

COUNTY OF HAWAI'I PLANNING DEPARTMENT
RECOMMENDATION

DOUGLAS AND SHELLEY UYEDA
CHANGE OF ZONE APPLICATION NO. PL-REZ-2025-000075

Upon careful review of the request against the guidelines for granting a change of zone, the Planning Director is recommending that **a favorable recommendation of the Change of Zone request be forwarded to the County Council.** Since this recommendation is made without the benefit of public testimony, the Planning Director reserves the right to modify and/or alter this position based upon additional information presented at the public hearing. This favorable recommendation is based on the following findings:

The applicants are requesting a Change of Zone from a Single-Family Residential-15,000 square feet (RS-15) zoning district to a Single-Family Residential-10,000 square feet (RS-10) zoning district for a 21,778-square-foot parcel of land. The RS zoning district, with a minimum area required for each building site of 10,000 square feet, would allow a maximum density of 2 building sites (lots).

The purpose of the rezoning request is to allow for the subdivision of the 21,778 square-foot property into two lots, each with a minimum lot size of 10,000 square feet. This subdivision would separate the two existing single-family dwellings currently located on the property, enabling each dwelling to exist on its own lot. This change is primarily intended for estate planning purposes and does not involve any new development or changes to the existing use of the property.

Upon approval of the rezoning request, the applicant plans to promptly file a subdivision application. Approval is anticipated within three years from the effective date of the requested zone change. As the applicant proposes a simple, two lot subdivision, the cost is estimated at \$20,000.

It should be noted that a Fair Share condition is typically included in change of zone application recommendations to address the impacts of increased residential development on newly created lots. However, in this case, the proposed zone change is intended solely to allow each existing dwelling to be placed on its own individual lot,

without increasing overall residential density. Therefore, a Fair Share condition is not applicable.

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

The change of zone request from a Single-Family Residential-15,000 square feet (RS-15) zoning district to a Single-Family Residential-10,000 square feet (RS-10) zoning district conforms to applicable goals, policies, and standards of the General Plan. The subject property is a 21,778-square-foot rectangular lot, level in topography, and situated at an elevation of 20 feet. It has been developed with two single-family homes: one is a 1,388 square-foot, 3-bedroom dwelling built in 1952, and the other is a 2,046-square-foot, 3-bedroom dwelling built in 1987 under Ohana Dwelling Permit No. 86-0092. Both homes are accessed via separate paved driveways from Kehaulani Street and the property is extensively landscaped. If the change of zone request is approved, the second dwelling on the property would be outright permitted given the proposed RS-10 zoning and lot size. Based on the preceding and for record keeping purposes, a condition of approval will require the Planning Director to formally revoke the Ohana Dwelling Permit upon successful rezoning.

The surrounding properties within the Waiākea Homesteads are predominantly zoned as Single-Family Residential (RS-10 and RS-15) and are primarily used for single-family housing.

The General Plan is intended to be used as a policy guide for the coordinated growth and development of all sectors of the County. It sets forth goals, policies, standards, and courses of action to accommodate growth without congestion, to designate and preserve the lands needed for residential use, commercial and visitor services, industry, agriculture, and open space, and to coordinate these uses with the County's service and circulation systems. The overall goals, policies and standards are set forth to physically plan the lands in the County in the best interest of the island's residents. Land

Use is one of the principal focal points of public concern and policy. The Land Use Element provides the primary basis for direct control and guidance of publicly and privately owned resources. The request conforms to the following goals and policies of the General Plan Land Use Element:

- *Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.*
- *Zoning requests shall be reviewed with respect to General Plan designation, district goals, regional plans, State Land Use District, compatibility with adjacent zoned uses, availability of public services and utilities, access, and public need.*

The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County.

The subject property is designated Low Density Urban (ldu) by the LUPAG Map which includes residential uses, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre. The proposed zoning from RS-15 to RS-10 will comply with this designation.

The Hilo CDP designates the property and surrounding area as single-family residential, thus the proposed RS-10 zoning is consistent with this designation.

All essential utilities and services are available to the site. Access to the subject property is from Kehaulani Road, a County-maintained roadway with a roughly 16-foot-wide pavement and unimproved grass shoulders within an approximately 40-foot-wide right-of-way. There are existing, paved driveway accesses to each of the existing dwellings on the property. There was no Traffic Impact Analysis Report (TIAR) included with the application as the proposed project does not meet the 50 peak-hour trip threshold to require a TIAR.

Although the Department of Public Works (DPW) did not submit formal comments on this application regarding the potential widening of Keahaulani Road, Chapter 23 (Subdivision), of the Hawai'i County Code requires a 50-foot right-of-way

for minor streets, including Kahaulani Road. As such, a condition of approval will require the landowners or subdividers to show a 5-foot-wide future road widening setback on subdivision plans and to subdivide and dedicate this land area to the County at no cost upon DPW's request.

According to the Department of Water Supply (DWS), County water is currently servicing the two existing single-family dwellings via 2 existing water meters fronting the subject parcel. DWS indicates that the subdivision plat map will be required to show the existing services with the account or meter number indicated. The preceding will be added as a condition of approval.

There is no municipal sewer system servicing the subject area. The two dwellings on the property are currently being serviced by existing, permitted cesspools.

Solid waste will be handled through commercial haulers or disposal by the landowner into authorized landfill sites or transfer stations. Since no construction-related activities are associated with the requested action, all solid waste generated is domestic, household trash.

Police, fire and medical services are available nearby in Hilo. Electrical and telephone services are available to the site. A condition of approval will require the applicant to meet all applicable County, State and Federal laws, rules, regulations, and requirements.

There are no severe geological or topographical problems for the property that cannot be properly rectified, or which would render the land unusable. The subject property is in an area designated as Zone "X", an area determined to be outside the 500-year flood plain, on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Additionally, the property has already been improved with two dwellings and no new construction is planned, thus the proposed change of zone meets this criterion.

The request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area. The subject property is located approximately 2 miles from the nearest shoreline, it is not situated within the Special Management Area and will not be impacted by coastal hazards and beach erosion. There is no designated public access to the mountains or the shoreline that runs through the property. The proposed use will not adversely impact any recreational resources,

including access to and along the shoreline, scenic and open space nor visual resources, coastal ecosystems, and marine and coastal resources. Therefore, the proposed use is not contrary to the objectives of Chapter 205A, Hawai‘i Revised Statutes.

The request will not have a significant adverse impact to traditional and customary Hawaiian Rights. In view of the Hawai‘i State Supreme Court’s “PASH” and “*Ka Pa‘akai O Ka‘Aina*” decisions, the issue relative to Native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

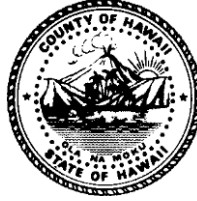
- Investigation of valued resources: As the subject property has been developed for residential use since 1952, no formal archaeological reconnaissance survey, oral history of kama‘āina accounts of the area, historical survey of documentary records, or floral/faunal studies were included in the application or found in Planning Department records.
- The valued cultural, historical, and natural resources found in the rezoning area: No known archeological or historical features exist on the subject property nor is the property listed as a historic site on the State or National Register of Historic Places. According to the applicant, it is not known whether the subject property or immediate surrounding area has been used in the recent past for the gathering of plants by Native Hawaiians.
Finally, the likelihood of any rare or endangered animal species, habitat or flora on the property is remote given the long developed, urban nature of the property and surrounding area.
- Possible adverse effect or impairment of valued resources: Native plants and/or endangered species are unlikely to be impacted by the proposed development due to the already impacted property and surrounding urban environment.
- Feasible actions to protect native Hawaiian rights: To the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights; therefore, no action is necessary to protect these rights. That said, as the proposed zoning could allow the development of accessory dwelling units (ADUs) on each proposed lot, a condition will be added requiring consultation with SHPD should historic resources be inadvertently discovered during construction.

Lastly, this recommendation is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the proposed use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the preceding findings, the request to rezone the property from a Single-Family Residential-15,000 square feet (RS-15) to a Single-Family Residential-10,000 square feet (RS-10) zoning district would result in an appropriate land use pattern that would further benefit the general public.

The accompanying draft bill to amend Section 25-8-33 (City of Hilo District Zone Map), Article 8, Chapter 25 (Zoning) of the Hawai'i County Code, is provided for your favorable consideration. Please note the proposed conditions of approval attached to the draft bill.

COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. _____ BILL NO. _____
(Planning Dept.)

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE ZONE MAP CLASSIFICATION FROM SINGLE-FAMILY RESIDENTIAL - 15,000 SQUARE FEET (RS-15) TO SINGLE-FAMILY RESIDENTIAL - 10,000 SQUARE FEET (RS-10) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-4-011:053.

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

SECTION 1. Section 25-8-33, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waiākea, South Hilo, Hawai'i, shall be Single-Family Residential – 10,000 square feet (RS-10):

Beginning at the northwest corner of this parcel of land and on the east side of Kehaulani Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 12,509.78 feet South and 8,042.10 feet East, thence running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|--|
| 1. | 265° 40' | 115.00 | feet along a portion of Lot 712-A,
(Grant 9102 to Mary Kahalaikulani
Silva); |
| 2. | 355° 40' | 189.38 | feet along portion of Lot 712-A
(Grant 9102 to Mary Kahalaikulani
Silva); |

- | | | | |
|----|----------|--------|--|
| 3. | 85° 40' | 115.00 | feet along Lot 12-A, being also a portion of Lot 712-A (Grant 9102 to Mary Kahalaikulani Silva); |
| 4. | 175° 40' | 189.38 | feet along east side of Kehaulani Street to the point of beginning and containing an area of 21,778 Square Feet, more or less. |

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

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2016 Edition, as amended), the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
- (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.

SEE ATTACHED CONDITIONS

SECTION 3. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

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

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI'I

_____, Hawai'i

Date of Introduction:

Date of 1st Reading:

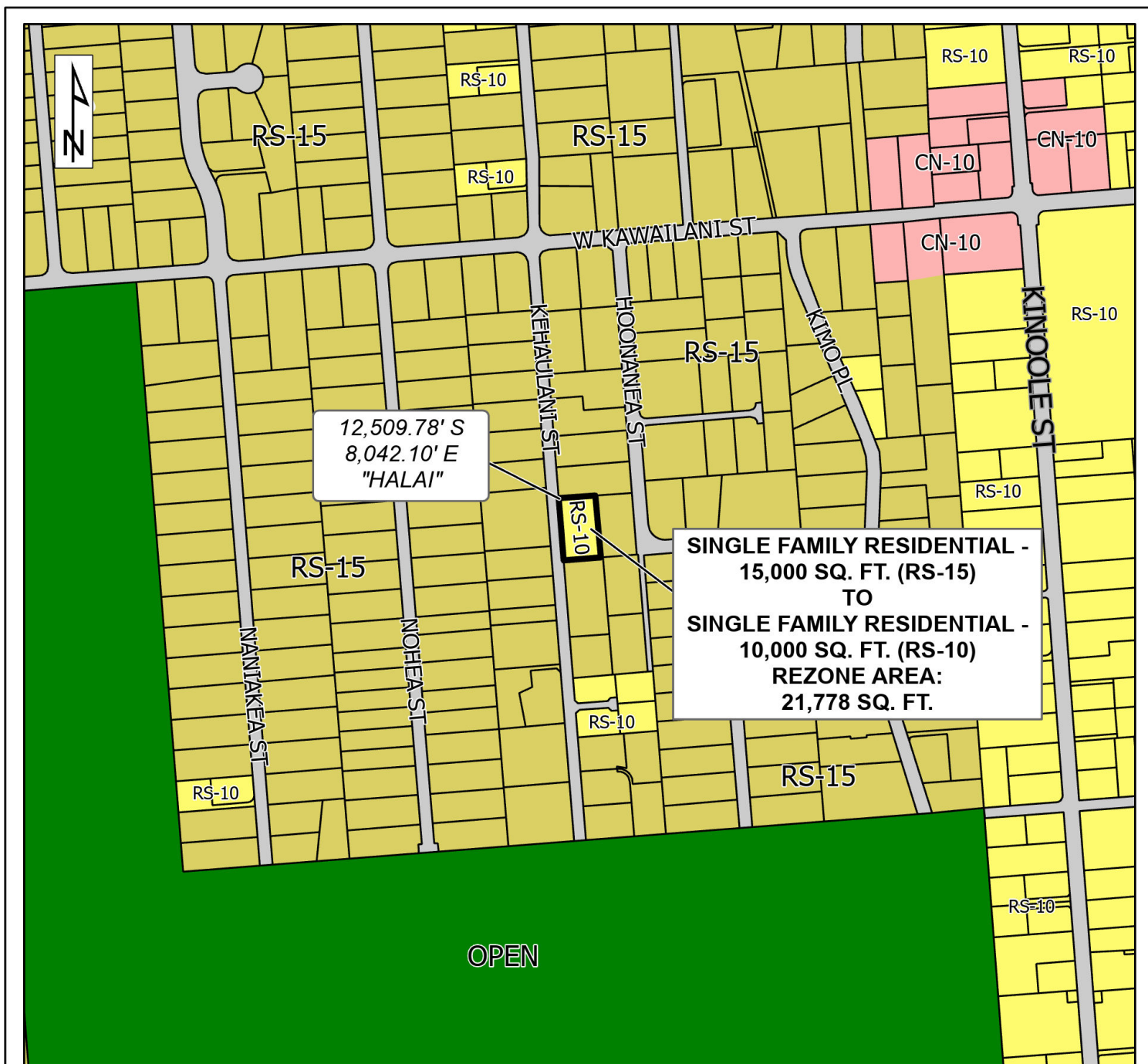
Date of 2nd Reading:

Effective Date:

DOUGLAS AND SHELLEY UYEDA
CHANGE OF ZONE APPLICATION NO. PL-REZ-2025-000075
CONDITIONS OF APPROVAL

- A. The applicant, successors or assigns (“Applicant”) shall be responsible for complying with all stated conditions of approval.
- B. Upon approval of this Change of Zone, the Planning Director shall formally revoke Ohana Dwelling Permit No. 86-0092 in writing.
- C. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance. The time during which required plans, reports, studies, or relevant permit applications are under review for approvals by government agencies shall not count towards the deadline established in the ordinance. To justify this tolling, the Applicant shall provide evidence of the excluded time period to the planning department for its review and approval, which shall consist of dates obtained from a government agency website, permitting program, or office indicating when the required plans, reports, studies, or permit applications were submitted, approved, denied, or returned by the government agency.
- D. Existing water services with current account or water meter numbers shall be depicted on plat maps submitted for the subdivision of the subject property.
- E. A five (5)-foot-wide future road widening strip along the property’s Kehaulani Road frontage shall be delineated on plat maps submitted for the subdivision of the subject property. Upon the request of the Department of Public Works, the Applicant shall subdivide the land encumbered by the future road widening and shall dedicate it to the County of Hawai‘i at no cost.
- F. All driveway connections to Kehaulani Street shall conform to Hawai‘i County Code Chapter 22, County Streets.
- G. All development-generated runoff shall be disposed of on-site and not directed toward any adjacent properties.
- H. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawai‘i County Code.

- I. The method of sewage disposal shall meet the requirements of the State Department of Health.
- J. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the department of Land and Natural Resources- State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. Subsequent work shall proceed upon receipt of an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- K. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- L. The Applicant shall comply with all applicable County, State and Federal codes, laws, rules, regulations and requirements.
- M. An initial extension of time for the performance of conditions within this ordinance may be requested in accordance with Section 25-2-44, subsections (c) and (d), of the Hawai'i County Code.
- N. If any conditions have not been completed by the deadline, or if a time extension request has not been submitted in accordance with section 25-2-44(c), the planning department shall inform the Applicant that the ordinance is null and void without further action by the County. In that event, the zoning designation of the property(s) affected by the ordinance shall automatically revert to its immediate prior zoning designation.



0 500 1,000 Feet

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8,
CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),
BY CHANGING THE ZONE MAP CLASSIFICATION FROM
SINGLE FAMILY RESIDENTIAL - 15,000 SQ. FT. (RS-15) TO
SINGLE FAMILY RESIDENTIAL - 10,000 SQ. FT. (RS-10)
AT WAIĀKEA, SOUTH HILO, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 2-4-011:053

DATE: January 31, 2025

EXHIBIT "A"

Douglas & Shelley Uyeda
Map: