

**COUNTY OF HAWAI'I PLANNING DEPARTMENT
RECOMMENDATION**

PLANNING DIRECTOR INITIATED

ANDY/KERRY XIE TRUST, WEI LIN ZHAO, EULIX CHIU, FANG/HAN TRUST, FRED MING LI

**REPEAL CHANGE OF ZONE ORDINANCE NOS. 19-38, 09-50, 09-49, 06-138, 06-137, 95-118, 92-36, 90-10, 86-49, 533 (1980), AND 594 (1973)
(PL-PDI-2026-000015)**

The Planning Director **recommends that the Planning Commission forward a favorable recommendation to the Hawai'i County Council** on the request to repeal Change of Zone Ordinance Nos. 19-38, 09-50, 09-49, 06-138, 06-137, 95-118, 92-36, 90-10, 86-49, 533 (1980), and 594 (1973), which will revert the current zoning of 3.331 acres from Village Commercial-7,500 square feet (CV-7.5) to its original Double Family Residential-3,750 square feet (RD-3.75) and 3.227 acres from Multiple Family Residential-2,500 square feet (RM-2.5) to its original Unplanned (Agricultural-5 acres) zoning district.

Since the most recent amendment to the original rezone ordinances, approved in 2019, there have not been any significant land use regulatory changes in this area. The Kona CDP identifies the property as located within the Kona Urban Area and within the Kailua Village Redevelopment Regional Center. The proposed reversion of the makai portion of the subject property to RD-3.75 zoning would be consistent with the General Plan's LUPAG map Medium Density Urban Designation, which includes uses such as village and neighborhood commercial and single family and multiple family residential and related functions (multiple family residential - up to 35 units per acre).

Although the proposed reversion of the mauka portion of the subject property to A-5a would not be entirely consistent with the MDU LUPAG designation, given that other A-5a zoned properties located immediately adjacent to the subject property have not converted to urban uses, the Planning Director believes that the reversion will be

consistent with existing surrounding zoning designations and land use patterns. For the reasons mentioned above, the Planning Director is supportive of the requested reversion.

The subject parcel is not situated within the Special Management Area and there are no known protected or endangered floral or faunal resources found on the subject parcel. Historic resources on the subject property that are designated for preservation include a section of the Kuakini Wall and a burial site, both identified during an archeological inventory survey in 1990. A preservation plan, approved by the State Historic Preservation Division (SHPD) in 1992, stipulates a 10-foot no excavation buffer and a 20-foot no construction buffer for the burial site. Additionally, the preservation plan states that the Kuakini Wall must be preserved and stabilized, with the exception of a single breach for a roadway. Given that SHPD has no objections to the proposed rezone repeal and that future grading permits and preservation methods will be subject to review and approval by SHPD, the Planning Director believes the reversion will not adversely affect historic resources on the subject property.

Surrounding properties are zoned Residential and Agricultural, with commercial uses including an assisted living facility, a credit union, doctor's offices, tour operations and a neighboring residential subdivision. Given the preceding, the proposed repeal of Change of Zone Ordinance Nos. 19-38, 09-50, 09-49, 06-138, 06-137, 95-118, 92-36, 90-10, 86-49, 533 (1980), and 594 (1973) will be consistent with most existing surrounding land uses and zoning.

Access to the property is from Hualālai Road. Several conditions in the rezone ordinances required the applicant to complete road improvements, including dedication of a future road widening strip, widening and realignment of Hualālai Road, construction of concrete curb, gutter and sidewalk, drainage improvements, streetlights, signs and any relocation of utilities. Additionally, access to the property was limited to one approach with a left turn storage lane on Hualālai Road, with the exception of a gated emergency access at the mauka end of the property. Any future access from Hualālai Road will need to comply with requirements of the Department of Public Works (DPW) who provided comments noting that road improvement conditions of Ordinance 19-38 provided public welfare and safety and recommending their inclusion on comparable future developments

on the subject property. The landowners have stated that they are willing to subdivide and donate to the County the land necessary to widen Hualālai Road after issuance of Plan Approval and building permits for a project as permitted by the RD-3.75 zoning district. It should be noted that, outside of a rezone ordinance, county code does not give DPW the authority to compel landowners to complete road improvements, therefore, with approval of the requested rezone reversion, any road improvements to the subject property's Hualālai Road frontage will be the county's responsibility. The Planning Director notes that given approval of the proposed repeal, the landowners should work directly with DPW to dedicate the future road widening strip on Hualālai Road.

Regarding water supply, in 2008 the Department of Water Supply (DWS) stated that the subject property had a water commitment of 50 units of water, which included 28 units committed through previously existing service laterals, and for which facilities charges had been paid, and another 22 units committed through payment of a water commitment deposit. In response to the current request, DWS notes that the water commitment of 22 units will be forfeited with the repeal of the rezone ordinances, along with the water commitment deposit, and the landowner notes they will continue discussions with DWS on this issue. Regarding wastewater disposal, the Department of Environmental Management, Wastewater Division, previously recommended that the applicant conduct a sewer study and make any necessary improvements in order to connect the proposed project to the County sewer system. Given the preceding and noting that the landowner will need to meet the requirements of DWS and DEM to provide water and sewage disposal services for any future development, the Director supports the proposed repeal of Change of Zone Ordinance Nos. 19-38, 09-50, 09-49, 06-138, 06-137, 95-118, 92-36, 90-10, 86-49, 533 (1980), and 594 (1973).

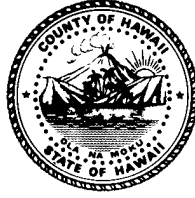
Lastly, although the recommendation to repeal Change of Zone Ordinance Nos. 19-38, 09-50, 09-49, 06-138, 06-137, 95-118, 92-36, 90-10, 86-49, 533 (1980), and 594 (1973) will extinguish any conditions related to the CV-7.5 and RM-2.5 zoning designations, it is made with the understanding that the landowners remain responsible for developing the parcel in compliance with all other applicable governmental requirements in connection with the RD-3.75 and A-5a zoning districts prior to its

commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, compliance with County Streets, Water, Sewer and Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the preceding, a favorable recommendation of the Planning Director's initiated action to repeal Change of Zone Ordinance Nos. 19-38, 09-50, 09-49, 06-138, 06-137, 95-118, 92-36, 90-10, 86-49, 533 (1980), and 594 (1973), which will revert the current zoning of 3.331 acres from Village Commercial-7,500 square feet (CV-7.5) to its original Double Family Residential-3,750 square feet (RD-3.75) and 3.227 acres from Multiple Family Residential-2,500 square feet (RM-2.5) to its original Unplanned (Agricultural-5 acres) zoning district, would result in an appropriate land use pattern and would be in the best interest of the general public.

The accompanying draft bill to amend Section 25-8-3 (North Kona Zone Map) and Section 25-8-5 (Kailua Urban Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, is provided for your favorable consideration. Please note as this draft ordinance repeals several ordinances and reverts the subject property back to its original RD-3.75 and A-5a zoning district, there are no proposed conditions attached to this draft bill.

COUNTY OF HAWAI‘I



STATE OF HAWAI‘I

BILL NO. _____
(Planning Department)

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NOS. 19-38, 09-50, 09-49, 06-138, 06-137, 95-118, 92-36, 90-10, 86-49, 533 (1980), AND 594 (1973) AND AMENDING CHAPTER 25, ARTICLE 8, SECTION 25-8-3 (NORTH KONA ZONING MAP) AND SECTION 25-8-5 (KAILUA URBAN ZONING MAP), OF THE HAWAI‘I COUNTY CODE (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM VILLAGE COMMERCIAL – 7,500 SQUARE FEET (CV-7.5) AND MULTIPLE-FAMILY RESIDENTIAL – 2,500 SQUARE FEET (RM-2.5) TO DOUBLE-FAMILY RESIDENTIAL – 3,750 SQUARE FEET (RD-3.75) AND AGRICULTURAL – FIVE ACRES (A-5A) AT HIENALOLI 4TH, 5TH, AND 6TH, NORTH KONA, HAWAI‘I, COVERED BY TAX MAP KEY NO. 7-5-010:013.

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

SECTION 1. Ordinance Nos. 19-38, 09-50, 09-49, 06-138, 06-137, 95-118, 92-36, 90-10, 86-49, 533 (1980), and 594 (1973) are hereby repealed.

SECTION 2. Chapter 25, Article 8, Section 25-8-3, of the Hawai‘i County Code 1983 (2016 Edition, as amended) is amended by changing the district classification of the land situated at Hienaloli 4th, North Kona, Hawai‘i, as more particularly depicted on Exhibit A and described in Exhibit B, both of which are attached hereto and made a part hereof, from Multiple-Family Residential – 2,500 square feet (RM-2.5) to Agricultural – 5 acres (A-5a).

SECTION 3. Chapter 25, Article 8, Section 25-8-5, of the Hawai‘i County Code 1983 (2016 Edition, as amended) is amended by changing the district classification of the land situated at Hienaloli 5th and 6th, North Kona, Hawai‘i, as more particularly depicted on Exhibit C and described in Exhibit D, both of which are attached hereto and made a part hereof, from Village Commercial – 7,500 square feet (CV-7.5) to Double-Family Residential – 3,750 square feet (RD-3.75).

SECTION 4. In accordance with Chapter 25, Article 2, Section 25-2-44, of the Hawai‘i County Code 1983 (2016 Edition, as amended), the County Council finds that the following conditions are:

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

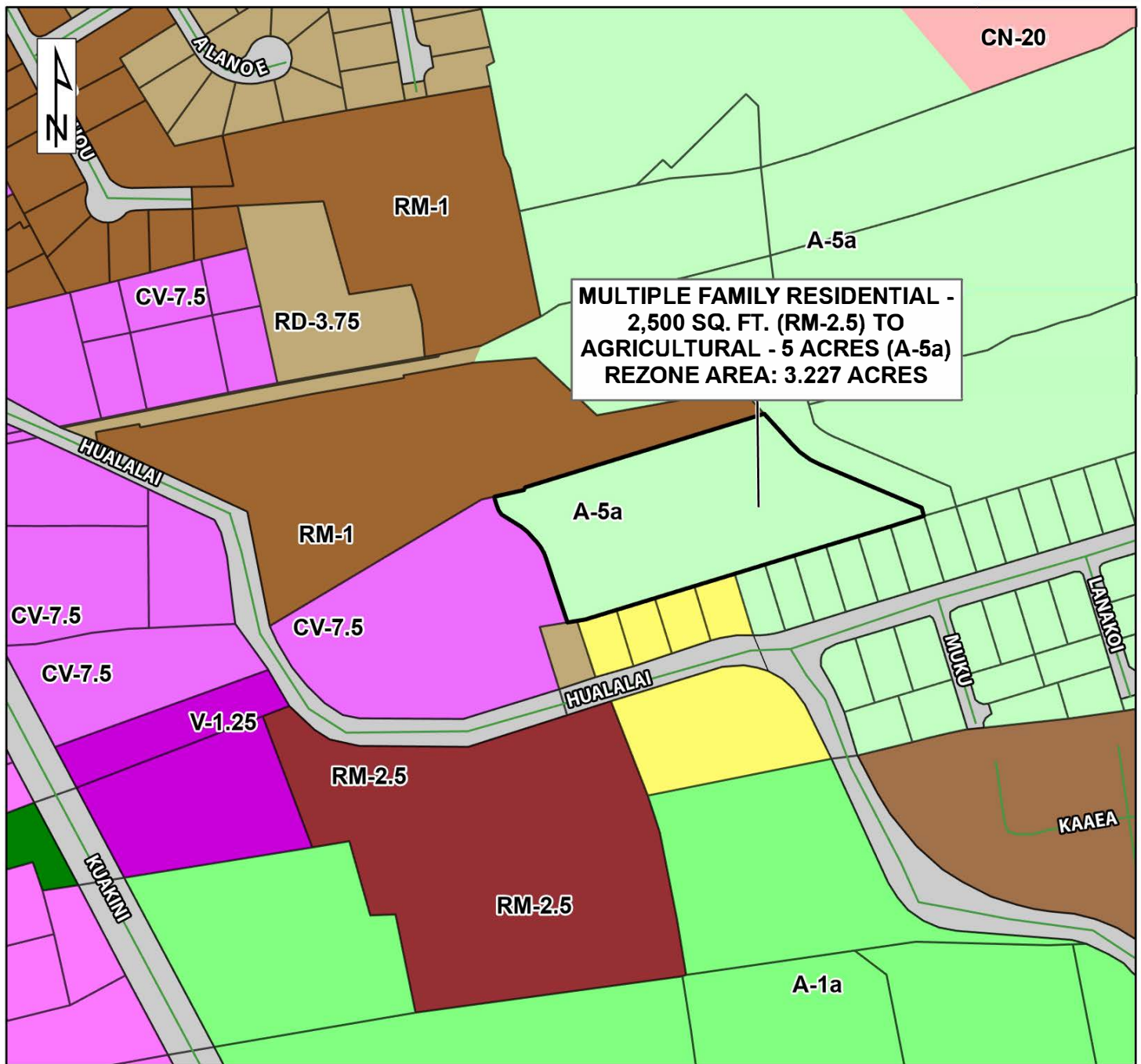
SECTION 5. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI‘I

_____, Hawai‘i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE ZONE MAP CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL - 2,500 SQ. FT. (RM-2.5) TO AGRICULTURAL - 5 ACRES (A-5a) AT NORTH KONA, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

DATE: February 26, 2026

E X H I B I T B

PROPOSED A-5a ZONING DESIGNATION ON THE EASTERLY PORTION OF LOT A-1

Land situated in the Northerly and Westerly portions of Lot A-1, being on the Northerly sde of Lot A-2 (Road Widening Lot) and being approximately 200 feet Northerly of Hualalai Road, at Hienaloli 4th, North Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

Lot A-1;

Royal Patent 1600 and 1930 to Asa Thurston, Land Commission Award 387, Part 4, Section 2 to the American Board of Commissioners for Foreign Missions;

Grant S-15700 to James F. Boe and Joan L. Boe; and

Land Commission Award 8524-B, Part 3 to Peke.

Beginning at the Northwesterly corner of this parcel of land, being also the Northeasterly corner of Lot 361 of Aloha Kona Subdivision (File Plan 871) and being a point on the Westerly side of Keopu Channel Improvement (Parcel 17) (County of Hawaii), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 1,803.27 feet South and 3,262.94 feet East and running by azimuths measured clockwise from True South:

1. 72° 51' 37" 642.08 feet along Lots 361, 362, 363, 364, 365, 371, 372, 373, 374 and 375 of Aloha Kona Subdivision (File Plan 871) and along Land Commission Award 8524-B, Part 3 to Peke to a rebar in concrete (found);
2. 80° 55' 37" 11.25 feet along Lot 375 of Aloha Kona Subdivision (File Plan 871) and along Land Commission Award 8524-B, Part 3 to Peke to a point;

Thence, for the next seven (7) courses following along the remainders of Lot A-1 and Royal Patent 1600 and 1930 to Asa Thurston, Land Commission Award 387, Part 4, Section 2 to the American Board of Commissioners for Foreign Missions:

1. 160° 09' 29.34 feet along stonewall to a point;
2. 172° 05' 19.70 feet partially along stonewall to a point;
3. 164° 48' 25.00 feet to a point;
4. 156° 40' 58.10 feet partially along stonewall to a point;
5. 141° 07' 50.20 feet along stonewall to a point;
6. 146° 49' 35.90 feet along stonewall to a point;
7. 172° 31' 42.02 feet along stonewall to a point;
8. 257° 55' 2.01 feet along stonewall and along Royal Patent 7904, Land Commission Award 4226 to Kuae to a spike (found);
9. 165° 21' 3.56 feet along stonewall and along Royal Patent 7904, Land Commission Award 4226 to Kuae to a 1/2 inch pipe (found);
10. 252° 39' 30" 443.06 feet along stonewall and along Land Commission Award 7716, Apana 5 to R. Keelikolani to a point;
11. 259° 46' 6.16 feet along Land Commission Award 7716, Apana 5 to R. Keelikolani to a 1/2 inch pipe in concrete (found);
12. 252° 40' 5.36 feet along Land Commission Award 7716, Apana 5 to R. Keelikolani to a point;

Thence, for the next four (4) courses following along the Southerly side of the Keopu Channel Improvement Parcel 17 (County of Hawaii, Owner):

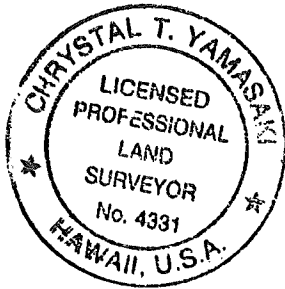
13. 317° 24' 30" 73.20 feet to a point;

Thence, following on a curve to the left with a radius of 150.00 feet, the chord azimuth and distance being:

14. 305° 09' 30" 63.65 feet to a 1/2 inch pipe (found);

15. 292° 54' 30" 197.59 feet to a point;

16. 342° 48' 16.26 feet to the point of beginning and containing an area of 3.227 Acres.

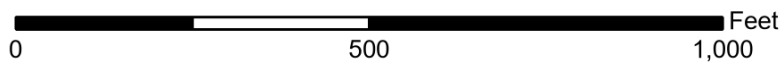
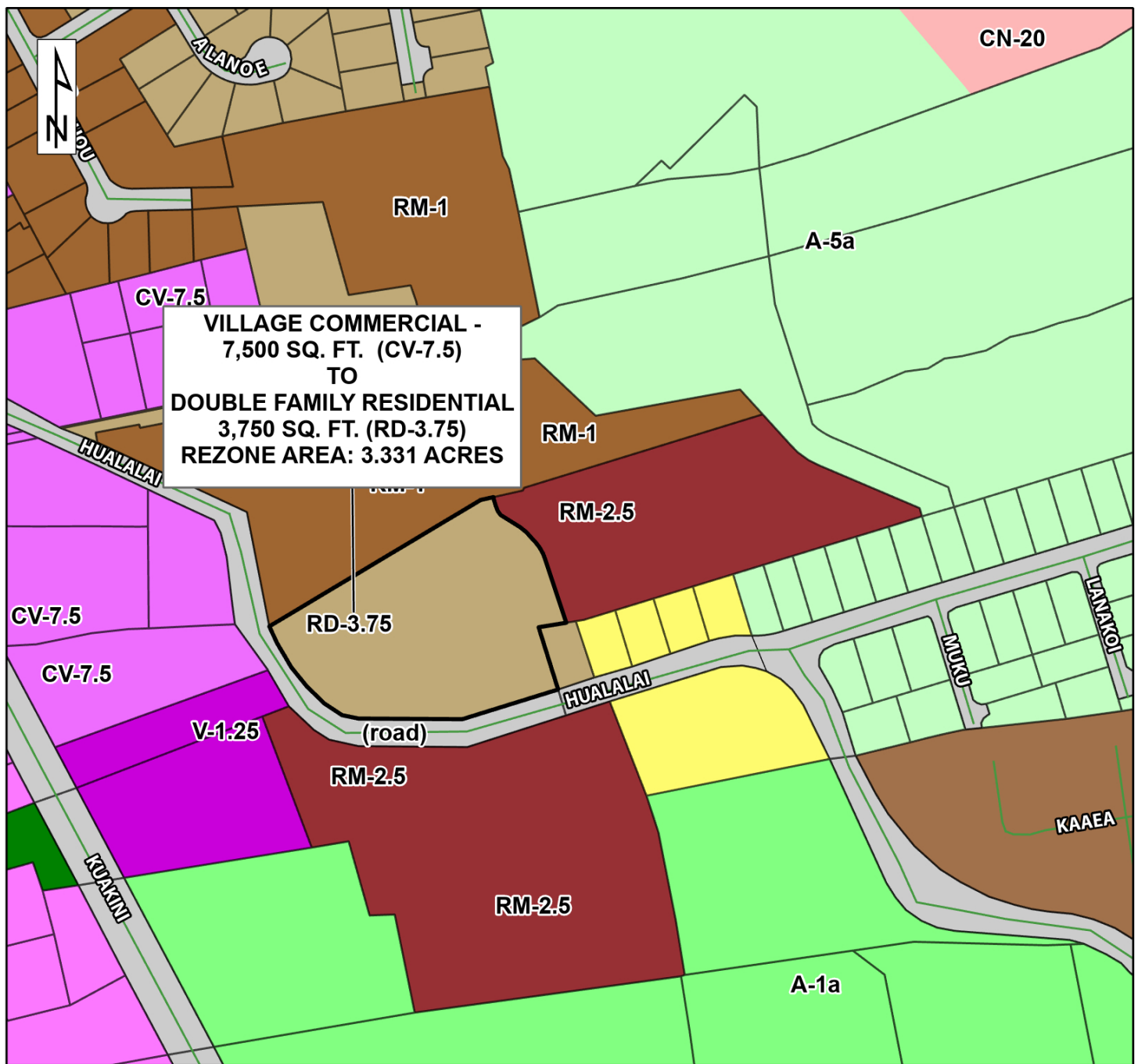


WES THOMAS ASSOCIATES

A handwritten signature in cursive script, appearing to read "Chrystal Thomas Yamasaki".

Chrystal Thomas Yamasaki
Licensed Professional Land Surveyor
State of Hawaii Certificate No. LS-4331

75-5749 Kalawa Street
Kailua-Kona, Hawaii 96740-1817
TMK: 7-5-010: portion 013 (3rd Division)
April 3, 2017
Modified Zoning Designation to A-5a: October 21, 2025



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-5 (KAILUA URBAN ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING)
OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE ZONE MAP
CLASSIFICATION FROM VILLAGE COMMERCIAL - 7,500 SQ. FT. (CV-7.5)
TO DOUBLE FAMILY RESIDENTIAL 3,7500 SQ. FT. (RD-3.75)
AT URBAN KAILUA, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

DATE: February 26, 2026

E X H I B I T D

PROPOSED RD-3.75 ZONING DESIGNATION ON WESTERLY PORTION OF LOT A-1 AND THE WHOLE OF LOT A-2

Land situated along the Northerly and Northeasterly sides of Hualalai Road, at Hienaloli 4th, 5th and 6th, North Kona, Island and County of Hawaii, State of Hawaii.

Being the Whole of:

Grant S-15700 to James F. Boe;

Lot A-2; and

Being portions of:

Lot A-1;

Royal Patent 1600 and 1930 to Asa Thurston, Land Commission Award 387, Part 4, Section 2 to the American Board of Commissioners for Foreign Missions; and

Land Commission Award 8524-B, Part 3 to Peke.

Beginning at a 1/2 inch pipe (found) at the Northwestern corner of this parcel of land, being also the Northwestern corner of Lot A-2 (Road Widening Lot) and being an angle on the Northeasterly side of Hualalai Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 2,005.15 feet South and 2,083.47 feet East and running by azimuths measured clockwise from True South:

1. 239° 05' 450.27 feet along Lot 1 and along Land Commission Award 7716, Apana 5 to R. Keelikolani to a 1/2 inch pipe in concrete (found);
2. 257° 55' 71.20 feet partially along stonewall and along Royal Patent 7904, Land Commission Award 4226 to Kuae to a point;

Thence, for the next seven (7) courses following along the remainder of Lot A-1 and along the remainder of Royal Patent 1600 and 1930 to Asa Thurston, Land Commission Award 387, Part 4, Section 2 to the American Board of Commissioners for Foreign Missions:

3. 352° 31' 42.02 feet along stonewall to a point;
4. 326° 49' 35.90 feet along stonewall to a point;
5. 321° 07' 50.20 feet along stonewall to a point;
6. 336° 40' 58.10 feet partially along stonewall to a point;
7. 344° 48' 25.00 feet to a point;
8. 352° 05' 19.70 feet partially along stonewall to a point;
9. 340° 09' 29.34 feet along stonewall to a point;
10. 80° 55' 37" 69.16 feet along Lot 376 of Aloha Kona Subdivision (File Plan 871) and along Land Commission Award 8524-B, Part 3 to Peke to a 1/2 inch pipe in concrete (found);
11. 342° 04' 37" 116.32 feet along Lot 376 of Aloha Kona Subdivision (File Plan 871) and along the remainder of Land Commission Award 8524-B, Part 3 to Peke to a mag nail in concrete (found);

Thence, for the next seven (7) courses following along Northerly side of Hualalai Road:

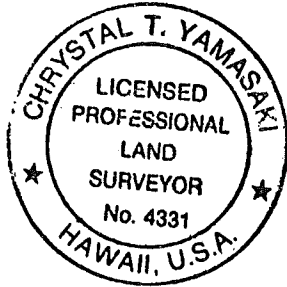
12. 72° 01' 180.46 feet to a 1/2 inch pipe in concrete (found)
13. 90° 00' 186.61 feet to a 1/2 inch pipe in concrete (found);
14. 102° 30' 35.48 feet to a 1/2 inch pipe in concrete (found);
15. 123° 00' 35.93 feet to a 1/2 inch pipe in concrete (found);
16. 134° 30' 39.10 feet to a 1/2 inch pipe in concrete (found);

17. 138° 44'

52.29 feet to a 1/2 inch pipe in concrete (found);

18. 153° 01' 02"

81.31 feet to the to the point of beginning and
containing an area of 3.331 Acres.



WES THOMAS ASSOCIATES

A handwritten signature in cursive script, appearing to read "Chrystal Thomas Yamasaki".

Chrystal Thomas Yamasaki
Licensed Professional Land Surveyor
State of Hawaii Certificate No. LS-4331

75-5749 Kalawa Street
Kailua-Kona, Hawaii 96740-1817
TMK: 7-5-010: portion 013 (3rd Division)
Modified Zoning Designation to RD-3.75: November 4, 2025