

COUNTY OF HAWAII PLANNING DEPARTMENT
BACKGROUND REPORT

BENJAMIN AND OLIMPIA LOVE

CHANGE OF ZONE APPLICATION NO. PL-REZ-2025-000093

BENJAMIN AND OLIMPIA LOVE have submitted an application for a Change of Zone from an Agricultural-20 Acres (A-20a) zoning district to a Family Agricultural-1 Acre (FA-1a) zoning district for 5.79 acres of land. The subject property is located at 17-4050 Kua'āina Road, approximately 1,106 feet northwest of its intersection with Volcano Road (Highway 11), Kea'au, Puna, Hawai'i, TMK: (3) 1-7-016:010.

PROPOSED ACTION

1. **Applicants' Request:** The applicants are requesting a Change of Zone from an Agricultural-20 Acres (A-20a) zoning district to a Family Agricultural-1 Acre (FA-1a) zoning district for 5.79 acres of land. The FA-1a district has a minimum lot size of one (1) acre and would allow a maximum density of five (5) building sites (lots). The Family Agricultural (FA) zoning district is intended to provide for a blend of small-scale agricultural operations associated with residential activities and may be characterized by farm estates, small-acreage farms, or subsistence lots. The FA district is intended for areas within the State Land Use Agricultural District where public services and infrastructure are appropriate to support the very-low-density residential needs of a rural community; where a substantial number of parcels are less than five (5) acres in size; and where a mix of uses will not conflict with, or be detrimental to, existing agricultural uses in the surrounding area. In addition, the FA district is intended to be primarily composed of agricultural lands less than five (5) acres in area that are not classified as A or B lands under the Land Study Bureau's Master Productivity Rating, nor classified as prime, unique, or other important agricultural lands. However, the district may include lands with these classifications if the lands are situated within an urban

expansion or other urban designation under the General Plan Land Use Pattern Allocation Guide (LUPAG) map. Standards and permitted uses applicable to the FA zoning district are set forth in Sections 25-5-60 through 25-5-67 of the Hawai'i County Code. **(Planning Department Exhibit 1 - Zoning Code Requirements for Family Agricultural Districts)**

2. **Reason for the Request:** The request is intended to enable a five-lot subdivision consistent with the one (1) acre minimum lot size of the proposed FA-1a district. The subject property includes an existing single-family dwelling, which is currently occupied by the applicants. The applicants state they would retain two (2) lots for family use (including the lot with the existing dwelling) and would sell three (3) lots for estate planning purposes.
3. **Construction Timetable and Cost:** Following approval of the rezoning, the applicants intend to proceed with the subdivision process as soon as practicable. The subdivision is tentatively anticipated to be completed by the end of 2026. The estimated cost of infrastructure improvements associated with the subdivision is approximately \$100,000, depending on final design and County requirements.
4. **Landowner:** Benjamin C. Love Trust and the Olimpia A. Love Trust.
5. **Supporting Information:** The applicants have submitted the attached in support of the request. **(Planning Department Exhibit 2 - Change of Zone Application and Supplemental Information dated October 14, 2025)**

STATE & COUNTY PLANS

6. **State Land Use District:** Agricultural.
7. **General Plan Land Use Pattern Allocation Guide (LUPAG) MAP:** Low Density Urban (LDU), with a small portion of the southeastern corner designated as Urban Expansion (UE). The Low Density Urban designation allows for residential uses, along with ancillary community and public uses, at an overall residential density of up to six units per acre. The Urban Expansion designation allows for a mix of urban uses in areas identified for potential future development where specific settlement patterns have not yet been

determined.

8. **County Zoning:** Agricultural–20 Acres (A-20a).
9. **Puna Community Development Plan (PCDP):** The subject parcel is covered by the PCDP which was adopted by the Hawai'i County Council by Ordinance No. 08-116 on September 10, 2008, and amended on November 4, 2010, by Ordinance No. 10-104; on June 8, 2011, by Ordinance Nos. 11-51, 11-52, & 11-53; and on December 6, 2011, by Ordinance Nos. 11-117 & 11-118. The subject parcel is not situated within any designated town, village, or neighborhood center.
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 5 miles from the nearest coastline.

DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

11. **Subject Property:** The subject property consists of approximately 5.79 acres and is generally trapezoid/irregular in shape. The parcel is developed with one existing single-family dwelling constructed in 1991. The remainder of the site is predominantly undeveloped and includes previously cleared areas that are now overgrown, as well as areas planted with fruit trees by the landowners. No additional structures or site improvements are present. Topography across the site is relatively level, with a maximum slope of approximately 3.5 percent.
12. **Surrounding Zoning/Land Uses:** The surrounding area includes a mix of Agricultural–20 acres (A-20a) and Single-Family Residential–20,000 square feet (RS-20) zoning. Parcels to the south and east are zoned RS-20 and generally range from approximately 1 acre to 4.5 acres; the 5-acre 'Kurtistown Village' parcel is an exception and has been divided into ten (10) CPR units ranging from approximately 16,000 to 37,000 square feet. The RS-20 zoned parcels are predominantly developed with single-family dwellings but also include the site of the Hilo Korean Christian Church on the parcel immediately east of the subject property. Parcels to the west are zoned A-20a, typically ranging from

approximately 2 to 10 acres, and support a mix of agricultural and residential uses. The Iwasaki Village subdivision (created in the 1930s) is located about 500 feet west of the subject parcel and includes lots of ranging from 4,700 to 10,000 square feet. To the north is the approximately 302-acre Kamehameha Schools campus parcel, zoned A-20a. Pursuant to Ordinance No. 24-87 and Section 25-2-42(c)(4) of the Hawai'i County Code, a detailed surrounding properties report is attached to this document. (**Planning Department Exhibit 3**).

13. **U.S.D.A. Soil Survey:** The subject property is classified as Panaewa very cobbly hydrous loam, 2 to 10 percent slopes. The soil is moderately well drained, runoff is high, and permeability is low to moderately low.
14. **Agricultural Lands of Importance to the State of Hawai'i:** Prime Agricultural Land, which is land best suited for the production of food, feed, forage and fiber crops. These lands have the soil quality, growing season, and moisture supply needed to support economically viable, high crop yields when properly treated and managed—including appropriate water management—using modern farming methods.
15. **Land Study Bureau Soil Productivity Rating:** The soil condition within the subject property is classified as “C” or “Fair Soils” and “D” or “Poor” soils for agricultural productivity.
16. **Flood Insurance Rate Map (FIRM)/Drainage:** The subject parcel is in an area designated as flood zone “X” on the Flood Insurance Rate Map (FIRM). Zone “X” is an area determined by FEMA to be “within an area of minimal flood hazard.”
17. **Flora/Fauna Resources:** No professional floral or faunal surveys were conducted on the subject parcel. The property is predominantly surrounded by single-family residential uses. Based on these conditions, the applicants do not anticipate the presence of rare or endangered plant or animal species, nor the existence of suitable habitat for such species within the property.
18. **Archaeological/Cultural/Historical Resources:** The subject property has been previously cleared, and a portion is used as a homesite; therefore, no archaeological survey was

conducted. The subject property has been previously cleared and historically used for sugar cane cultivation, a land use typically associated with substantial ground disturbance and disruption of any surface cultural resources. The subject site is not adjacent to or in proximity to the shoreline; therefore, coastal access and the gathering of marine resources are not anticipated to be affected. It is not known whether the subject property or the surrounding area was used in the recent past for the gathering of plants by Native Hawaiians; however, the applicants report that they have not observed Native Hawaiian plant gathering on the subject property or adjacent properties. By letter dated November 19, 2025, the Department of Land and Natural Resources, State Historic Preservation Division (SHPD) issued a project effect determination of “No historic properties affected.” In the event archaeological materials, lava tube openings, or human skeletal remains are inadvertently discovered during grubbing, grading, or other ground-disturbing activities, work shall cease in the immediate vicinity of the find, the find shall be protected from further disturbance, and SHPD shall be contacted before work resumes.

19. **Public Access:** There is no designated public access to the mountains or shoreline through the property.

PUBLIC UTILITIES AND SERVICES

20. **Vehicular Access/Traffic:** Vehicular access to the subject parcel is provided via Kua‘āina Road, a County-owned and maintained paved roadway along the southern boundary of the property. Kua‘āina Road has an approximate 32-foot-wide right-of-way and approximately 18 feet of pavement width and connects to Volcano Road (State Highway 11) approximately 1,100 feet east of the subject parcel. North Road borders the northern portion of the property; however, it is a privately owned and maintained roadway and is not proposed to serve as access for the project. North Road generally consists of a gravel surface (approximately 12–15 feet wide) and also connects to Volcano Road approximately 1,300 feet east of the subject parcel. North Road’s roadway configuration in this area is associated with Subdivision 5521 (approved in

1987). Available records indicate that the portion of North Road located within the subject parcel was not conveyed as part of the private road lot and portions of North Road remains within TMK (3) 1-7-016:010, subject to a access and utility easement. The access and utility easement was originally granted in 1983 as a 30-foot-wide access and utility easement (**Planning Department Exhibit 4 – Bureau of Conveyances Document 83-131084 Recorded November 21, 1983**) and subsequently corrected in 1986 (**Planning Department Exhibit 5 – Bureau of Conveyances Document 86-45263 Recorded April 23, 1986**). The corrected easement description identified the access and utility easement with varying widths of approximately 39.06 feet and 37.79 feet. In 1995, Puna Sugar conveyed easement rights to Dillow Group. There is an existing driveway from the single-family dwelling to Kuaʻāina Road, which will be removed once the new road lot es established. For the proposed rezoning and anticipated subdivision, access to the new lots would be provided by a new private roadway lot connecting to Kuaʻāina Road. The proposed roadway would consist of a 20-foot-wide right-of-way with a minimum 16-foot-wide pavement and would be designed to meet applicable Hawaiʻi County subdivision requirements and Department of Public Works roadway standards.

21. **Water:** The subject parcel is served by the Department of Water Supply (DWS) through an existing 5/8-inch water meter. DWS indicates the existing meter is limited to an average daily usage of 400 gallons and is suitable for one (1) dwelling. DWS indicates that additional water service for the proposed subdivision may be available from the end of an existing 6-inch waterline within Kuaʻāina Road fronting the parcel; however, any additional service is subject to DWS water availability conditions and system requirements. A water commitment, if applicable, may be issued pursuant to DWS Rule 5. For final subdivision approval, DWS indicates the applicants shall be required to construct water system improvements to provide adequate domestic service and fire protection, which may include extension of existing water mains, installation/relocation of service laterals and meters to serve the proposed lots, and installation of fire hydrants in accordance with DWS requirements. The applicants will also be required to

remit applicable facilities charges and, upon completion, convey required improvements and easements to the Water Board/DWS, as applicable.

22. **Wastewater:** The project is not proposed to connect to a public sewer system; wastewater disposal is expected to be handled through individual wastewater systems, subject to State Department of Health approvals prior to issuance of building permits.
23. **Solid Waste:** The applicants state that solid waste will be handled through commercial haulers or the individual homeowners into authorized landfill sites or transfer stations.
24. **Essential Utilities and Services:** Police, fire and medical services are available nearby in Kea'au . All other essential utilities are available to the property.

AGENCY COMMENTS

25. **Department of Water Supply (Planning Department Exhibit 6 – November 26, 2025 Memo)**
26. **Department of Public Works (Planning Department Exhibit 7 – September 15, 2025 Email)**
27. **Department of Public Works (Planning Department Exhibit 8 – January 29, 2026 Email)**
28. **Police Department (Planning Department Exhibit 9 – November 5, 2025 Memo)**
29. **State Department of Health (Planning Department Exhibit 10 – October 24, 2025 Memo)**
30. **State Department of Transportation (Planning Department Exhibit 11 – November 17, 2025 Memo)**
31. **State Department of Land and Natural Resources-State Historic Preservation Division (Planning Department Exhibit 12 – November 19, 2025 Letter)**

AGENCIES – NO RESPONSE

32. Department of Public Works – Engineering Division; Department of Public Works – Traffic Division; Department of Environmental Management; Fire Department; Department of Land and Natural Resources-Engineering and Land Divisions; and U.S. Fish and Wildlife Service.

APPLICANTS' RESPONSE TO AGENCY COMMENTS

- 33. **Letter from Applicants Responding to Agency Comments (Planning Department Exhibit 13 – January 16, 2026)**
- 34. **Email from Applicants Responding to Agency Comments (Planning Department Exhibit 14 – January 28, 2026)**

PUBLIC COMMENTS

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

Section 25-5-57. Other regulations.

- (a) If any legal building site in the RA district has an area less than one-half acre, then the yard and height requirements for the building site shall be the same as the yard requirements for the RS district.
 - (b) Plan approval shall be required prior to the construction or installation of any new structure or development, or of any addition to an existing structure or development which is used for minor agricultural products processing.
 - (c) An accessory dwelling unit may be located on any building site in the RA district, as permitted under article 6, division 3 of this chapter.
 - (d) Exceptions to the regulations for the RA district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development pursuant to article 6, division 1 of this chapter.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4; am 2024, ord 24-70, sec 8.)

Division 6. FA, Family Agricultural Districts.**Section 25-5-60. Purpose and applicability.**

The FA (family agricultural) district provides for a blend of small-scale agricultural operations associated with residential activities and which may be characterized by farm estates, small acreage farms, or subsistence lots. The FA district is intended to be in areas designated as being within the State land use agricultural district, where public services and infrastructure are appropriate to support the very low density residential needs of a rural community and where substantial number of parcels are less than five acres in size, and where a mix of uses will not conflict with or be detrimental to existing agricultural uses in the surrounding area.

In addition, this district is intended to be primarily comprised of agricultural lands less than five acres in area, which are not classified as A or B lands under the land study bureau's master productivity rating, or classified as prime, unique, or other important agricultural lands. Provided, that this district may include lands so classified if the lands are situated within an urban expansion or other urban designation under the general plan land use pattern allocation guide (LUPAG) map.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-61. Designation of FA districts.

Each FA (family agricultural) district shall be designated on the zoning map by the symbol "FA" followed by a number and the lower case letter "a" which indicates the required number of acres for each building site. For example, FA-1a means a family agricultural district with a minimum building site area of one acre.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-62. Permitted uses.

- (a) The following uses shall be permitted in FA districts:
- (1) Agricultural products processing, minor, provided that the area or buildings used for such processing, shall be located at least seventy-five feet from any street.
 - (2) Agricultural tourism as permitted under section 25-4-15.
 - (3) Animal hospitals.
 - (4) Apiaries.
 - (5) Aquaculture.
 - (6) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
 - (7) Campgrounds, parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities, where none of the recreational features are entirely enclosed in a building.
 - (8) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (9) Crop production.
 - (10) Dwelling, single-family, as permitted under chapter 205, Hawai'i Revised Statutes and as permitted under section 25-5-67(b).
 - (11) Farm dwellings, as permitted under section 25-5-67(b) and (c).
 - (12) Game and fish propagation.
 - (13) Group living facilities.
 - (14) Kennels.
 - (15) Livestock, grazing; provided that any feed or water area, salt lick, corral, run, barn, shed, stable, house, hutch, or other enclosure for the keeping of any permitted animals shall be located at least seventy-five feet from any lot line.
 - (16) Public uses and structures, necessary for agricultural practices.
 - (17) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest.
 - (18) Riding academies, and rental or boarding stables.
 - (19) Roadside stands for the sale of agricultural products grown on the premises.
 - (20) Telecommunication antenna and towers, as permitted under section 25-4-12.
 - (21) Utility substations, as permitted under section 25-4-11.
 - (22) Vehicle and equipment storage areas that are directly accessory to aquaculture, crop production, game and fish propagation, and livestock grazing.
 - (23) Veterinary establishments.
- (b) The following uses may be permitted in the FA district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.

- (c) The following uses may be permitted in the FA district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:
 - (1) Adult day care homes.
 - (2) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (3) Family child care homes.
 - (4) Home occupations, as permitted under section 25-4-13.
 - (5) Model homes, as permitted under section 25-4-8.
 - (6) Public uses and structures, other than those necessary for agricultural practices, as provided under section 25-4-11.
 - (7) Temporary real estate offices, as permitted under section 25-4-8.
 - (8) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai'i Revised Statutes.
 - (d) The following uses may be permitted in the FA district, provided that either a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:
 - (1) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (2) Crematoriums, funeral homes, funeral services, and mortuaries.
 - (3) Day care centers.
 - (4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (5) Major outdoor amusement and recreation facilities, includes stadiums, sports arenas, and other similar open air recreational uses.
 - (6) Medical clinics.
 - (7) Meeting facilities, including special events, as permitted under section 25-4-17.
 - (8) Schools.
 - (9) Special events.
 - (e) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the FA district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 12; am 2010, ord 10-17, sec 5; am 2012, ord 12-28, sec 8; ord 12-124, sec 7; am 2014, ord 14-86, sec 8; am 2021, ord 21-26, sec 9; am 2021, ord 21-52, sec 8; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, secs 8 and 9; ord 25-66, sec 15.)

Section 25-5-63. Height limits.

The height limit in FA districts shall be thirty-five feet for any residential structure, including any single-family dwelling or farm dwelling, and forty-five feet for all other structures.

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

Section 25-5-64. Minimum building site area.

The minimum building site area in the FA district shall be one acre. Other FA districts having larger areas may be designated in increments of one acre up to a recommended maximum of five acres.

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

Section 25-5-65. Minimum building site average width.

Each building site in the FA district must have a minimum average width of one hundred twenty feet for the initial one acre of required area plus twenty feet for each additional acre of required area; provided that no building site shall be required to have an average width greater than three hundred feet.

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

Section 25-5-66. Minimum yards.

- (a) Except as otherwise provided in this section, the minimum yards in the FA district shall be thirty feet for front and rear yards and twenty feet for side yards.
- (b) In the FA district, accessory buildings and enclosures (other than fences under eight feet high) for the shelter and confinement of any livestock shall be at least thirty feet from the side and rear property lines.
- (c) Appropriate additional setbacks from adjacent residential zoned lands may be required by the director for those facilities and uses which may include more frequently used machinery and equipment in order to minimize potential lighting, odor, vector and air and water quality impacts.

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

Section 25-5-67. Other regulations.

- (a) If any legal building site in an FA district has an area of less than one acre, then the yard and height requirements for the building site shall be the same as the yard and height requirements in the RA district.
- (b) One single-family dwelling or one farm dwelling shall be permitted on any building site in the FA district. A farm dwelling is a single-family dwelling located on or used in connection with a farm or if the agricultural activity provides income to the family occupying the dwelling.
- (c) Additional farm dwellings may be permitted in the FA district only upon the following conditions:
 - (1) A farm dwelling agreement for each additional farm dwelling, on a form prepared by the director, shall be executed between the owner of the building site, any lessee having a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement, and the County. The agreement shall require the dwelling to be used for farm-related purposes.
 - (2) The applicant shall submit an agricultural development and use program, farm plan or other evidence of the applicant's continual agricultural productivity or farming operation within the County to the director. Such plan shall also show how the farm dwelling will be utilized for farm-related purposes.
- (d) An accessory dwelling unit may be located on any building site in the FA district, as permitted under article 6, division 3 of this chapter.

- (e) Exceptions to the regulations for the FA district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.
 - (f) Plan approval shall be required prior to the construction or installation of any new structure or development, or of any addition to an existing structure or development which is used for minor agricultural products processing.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4; am 2024, ord 24-70, sec 8.)

Division 7. A, Agricultural Districts.

Section 25-5-70. Purpose and applicability.

The A (agricultural) district provides for agricultural and very low density agriculturally-based residential use, encompassing rural areas of good to marginal agricultural and grazing land, forest land, game habitats, and areas where urbanization is not found to be appropriate.

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

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

Each A (agricultural) district shall be designated on the zoning map by the symbol “A” followed by a number together with the lower case letter “a” which indicates the required or minimum number of acres for each building site. For example, A-10a means an agricultural district with a minimum building site area of ten acres.

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

Section 25-5-72. Permitted uses.

(a) The following uses shall be permitted in the A district:

- (1) Agricultural parks.
- (2) Agricultural products processing, major and minor.
- (3) Agricultural tourism as permitted under section 25-4-15.
- (4) Animal hospitals.
- (5) Apiaries.
- (6) Aquaculture.
- (7) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
- (8) Campgrounds, parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities, where none of the recreational features are entirely enclosed in a building.
- (9) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- (10) Crop production.
- (11) Dwelling, single-family, as permitted under chapter 205, Hawai‘i Revised Statutes and as permitted under section 25-5-77(b).
- (12) Farm dwellings, as permitted under section 25-5-77(b) and (c).

October 14, 2025

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

Dear Mr. Darrow:

Subject: Attn: Tracie-Lee Camero
Submission of Change of Zone Application (PL-REZ-2025-000093)
Applicant: Benjamin and Olimpia Love
Kea'au, Puna, Hawaii, TMK: (3) 1-7-016:010

The subject application was submitted to your department on August 26, 2025. The applicants propose to rezone the subject property from A-20a to FA-1a in order to subdivide the 5.79-acre parcel into five (5) lots, each consisting of a minimum of 1-acre. The intention of the subdivision would be to provide housing opportunities for the applicants' family as well as for estate planning purposes. The applicants would retain two of the proposed parcels for their family and continue living on one of those parcels.

Your office has requested the following additional information:

1. Roadways and Access

- Provide a discussion on the two proposed roadways identified, North Road and Kuaaina Road, and how they connect to the main highway.*
- Clarify whether North Road is currently in use, whether it will be used for access to the subject property, and the jurisdiction/maintenance status of North Road. Please also indicate whether North Road is paved and its width.*
- Based on the survey map and your report, approximately 30 feet of Kuaaina Road appears to be paved. However, according to the proposed subdivision map, it may be part of a larger right-of-way. Please indicate the total width of Kuaaina Road.*

North Road runs along the northern boundary of the parcel. According to Real Property Tax records, it is a privately owned and maintained roadway owned by Dillow Group LLC. The majority of the roadway contains a 60-foot right-of-way, with approximately 12-15 feet of gravel roadway width. The portion of the road fronting the subject parcel contains an approximately 22-foot right-of-way. North Road connects directly to Volcano Road, a state-owned highway, approximately 1,300 feet east of the subject property. The entrance to North Road from the highway is gated. Right and left hand turns onto the highway from North Road are controlled with a stop sign. The subject parcel and the proposed subdivision will be accessed from Kuaaina Road and not from North Road.

Kuaaina Road is used to access the subject parcel and is proposed for access to the proposed subdivision. It runs along the southern boundary of the parcel. According to Real Property Tax and survey records, it is a County-owned roadway with an approximately 32-foot right-of-way and 18 feet of pavement width and is in good condition. Kuaaina Road connects directly to Volcano Road, approximately 1,100 feet east of the subject property. Right and left hand turns onto the highway from Kuaaina Road are controlled with a stop sign.

- *Provide a discussion on the existing driveway serving the dwelling and how access will be addressed and mitigated with the proposed five-lot subdivision. Especially since the driveway looks to be crossing another proposed lot.*

The applicant plans to keep proposed Lot 4, on which his dwelling is located, as well as proposed Lot 5 for his family's use. Currently, the dwelling located on proposed Lot 4 is accessed via an existing driveway from Kuaaina Road. In conjunction with the subdivision process, the landowner intends to create a new driveway to his parcel from the new roadway lot proposed to run along the western side of the parcel. The existing driveway will cease to be used and the new driveway will take its place.

- *Clarify whether access for the new lots will be provided via individual driveways, a shared easement, or a roadway lot. If access will be by shared easement or roadway lot, please indicate the proposed width, design, and construction material of the access.*

As shown on the rezone exhibit map, the applicant intends to create a new 20-foot wide private roadway which will provide access to the proposed parcels from Kuaaina Road. The new roadway lot will contain a 20-foot-wide right-of-way with a minimum of 16-feet of pavement width and will comply with Hawaii County Code, Chapter 23, Subdivision standards as well as the Department of Public Works standard details pertaining to non-dedicable street construction (Std. Det. R-25). It is understood that the subdivision plan submitted herein may need be adjusted prior to receipt of final subdivision approval to accommodate County subdivision requirements and appropriate conditions of approval.

- *Since both North Road and Kuaaina Road connect to the State Highway, please address the existing roadway conditions and the status of their intersections with the highway. Also discuss whether any additional traffic measures may be required at these intersections.*

The existing condition of North Road and Kuaaina Road are noted above. Right and left hand turns onto the highway from both roads are controlled with a stop sign and both intersections have adequate site distance in all directions. Due to the very low additional traffic volume expected to be generated by the project, it is not anticipated that any additional traffic measures will be required at these intersections in order to effectuate the proposed project.

- *Note that the Director may require, as a condition of approval, that a portion of the parcel closest to North Road be dedicated to the County for future expansion of North*

Road. Please check with the applicant to ensure they are aware of this potential requirement.

The applicant is aware of this potential requirement.

2. *Traffic*

- *Provide a discussion of traffic impacts associated with the proposed subdivision, even if minimal. Include a general trip generation estimate and whether any roadway improvements (widening, striping, sight distance) are needed.*

The applicant proposes to rezone the subject parcel to FA-1a in order to pursue a 5-lot subdivision, each with the potential to contain a single-family dwelling. One of the proposed lots already contains a single-family dwelling and thus it is anticipated that the project may eventually result in the construction of four (4) new single-family dwellings. According to the Institute of Traffic Engineers Trip General Manual, 11th Edition, such an increase in housing is anticipated to generate an additional 2.28 PM peak hour trips. Such a minimal increase in traffic is not anticipated to require any new roadway improvements.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'John Pipan', with a stylized, cursive script.

JOHN PIPAN
Planning Administrator

August 26, 2025

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

Dear Mr. Darrow:

Subject: Submission of Change of Zone Application
Applicant: Benjamin and Olimpia Love
Kea'au, Puna, Hawaii, TMK: (3) 1-7-016:010

Transmitted here for your review and processing is the submittal of an application requesting a change of zone from the Agricultural 20-acre (A-20a) zoning district to the Family Agricultural 1-acre (FA-1a) zoning district for the subject parcel. The parcel is located at 17-4050 Kuaaina Road, approximately 1,250 feet west of its intersection with Volcano Road, in Kea'au, Puna, Hawaii.

If approved, the applicants intend to subdivide the subject 5.79-acre parcel into five (5) lots, each consisting of a minimum of 1-acre. The intention of the subdivision would be to provide housing opportunities for their children as well as for estate planning purposes. The applicants would retain two of the parcels for their family and continue living on the parcel containing their dwelling.

This electronic transmittal includes a) the application package including the application form, departmental questionnaire, background and environmental report and the rezone exhibit map; b) the written metes and bounds description of the area of the proposed rezoning; c) a letter of authorization allowing our office to file the application on the landowners' behalf; and d) a list of surrounding property owners within one thousand (1,000) feet of the subject parcel. Further, payment for the County filing fee will be paid via electronic check upon submittal of the application.

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

Sincerely,



JOHN PIPAN
Planning Administrator

TO WHOM IT MAY CONCERN:

As landowner of the parcel identified by TMK: (3) 1-7-016:010, I hereby consent and authorize Land Planning Hawaii LLC to file and process a Change of Zone Application on my behalf.

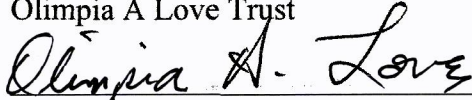
Benjamin C Love Trust



Benjamin Love, Trustee

8/21/25
Date

Olimpia A Love Trust



Olimpia Love, Trustee

8/21/25
Date

CHANGE OF ZONE APPLICATION

COUNTY OF HAWAII PLANNING COMMISSION

(Type or legibly print the requested information)

APPLICANT(S): Benjamin Love and Olimpia Love

APPLICANT'S SIGNATURE: *Benjamin Love* *Olimpia A. Love* DATE: 8/21/21

ADDRESS: PO Box 45, Kurtistown, HI 96760

LIST APPLICANT'S INTEREST (if not owner): Trustees

PHONE: (Bus.) _____ (Res.) 510-847-2137 (Email) [REDACTED]

REQUEST: A-20a TO FA-1a
(Existing Zoning) (Proposed Zoning)

TAX MAP KEY(S): (3) 1-7-016:010

SIZE OF PROPERTY OR AFFECTED AREA(S) TO BE REZONED: 5.79 acres

LANDOWNER(S): Benjamin C Love Trust and Olimpia A Love Trust

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION

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

Benjamin Love DATE: 8/24/21
Olimpia A. Love DATE: 8/24/21

AGENT: Land Planning Hawaii LLC - John Pipan

AGENT ADDRESS: 194 Wiwoole St, Hilo, HI 96720

PHONE: (Bus.) 808-333-3393 (Res.) _____ (Email) [REDACTED]

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

ORIGINAL: Agent COPIES: Applicant

ATTACHMENT

Agricultural Rezoning

PLANNING DEPARTMENT
COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

- I. If your request is approved, do you intend to subdivide the subject land in accordance with the approved change of zone? yes
- If yes, please answer the rest of question I and then to question 3.
- a. How many acres of the requested area do you intend to subdivide? 5.79
- b. Into what lot sizes? 1+ acre
- c. If your request is approved, approximately how long after the date of approval do you expect to submit your subdivision plans to the Planning Department for preliminary approval? 6 months
- d. Do you intend to build houses on the newly created lots? no
- If yes, please answer the following questions:
- On how many of those lots? _____
- At what approximate price range? House _____
- Lot _____
- Total _____
- Approximately how long, after approval of the subdivision, would the first house be available for occupancy? _____
- If you intend to subdivide, please submit a preliminary schematic subdivision plan together with your change of zone application form. _____
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) _____
- The applicant plans to keep two lots for his family and sell the other three lots.

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

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

How?

It will allow the applicants to sell 3 fee simple parcels which could be developed with farm dwellings and keep two of the parcels for his family, who may eventually build another dwelling.

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

If so, what kind?

The applicants' dwelling

What do you intend to do with those buildings if your request is approved?
The applicants will continue to reside in their dwelling.

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

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

The applicants have planted a small area of the proposed Lot 4 with avocado, oranges, mountain apple and lime trees.

6. Was your request to allow for the creation of small agricultural lots? yes

If so, did your plan include the following considerations?

a. Commodity to be produced? no

What kinds of commodity?

Agricultural plans will be decided by future landowners

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

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

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

no

Please state the proposed type of arrangement.

Please submit your agricultural plans for the subject area and present evidence of consideration of the above requirements together with your request for a change of zone.

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

The applicants plan to keep two of the proposed parcels for their family - one will continue to serve as their family home and will be planted with additional fruit trees and the other may eventually be developed for one of their children. The other three parcels will be sold for estate planning purposes.

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

no

If so, please describe the problem.

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

no

If so, what kind?

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

yes

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

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

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

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

Signature: _____

Address: _____

Telephone: _____

Date: _____



194 Wiwoole St, Hilo, HI 96720

808-333-3393

08/26/2025

COUNTY ENVIRONMENTAL REPORT
REQUEST FOR CHANGE OF ZONE FROM A-20A to FA-1a
BENJAMIN AND OLIMPIA LOVE
KEA‘AU, PUNA, HI
TMK: (3) 1-7-016:010

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I. INTRODUCTION

Benjamin and Olympia Love (“**applicants**”) are requesting the rezoning of the parcel identified by Tax Map Key (3) 1-7-016:010 from Agricultural-20 acres (A-20a) to Family Agricultural 1-acre (FA-1a) for the purpose of subdividing the property into five (5) lots. The property is located at 17-4050 Kuaaina Road, approximately 1,200 feet west of its intersection with Volcano Road (Highway 11) in Kea‘au, Puna, Hawaii (**Figure 1**).

If approved, the applicants intend to subdivide the 5.79-acre parcel into five (5) lots, each consisting of a minimum of 1-acre (**Figure 2**). The property currently contains one single-family dwelling in which the applicants reside. The intention of the subdivision would be to provide housing opportunities for their children as well as for estate planning purposes. The applicants would retain two of the parcels for their family and continue living on the parcel containing their dwelling.

II. PROJECT LOCATION

As noted earlier, the subject property is located at 17-4050 Kuaaina Road, approximately 1,200 feet west of its intersection with Volcano Road (Highway 11) in Kea‘au, Puna, Hawaii (**Figure 1**).

III. PROJECT DESCRIPTION

A. Project Concept and Components

The subject site consists of 5.79-acres of land zoned A-20a (**Figure 2**) and contains one (1) single-family farm dwelling in which the applicants reside. According to Real Property Tax Records, the dwelling consists of 1,480 square feet and contains three (3) bedrooms and two (2) bathrooms and was constructed in 1991 under Building Permit No. 901935. The remainder of the property is vacant of any structures.

The applicant proposes to rezone the parcel from the A-20a designation to FA-1a in order to pursue a five (5) lot subdivision which will allow for small-scale agricultural and residential uses. If approved, each of the newly created parcels would contain a minimum of one acre. The applicant intends to keep two of the proposed parcels for himself and his family, continuing to live on the lot containing his existing dwelling, and sell the remaining parcels for estate planning purposes. As proposed, access to the newly created lots would be via a new private roadway lot connecting to Kuaaina Road. The rezone exhibit map with the proposed subdivision layout is attached as **Figure 3**.

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

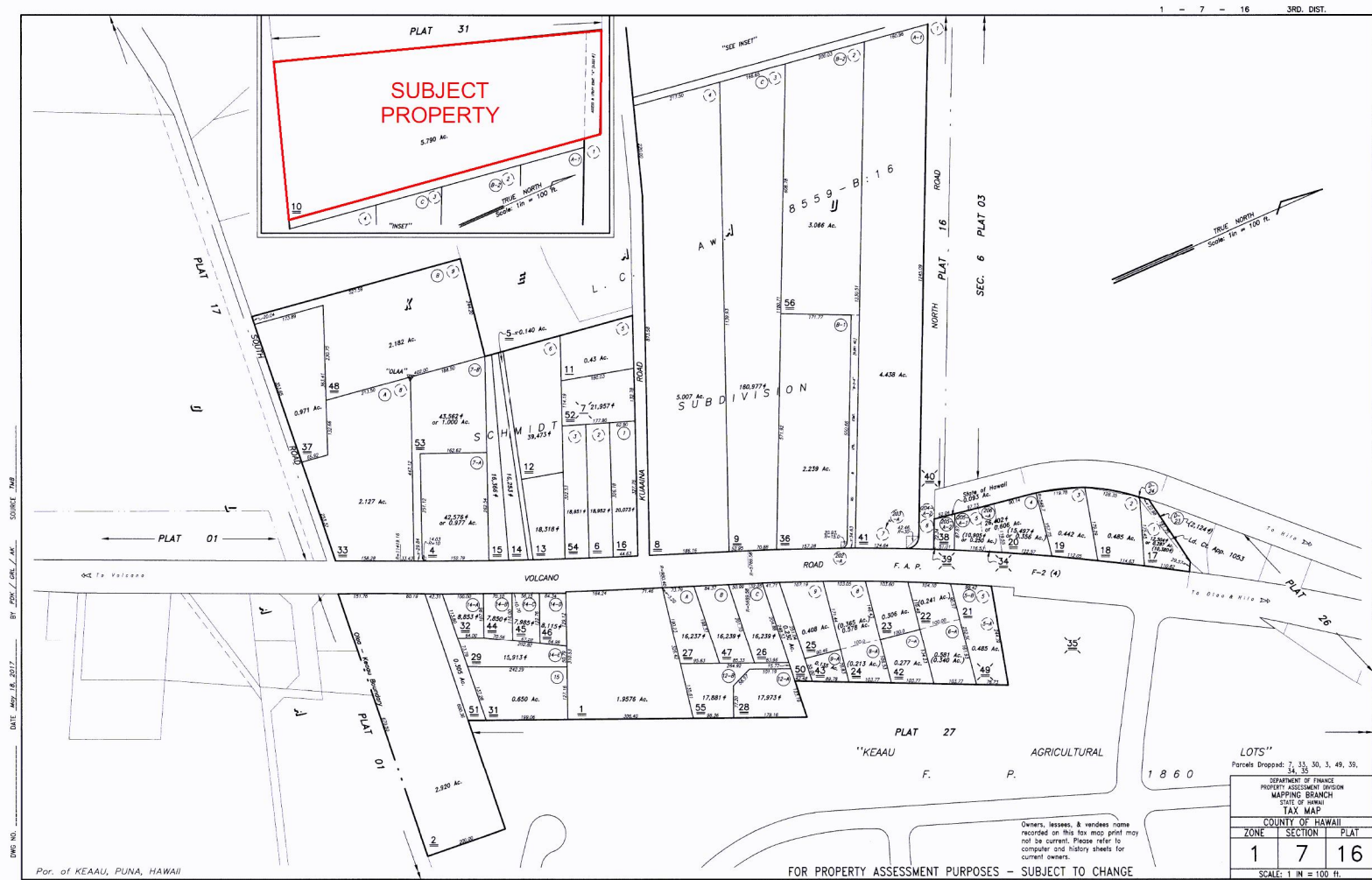


Figure 1: Location
TMK (3) 1-7-016:010

Hawai'i County Zoning: TMK (3) 1-7-016:010

Figure 2

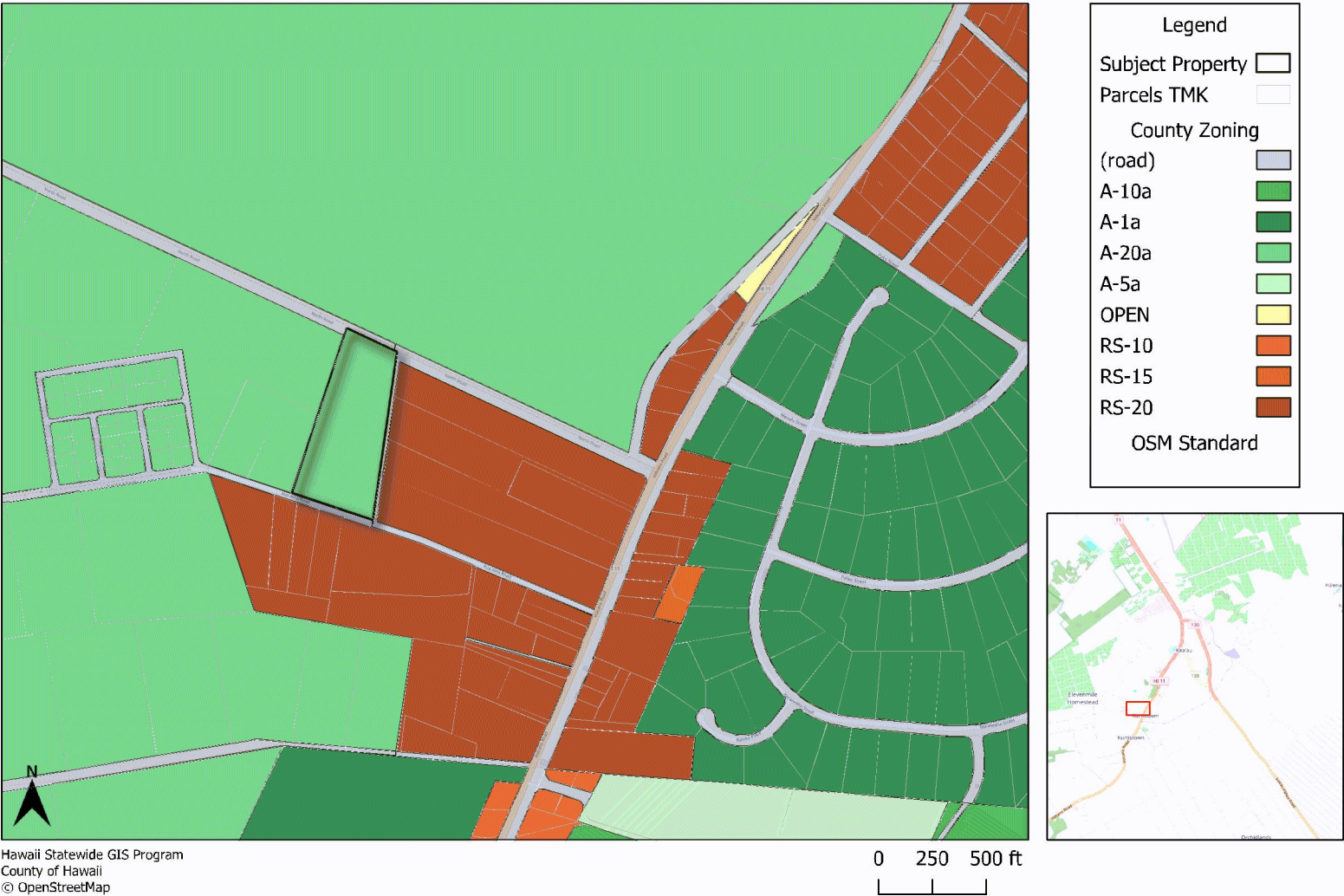
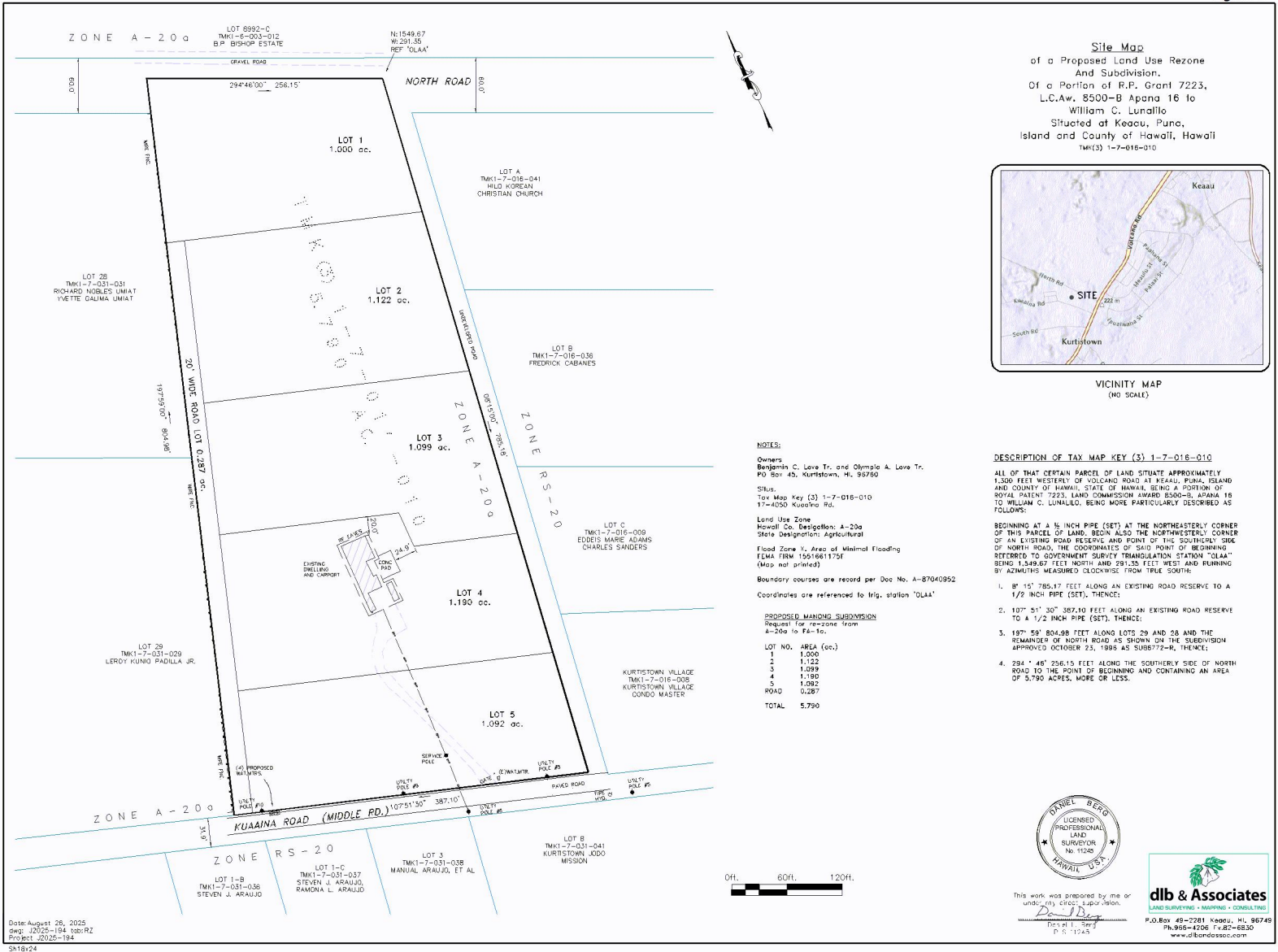


Figure 3



B. Project Timetable and Cost

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

Tentatively, plans call for having the land subdivided by the end of 2026. The estimated cost of improvements for this project will be based on the infrastructure required and is estimated to be approximately \$100,000.00. The subject parcel is served by the Department of Water Supply with one existing water meter. Consultation with the Department of Water Supply has indicated that additional County water is available to support the four (4) additional lots proposed.

IV. INSTITUTIONAL CONSIDERATIONS

A. State Land Use

The subject site is designated as State Land Use Agricultural (**Figure 4**). The proposed zoning would comply with the State Land Use designation of the parcel. The County of Hawai'i can process the rezoning request.

B. County General Plan

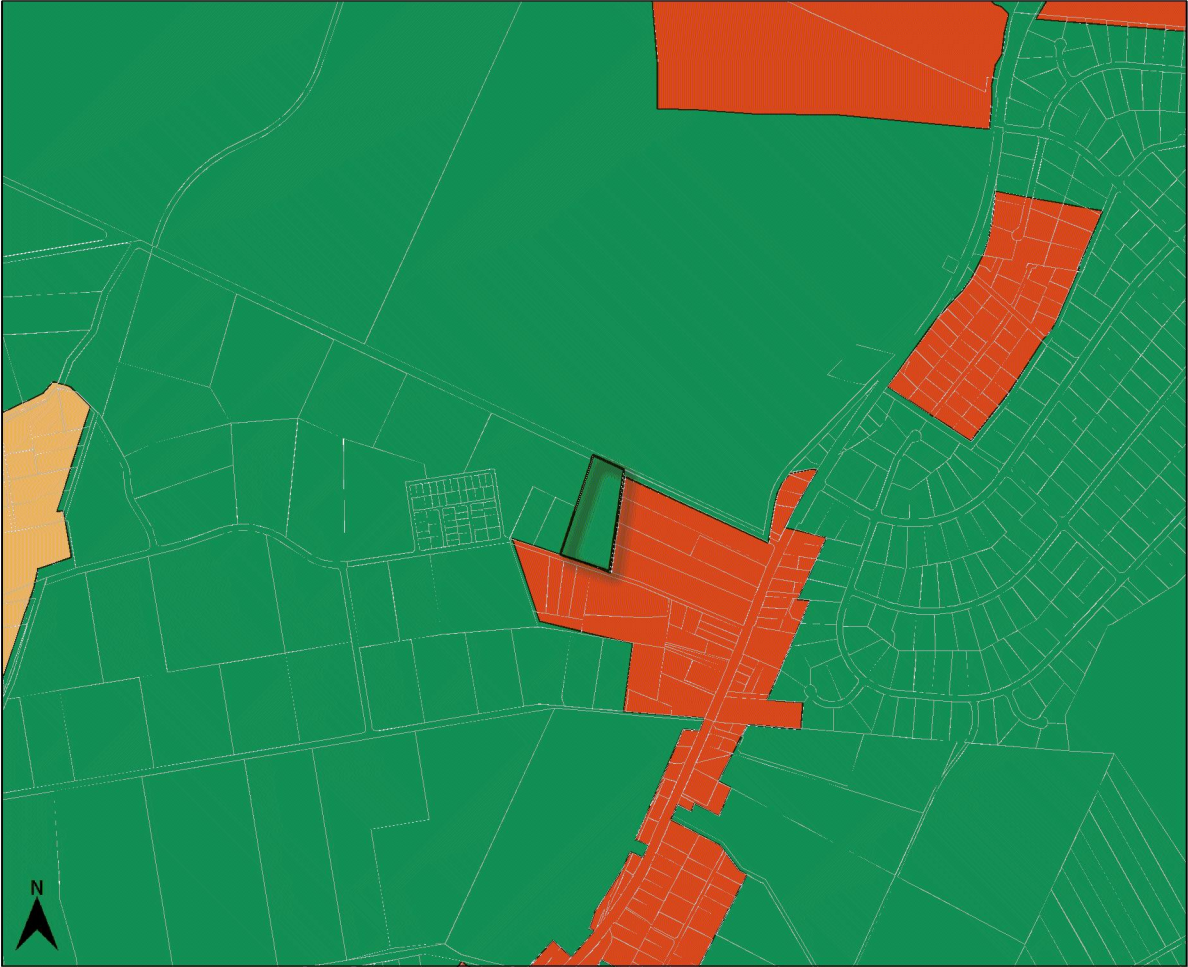
The County General Plan Land Use Pattern Allocation Guide ("LUPAG") map designates the parcel as primarily Low Density Urban (**Figure 5**). This designation allows for residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses with an overall residential density of up to six units per acre. This designation is consistent with the proposed FA-1a zoning. While the Low Density Urban designation could also be consistent with a higher density, residential zoning, the parcel has adequate soils for agricultural use and thus the proposed Family Agricultural (FA-1a) rezoning and subsequent five (5)-lot subdivision would allow for a slightly higher density while still allowing the parcel to remain in the Agricultural State land use district so that it may maintain its agricultural potential. Additionally, it is noted that a small portion of the southeastern corner of the parcel is designated as Urban Expansion. The Urban Expansion designation allows for a mix of high density, medium density, low density, industrial, industrial-commercial and/or open designations in areas where new settlements may be desirable, but where the specific settlement pattern and mix of uses have not yet been determined. The proposed project is appropriate within the Urban Expansion designation.

Thus, the requested FA-1a zoning would be consistent with the property's LUPAG designations and no General Plan amendment would be required to effectuate this project.

A discussion of the project's consistency with specific relevant goals, policies and standards of the General Plan follows:

State Land Use (SLU) Classification: TMK (3) 1-7-016:010

Figure 4



Legend

Subject Property

Parcels TMK

SLU

Agricultural

Rural

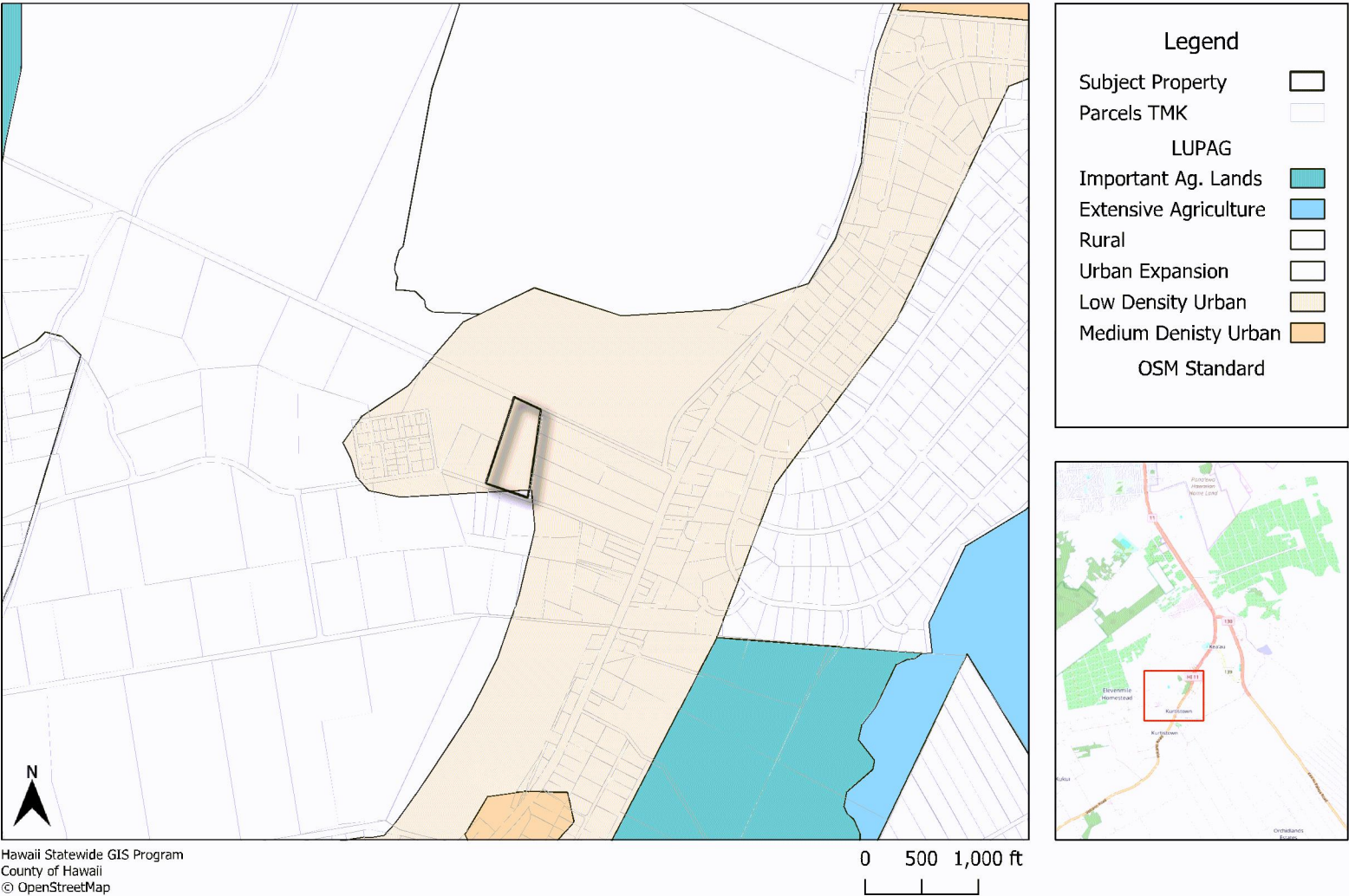
Urban

OSM Standard



Land Use Pattern Allocation Guide (LUPAG): TMK (3) 1-7-016:010

Figure 5



Economic Elements:

2.2 Goals

- *Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments;*
- *Economic development and improvements shall be in balance with the physical, social, and cultural environments of the Island of Hawai'i.*

Environmental Quality Elements:

4.2 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.*

Housing Elements:

9.2 Goals

- *Encourage and expand home ownership opportunities for residents.*

Land Use Elements:

14.1.2 Goals

- *Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.*

14.1.3 Policies

- *Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region, and County.*
- *Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.*

14.1.4 Goals

- *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.*

14.2.2 Standards

- *Preserve the agricultural character of the island*
- *Preserve and enhance opportunities for the expansion of Hawaii's Agricultural Industry.*

Discussion: The FA-1a designation is intended for small-scale agricultural operations associated with residential activities and is thus appropriate for this parcel's Low Density Urban LUPAG designation. While this property is supported by the necessary infrastructure for a higher density urban development, the parcel is within the Agricultural State land use district and the soils on the property are designated by the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system as "Prime" (**Figure 6**). Thus, the requested FA-1a zoning is an appropriate compromise between the General Plan's identification of this property for Low Density Urban use, and the General Plan's goals to preserve agricultural lands and support agricultural industries.

Additionally, as the purpose of the rezone is to subdivide the parcel into five (5) parcels, the requested increase in density will provide additional fee simple ownership, housing and small-scale farming opportunities to the applicants' family and to the general public. Additionally, County water is available to support the request from an existing water line and no other extension of utilities would be required to achieve the proposed subdivision. Thus, the project would aid the overall economic use of the area without burdening County or State agencies.

Further, this request aligns with the parcel's State Land Use Agricultural designation and, as will be elaborated on in Section C of this report, the request is also in alignment with the Puna Community Development Plan.

C. Puna Community Development Plan

Community Development Plans are designed to translate and implement the goals, policies, and standards of the General Plan as they apply to specific communities and districts. Additionally, they serve as an important framework for a community's intended outcome and vision and are often used as a forum for community input in terms of land-use, availability of public resources, and overall development.

The Puna Community Development Plan (PCDP) was developed through the implementation of the 2005 County of Hawai'i General Plan with a vision for the residents of Puna to "live in harmony with the land, while promoting a sustainable vibrant local economy, healthy community, and a viable transportation system that is accessible, friendly and safe for now and future generations."

The proposed change of zone request is also conducive to the following relevant goals outlined in the PCDP:

3.1 Managing Growth – Land Use Pattern

- *The quality of life improves and economic opportunity expands for Puna's residents.*

- *Inappropriate and disproportionate County zoning can be adjusted in order to maintain and increase the quality of life and to preserve valued natural and cultural resources in the district.*

3.2 Managing Growth – Agriculture and Economic Development

- *Lands for agricultural use are preserved.*
- *Quality agricultural land is dedicated to agricultural use in perpetuity.*
- *Opportunities for diversified agriculture increase.*
- *Puna’s agricultural production emphasizes environmentally friendly methods.*

Discussion: As the majority of the land is currently unused, the proposed zoning would enhance the land by allowing the applicant’s the ability to subdivide the parcel and sell the portions of the parcel which they are not using. In so doing, the project will create new housing and small-scale agricultural opportunities. The proposed FA-1a zoning would allow for residential and small-scale agricultural operations and would provide an appropriate transition from the residentially (RS-20) zoned parcels to the south and east and the Agriculturally (A-20a) zoned parcels to the north and west. While the General Plan’s Low Density Urban LUPAG designation of the parcel could align with a higher density residential zoning, rezoning the parcel from A-20a to FA-1a would keep it within the County’s Agricultural district. Additionally, the requested FA-1a zoning would allow the parcel to remain in the State Agricultural district and would not require a State Land Use Boundary amendment, thereby maintaining the parcel’s potential for small-scale agriculture.

D. County Zoning

The County zoning of the subject property is Agricultural-20 acres (A-20a) (**Figure 2**). Parcels to the south and east are zoned RS-20. These parcels range in size from approximately 1-acre to approximately 4.5-acres, with the exception of the 5-acre Kurtistown Village parcel which has been divided into 10 CPR units ranging in size from 16,000 square feet to 37,000 square feet. These parcels are primarily developed with single-family dwellings, with one of the parcels immediately east containing the Hilo Korean Christian Church. Parcels to the west are zoned A-20a and primarily range in size from approximately 2-10 acres and contain a mix of agricultural and residential uses. The A-20a zoned Iwasaki Village subdivision, which was developed in the 1930s and contains several 4,700 - 10,000 square foot residentially developed parcels, is approximately 500 feet west of the subject parcel. To the north is the 302-acre, A-20a zoned Kamehameha School campus parcel.

The requested Family Agricultural zoning district provides for a blend of small-scale agricultural operations associated with residential activities and which may be characterized by farm estates, small acreage farms, or subsistence lots. The FA

district is intended for areas within the State land Use Agricultural district, where public services and infrastructure are appropriate to support the very low-density residential needs of a rural community and where a substantial number of parcels are less than five acres in size and where a mix of uses will not conflict with or be detrimental to existing agricultural uses in the surrounding area. Thus, the requested FA-1a zoning and subsequent 5-lot subdivision request would provide an appropriate transition between the higher density residentially zoned parcels to the east of the subject site and the A-20a-zoned parcels to the west. Further, the requested FA-1a zoning would be consistent with the parcel's current Agricultural State land use designation and would thus retain the parcel's agricultural potential while also providing additional fee simple family agricultural lots and housing opportunities.

If approved, the property would be subdivided in a manner generally meeting with both the Zoning and Subdivision Codes. Notwithstanding the subdivision requirements, all uses and standards consistent with the requested FA-1a zone would be adhered to.

E. Relationship to SMA Objectives and Policies

The site is located approximately 5 miles from the coastline and outside the County Special Management Area (SMA).

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

The site is not adjacent to the ocean. It sits approximately 5 miles from the shoreline at an elevation of approximately 600-700 feet. 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**.

A formal archaeological study of the property has not been performed. However, the entire parcel has been previously cleared and used for sugar cane cultivation as depicted in an aerial photo of the area taken in 1965 and sugarcane land utilization records, attached here as **Figure 7**. Sugar cane cultivation is normally associated with extensive disruption of the land and the destruction of any resident historical, floral and faunal resources. Therefore, the likelihood of this action having any impacts on the area's **historic resources** is very low. Nevertheless, in the event any archaeological features are found during any future earth work, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes.

It is possible that the proposed action may eventually result in the construction of improvements (particularly farm dwellings) in an agricultural setting. However, such development would be consistent with the surrounding area and would not

pose any visual impacts to the area's **scenic and open space resources**. Additionally, due to the site's natural topography, development of the parcel would not interfere with views of Mauna Kea and Mauna Loa.

Relative to the **Coastal Ecosystems**, impacts should be negligible, if at all, as the site is located approximately 5 miles from the ocean with an elevation of approximately 600-700 feet. Notwithstanding the distance, the family agricultural nature of the project with the potential creation of only four (4) new parcels is such that any potential coastal ecosystem impacts should be negligible.

The proposed action would create the potential for small-scale family agricultural lots in this area. This will provide additional opportunities for small-scale farming and construction of farm dwellings. In so doing, the project could aid the agricultural economy and the overall **economic use** of this site and the area in general.

Because of its distance from the shoreline, the site should not be subject to **coastal hazards** and the property is located outside of the tsunami evacuation zone.

Relative to the **managing development** objective, this function is more applicable to the "authority" 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 FA-1a, and the requested use and design/parameters (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.

F. Other Permitting Requirements

As noted earlier, other approvals and permits would still be required. These would be of the "ministerial" variety, such as Subdivision approval and construction permits.

Agricultural Lands of Importance to the State of Hawaii (ALISH): TMK (3) 1-7-016:010

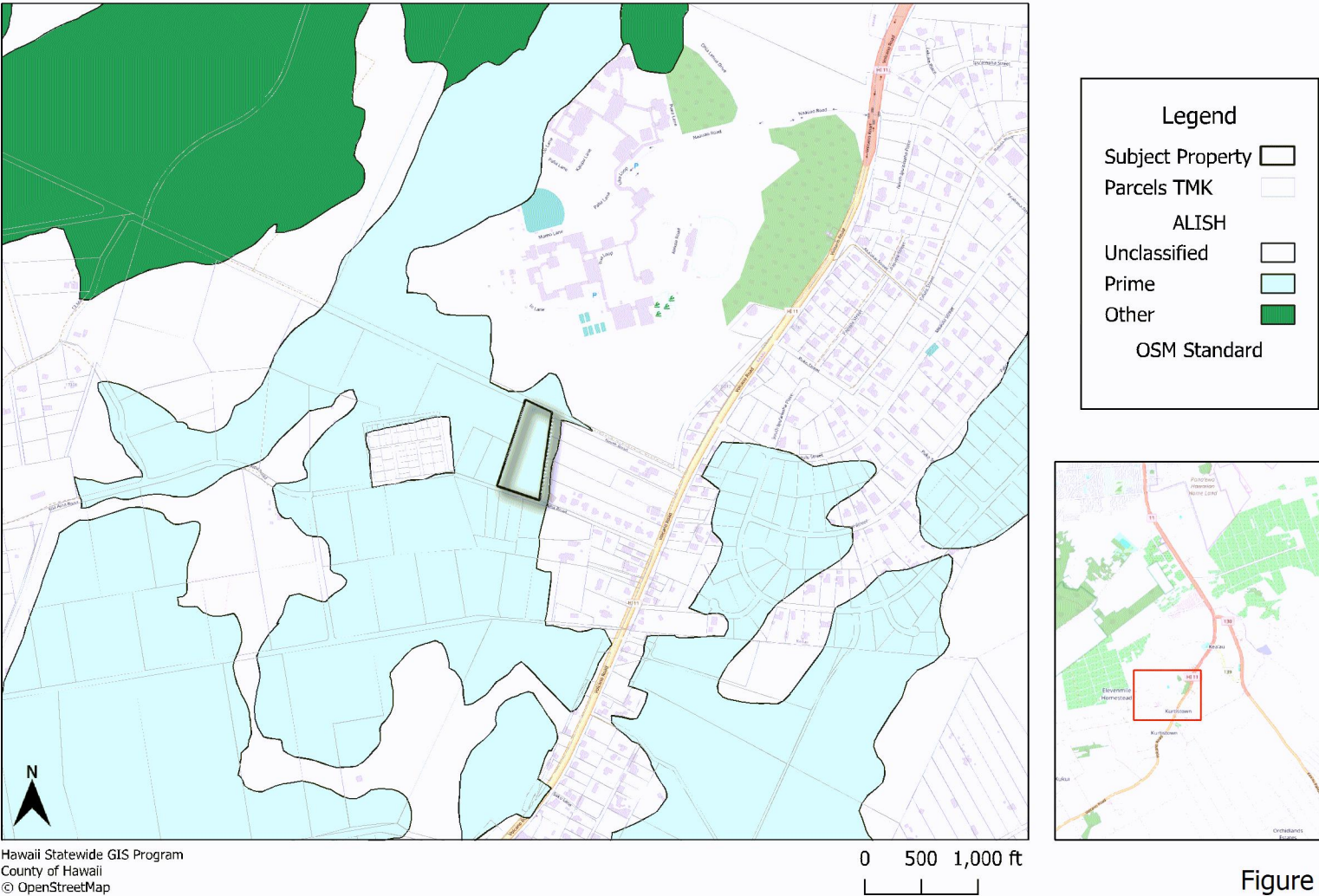
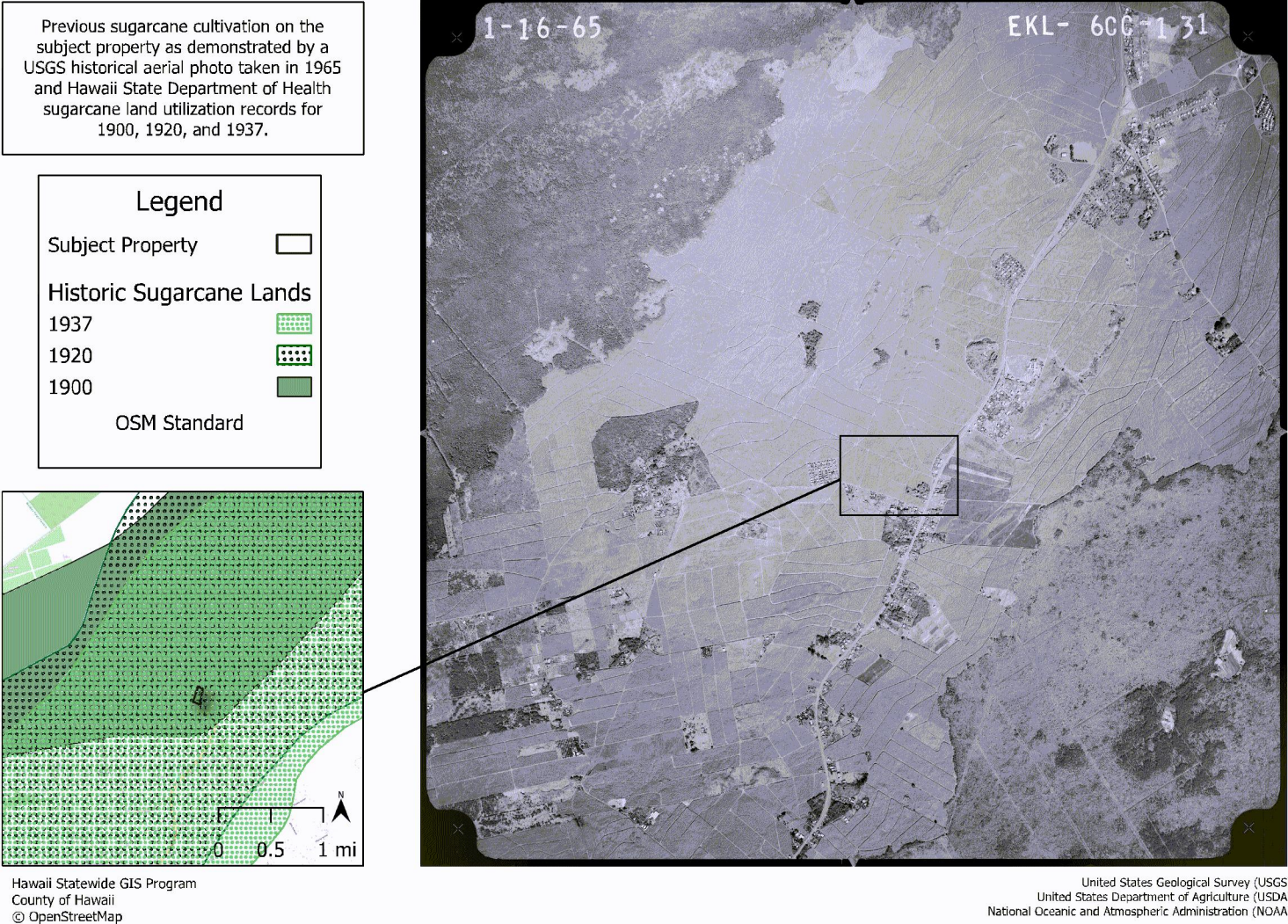


Figure 6

Historic Sugarcane Production: TMK (3) 1-7-016:010

Figure 7



V. ENVIRONMENTAL CONSIDERATIONS

A. General Description

The subject property is a trapezoid shape and consists of 5.79-acres of land. It is accessed from Kuaaina Road, a County owned and maintained paved roadway with a 30-foot right-of-way. The existing driveway to the property is from Kuaaina Road, approximately 1,250 feet west of its intersection with Volcano Road.

The parcel contains one (1) single-family dwelling in which the applicant resides. According to Real Property Tax Records, the dwelling consists of 1,480 square feet and contains three (3) bedrooms and two (2) bathrooms and was constructed in 1991 under Building Permit Nos 901935. The majority of the remaining property has been previously cleared but is currently overgrown, with the exception of the area around the existing dwelling, which the landowners have planted with a variety of fruit trees.

The site is situated at the 600-700 foot elevation level with a gradually declining elevation in a mauka to makai direction. There does not appear to be any topographic constraint in developing and utilizing the site for five (5) 1-acre parcels.

The annual median rainfall for this area is approximately 160-190 inches. The average daily temperature is approximately 75 degrees Fahrenheit. In general, prevailing winds blow from the east.

B. Soils and Topography

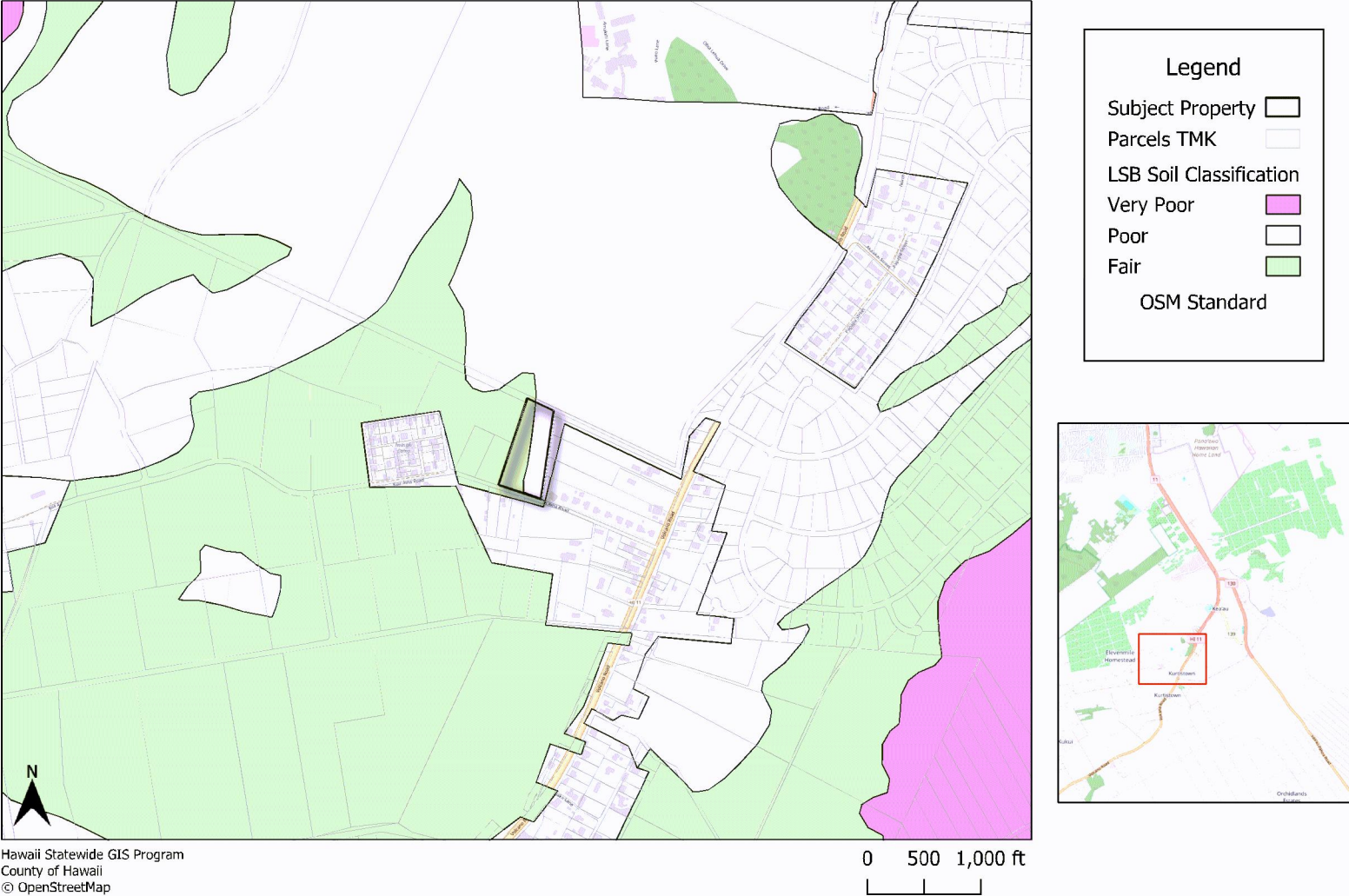
According to the Natural Resource Conservation Service's Land Study Bureau Overall Master Productivity Rating, the site is classified as approximately half "D", or "poor", soils and approximately half "C", or "fair", soils (**Figure 8**).

The soil for the subject site is classified by the USDA Natural Resources Conservation Service as *Panaewa very cobbly hydrous loam with 2 to 10 percent slopes*. The soil is derived from ash fields on pahoehoe lava flows. It is considered moderately well drained with a high runoff class. The soil on site is not considered prime farmland by the NRCS. However, according to the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system, the site is classified as "Prime" (**Figure 6**).

As noted earlier, the topography of the site slopes slightly downward in south to north direction.

Land Study Bureau Overall Master Productivity Rating: TMK (3) 1-7-016:010

Figure 8



C. Natural Hazards

1. Drainage

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the project area as Zone “X” (areas outside of the 500-year flood) (**Figure 9**). There are no identified existing drainage ways on the site.

The applicant has not observed any significant runoff or erosion in the recent past on the subject site. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any future improvements will be built, if necessary, in conjunction with the appropriate permitting process.

2. Volcanic, Earthquake and Tsunami Hazards

According to the United States Geological Survey maps, the project site is located within Lava Flow Hazard Zone 3, on a scale of ascending risks 9 to 1. All of Keaau and Mountain View fall within the Zone 3 category. The Building Code designates the entire island of Hawai’i Earthquake Zone “D” and contains certain structural requirements to address the relative seismic hazard. Any future structures would have to comply with these standards.

The subject site is located at 600-700 feet of elevation and is outside of the Civil Defense's Tsunami Evacuation Zone.

D. Flora/Fauna

Although there were no professional surveys conducted of the floral or faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within the subject site given its prior use for sugar cane cultivation. In addition to the fruit trees planted on the property, vegetation on the property includes albizia, gunpowder tree, Strawberry guava, philodendron, elephant grass, torch ginger, and other introduced shrubs and grasses.

Further, the suburban nature of the surrounding areas would make it less likely to find endangered animal life in this area. It would be possible, however, to find the Island-wide ranging Hawaiian Hawk (*I’o*), Hawaiian Owl (*Pueo*), and the Hawaiian Hoary Bat on site. Best management practices will be employed to avoid adverse effects to these species such as not using barbed wire fencing and avoiding trimming and removal of certain vegetation during bat and hawk breeding seasons.

National Flood Hazard Zone: TMK (3) 1-7-016:010

Figure 9



Legend

- Subject Property
- Parcels TMK
- Flood Hazard
- X
- OSM Standard



In addition, introduced bird species (such as dove, Japanese White-eye, house finch, myna) are commonly found in this area. As are domestic animals such as cats and dogs, and other animals like pigs, rats and mongoose. These are all common and not endangered.

As such, it is unlikely that the proposed change of zone would cause any adverse floral or faunal impacts. Proper timing of any future land clearing will mitigate any potential impacts to sensitive native fauna.

E. Historic/Cultural/Archaeological Resources

A formal archaeological study of the property has not been performed. However, the entire parcel has been previously cleared and used for sugar cane cultivation as depicted in an aerial photo of the area taken in 1965 and sugarcane land utilization records, attached here as **Figure 7**. Sugar cane cultivation is normally associated with extensive disruption of the land and the destruction of any resident historical, floral and faunal resources. Therefore, the likelihood of this parcel containing any historic or archaeological resources is low.

While no ground disturbance is planned in conjunction with the proposed rezoning, approval of this request will allow the applicant to pursue subdividing the property which will require infrastructure improvements (i.e. roads, water lines, etc.). Additionally, should the rezone and subdivision be successful, future property owners may eventually pursue construction of a new single-family farm dwelling on the newly created lots. In the unlikely event that any archaeological features are found during any future earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-HPD and County Planning Department will be secured before work resumes.

F. Valued Cultural Resources

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

In this situation, the subject site is not adjacent to the shoreline. The subject parcel is approximately 5-miles from the nearest coastline. As such, gathering of marine life and coastal access is not an issue.

As mentioned previously, the subject property is across North Road from the 302-acre Kamehameha Schools campus. The mission of Kamehameha Schools is to create educational opportunities in perpetuity to improve the capability and well-being of people of Hawaiian ancestry. The proposed change of zone will not impact the ongoing school operations.

It is not known whether the subject or immediate surrounding area was used in the recent past for the gathering of plants by Native Hawaiians. This area has a long history of use for sugar cane cultivation and the applicant has not observed any Native Hawaiian gathering plants in the area. Thus, it would appear unlikely that the site would serve such a purpose today.

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

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

G. Water and Coastal Resources

The subject site is located approximately 5-miles from the coastline and sits at an approximately 600–700-foot elevation. As such, coastal impacts resulting from the discharge of wastewater systems from the site should not be significant. Further, being a non-coastal property, no coastal access will be affected.

Any potential future dwellings will be served by Individual Wastewater Systems meeting with the approval of the State Department of Health. Increased impervious areas from driveways and structures will potentially contribute to a modest increase of runoff from the subject property. 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.

H. Noise, Air Quality, and Dust

The existing ambient traffic level in this area will not be significantly impacted with the addition of 4 parcels. Traffic noise from Volcano Road, approximately 1,250 feet east of the property will remain the dominant source of traffic noise. As such, the corresponding noise level should remain the same.

There may, however, be short-term noise and air quality impacts associated with necessary infrastructure improvements as well as the possibility of eventual construction of farm dwellings. In that event, contractors will be required to comply with appropriate noise and related mitigation measures of the State Department of Health.

The proposed development should not generate any direct long-term air quality impacts. The only discernible air quality impact could be associated with the vehicular traffic to and from the site. While there may be an impact to the ambient air quality, the impact should not be significant. Especially considering higher

EPA standards for automobile air emissions, the air quality impact should be negligible.

As such, with the exception of construction dust associated with any potential development of the properties, long term dust generated by the project should be minimal.

I. Scenic and Visual Considerations

In the *Natural Beauty* element of the General Plan, there are sites or areas listed as being a scenic resource. The subject site is not listed as a scenic site and the proposed action will not affect any of the scenic resources outlined in the General Plan and will not impact view planes of Mauna Loa or Mauna Kea from Volcano Road. Additionally, views from neighboring properties will not change significantly from their present state.

VI. SOCIAL AND RELATED CONSIDERATIONS

A. Surrounding Land Uses

With the exception of Kamehameha Schools to the north and a church to the east, use of the general area is primarily residential and agricultural and parcels in the area range in size from approximately 4,700 square feet to 10 acres. Adjacent properties to the north and west are zoned A-20a and adjacent parcels to the south and east are zoned RS-20.

Given the existing and zoned conditions, the proposed rezoning, resulting in the potential to create four (4) additional approximately 1-acre lots, each with the potential to house a farm dwelling, would be consistent with the existing residential/agricultural nature of this area.

B. Economic Impacts

The requested zoning would have some measure of economic impact as it would result in the addition of four (4) new fee-simple parcels and would thus increase housing options and increase the possibility for small-scale agricultural pursuits. Additionally, the project has the potential to create some short-term economic benefits during construction of infrastructure and other potential site improvements which would result in construction jobs and purchases from local suppliers (i.e. gas stations, convenience stores, area businesses, etc).

Thus, the project could aid the general economy and the overall economic use of the site and the surrounding area.

C. Agricultural Impacts

The site has a primary LUPAG designation of Low Density Urban with a small portion designated as Urban Expansion. The parcel has not had any recent intensive agricultural uses. Although a higher residential-type zoning could be achieved under the LUPAG designation, the soil quality of the site is appropriate for agricultural uses, and thus the proposed FA-1a zoning will provide for a slightly increased density while still maintaining the property's agricultural potential for small-scale family agricultural pursuits.

VII. INFRASTRUCTURAL CONSIDERATIONS

A. Road

Access to the project would be from Kuaaina Road, a County owned and maintained paved roadway with 30-foot right-of-way.

A Traffic Impact Analysis has not been performed in conjunction with this request. However, the project proposes an increase of only for (4) lots. Thus, traffic impacts should be negligible.

B. Water

Consultation with the Department of Water Supply confirmed that there is currently water service available to the subject property provided by a 5/8" meter and that County water service is available to support the proposed subdivision.

C. Wastewater

Any future dwellings will be served by individual wastewater systems approved by the Department of Health.

D. Solid Waste

Solid waste will be handled by the individual lot owners and disposed of at transfer stations. With the requested FA-1a zoning, the potential for uses with toxic or related chemical waste would be minimal, if at all.

E. Other Government Services

All necessary public facilities are located reasonably proximate to the subject site and no extension of government services would be required. There is a Fire Station, Police Station, Public Schools, Library, health clinic and gas stations all located within 2 - 2.5 miles of the subject site. As such, the project should not result in the extension of any government services.

F. Other Utilities

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

VIII. IMPACT SIGNIFICANCE ANALYSIS

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

If the request were denied, the short-term use of the area of the parcel would probably continue in its current largely unused condition. The applicants might continue to live in the existing dwelling, but properly caring for or utilizing the remainder of the property as they age would be a challenge. Additionally, they would not be able to give a portion of the property to their children or sell portions of the property to meet their estate planning needs.

From a long-term productivity standpoint, the proposed change of zone and subsequent subdivision would provide a heightened level of possibility for the applicants, allowing them to retain a portion of the property for their family and continue to live in their dwelling. Additionally, the opportunity to create and sell portions of the property as fee-simple lots would allow the applicants to more comfortably manage their estate while also providing others with small-scale agricultural and residential opportunities.

B. Irreversible and Irretrievable Commitment of Resources

The proposed action will not involve an irrevocable commitment, loss, or destruction of any natural, cultural, or historic resources. Any future earthwork will closely follow all mitigating measures and Best Management Practices to minimize impacts to natural resources.

As mentioned previously, a formal archaeological study of the property has not been performed. However, the entire parcel has been previously cleared and used for sugar cane cultivation as depicted in **Figure 7**. Sugar cane cultivation is normally associated with extensive disruption of the land and the destruction of any resident historical, floral and faunal resources. Therefore, the likelihood of this action having any impacts on the area's **historic resources** is very low. Nevertheless, in the event any archaeological features are found during any future earth work, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes.

Further, the subject property is not a shoreline parcel and will therefore have no impact on public access to or along the shoreline.

Finally, while the change of zone request will allow for the proposed 5-lot subdivision, the request will maintain the Agricultural designation of the parcel and retain its agricultural potential for small-scale agricultural uses which are consistent with nearby residential and agricultural uses. Therefore, a change from A-20a to FA-1a zoning would not result in an irreversible commitment of resources, but rather allow for a small-scale subdivision which will provide additional opportunity for more productive small-scale family agricultural uses.

C. Mitigative Measures

Upon approval of the rezone, the applicants intend to make improvements, if required, generally consistent with the subdivision process. Additionally, once subdivided, it will be possible for the individual lot owners to pursue construction of a single-family farm dwelling on the newly created lots. During any construction phases, contractors will be obligated to comply with appropriate State noise and air quality standards as well as adhere to Best Management Practices.

In the event any archaeological features are found during any future earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-HPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

There is no existing drainage way on the property. Any and all required grading or grubbing work would be done in accordance with applicable regulations. This is to assure that the development of this site does not adversely affect the drainage of surrounding properties. Additionally, 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.

Finally, there will be no person or businesses to be relocated by this project.

D. Alternatives to the Proposed Project

1. No Project

Under the *status quo* alternative, the site would likely continue in its present state. The landowners would not be able to divide the property to provide additional housing opportunities to their children, as well as the general public, and the applicants would have a difficult time managing the entirety of the property as they age.

2. Alternative Density

Given that the property is designated as Low Density Urban on the County's LUPAG map, the applicants could seek a denser residential zoning, such as RS-20. Such zoning would be consistent with the Low Density Urban designation, adjacent RS-20 zoning and surrounding residential uses. However, this alternative would require a State Land Use Boundary amendment to reclassify the parcel from Agricultural to Urban. This would not be ideal given that the property contains adequate soils for agricultural use.

Thus, the requested FA-1a zoning would be more reasonable as it will allow for an increase in density while still maintaining the land for small-scale agricultural uses.

A lower density FA-2a zoning could also be sought. However, such zoning would only permit the creation of one (1) additional lot. Given that the purpose of the proposed subdivision is to keep some of the parcels for their family and to sell some of the parcels for estate planning purposes, and that the existing infrastructure is adequate to support the proposed five (5) lot subdivision, FA-2a zoning would not be ideal.

3. Evaluation of Alternatives

The necessary infrastructure and services are available to support the proposed FA-1a rezoning and subsequent 5-lot subdivision and the project's impact to the area's social and physical infrastructure would not be pronounced. Rather, approval of the request will enable the applicants to share the property with their family as well as to sell some of the parcels, allowing them the possibility to comfortably remain in their home. Certain mitigative measures can be taken to address any possible impacts associated with the development of this project. Further, the project 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 sensible and beneficial than the requested FA-1a alternative.

IX. REGULATORY ANALYSIS

A. General Plan LUPAG Map

The General Plan provides for the long-range comprehensive development of the island of Hawai'i. It provides direction for balanced growth in the County. The LUPAG map designates the site as primarily Low-Density Urban with some

Urban Expansion (**Figure 5**). These designations allow the requested FA-1a zoning without a General Plan amendment.

B. General Plan Policies

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

For one, it will provide an **economic** opportunity for a local family to remain in their dwelling, provide an opportunity for their children to construct their own farm dwellings, and to sell some of the land in order to properly manage their estate in retirement. Additional economic opportunities are also likely from increased employment options created by construction of any improvements required by the subdivision and later construction of farm dwellings. Further, through payment of fair share contributions and increased property taxes the resultant project should add revenues to the County and State coffers.

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

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

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

If required, while not necessary for a project of this nature and size, a solid waste management plan could be prepared and implemented. The project will also be minimal in noise, except what may be associated with construction of the necessary infrastructure and initial construction of potential farm dwellings.

The project site is outside the boundaries of a flood way. No significant changes in the surface runoff generated by this development are anticipated.

A formal archaeological study of the property has not been performed. However, the entire parcel has been previously cleared and used for sugar cane cultivation as depicted in an aerial photo of the area taken in 1965, attached here as **Figure 7**. Sugar cane cultivation is normally associated with extensive disruption of the land and the destruction of any resident historical, floral and faunal resources. Therefore, the likelihood of this action having any impacts on the area's **historic**

resources is very low. Nevertheless, in the event any archaeological features are found during any future earth work, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes.

Further, the suburban nature of the surrounding areas would make it less likely to find endangered animal life in this area. It would be possible, however, to find the Island-wide ranging Hawaiian Hawk (*Iʻo*), Hawaiian Owl (*Pueo*), and the Hawaiian Hoary Bat on site. Best management practices will be employed to avoid adverse effects to these species such as not using barbed wire fencing and avoiding trimming and removal of certain vegetation during bat and hawk breeding seasons.

The proposed FA-1a zoning will help fulfill the objectives of the **housing element** by creating four (4) additional lots, each with the potential for construction of a farm dwelling.

The General Plan also emphasizes that developments be mindful of an area's **natural beauty**. In this situation, the project – with the protective conditions – will be used in a manner where it blends with the existing terrain.

As the project site is approximately 5 miles from the ocean and at an elevation of 600-700 feet, the usual **coastal resources** concern is not pronounced. There will be no interference with shoreline access. Further, through the use of DOH approved Individual Wastewater Systems, impacts to the coastal water will be minimized.

There will be minimal impact to **public facilities**. The Department of Water Supply water line exists to the site and additional water can be made available with limited improvements. Additionally, vehicular access to the site is via Kuaaina Road, a County owned and maintained roadway with sufficient access for emergency vehicles. Schools and other public facilities are also located proximate to the site, most of them being less than 2.5 miles away.

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

- Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County (Land Use Element)
- Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region, and County. (Land Use Element)

- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment. (Land Use Element)
- Zoning requests shall be reviewed with respect to General Plan designation, district goals, regional plans, State Land Use District, compatibility with adjacent zoned uses, availability of public services and utilities, access, and public need.

In view of the foregoing goals and policies, it is noted that the requested zoning would be generally compatible with the surrounding area.

As the cost of living continues to rise, there is a need for more family agriculture zoned lands to promote the ability of local families to remain and build on their family land. The subject request reflects this demand. The purpose of the rezone is to create additional parcels, with the intent of retaining two of the parcels for the applicants' family and selling the other parcels as fee simple lots which will provide additional housing and small-scale farming opportunities to the future owners. Additionally, the FA-1a designation is intended for small-scale agricultural operations associated with residential activities and is thus appropriate for this parcel's Low Density Urban and Urban Expansion LUPAG designations. Furthermore, the subject property is already adjacent to several other 1 to 2-acre parcels, making the proposed rezoning appropriate in this area of Kea'au and compatible with surrounding land uses.

Further, this request is in alignment with the parcel's State Land Use Agricultural designation and.

C. Puna Community Development Plan

The Puna Community Development Plan (PCDP) attempts to further define the General Plan and serves as a guide for decision-makers. The proposed FA-1a zoning would provide an appropriate transition between the smaller residential zoning to the south and east of the subject parcel and the larger agricultural zoning to the north and west of the subject parcel. Additional information pertaining to how this application conforms to the policies and standards of the PCDP is provided in Section IV.C of this report.

D. Zoning and Subdivision

The current zoning of the site is A-20a. Should the FA-1a zoning be approved, the requirements of the zoning and subdivision codes would generally be complied with, including use and related development standards. These include the possible incorporation of appropriate restrictive covenants relating to density, use, and design restrictions.

E. State Land Use Agricultural Standards

The State Land Use Designation is Agricultural. The requested rezoning to FA-1a would not be contrary to the State Land Use Standards.

X. CONCLUSION

Based on the consistency of the proposed change of zone request with the County's land use policies, approval of this request would be logical and reasonable.

In addition, the request will provide land ownership and housing opportunities to the applicants and their children, assist them with estate planning and help generate additional property tax revenue and fair share contributions for the County.

Lastly, the requested density is consistent with the surrounding area and properties. The alternative of leaving the land in its present zoning would not be a reasonable option and would limit its highest and best use. While other zonings of a residential and/or agricultural nature could be achieved, the requested FA-1a zoning is the most sensible.

TMK #	Zoning	Parcel Size (Square Feet)	Can the Lot be Subdivided?	# of Lots that can be Created by Subdivision	Rezone Ordinance #	Condition Status- Active/Expired	Time Remaining to Perform Condition
170160100000	A-20a	252,212 Square Feet	No	N/A	N/A	N/A	N/A
170310160000	A-20a	201,857 Square Feet	No	N/A	N/A	N/A	N/A
170310170000	A-20a	435,600 Square Feet	No	N/A	N/A	N/A	N/A
170310390000	RS-20	39,988 Square Feet	No	N/A	N/A	N/A	N/A
170310400000	RS-20	126,977 Square Feet	Yes	6	N/A	N/A	N/A
170310410000	RS-20	160,257 Square Feet	Yes	8	N/A	N/A	N/A
170160370000	RS-20	42,297 Square Feet	Yes	2	N/A	N/A	N/A
170160480000	RS-20	95,048 Square Feet	Yes	4	N/A	N/A	N/A
170280200000	A-20a	9,068 Square Feet	No	N/A	N/A	N/A	N/A
170280210000	A-20a	5,044 Square Feet	No	N/A	N/A	N/A	N/A
170280220000	A-20a	5,044 Square Feet	No	N/A	N/A	N/A	N/A
170280230000	A-20a	9,099 Square Feet	No	N/A	N/A	N/A	N/A
170280240000	A-20a	9,068 Square Feet	No	N/A	N/A	N/A	N/A
170280250000	A-20a	5,044 Square Feet	No	N/A	N/A	N/A	N/A
170280260000	A-20a	5,044 Square Feet	No	N/A	N/A	N/A	N/A
170280080000	A-20a	3,833 Square Feet	No	N/A	N/A	N/A	N/A
170310290000	A-20a	80,586 Square Feet	No	N/A	N/A	N/A	N/A
170310300000	A-20a	80,586 Square Feet	No	N/A	N/A	N/A	N/A
170310320000	A-20a	131,290 Square Feet	No	N/A	N/A	N/A	N/A
170310330000	A-20a	134,165 Square Feet	No	N/A	N/A	N/A	N/A
170310350000	RS-20	91,679 Square Feet	Yes	4	N/A	N/A	N/A
170310360000	RS-20	42,031 Square Feet	Yes	2	N/A	N/A	N/A
170310370000	RS-20	40,568 Square Feet	Yes	2	N/A	N/A	N/A
170310380000	RS-20	43,560 Square Feet	Yes	2	N/A	N/A	N/A
170310030000	A-20a	269,636 Square Feet	No	N/A	N/A	N/A	N/A
170280370000	A-20a	5,308 Square Feet	No	N/A	N/A	N/A	N/A
170280170000	A-20a	4,700 Square Feet	No	N/A	N/A	N/A	N/A
170280050000	A-20a	8,351 Square Feet	No	N/A	N/A	N/A	N/A
170280110000	A-20a	4,700 Square Feet	No	N/A	N/A	N/A	N/A
170280120000	A-20a	4,700 Square Feet	No	N/A	N/A	N/A	N/A
170280130000	A-20a	4,652 Square Feet	No	N/A	N/A	N/A	N/A
170280140000	A-20a	7,498 Square Feet	No	N/A	N/A	N/A	N/A
170280150000	A-20a	5,761 Square Feet	No	N/A	N/A	N/A	N/A
170280160000	A-20a	4,700 Square Feet	No	N/A	N/A	N/A	N/A
170310020000	A-20a	217,844 Square Feet	No	N/A	N/A	N/A	N/A
170280090000	A-20a	4,700 Square Feet	No	N/A	N/A	N/A	N/A
170280100000	A-20a	4,700 Square Feet	No	N/A	N/A	N/A	N/A
170280410000	A-20a	6,214 Square Feet	No	N/A	N/A	N/A	N/A

170280420000	A-20a	5,308 Square Feet	No	N/A	N/A	N/A	N/A
170280430000	A-20a	6,213 Square Feet	No	N/A	N/A	N/A	N/A
170160150000	RS-20	16,366 Square Feet	No	N/A	N/A	N/A	N/A
170160160000	RS-20	20,073 Square Feet	No	N/A	N/A	N/A	N/A
170280380000	A-20a	5,308 Square Feet	No	N/A	N/A	N/A	N/A
170280390000	A-20a	5,308 Square Feet	No	N/A	N/A	N/A	N/A
170280400000	A-20a	5,308 Square Feet	No	N/A	N/A	N/A	N/A
170160040000	RS-20	42,576 Square Feet	Yes	2	N/A	N/A	N/A
170160050000	ROADWAY	6,098 Square Feet	No	N/A	N/A	N/A	N/A
170160540000	RS-20	18,951 Square Feet	No	N/A	N/A	N/A	N/A
170160080000	RS-20	218,105 Square Feet	Yes	10	N/A	N/A	N/A
170160120000	RS-20	39,473 Square Feet	No	N/A	N/A	N/A	N/A
170160130000	RS-20	18,318 Square Feet	No	N/A	N/A	N/A	N/A
170160140000	RS-20	16,253 Square Feet	No	N/A	N/A	N/A	N/A
170310280000	A-20a	427,411 Square Feet	No	N/A	N/A	N/A	N/A
170310010000	A-20a	217,844 Square Feet	No	N/A	N/A	N/A	N/A
170280440000	A-20a	5,308 Square Feet	No	N/A	N/A	N/A	N/A
170280450000	A-20a	4,632 Square Feet	No	N/A	N/A	N/A	N/A
170280460000	A-20a	7,501 Square Feet	No	N/A	N/A	N/A	N/A
170280470000	A-20a	4,680 Square Feet	No	N/A	N/A	N/A	N/A
170280480000	A-20a	30,690 Square Feet	No	N/A	N/A	N/A	N/A
170280060000	A-20a	8,764 Square Feet	No	N/A	N/A	N/A	N/A
170280070000	A-20a	10,276 Square Feet	No	N/A	N/A	N/A	N/A
170160060000	RS-20	18,952 Square Feet	No	N/A	N/A	N/A	N/A
170280010000	A-20a	8,323 Square Feet	No	N/A	N/A	N/A	N/A
170280180000	A-20a	4,652 Square Feet	No	N/A	N/A	N/A	N/A
170280190000	A-20a	9,071 Square Feet	No	N/A	N/A	N/A	N/A
170160520000	RS-20	21,957 Square Feet	No	N/A	N/A	N/A	N/A
170160530000	RS-20	43,562 Square Feet	Yes	2	N/A	N/A	N/A
170171540000	ROADWAY	310,147 Square Feet	No	N/A	N/A	N/A	N/A
170280320000	A-20a	5,308 Square Feet	No	N/A	N/A	N/A	N/A
170280340000	A-20a	5,308 Square Feet	No	N/A	N/A	N/A	N/A
170280350000	A-20a	5,308 Square Feet	No	N/A	N/A	N/A	N/A
170280360000	A-20a	10,615 Square Feet	No	N/A	N/A	N/A	N/A
170160330000	RS-20	92,652 Square Feet	Yes	4	N/A	N/A	N/A
170160560000	RS-20	133,555 Square Feet	Yes	6	N/A	N/A	N/A
170171550000	ROADWAY	102,105 Square Feet	No	N/A	N/A	N/A	N/A
170160090000	RS-20	160,954 Square Feet	Yes	8	N/A	N/A	N/A
170310310000	A-20a	420,354 Square Feet	No	N/A	N/A	N/A	N/A
170160410000	RS-20	193,319 Square Feet	Yes	9	N/A	N/A	N/A
160030120000	A-20a	13,155,120 Square Feet	Yes	15	N/A	N/A	N/A
170160360000	RS-20	97,531 Square Feet	Yes	4	N/A	N/A	N/A
170160080001	RS-20	218,105 Square Feet	Yes	10	N/A	N/A	N/A
170160080002	RS-20	218,105 Square Feet	Yes	10	N/A	N/A	N/A
170160080003	RS-20	218,105 Square Feet	Yes	10	N/A	N/A	N/A

170160080004	RS-20	218,105 Square Feet	Yes	10	N/A	N/A	N/A
170160080005	RS-20	218,105 Square Feet	Yes	10	N/A	N/A	N/A
170160080006	RS-20	218,105 Square Feet	Yes	10	N/A	N/A	N/A
170160080007	RS-20	218,105 Square Feet	Yes	10	N/A	N/A	N/A
170160080008	RS-20	218,105 Square Feet	Yes	10	N/A	N/A	N/A
170160080009	RS-20	218,105 Square Feet	Yes	10	N/A	N/A	N/A

RECORDATION REQUESTED BY:

AFTER RECORDATION, RETURN TO:

Carlsmith, Carlsmith, Wickman & Case
P.O. Box 686
Hilo, Hawaii 96720

RETURN BY: MAIL (☒) PICKUP (☐)

CRP

83-131084

STATE OF HAWAII
DEPT. OF LAND & NATURAL RESOURCES
RECORDED

83 NOV 21 A10: 46
17466 710

DEPT. OF LAND & NATURAL RESOURCES
OFFICE OF THE REGISTRAR

SPACE ABOVE THIS LINE FOR REGISTRAR'S USE

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That HILDA YOEMAN, Guardian of CARLOS BARROZA, married, hereinafter called the "Grantor", in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid to her by PUNA SUGAR COMPANY, LIMITED, a Hawaii corporation, whose principal place of business is 700 Bishop Street, Honolulu, Hawaii 96813, and whose post office address is P. O. Box 3230, Honolulu, Hawaii 96801, hereinafter called the "Grantee", the receipt of which is hereby acknowledged, does hereby grant and convey unto the Grantee, its successors and assigns, a nonexclusive easement for access and utility purposes over, across, along and upon that certain parcel of land, as more fully described in Exhibit "A" attached hereto and made a part hereof, being a portion of the land designated in the Third Taxation Division of the State of Hawaii by Tax Map Key No. 1-7-16-10; with the right to enter upon the Property for the purpose of installing utility lines and pipelines, and constructing, maintaining and repairing a road or street thereon, and to dig below the surface of the Property for these purposes, and to otherwise fully utilize the Property for access and utility purposes.

Planning Dept.
Exhibit 4

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns, forever, subject to the provisions hereinafter recited.

The foregoing Grant of Easement is subject to the following conditions:

1. The Easement granted herein shall terminate without further action by the parties upon dedication to or condemnation by any governmental authority of such Easement.

2. The Grantee shall have no right of action against the Grantor concerning the maintenance, condition or state of repair of such Easement area.

IN WITNESS WHEREOF the Grantor and Grantee have executed these presents this 14th day of November, 1983.

Hilda Yoeman
HILDA YOEMAN, Guardian of
CARLOS BARROZA, Grantor

PUNA SUGAR COMPANY, LIMITED

By Jr. Loomis
Its VICE PRESIDENT

By Ben Barry
Its ASSISTANT SECRETARY

APPROVED BY THE BOARD
BY CH

Grantee

STATE OF HAWAII)
) SS:
COUNTY OF HAWAII)

On this 14th day of November,
1983, before me personally appeared HILDA YOEMAN, Guardian of
CARLOS BARROZA, to me known to be the person described in and who
executed the foregoing instrument, and acknowledged to me that
she executed the same as her free act and deed as such Guardian.



Notary Public
State of Hawaii

My Commission expires: 1-21-86

STATE OF HAWAII)
 CITY AND) SS:
 COUNTY OF HONOLULU)

On this 21 day of September,
 1983, before me appeared J. E. LOOMIS
 and BESS TORIGOE, to me known, who, being by me
 duly sworn, did say that they are the VICE PRESIDENT and
ASSISTANT SECRETARY, respectively, of PUNA SUGAR COMPANY,
 LIMITED, a Hawaii corporation, and that the seal affixed to the
 foregoing instrument is the corporate seal of said corporation,
 and that said instrument was signed and sealed in behalf of said
 corporation by authority of its Board of Directors, and said
J. E. LOOMIS and BESS TORIGOE
 severally acknowledged said instrument to be the free act and
 deed of said corporation.

Lairie L. Camara

Notary Public
 State of Hawaii

My Commission expires: 10/12/84

EASEMENT 4
(30-Ft. Wide)
For Access and Utility Purposes

Land situated approximately 1,500 feet Westerly of Volcano Road (F.A.P. No. F-2 (4)) at Keaau, Puna, County of Hawaii, Hawaii.

Being a portion of:

Royal Patent 7223, Land Commission Award 8559-B,
Apana 16 to W. C. Lunailo (TMK:
1-7-16:10).

Beginning at the Northwestern corner of this easement, being also the Northwestern corner of TMK: 1-7-16:10 and a point on the Southerly side of North Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 1,650.74 feet North and 528.37 feet West and running by azimuths measured clockwise from True South:

- | | | | |
|----|------|-----|--|
| 1. | 294° | 45' | 254.64 feet along the Southerly side of North Road to a point; |
| 2. | 8° | 15' | 31.29 feet along a Subdivision Road (20-ft. wide) to a point; |
| 3. | 114° | 45' | 259.97 feet along the remainders of TMK: 1-7-16:10 and Royal Patent 7223, Land Commission Award 8559-B, Apana 16 to W. C. Lunailo to a point; |
| 4. | 197° | 59' | 30.21 feet along TMK: 1-7-17:4 and the remainder of Royal Patent 7223, Land Commission Award 8559-B, Apana 16 to W. C. Lunailo to the point of beginning and containing an area of 0.177 Acre. |

TG-ACCOM 22252_{ay}

5

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

RECORDATION REQUESTED BY:

86- 45263

86 APR 23 A8: 01

AFTER RECORDATION, RETURN TO:

Amtac Hawaii, Inc.

attn: Merv Hedani

945-8111

19446 625
J. H. HENRIKSEN, REGISTRAR

RETURN BY: MAIL () PICKUP ()

CORRECTION GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Grant of Easement dated November 14, 1983, Hilda Yoeman, Guardian of Carlos Barroza, married, granted and conveyed unto PUNA SUGAR COMPANY, LIMITED, a Hawaii corporation, that certain nonexclusive easement for access and utility purposes over, across, along and upon that certain parcel of land as more particularly described in Exhibit "A" attached thereto, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 17466, Page 710; and

WHEREAS, on February 21, 1984, Hilda Yoeman, Guardian over the property of Carlos Barroza, executed and delivered to WILLIAM E. SMITH and RHODA MAY SMITH, husband and wife, hereinafter called "Smiths", a Warranty Deed covering a parcel of land located in Keaau, Puna, Hawaii, subject to the aforesaid grant of easement in favor of PUNA SUGAR COMPANY, LIMITED, hereinafter called "Puna Sugar", recorded in said Bureau in Liber 17685, Page 518; and

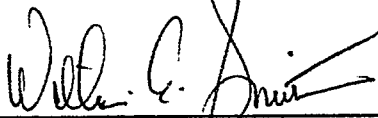
WHEREAS, a survey now discloses that the area set forth in the Grant of Easement dated November 14, 1983, recorded in said Bureau in Liber 17466, Page 710, and as mentioned in the Warranty Deed dated February 21, 1984, recorded in said Bureau in Liber 17685, Page 518, is in error, and that the correct

metes and bounds description of said easement area is as stated in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Puna Sugar hereby quitclaims to Smiths all of its right, title and interest in and to the easement area described in said Warranty Deed dated February 21, 1984, recorded in said Bureau in Liber 17685, Page 518,

NOW, THEREFORE, in consideration of the premises and of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration paid to Smiths by Puna Sugar, the receipt and sufficiency of which are hereby acknowledged, Smiths hereby grant and convey to Puna Sugar, its successors and assigns, a nonexclusive easement for access and utility purposes over, across, along and upon that certain parcel of land as more particularly described in Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed these presents this 15th day of November, 1985.



WILLIAM E. SMITH



RHODA MAY SMITH

PUNA SUGAR COMPANY, LIMITED



By Its VICE PRESIDENT

Approved as to Forms

By 



By Its ASSISTANT SECRETARY

STATE OF HAWAII)
) SS.
 ISLAND AND COUNTY OF HAWAII)

On this 24 day of November, 1985, before me personally appeared WILLIAM E. SMITH and RHODA MAY SMITH, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

John Wm Wm
 Notary Public, State of Hawaii

My commission expires: 1-2-89.

STATE OF HAWAII)
) SS.
 CITY AND COUNTY OF HONOLULU)

On this 15th day of October, 1985, before me appeared BERT L. HATTON and BESS TORIGOR, to me personally known, who, being by me duly sworn, did say that they are the VICE PRESIDENT and ASSISTANT SECRETARY, respectively, of PUNA SUGAR COMPANY, LIMITED, a Hawaii corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and said officers acknowledged that they executed said instrument as the free act and deed of said corporation.

Kristine K. Kim
 Notary Public, State of Hawaii

My commission expires: 9-25-88.

EASEMENT 4
For Access and Utility Purposes

Land situated approximately 1,500 feet Westerly of Volcano Road
 (F.A.P. No. F-2 (4)) at Keaau, Puna, County of Hawaii, Hawaii.

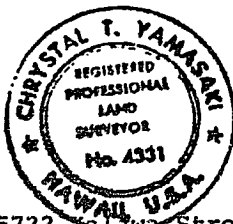
Being a portion of:

Royal Patent 7223, Land Commission Award 8559-B, Apana 16 to
 W. C. Lunalilo (TMK: 1-7-16:10).

Beginning at the Northwesterly corner of this easement, being also the
 Northwesterly corner of TMK: 1-7-16:10 and a point on the Southerly side of
 North Road, the coordinates of said point of beginning referred to Government
 Survey Triangulation Station "OLAA" being 1,656.98 feet North and 523.94
 feet West and running by azimuths measured clockwise from True South:

1. 294° 46' 256.15 feet along the Southerly side of North Road
to a point;
2. 8° 15' 39.06 feet along a Subdivision Road (20-ft. wide)
to a point;
3. 114° 45' 262.79 feet along the remainders of TMK: 1-7-16:10
and Royal Patent 7223, Land Commission
Award 8559-B, Apana 16 to W. C. Lunalilo
to a point;
4. 197° 59' 37.79 feet along TMK: 1-7-17:4 and the remainder
of Royal Patent 7223, Land Commission
Award 8559-B, Apana 16 to W. C. Lunalilo
to the point of beginning and containing an
area of 0.223 Acre.

WES THOMAS & ASSOCIATES, INC.



Chrystal T. Yamasaki

Chrystal Thomas Yamasaki
 Registered Professional Land Surveyor
 State of Hawaii Certificate No. LS4331

75-5722 Kailua Street
 Kailua-Kona, Hawaii 96740
 August 17, 1982
 TMK: 1-7-16: Portion 10
 Revised: November 30, 1983

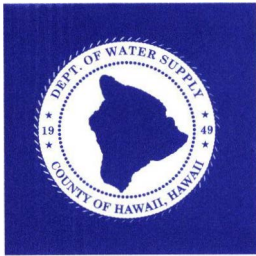
EXHIBIT "A"

Page 1 of 1

WES THOMAS & ASSOCIATES, INC.

SURVEYORS • ENGINEERS

3049 UAI'ENA STREET SUITE 406 • HONOLULU, HAWAII 96819



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

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

November 26, 2025

COH PLANNING DEPT
DEC 2 2025 AM 7:54

TO: Mr. Jeffrey Darrow, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Change of Zone Application (PL-REZ-2025-000093)**
Applicant: Benjamin and Olimpia Love
Request: Agricultural-20 Acres (A-20a) to Family Agriculture-1 Acre (FA-1a)
for a 5.79 Acre Parcel
Tax Map Key (3) 1-7-016:010

REC'D HAND DELIVERED

We have reviewed the subject application and have the following comments and conditions. Please be informed there is an existing 5/8-inch meter serving the subject parcel, which is limited to an average daily usage of 400 gallons and suitable for only one (1) single-family dwelling.

Water can be made available from the end of an existing 6-inch waterline within Kuaaina Road, fronting the subject parcel, in accordance with the Department's existing water availability conditions, which are subject to change without notice.

Therefore, pursuant to Rule 5 of the Department's Rules and Regulations, a copy of which is being forwarded to the applicant, a water commitment may be issued. Based on the additional four (4) units of water requested in the proposed 5-lot development, the required water commitment deposit is \$600.00.

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

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

1. Construct necessary water system improvements, which shall include, but not be limited to:
 - a. installation of approximately 670 lineal feet of 6-inch waterline along the proposed road lot from the 6-inch waterline within Kuaaina Road to front the proposed lot 1. The 6-inch waterline is required for both domestic water service and fire protection,
 - b. existing service laterals must be cut and plugged at the main and relocated to the appropriate lot,
 - c. installation of service laterals that will accommodate a 5/8-inch meter to front each additional lot,
 - d. fire hydrants spaced no more than 600 feet apart and within 300 feet of the driveway or access for each lot. On dead-end streets, the last fire hydrant shall be located at one-half the distance from the last house, or unit, fronting the property line, or to the driveway or access for the property, and

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

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

Planning Dept.
Exhibit **6**

Mr. Jeffrey Darrow, Director

Page 2

November 26, 2025

- e. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

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

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

FACILITIES CHARGE (FC):

1 existing service	\$0.00
4 additional units @ \$6,095.00/unit	\$24,380.00
Total FC	\$24,380.00

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

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

3. Submit the appropriate documents, properly prepared and executed, to convey the water system improvements and necessary easements to the Water Board of the County of Hawai'i prior to final subdivision approval being granted. A registered land surveyor shall stamp and certify the metes and bounds description within the conveyance documents. However, prior to water meter services being granted to the development, or any lots within, the conveyance documents shall be accepted by the Water Board.
4. Comply with all other applicable policies and requirements of the Department's Rules and Regulations. Noncompliance may be cause for voiding this water commitment, at which time availability will be subject to change in accordance with prevailing water system conditions, policies, and Rules and Regulations.

Should there be any questions, please contact Mr. Michael Mori of our Water Resources and Planning Branch at (808) 961-8070, extension 257.

Sincerely yours,



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

MM:dfg

copy – Mr. Benjamin and Ms. Olimpia Love
Mr. John Pipan, Land Planning Hawaii LLC

From: [Cook, Amy A](#)
To: [Camero, Tracie-Lee](#)
Cc: [Jackson, Maija](#); [Kay, Christian](#)
Subject: Re: Road Status Confirmation – TMK (3) 1-7-016:010
Date: Monday, September 15, 2025 8:24:39 AM
Attachments: [image001.png](#)

Aloha Tracie-Lee,

This section of Kuaaaina is county maintained. It becomes private at the intersection with Iwasaki Camp Road. North Road is entirely privately owned. The connection shown between North Road and Kuaaaina shown appears to be an undeveloped county ROW.

-Amy

From: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>
Sent: Tuesday, September 9, 2025 11:27 AM
To: Cook, Amy A <AmyA.Cook@hawaiicounty.gov>
Cc: Jackson, Maija <Maija.Jackson@hawaiicounty.gov>; Kay, Christian <Christian.Kay@hawaiicounty.gov>
Subject: Road Status Confirmation – TMK (3) 1-7-016:010

Hi Amy,

I am currently reviewing a Change of Zone application for TMK (3) 1-7-016:010. The applicant is proposing access for a proposed five lot subdivision once the change of zone is approved, from Kuaaaina Road; however, I also noticed that North Road appears on the map to the north of the subject property. Could you please confirm whether Kuaaaina Road and North Road are County-maintained roads or are they Roadways in Limbo?

Thank you for your assistance,



Outlook

FW: Road Status Confirmation – TMK (3) 1-7-016:010

From Cook, Amy A <AmyA.Cook@hawaiicounty.gov>
Date Thu 1/29/2026 12:14 PM
To Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>

Aloha Tracie-Lee,

The “paper” road lot in question does not appear to be a public ROW. It may have been set aside with that intent at the time but ownership was never transferred to the county. Because the owner listed on the deed no longer exists, it’s unclear who the current owner, if any, is.

Thank you to you and to Jeff for your patience. Mel and I have discussed if there is a way to better clarify which road lots are confirmed to be county or state owned in our GIS because the RPT boundaries are sometimes unclear. It’s an ongoing discussion and I’m sure we’ll follow up with you before we set Scott to it.

-Amy

From: Dameg, Randy <Randy.Dameg@hawaiicounty.gov>
Sent: Thursday, January 29, 2026 10:52 AM
To: Cook, Amy A <AmyA.Cook@hawaiicounty.gov>
Cc: DPW Eng <dpweng@hawaiicounty.gov>
Subject: RE: Road Status Confirmation – TMK (3) 1-7-016:010

Hi Amy,

Sorry for the delay in getting back to you.

I’ve checked the land deed for the parcels that front the roadway in question. The deed descriptions note a “Road Reserve,” which we’ve seen on another roadway and determined to be a right-of-way that was set aside with the intent of possibly being dedicated to a government or private entity at some point.

Another parcel description also mentions land “along the east boundary of a 20-foot-wide reserved by the Ola’a Sugar Company,” which further suggests that the right-of-way was set aside by the Sugar Company.

That said, I wasn’t able to find any road dedication documents or related files for this road. Based on the deed language and the lack of dedication records, I would consider this to be a private road, even though the Sugar Company has since closed and no longer exists.

Thanks,
Randy

From: Cook, Amy A <AmyA.Cook@hawaiicounty.gov>
Sent: Tuesday, January 27, 2026 11:34 AM
To: Dameg, Randy <Randy.Dameg@hawaiicounty.gov>
Subject: FW: Road Status Confirmation – TMK (3) 1-7-016:010

Hi Randy,

Is this paper road county owned?

Thanks,
Amy

From: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>
Sent: Tuesday, January 27, 2026 7:38 AM
To: Cook, Amy A <AmyA.Cook@hawaiicounty.gov>; Darrow, Jeffrey W. <Jeff.Darrow@hawaiicounty.gov>
Cc: Jackson, Maija <Maija.Jackson@hawaiicounty.gov>; Kay, Christian <Christian.Kay@hawaiicounty.gov>
Subject: RE: Road Status Confirmation – TMK (3) 1-7-016:010

Hi Amy,

Planning Dept. Exhibit <u>8</u>

Thank you for your response. Given the confirmation that North Road is privately owned, would DPW be agreeable to conditioning the project to require access from the existing County right-of-way instead?

As shown on the attached exhibit, the applicant is currently proposing to construct a 20-foot roadway on its property (highlighted in blue). However, the existing County ROW (highlighted in yellow) appears to provide a continuous access corridor to the subject property and could eliminate the need for the proposed private roadway. If the applicant were required to use the County ROW in lieu of the proposed driveway, would this trigger a §343 review from DPW?

Please let me know your thoughts or if you see any issues with this approach.



Sincerely,

Tracie-Lee Camero

Planner V

County of Hawaii

Planning Department

Phone: (808) 961-8166

From: Cook, Amy A <AmyA.Cook@hawaiicounty.gov>

Sent: Monday, January 26, 2026 4:46 PM

To: Darrow, Jeffrey W. <Jeff.Darrow@hawaiicounty.gov>; Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>

Cc: Jackson, Maija <Maija.Jackson@hawaiicounty.gov>; Kay, Christian <Christian.Kay@hawaiicounty.gov>

Subject: FW: Road Status Confirmation – TMK (3) 1-7-016:010

Aloha Jeff,

North Road is not a county Road. The portion of the 999 parcel adjacent to the bottom of North Road is not county owned or maintained. Apologies for the previous error.

Please see the attached documents provided by Randy.

-Amy

From: Dameg, Randy <Randy.Dameg@hawaiicounty.gov>
Sent: Monday, January 26, 2026 3:12 PM
To: Cook, Amy A <AmyA.Cook@hawaiicounty.gov>
Subject: RE: Road Status Confirmation – TMK (3) 1-7-016:010

Hi Amy,

I was able to find this information in our subdivision folder (1723-A). Research was done in this area back in 1997 and it confirms that North Road is a private road.

I've attached the warranty deed, which identifies the parties involved – Grantor: Puna Sugar Company and Grantee: Dillow Group, LLC. On pages 29 and 30 of these documents describe the 60-foot-wide roadway as North Road. Please also see the attached tax map, which highlights the area described (Item II, Parcel Fourth).

Finally, regarding the 999 designations for roadways, at times the information shown on the GIS can be incorrect. Our office keeps an inventory of all County roadways.

Thanks,
Randy

From: Cook, Amy A <AmyA.Cook@hawaiicounty.gov>
Sent: Monday, January 26, 2026 1:56 PM
To: Dameg, Randy <Randy.Dameg@hawaiicounty.gov>
Subject: FW: Road Status Confirmation – TMK (3) 1-7-016:010

Hi Randy,

I think you've looked at this before, can you confirm the sections adjacent to North Road are county owned?

Thanks,
Amy

From: Darrow, Jeffrey W. <Jeff.Darrow@hawaiicounty.gov>
Sent: Friday, January 9, 2026 1:14 PM
To: Cook, Amy A <AmyA.Cook@hawaiicounty.gov>; Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>
Cc: Jackson, Maija <Maija.Jackson@hawaiicounty.gov>; Kay, Christian <Christian.Kay@hawaiicounty.gov>
Subject: RE: Road Status Confirmation – TMK (3) 1-7-016:010

Aloha Amy,

There are two sections that make up North Road. One is private (1-7-017:154) and the other is County (or limbo) (1-7-016:999). The 999 portion abuts up to the subject property (1-7-016:010) and our goal is to provide additional right of way to the County portion of the North Road right of way so it matches the entire right of way. Please see the attached maps.

We are inclined to condition that the portion be set aside for the right of way. Please see maps and confirm the County ownership of the portion of North Road.

Thanx,

Jeff

From: Cook, Amy A <AmyA.Cook@hawaiicounty.gov>
Sent: Monday, September 15, 2025 8:24 AM
To: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>
Cc: Jackson, Maija <Maija.Jackson@hawaiicounty.gov>; Kay, Christian <Christian.Kay@hawaiicounty.gov>
Subject: Re: Road Status Confirmation – TMK (3) 1-7-016:010

Aloha Tracie-Lee,

This section of Kuaaina is county maintained. It becomes private at the intersection with Iwasaki Camp Road. North Road is entirely privately owned. The connection shown between North Road and Kuaaina shown appears to be an undeveloped county ROW.

-Amy

From: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>

Sent: Tuesday, September 9, 2025 11:27 AM

To: Cook, Amy A <AmyA.Cook@hawaiicounty.gov>

Cc: Jackson, Maija <Maija.Jackson@hawaiicounty.gov>; Kay, Christian <Christian.Kay@hawaiicounty.gov>

Subject: Road Status Confirmation – TMK (3) 1-7-016:010

Hi Amy,

I am currently reviewing a Change of Zone application for TMK (3) 1-7-016:010. The applicant is proposing access for a proposed five lot subdivision once the change of zone is approved, from Kuaaina Road; however, I also noticed that North Road appears on the map to the north of the subject property. Could you please confirm whether Kuaaina Road and North Road are County-maintained roads or are they Roadways in Limbo?

Thank you for your assistance,

Sincerely,

Tracie-Lee Camero

Planner V

County of Hawaii

Planning Department

Phone: (808) 961-8166

C. Kimo Alameda, Ph.D.
Mayor



Reed K. Mahuna
Interim Chief of Police

William V. Brilhante, Jr.
Managing Director

County of Hawai'i

POLICE DEPARTMENT

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

November 5, 2025

COH PLANNING DEPT
NOV 5 2025 PM 3:37

REC'D HAND DELIVERED

TO : JEFFREY W. DARROW, PLANNING DIRECTOR
FROM :  KENNETH A.K. OCHOA, ASSISTANT POLICE CHIEF
AREA I OPERATIONS BUREAU

SUBJECT: CHANGE OF ZONE APPLICATION (PL-REZ-2025-000093)
APPLICANT: BENJAMIN AND OLIMPIA LOVE
REQUEST: AGRICULTURAL - 20 ACRES (A-20A) TO FAMILY
AGRICULTURAL-1 ACRE (FA-1A) FOR A 5.79 ACRE
PARCEL
TAX MAP KEY: (3) 1-7-0, KEA'AU, PUNA, HAWAII

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

Thank you for allowing us the opportunity to comment.

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



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

MEMORANDUM

DATE: October 24, 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-2025-000093)
Applicant: Benjamin and Olimpia Love
Request: Agricultural-20 Acres (A-20a) to Family Agricultural-1 Acre (FA-1a) for a 5.79 Acre Parcel
Tax Map Key: (3) 1-7-016:010; Kurtistown, Puna, Hawai'i

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

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

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

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

Clean Air Branch

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

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

Clean Water Branch

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

Hazard Evaluation & Emergency Response Office

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

Indoor and Radiological Health Branch

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

Safe Drinking Water Branch

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

Solid & Hazardous Waste Branch

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

Wastewater Branch

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

Sanitation / Local DOH Comments:

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

Other

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

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
CURT T. OTAGURO
ROBIN K. SHISHIDO

IN REPLY REFER TO:

STP 000924.25
HWY-PL 25-2.35153

November 17, 2025

Mr. Jeffrey Darrow, Director
County of Hawaii
Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Attention: Ms. Tracie-Lee Camero

Dear Mr. Darrow:

Subject: Request for Comments
Change of Zone Application (PL-REZ-2025-000093)
Applicants - Benjamin and Olimpia Love
Keaau, Puna, Hawaii
Tax Map Key No. (3) 1-7-016: 010

Thank you for your letter dated October 23, 2025 requesting our comments for the above-referenced application. The applicants are seeking approval to rezone their 5.79-acre parcel to subdivide 5 separate parcels for their own private residential uses. The application request is to allow a designated zoning change from Agricultural District (1-acre) to Family Agricultural District (20-acre).

We have reviewed the submitted applications and provided our comments in the attachment.

If you have any questions, please contact Jeyan Thirugnanam, Land Use Planning Engineer, Planning Branch at (808) 587-6336 or by email at jeyan.thirugnanam@hawaii.gov. Please reference file review number PL 2025-061.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Sniffen".

EDWIN H. SNIFFEN
Director of Transportation

Attachment

ATTACHMENT
The Hawaii Department of Transportation Comments
STP 000924.25

No.	Comments
1.	We do not have any objections to the Change of Zone application request based on the information submitted.
2.	The proposed access will be a new shared driveway easement located on Kuaaina Road (county) that connects to Volcano Road/Mamaloa Highway (State Route 11) approximately 1,000 feet east of the site.
3.	Based on the anticipated low traffic volume generated by the proposed residential uses of the five parcels, the project is not expected to have any significant impacts on the nearby state highway facilities based on its location and scope.
4.	We recommend the following strategies to reduce carbon emissions from the project. Suggestions include: a. Incorporate elements that encourage and enhance the use of multiple types of transportation to reduce carbon emissions. b. Implement energy-efficient technologies and practices, such as light-emitting diode lighting. c. Use sustainable, recycled, or low-emission materials in construction and manufacturing.

COORDINATION/REVIEW TRANSMITTAL

DATE: 10/24/25

LOG NUMBER: STP 00924.25

TO: HWY-P

CC: HWY

FROM: STP *AP*

SUSPENSE DATE: 11/24/25

SUBJECT: Change of Zone Application (PL-REZ-2025-000093) – Benjamin and Olimpia Love

FOR:

☐ **Comments and Recommendations**
(STP to prepare Departmental Response)

☒ **Appropriate Attention and Action**
(Division to prepare Departmental Response)

☐ **Information and File**

OTHER DIVISIONS REVIEWING MATERIAL: ☐ AIR ☐ HAR ☐ HWY

SPECIAL INSTRUCTIONS: STP has no record of prior review of the subject application.

PROJECT INFORMATION: The applicants, Benjamin and Olimpia Love are proposing a zone change from A-20a to FA-1a for a 5.79-acre parcel in the Keaau area. If approved, the parcel will then be subdivided into five (5), 1-acre minimum lots to provide housing opportunities for the applicant's family.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHANE
DEPUTY DIRECTOR - WATER

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

November 19, 2025

Jeff Darrow, Director
Planning Department
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, HI 96720
planning@hawaiiicounty.gov

IN REPLY REFER TO:
Project No. 2025PR01268
Doc. No. 2511JG09
Archaeology

Dear Jeff Darrow:

SUBJECT: **Hawaii Revised Statutes (HRS) Chapter 6E-42 Historic Preservation Review
County of Hawaii Change of Zone Application Permit No. PL-REZ-2025-000093
Proponent: John Pipan (Landowner's representative)
Kea'au Ahupua'a, Puna District, Island of Hawai'i
TMK: (3) 1-7-016:010**

This letter provides the State Historic Preservation Division's (SHPD's) review of the subject County of Hawaii Change of Zone Application received by our office on November 7, 2025. The submittal includes a HICRIS Change of Zone Permit application, cover letters, a preliminary map of a proposed subdivision, and roadside photos of the project area.

The current project area comprises the entirety of the subject parcel (5.79 acres). The proponent proposes the change of zone from Agricultural 20-acre (A-20a) zoning district to a Family Agricultural 1-acre (FA-1a) zoning district in order to support the subsequent subdivision of the subject parcel into five lots (Lot 1 [1.00 acre], Lot 2 [1.122 acres], Lot 3 [1.099 acres], Lot 4 [1.190 acres], and Lot 5 [1.092 acres]). No ground disturbance is proposed as part of the current subject project.

A review of SHPD records indicates that the proposed project area has not been subject to any previous archaeological studies, nor have any historic properties been previously identified therein. Historic (1965) and contemporary aerial imagery indicates that the subject project area has been impacted by previous land-clearing, agricultural (sugarcane) activities, and the development of the existing residential structure.

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

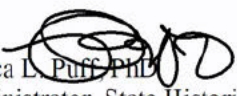
Attach to permit: If historic properties such as lava tube openings, concentrations of artifacts, structural remains or human skeletal remains are found during construction activities please cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7653.

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

Planning Dept.
Exhibit **12**

Jeff Darrow
November 19, 2025
Page 2

Aloha,


Jessica L. Puff, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: Tracie-Lee Camero, tracie-lee.camero@hawaiicounty.gov
John Pipan, [\[REDACTED\]@hawaiicounty.gov](mailto:[REDACTED]@hawaiicounty.gov)

January 16, 2026

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

Dear Mr. Darrow:

**Subject: Attn: Tracie-Lee Camero
Agency Comment Response
Change of Zone Application (PL-REZ-2025-000093)
Applicant: Benjamin and Olimpia Love
Kea'au, Puna, Hawaii, TMK: (3) 1-7-016:010**

We are in receipt of agency comments on the subject application. The following will serve as a response to comments received to date.

State Historic Preservation Division (comments dated November 19, 2025)

The State Historic Preservation Division (SHPD) noted in their comments that *the subject project area has been impacted by previous land-clearing, agricultural (sugarcane) activities, and the development of the existing residential structure. Based on the information provided, SHPD's project effect determination is "No historic properties affected."*

SHPD also notes the standard protective condition relating to archaeological finds: *If historic properties such as lava tube openings, concentrations of artifacts, structural remains or human skeletal remains are found during construction activities please cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808)933-7653.*

The applicant acknowledges and will comply with this condition.

Hawaii Department of Health (comments dated October 24, 2025)

The standard Department of Health (DOH) comment letter serves as a reference to all-inclusive rules and regulations, some of which are relevant to the proposed project.

DOH regulations regarding Clean Air and the control of fugitive dust detailed in HAR§11-60.1-33 will be followed by the applicant.

Regarding wastewater, any dwellings eventually built on the newly created lots would be served by individual wastewater systems approved by DOH.

Police Department (comments dated November 5, 2025)

The applicant acknowledges that the Police department does not anticipate any significant impact to traffic and/or public safety concerns.

Hawaii Department of Transportation (comments dated November 17, 2025)

The applicant acknowledges that the Hawaii Department of Transportation (HDOT) does not have any objections to the Change of Zone and that the proposed residential uses of the parcels is not expected to have any significant impacts on the nearby state highway facilities.

Further the applicant appreciates the recommendations from HDOT relating to reducing carbon emissions from the project and will promote their implementation.

Department of Water Supply (comments dated November 26, 2025)

The applicant acknowledges that water can be made available for the proposed Change of Zone from an existing 6-inch waterline fronting subject parcel.

Further the Department of Water Supply (DWS) offers, for the applicant's information, final subdivision approval will be subject to compliance with requirements relating to installation of a new 6-inch waterline along the proposed new road lot with standard spacing of fire hydrants and service laterals fronting each lot.

As shown on the rezone exhibit map, the applicant intends to create a new 20-foot wide private roadway which will provide access to the proposed parcels from Kuaaina Road. The new roadway lot would consist of a 20-foot-wide right-of-way with a minimum of 16-feet of pavement width and will comply with Hawaii County Code, Chapter 23, Subdivision standards as well as the Department of Public Works standard details pertaining to non-dedicable street construction (Std. Det. R-25). It is understood that the subdivision plan submitted herein may need be adjusted prior to receipt of final subdivision approval to accommodate County subdivision requirements and appropriate conditions of approval. Additionally, we recognize that the subdivision plan may need to be adjusted due to value engineering considerations. For example a shorter private road would still be consistent with subdivision regulations and would be less expensive to build. Therefore, the applicant agrees to comply with the requirements of DWS based on the final subdivision plan.

Department of Public Works Engineering (emailed comments dated September 15, 2025)

The applicant acknowledges that DPW confirmed that Kuaaina Road is County maintained at the subject property, that North Road is entirely privately owned, and that the connection between North Road and Kuaaina Road appears to be an undeveloped County ROW.

Planning Department asked by email January 9, 2026, whether there is a specific reason the proposed subdivision's 20-foot wide access is shown on the west side of the subject parcel rather than along the east side.

At this point we are still trying to ascertain the applicants reasons for depicting the access on the west side of the property rather than the east side. As previously stated, it is understood that the subdivision plan submitted herein may need be adjusted prior to receipt of final subdivision approval to accommodate County subdivision requirements and appropriate conditions of approval. Additionally, we recognize that the subdivision plan may need to be adjusted due to value engineering considerations.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'John Pipan', with a stylized, cursive script.

JOHN PIPAN
Planning Consultant



Outlook

Re: Love - Easement and Conveyance Background

From Pipanconsulting <[REDACTED]>

Date Wed 1/28/2026 1:36 PM

To Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>

Cc Darrow, Jeffrey W. <Jeff.Darrow@hawaiicounty.gov>; [REDACTED]
<[REDACTED]>

Aloha Tracie,

I have checked the areas and even with the requirement to transfer the easement area on North Road, the applicant will still have enough land area to make the proposed 5 lot subdivision with the proposed private road.

We are amenable to transferring that easement area to the Dullow group. There is a property owner with the last name Dillow nearby off North Rd. I imagine it is the same owners.

The applicant prefers the private road access to developing the County ROW on the East side of the property.

Best,

John Pipan
President
Pipan Consulting LLC
Office: [REDACTED]
Cell: [REDACTED]

From: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>

To: "[REDACTED]" <[REDACTED]>

Cc: "Darrow, Jeffrey W." <Jeff.Darrow@hawaiicounty.gov>

Date: Mon, 26 Jan 2026 08:07:23 -1000

Subject: Love - Easement and Conveyance Background

Good morning.

Jeff asked that I reach out regarding several items related to the proposed rezone/subdivision that will need to be addressed moving forward.

First, Jeff would like as a condition of rezoning approval that the applicant convey the upper portion of the parcel to the North Road owner. An earlier subdivision indicated that this upper portion of the parcel was intended to be incorporated into North Road; however, the owner at that time conveyed only an easement. As a result, this easement was not carried forward in the metes and bounds descriptions, and it is also not depicted on the currently submitted subdivision maps. The proposed subdivision plans will therefore need to clearly identify and depict the existing easement that traverses the upper portion of the parcel.

The easement was originally granted to Puna Sugar and now benefits the current owner, the Dillow Group. I have attached a copy of the recorded assignment of grant of easement, along with a location exhibit, for your review and to assist with coordination with your surveyor and client. Is

your client amendable to conveying the portion to the current owner? Also, do you have information on the current owner to effectively complete this condition?

Lastly, in light of the proposed conveyance of the northern portion of the parcel, I will be checking with the Department of Public Works today to determine whether they would be supportive of requiring the landowner to upgrade the County right-of-way located east of the subject property to serve as the roadway access. This option may allow a greater portion of the parcel to remain available for subdivision and help ensure that sufficient area exists to subdivide the property into five lots.

Please let me know whether your client would be amenable to these requirements, or if there are any questions after reviewing the attached easement documentation.

Thank you, and I look forward to your response.

Sincerely,

Tracie-Lee Camero

Planner V

County of Hawaii

Planning Department

Phone: (808) 961-8166