ū, including the relative location of residential, commercial, industrial, and resort areas:*

*Policy 1 Rehabilitate and develop within existing zoned urban areas already served by basic infrastructure, or close to such areas, instead of scattered development.*

*Policy 2 Concentrate commercial uses within and surrounding central core areas in Pāhala, Nā'ālehu, and Ocean View and do not allow strip or spot commercial development outside of the designated urban areas.*

*Policy 3 Commercial facilities shall be developed in areas adequately served by necessary services, such as water, utilities, sewers, and transportation systems. Should such services not be available, the development of more intensive uses should be in concert with a localized program of public and private capital improvements to meet the expected increased needs.*

The request to rezone and consolidate the parcel as described in Item A.1.a. on page 3 of this document shows consistency with and support of the CDP land use policies as listed above.

**Land Use Policy Map:**

*Policy 7 Future land use decisions in the Ka 'ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.*

*Policy 72 In the "Low Density Urban" (LDU) and "Medium Density Urban" Land Use Policy Map categories, in those cases where provisions of the zoning and subdivision codes are inconsistent with the character of surrounding neighborhoods, variances or PUDs that maintain consistent village/town character should be encouraged.*

*Policy 73 The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments.*

*Policy 74 As appropriate to maintain community character while also accommodating drainage, walkability, maintenance, and other site-specific*



needs when improving existing roads in Pāhala, Nā‘ālehu, and Wai‘ōhinu, retain the current road design, including pavement width and lack of curbs, gutters, sidewalks, or paved shoulders and swales.

*Policy 75 As appropriate to maintain community character while also accommodating drainage, walkability, maintenance, and other site-specific needs, new roads (both public and private) in the Ka‘ū CDP planning area may be constructed without curbs, gutters, sidewalks, or paved shoulders and swales.*

The request to rezone and consolidate the parcel as described in Item A.1.a on page 3 of this document is consistent with the Land Use Policy Map boundaries, designations and policies as listed above.

Any future development of the subject property for commercial purposes with address any infrastructure and design concerns consistent with the locale.

There are no plans to enhance or improve the existing roadway features at this time. There are currently no drainage issues or concerns associated with the existing roadway.



## **Community Action Policies:**

The following are listed primarily for informational and reference purposes, particularly as these items correlate to Section 5 of this document: *Applicable goals/policies and objectives of the General Plan*

*Policy 77 Adopt and implement street design standards that accommodate, where appropriate, flexibility in the design of streets to preserve the rural character of an area, including pavement width, unpaved shoulders/swales, rock walls, lighting, and landscaping featuring native plants. (GP 13.2.3(l))*

*Policy 89 Implement capital improvement priorities in Ka‘ū.  
Current capital improvement priorities for Ka‘ū include:*

- *Water system improvements*
- *Road improvements*
- *Emergency services and facilities*
- *Environmental management facilities*
- *Park facilities*
- *Regional trail development*
- *Streetscape improvements*

*Policy 93 Water system improvements shall correlate with the County’s desired land use development pattern. Importantly, County water distribution systems shall not be extended outside the growth boundary defined in the Ka‘ū CDP Land Use Policies and Policy Map, with the exception of water designated specifically for and limited to agricultural irrigation and livestock. Implementation of this policy is supported by several existing policies and capital projects appropriated by the County Council:*

- *Continue to evaluate growth conditions to coordinate improvements as required to the existing water systems in Nā‘ālehu, Wai‘ōhinu, and Pāhala. The focus shall be on improvements to existing systems to support infill growth within the CDP growth boundary.*

*Policy 111 Address the backlog of facilities improvements in Ka‘ū including:*

- *Build a new fire station in Nā‘ālehu (Ordinance 12-87), Pāhala, and Ocean View, in that order of priority.*
- *Upgrade trucks, ambulances, and other equipment for fire crews.*
- *Make improvements in the Nā‘ālehu Police Station, including repairs, hardening, hazardous materials abatement, energy efficiency, and ADA. (Ordinances 11-60 & 12-150)*

*Policy 112 Harden critical infrastructure to ensure its effective use after an earthquake, eruption, and/or hurricane, including the Ocean View Fire Station, the Pāhala Fire Station, the Ka‘ū Police Station Generator Building, and the Ka‘ū Police Station (Nā‘ālehu Police Station).*

*Policy 120 Extend the primary wastewater collection lines in Pāhala and Nā‘ālehu so that infill development projects can connect wastewater systems*

*When implementing the Statewide Pedestrian Master Plan in Nā‘ālehu (Project H3), address community concerns about the preservation of the trees and stone walls along the highway.*

The site is not adjacent to the ocean. It is roughly two (2.0) miles from the shoreline. Please see the attached map. As such, the proposed action should not have any adverse impacts on the area's coastal recreational and marine resources nor have any impacts on beach protection.



**8. Discussion on how the proposed use is consistent with Chapter 205A, Coastal Zone Management (existing public access, scenic or open space resources, coastal view planes, and coastal ecosystems) :**

It is not anticipated there will be any hazards associated with a coastal ecosystem as the subject property is located approximately two miles from the nearest coastline. The wastewater system in place on the subject property as previously outlined in this application document mitigates any potential coastal ecosystem impacts.

Due to the location of the subject property and the relationship to adjoining commercial and residential properties, there is little to no chance of any historic resources being present at the subject property. The property is cleared of any structures and generally cleared of vegetation.

In the future, if any archeological or historical artifacts of any significance are found, the owner/applicant will make all necessary efforts to notify the property agencies and pursue appropriate remediation efforts.

From an economic perspective, it is anticipated that the impact of rezoning of this small parcel of land would potentially increase the tax base for the county by taxing the parcel as a commercial lot and realizing potential tax revenues from the construction of a commercial enterprise on the property. This will create construction jobs as well as purchases from local suppliers. There would also be the potential for sales and income tax revenues depending on the future commercial use of the property.

Because of its distance from the shoreline, the site should not be subject to coastal hazards. Relative to the managing development objective, this function is more applicable to the "authority11" or approving agencies. However, it is noted that the request would operate and be constructed within the scope of the Zoning Code. The subject site would be zoned CV-10, and the requested use and design/parameters (parking, height, setback, etc.) would be consistent with said zoning. In that regard, the project would be consistent with this policy.

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

Based on the foregoing, it is concluded that the requested improvements would

be consistent with the objectives, policies and guidelines of the Coastal Zone Management Policies, as outlined in Chapter 205-A-23, HRS and Planning Commission Rule No. 9 relating to Special Management Area.

C. **PHYSICAL CHARACTERISTICS AND ENVIRONMENTAL SETTING OF THE PROPERTY AND SURROUNDING AREA**

*Physical Characteristics/Environmental Setting:*

**9. Description of subject property, location , climate, topography, slope, soils (including size, shape, existing structures):**

The subject property is flat with no slopes or topographic features of any significance. Access to the property is via Puaala Pl. This 20-foot wide road is owned by the County of Hawaii. The property is clear of any structures and mostly clear of vegetation. It is surrounded by a wire fence. See attached photo below.





The site is situated at about the 660-foot elevation level. The site is directly adjacent to the access road as previously described. There are private residences surrounding the property on the south and east sides and a small open parking area to the north behind the gas station/convenience store. Please see the attached image below.



The NRCS Soil Map shows that the soil type for the subject property in Naalehu falls under Hydrologic Soil Group B and is classified as being a medial silt loam with 0 to 3 percent slopes and a very low surface runoff.

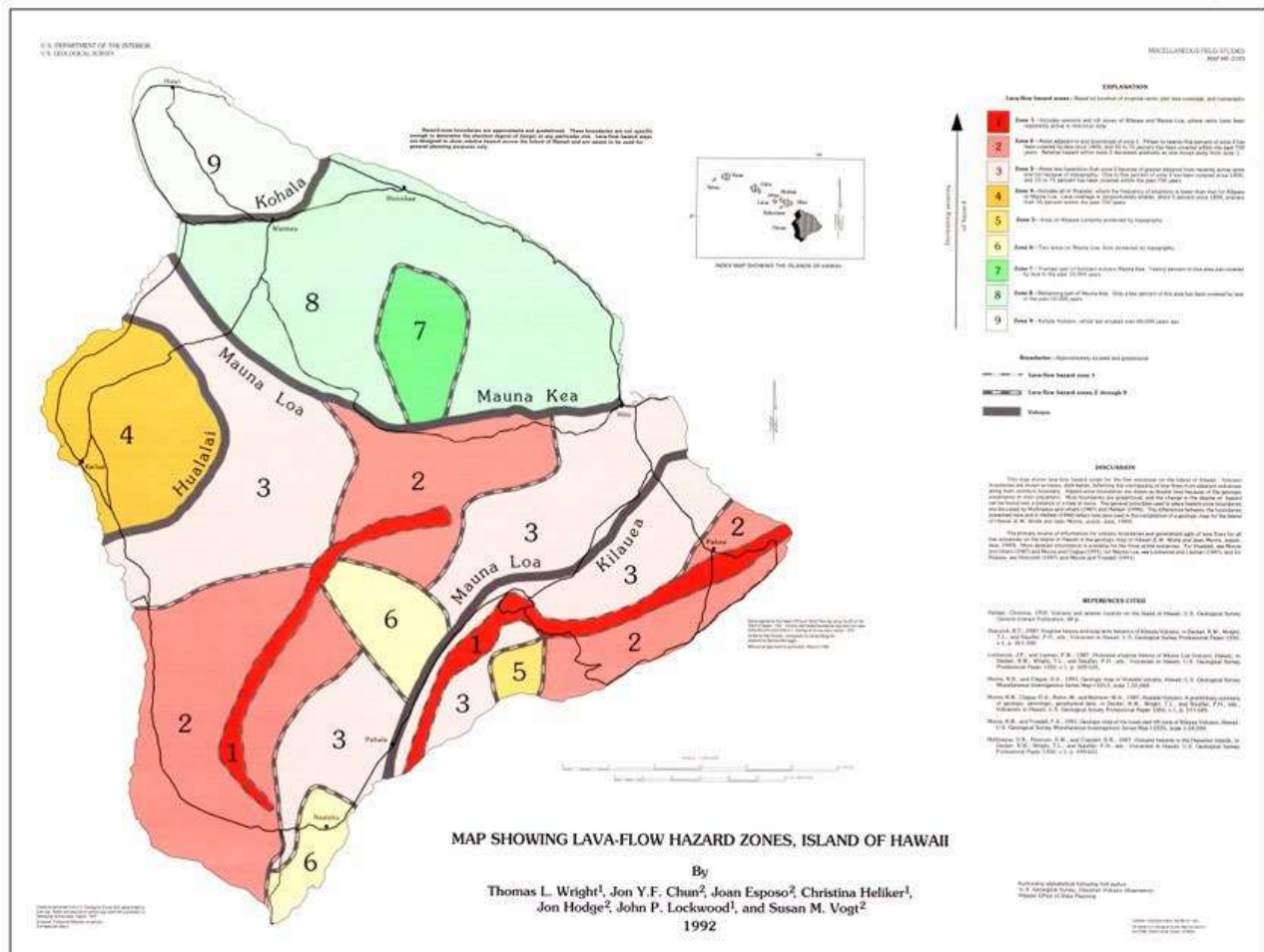
According to the Natural Resource Conservation Service's Land Study Bureau Overall Master Productivity Rating, the subject site does not have a rating classification as it is in the State Land Use "Urban" District.

The subject site falls within the State Land Use "Urban" District and is not included in the; The Agriculture Lands of Importance to the State of Hawaii (ALISH) designation.

## 10. Lava Hazard Zone:

According to the United States Geological Survey maps, the subject property is located within Lava Flow Hazard Zone 6, on a scale of ascending risks 9 to 1, 9 being the lowest risk and 1 being the greatest risk. The USGS map designates Lava Flow Hazard Zone 6 as being “protected by topography.”

Please reference attached USGS Lava Hazard Map for Hawai'i below.



**11. Distance from coastline:**

The subject property is located approximately 2.0 miles from the nearest coastline.

**12. Agricultural Lands of importance in the State of Hawai'i (ALISH) designation:**

The subject property is in a predominantly urban residential location not impacting agricultural lands.

The following policies from the CDP are noted as relevant to this application:

*Policy 32 Conserve and protect agricultural lands.*

*Policy 33 Preserve the agricultural character of Ka‘ū, including the open space preserved by agricultural land.*

*Policy 34 Vacant lands in urban areas should be made available for residential uses before additional agricultural lands are converted into residential uses.*

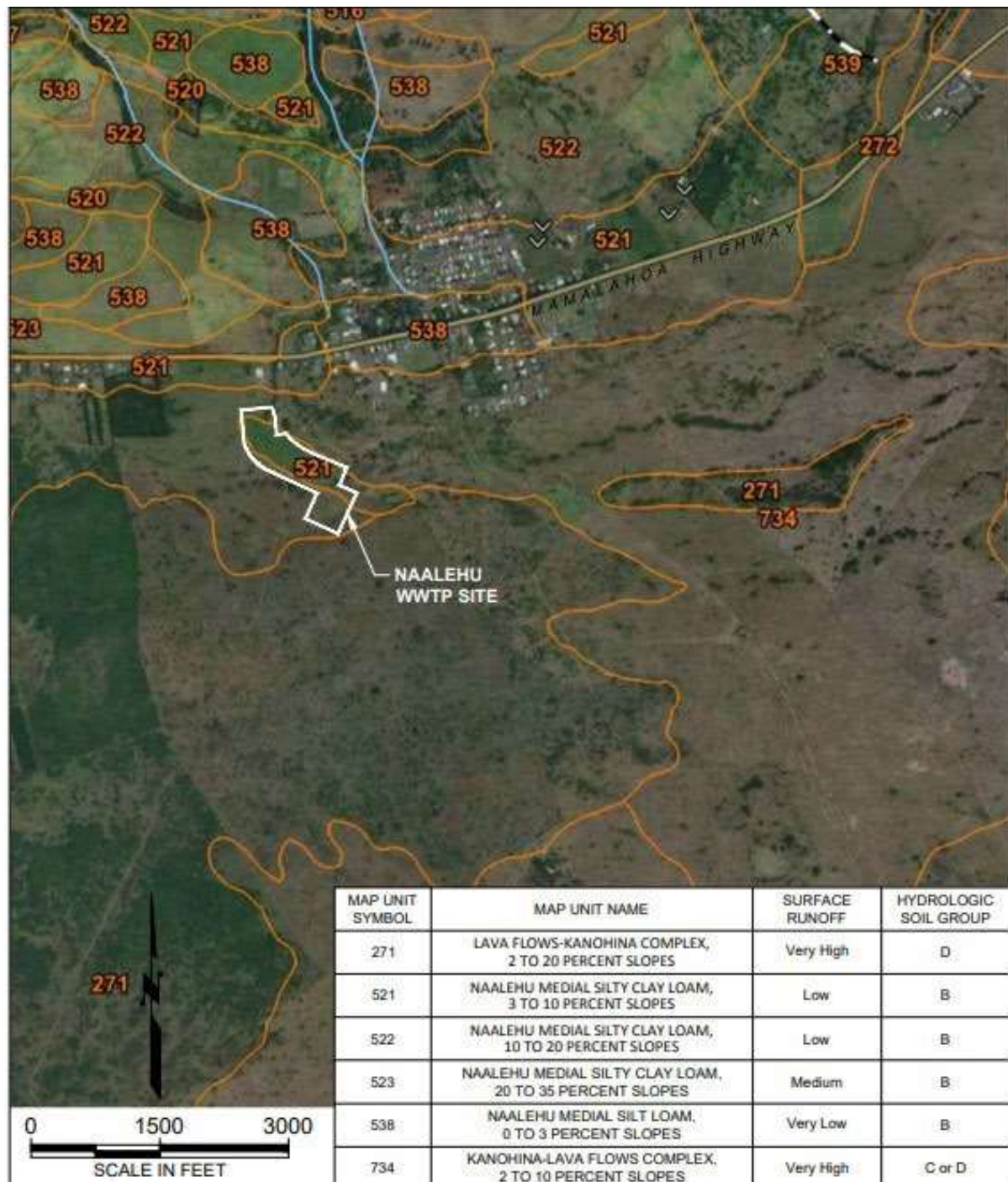
*Policy 35 Limit development of agricultural land to agricultural uses, discouraging speculative residential development and urban encroachment.*

*Policy 36 Agricultural lands shall not be rezoned to parcels too small to support economically viable farming units.*

**13. U.S.D.A. Natural Resources Conservation Services Soil Service Report soil type:**

From the attached NRCS Soil Map below the soil type for the subject property in Naalehu falls under Hydrologic Soil Group B and is classified as being a medial silt loam with 0 to 3 percent slopes and a very low surface runoff.





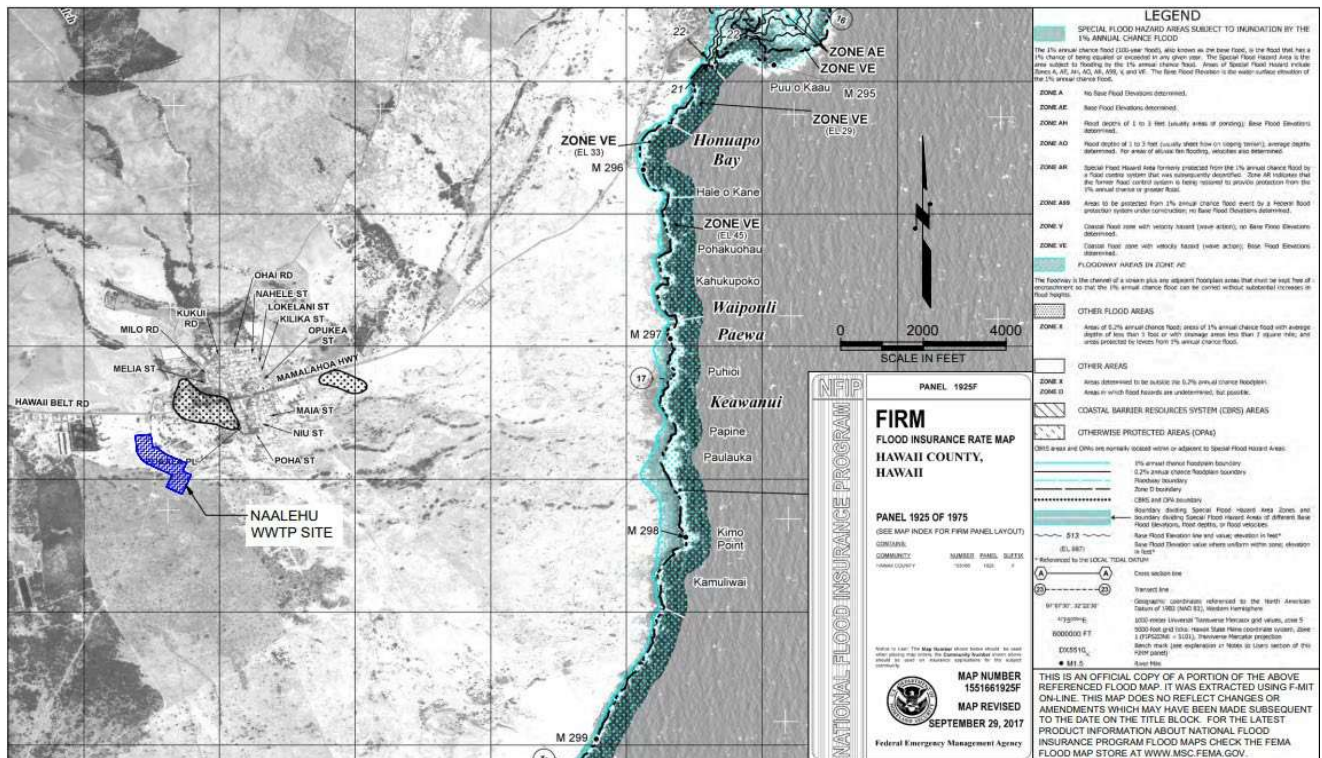
**14. Land Study Bureau soil rating :**

The Land Study Bureau does not classify the soil of the subject property as it's classified as existing urban district or development. Please note: "urban district," in this context/document, does not refer to the State Land Use District Boundary "Urban District", but instead refers lands that were observed to have been "built areas" in aerial photographs as observed by the State of Hawaii Land Study Bureau of the University of Hawaii.

The property has no severe topographic or geologic issues or concerns that would render the land unusable for commercial zoning. This location meets the criteria for commercial zoning.

**15. Flood Insurance Rate Map (FIRM) designation: (Contact Department of Public Works - Engineering Division):**

Area of minimal flood hazard – Zone X.



**16. Existing drainage ways or improvements:**

The subject property is very level with no observable slopes or topography that would require any improvements related to drainage or surface runoff. However, the subject property falls just outside of and to the east of a Federal Emergency Management Agency (FEMA) designated flood zone. There is an existing flood channel that runs north to south just west of the subject



property.

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.

**17. Air/noise/water quality:**

Main access to the subject property is off of the Mamalahoa Highway via Puaala Street. The existing volume of vehicular and other traffic is considered low. This is a dead-end road providing ingress and egress for roughly five private residences beyond the subject property. There is an existing parking area between the subject property and the rear of the existing commercial site to the north, which fronts onto Mamalahoa Highway. The current noise levels are relatively low. The noise levels should not appreciably increase with the development of a commercial enterprise on the subject property.

There should be no detectable impact to air quality on the subject property. The current air quality impacts are primarily associated with vehicular traffic adjacent to the subject property, which is considered negligible.

*Archaeological and Historic Resources:*

**18. Describe and show on the plot plan any known historic and archaeological resources on the property. Examples include human skeletal remains, structural remains, sand deposits, midden deposits, and lava tubes. The application may be provided to the State Department of Land and Natural Resources Historic Preservation Division (SHPD) for a determination of whether the project will affect archaeological/historic resources. Please be aware that a hearing before the Planning Commission may not be held until SHPD and the Planning Department determine resources on the property are adequately identified, recorded, mitigated and/or preserved.**

The applicant is not aware of any commissioned archaeological survey of the site. In the future, if any archaeological or cultural resource related items are discovered the applicant will immediately notify the Planning Department and the State DLNR and secure any necessary permits or clearances.

A letter requesting a "No Effect" determination has been sent to SHPD on XXX.

*Valued Cultural Resources:*

- 19. Identify any traditional and customary native Hawaiian rights that are exercised in the area; the extent in which the proposed development will affect these rights; and feasible action to be taken to protect native Hawaiian rights if they exist. Examples include areas of traditional collection of terrestrial resources (kī leaf, aho chord, thatch, medicinal plants, and ferns) or marine or riparian resources (limu, ‘ōpae, ‘o‘opu, hīhīwai) used for subsistence, cultural and religious purposes. Traditional and customary rights may also include rights of access to the archaeological and historical resources of the property.**

The subject property is not in the immediate vicinity of any shorelines, therefore gathering of marine life and coastal rights of access are not an issue.

There has been no observance of gathering of plants or other cultural resources by Native Hawaiians on the subject property. If such claims are made in the future, the appropriate actions will be taken by the applicant to address those issues or concerns.

It is not anticipated there will be any adverse impact to the subject property relative to the cultural and historical resources of the area.

*Public Access:*

- 20. Existing public access to and along the shoreline or to mountain areas and knowledge of public access being used.**

Not applicable to this rezoning and consolidation request.

- 21. Existing floral /faunal resources (any native or exotic plants; any listed or candidate for endangered species):**

No professional evaluations or assessments have been made on the subject property regarding floral or fauna resources. The applicant does not believe that rare or endangered floral or fauna resources are likely to be found on or near the property.

The subject property has been mostly cleared of vegetation. There has been no effort to update landscaping. It is not anticipated there will be any presence of native or exotic plants.

- 22. Scenic or coastal resources:**

The subject property is located just under two miles from the coastline. Therefore, no impacts resulting from discharge of wastewater systems from

the property or coastal access issues are anticipated.

The subject property does not fall under the scope or jurisdiction of any of the areas considered for the protection and conservation of natural resources listed in the General Plan and is in line with the following objective from the Community Development Plan:

*Objective 1: Encourage future settlement patterns that are safe, sustainable, and connected. They should protect people and community facilities from natural hazards, and they should honor the best of Ka 'ū's historic precedents: concentrating new commercial and residential development in compact, walkable, mixed-use town/village centers, allowing rural development in the rural lands, and limiting development on the shorelines.*

**23. Social settlement pattern for the area:**

Please see the attached map below depicting the settlement patterns for the Ka'u District, including Naalehu and immediately surrounding areas. Urban settlement areas are sparsely populated largely surrounded by agricultural and designated conservation areas.



**24. Economic resources of the area:**

It is anticipated that the rezoning of this small parcel of land would potentially

increase the tax base for the county by taxing the parcel as a commercial lot and realizing potential tax revenues from the construction of a commercial enterprise on the property. This will create construction jobs as well as purchases from local suppliers. There would also be the potential for sales and income tax revenues depending on the future commercial use of the property.

**25. Land values:**

Current 2024 total market value of the subject property is \$113,500 according to the Hawaii County tax office.

**26. Zoning**

The designated zoning of the subject property is currently RS-10. Please see the attached map below. The request to have the parcel rezoned to CV-10 is in harmony with the currently zoning designations of the surrounding parcels as seen on the map. It is not anticipated there will be any adverse impact to the surrounding area regarding this zone change. .





**27. Land use(s) :**

The land use in this area is a mix of commercial and residential zoning designations. There is also a designated open space with a city park to the west of the subject property (please refer to the zoning map above). There are a wide variety of uses within a one-mile radius of the subject parcel, including churches, schools, restaurants, convenience stores, gas stations, personal service providers and government services.



Given the existing and zoned conditions, the proposed rezoning would be compatible with the existing urban pattern of this area.

**D. PUBLIC FACILITIES AND SERVICES**

- 28. Description of access: (paved or unpaved ; private or county, right-of-way and pavement width. If private roadway, submit evidence of legal access rights):**



Access to the project is via Puaala Pl., which a 20-foot right-of-way. The road is paved.

**29. Availability of water:**

A county water line is in place adjacent to the property running along the east side in Puaala Place Road.

**30. Sewage disposal:**

As noted earlier, a septic tank system meeting the approval of the Department of Health has been built on the subject property.

**31. Solid waste:**

Solid waste will be handled through commercial haulers or into authorized landfill sites or transfer stations. The potential disposal of toxic or related chemical waste would be minimal, if at all.

**32. Police & fire protection:**

There is a 24-hour fire/EMS operation in Naalehu and a 24-hour facility located in Pahala.

Twenty-four hour, on-call volunteer services are provided within Ocean View, Discovery Harbour, Naalehu and Pahala.

A newly built police station in Naalehu serves the entire Ka'u district.

**33. Schools:**

The Naalehu Elementary School is approximately 0.25 miles to the east of the subject property. Please reference the Google map on Page 34 of this document.

The Ka'u High School complex is comprised of Ka'u High School, Pahala Elementary School, and Naalehu Elementary and Intermediate School, and serves a total enrollment of 810 students from kindergarten through the 12th grade level. The overall physical facilities at Naalehu and Pahala are adequate to serve the district needs. Pahala and Naalehu both have adequate library facilities. Pahala is a joint community school library facility located within the school complex and houses a collection of 19,564 volumes. Naalehu's facility is located behind the local post office and houses a collection of 7,631 volumes.

34. **Parks:**

The Naalehu Park lies in very close proximity to the subject property to the west. Please reference the Google map on Page 42 of this document.

35. **Other utilities and services (telephone/electricity):**

As noted under item 5 regarding applicable goals/policies and objectives of the General Plan, all other utilities such as telephone, cable, and electrical services are available to the site.

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

**E. ENVIRONMENTAL ASSESSMENT AND ANALYSIS**

36. **Relationship between local short term uses of environment and maintenance and enhancement of long-term productivity:**

The continued zoning designation for this parcel of land as an RS-10 is generally consistent with the surrounding area. However, the size of the parcel creates a dilemma. The parcel is only 6919 square feet, which is a very small residential building lot making it difficult to build a suitable private residence for future residential use.

From a long-term productivity standpoint, it is advised that it makes more sense to rezone this parcel under a CV-10 designation which is consistent with the adjoining commercial property to the north and would provide for a better use of the property based on parcel size, configuration and general location.

37. **Mitigative measures proposed to avoid, minimize, rectify, or reduce impact:**

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

It is acknowledged that there is no existing drainage way on the property. In the event of any development or construction activity on the property, any required grading or grubbing work would be done in conjunction with the required permits and/or County codes. This is to

ensure that the development of the property would not adversely affect the drainage of surrounding properties.

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

38. **Alternatives to the proposed development**

1. **No Project**

Under the status quo alternative, the site could continue in its residential status.

2. **Alternative Density**

An alternative density option does not seem reasonable for this area, especially considering the existing square footage of the property as previously mentioned.

3. **Evaluation of Alternatives**

The subject property's impacts on the area's social and physical infrastructure would not be pronounced. Certain mitigative measures could be taken to address any possible impacts associated with an possible future development of the property. Further, any future development would be consistent with the land use objectives sought to be accomplished by the County General Plan LUPAG map.

In view of the aforementioned, it would appear that none of the alternatives would be more prudent and beneficial than the requested CV-10 alternative.

39. **Irreversible and irretrievable commitments of natural resources that would be involved if proposed action implemented :**

It is not anticipated that there would be any irreversible commitment of natural or archaeological resources on the subject property.

The subject parcel is classified as existing urban development from the Land Study Bureau and ALISH.

Further, it is not likely that the site has any significant archaeological features. Again, if needed, all necessary actions would be taken to notify

appropriate agencies for mitigation efforts.

**F. AGENCIES - COMMENTS**

40. **You may consult with the following agencies and include discussion in your report or attach their written comments regarding your proposal:**
- a. Department of Public Works:
  - b. Department of Water Supply:
  - c. Police Department:
  - d. Fire Department:
  - e. Department of Finance - Real Property Tax Division:
  - f. State of Hawai'i Department of Transportation - Highways Division:  
(If applicable)
  - g. State of Hawai'i Department of Health:
  - h. State of Hawai'i Department of Agriculture: (Agricultural lands)
  - i. Neighbors, Community groups/individuals, Civil Defense,  
Office of Housing and Community Development, Kailua  
Village Design Commission, State of Hawai'i Real Estate  
Commission, and State of Hawai'i Department of Human  
Services: (If applicable)

ATTACHMENT

Commercial, RM, Resort, & Industrial

PLANNING DEPARTMENT  
COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

1. if your request is approved, do you intend to subdivide the subject land in accordance with the approved change of zone?

No subdivision of the subject parcel is planned.

\_\_\_\_\_

If yes, please answer the rest of question 1 and then to question 3.

- a. How many acres of the requested area do you intend to subdivide?
- b. Into what lots sizes?
- 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?

No subdivision of the subject parcel is planned.

\_\_\_\_\_

\_\_\_\_\_

NO

If you intend to subdivide, please submit a preliminary schematic subdivision plan together with your change of zone application form.

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)

NO

NO

NO

There are no plans for the future development of the subject property.

\_\_\_\_\_



- 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.

No future development plans are available at this time.

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3. What specific building plans do you have for the subject land? Include in your answer the following: type of building (apartment, office, laundrette, etc.); financing arrangement; timetable for construction; and any other information which you feel might help us in evaluating your request.

No future development plans are available at this time.

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4. Have you performed any study which would demonstrate a need for your proposed building and/or development?

NO

---

If so, please elaborate on your findings in the space provided below.

5. Have you performed any study which discusses the environmental impacts your request would have on the surrounding area and/or the County?

NO

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If so, please elaborate on your findings in the space provided below.

No EIS or FUTURE development actions have been initiated by the property owner.

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6. Are there any buildings on the subject area?

NO

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If so, what kind?

The subject area to be rezoned has no structures and is currently a level gravel lot.

---

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

NO buildings are located on the area to be rezoned.

---

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

NO

---

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

There are no types of agricultural activities on the area of the proposed rezoning.

---

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

NO

If so, please describe the problem.

There was no flooding observed at the time of the Survey.

9. Do you think that the roads leading to the subject area needs improvement?

NO

If so, what kind?

The road impact study has not been analyzed due to lack of information.

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

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

|                            | <u>yes</u>                  | <u>NO</u>                                        |
|----------------------------|-----------------------------|--------------------------------------------------|
| a. Schools                 | <u>                    </u> | <u>                    X                    </u> |
| b. Roads                   | <u>                    </u> | <u>                    X                    </u> |
| c. Sewer                   | <u>                    </u> | <u>                    X                    </u> |
| d. Drainage                | <u>                    </u> | <u>                    X                    </u> |
| e. Police Protection       | <u>                    </u> | <u>                    X                    </u> |
| f. Fire Protection         | <u>                    </u> | <u>                    X                    </u> |
| g. Recreational Facilities | <u>                    </u> | <u>                    X                    </u> |
| h. Recreational Facilities | <u>                    </u> | <u>                    X                    </u> |
| i. Other                   | <u>                    </u> | <u>                    </u>                      |

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

NONE

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11. Have you performed any historic sites study and/or survey of the subject area? If so, what were the results? Please, also, submit a copy of the study together with this change of zone supplement.

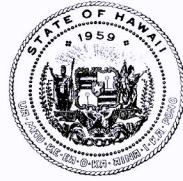
A survey was performed of the subject parcels boundaries and existing structures.

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|            |                                                  |
|------------|--------------------------------------------------|
| Signature: | <u>Aric Koerte</u>                               |
| Address:   | <u>200 KANOELEHUA AVE PMB 371, HILO HI 96720</u> |
| Telephone: | <u>808-289-0521</u>                              |
| Date:      | <u>JANURARY 6, 2025</u>                          |

| TMK #        | Zoning        | Parcel Size<br>(Square Feet/Acres) | Can the Lot be<br>Subdivided? | # of Lots that can<br>be Created by<br>Subdivision | Rezone<br>Ordinance # | Condition Status-<br>Active/Expired/<br>Complete | Time Remaining to Perform<br>Condition |
|--------------|---------------|------------------------------------|-------------------------------|----------------------------------------------------|-----------------------|--------------------------------------------------|----------------------------------------|
| 950090010000 | RS-10 / CV-10 | 25,955 Square Feet                 | Yes                           | 2                                                  | N/A                   | N/A                                              | N/A                                    |
| 950090020000 | RS-10         | 3,101 Square Feet                  | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950090030000 | RS-10/CV-10   | 97,574 Square Feet                 | Yes                           | 9                                                  | N/A                   | N/A                                              | N/A                                    |
| 950090040000 | RS-10/CV-10   | 108,246 Square Feet                | Yes                           | 10                                                 | N/A                   | N/A                                              | N/A                                    |
| 950090170000 | CV-10         | 9,483 Square Feet                  | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950090180000 | CV-10         | 9,631 Square Feet                  | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950090190000 | CV-10         | 9,870 Square Feet                  | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950090200000 | RS-10         | 9,461 Square Feet                  | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950090210000 | RS-10         | 9,461 Square Feet                  | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950090260000 | ROADWAY       | -                                  | N/A                           | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950090740000 | RS-10         | 16,117 Square Feet                 | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950210020000 | RS-10         | 29,185 Square Feet                 | Yes                           | 2                                                  | N/A                   | N/A                                              | N/A                                    |
| 950210220000 | RS-10         | 18,216 Square Feet                 | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950210230000 | OPEN          | 6.409 Acres                        | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950210330000 | RS-10         | 2.999 Acres                        | Yes                           | 13                                                 | N/A                   | N/A                                              | N/A                                    |
| 950240080000 | CV-7.5        | 17,380 Square Feet                 | Yes                           | 2                                                  | 07-098                | Expired                                          | Condition B Expired                    |
| 950240100000 | RS-7.5        | 14,344 Square Feet                 | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950240110000 | RS-7.5        | 10,345 Square Feet                 | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950240120000 | RS-7.5        | 8,886 Square Feet                  | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950240130000 | RS-7.5        | 14,501 Square Feet                 | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950240760000 | CV-7.5        | 18,430 Square Feet                 | Yes                           | 2                                                  | 90-131, 92-014        | Complete                                         | N/A                                    |
| 950240770000 | CV-7.5        | 17,206 Square Feet                 | Yes                           | 2                                                  | 90-129, 92-015        | Complete                                         | N/A                                    |
| 950240780000 | RS-7.5        | 14,013 Square Feet                 | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950250020000 | FLOOD         | 3.09 Acres                         | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950250030000 | RS-7.5        | 15,246 Square Feet                 | Yes                           | 2                                                  | N/A                   | N/A                                              | N/A                                    |
| 950250040000 | RS-7.5        | 9,583 Square Feet                  | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950250050000 | RS-7.5        | 13,503 Square Feet                 | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950250350000 | RS-15         | 17,859 Square Feet                 | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |
| 950250360000 | RS-15         | 15,681 Square Feet                 | No                            | N/A                                                | N/A                   | N/A                                              | N/A                                    |





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

MEMORANDUM

DATE: February 11, 2025

TO: Mr. Jeffrey W. Darrow  
Planning Director, County of Hawaii

FROM: Eric Honda  
District Environmental Health Program Chief

SUBJECT: Change of Zone Application (PL-REZ-2024-000069)  
Applicant: L.A. Services Inc.  
Request: Single-Family Residential (RS-10) to Village Commercial (CV-10)  
TMK: 9-5-009:001 (por.); Naalehu, Kau, Hawaii

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](mailto: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.



**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**

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

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

March 17, 2025

TO: Mr. Jeffrey Darrow, Director  
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Change of Zone Application (PL-REZ-2024-000069)**  
**Applicant – L. A. Services Inc.**  
**Request – Single-Family Residential-10,000 Square Feet (RS-10) to Village**  
**Commercial-10,000 Square Feet (CV-10)**  
**Tax Map Key 9-5-009:001**

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

Please be informed that there is an existing 8-inch waterline within Mamalahoa Highway fronting the subject parcel. There are two (2) existing 5/8-inch meters serving the recently consolidated parcel, which is limited to one (1) unit of water for each meter. For your information, one (1) unit of water is equal to an average daily usage of 400 gallons.

Please be informed that the Department's existing water system cannot support or provide additional water beyond the existing services at this time. In order to make water available, extensive improvements and additions, which may include, but not limited to storage, booster pumps, and distribution facilities, would be required. Currently, sufficient funding is not available from the Department for such improvements and no time schedule is set.

Lastly, the existing 8-inch waterline is inadequate to provide the required flow rate of 2,000 gallons per minute at a safe velocity for fire protection, as required per our Water System Standards for commercial zoning. In addition, the Department's existing storage facilities that serve the area are inadequate to provide the requisite volume of water needed for fire protection as required per our Water System Standards. We recommend that the applicant contact the Fire Department for any fire protection requirements or alternatives.

Should there be any questions, please contact Ms. Robyn Matsumoto of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,

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

RM:klcm

copy – L. A. Services Inc.

Planning Dept.  
Exhibit 5

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

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