

COUNTY OF HAWAII PLANNING DEPARTMENT BACKGROUND AND RECOMMENDATION

COUNTY COUNCIL INITIATED BILL 126 (PL-CCI-2026-000015) AMENDMENT TO CHAPTER 25, ARTICLES 1, 3, 4, 5 AND 7 OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SPECIAL DISTRICTS

The County Council has referred a bill for an ordinance to amend Chapter 25, Articles 1, 3, 4, 5 and 7 of the Hawai'i County Code 1983 (2016 Edition, as Amended), relating to Special Districts.

PURPOSE OF BILL 126

The purpose of Bill 126 is to establish the Downtown Pāhoa Commercial (DPC) zoning district to:

- Encourage a dynamic town where environment, culture, commerce, and community coexist harmoniously.
- Support diverse economic development, with an emphasis on locally owned businesses.
- Celebrate the historical and cultural heritage of Pāhoa in alignment with applicable design guidelines of the Pāhoa Village Design (PVD) district.
- Enhance the quality of life of residents and visitor experiences through improved infrastructure and amenities.
- Provide opportunities for recreation, dining, cultural practices, creative activities, education, business and commercial services, and community programs in a safe and walkable environment.
- Promote housing availability and community-driven economic growth through mixed residential-commercial development.

PROPOSED AMENDMENTS TO HCC CHAPTER 25 (ZONING)

1. Bill 126 (**Planning Department Exhibit 1**) seeks to amend the Zoning Code to add, delete, and amend articles related to the establishment of the Downtown Pāhoa Commercial (DPC) zoning district as a special district. A summary of the proposed bill's amendments to the Zoning Code

follows:

- Adds the Downtown Pāhoa Commercial zoning district (DPC) to the list of Special Districts in Section 25-3-2.
- Adds definitions for “co-working and innovation hub”, “creative media space”, and “cultural enterprise” as new land uses permitted in the DPC.
- Adds a new division to Article 7 that identifies the purpose and applicability of the DPC, identifies 53 permitted land uses, and establishes a height limit of 35 feet, a minimum building site area of 7,500 square feet, a minimum building site average width of 50 feet, and no minimum yards, except as required by plan approval.
- Amends Section 25-4-59.2 by deleting current parking requirements and adding that properties in the DPC do not require off-street parking and loading, except as may be required by plan approval.

Accompanying Bill 124 proposes to change the zoning of properties within downtown Pāhoa Village, through a voluntary opt-in process, from Single-Family Residential- 10,000 sq ft (RS-10) and Village Commercial-10,000 sq ft (CV-10) to Downtown Pāhoa Commercial (DPC) zoning district. The purpose of the DPC district is stated above and the requirements for establishing land uses in the DPC zoning district, including a list of the variety of permitted land uses, are shown in Bill 126 (PD Exhibit 1).

The purpose of the RS district is to provide for lower or low and medium density residential use, for urban and suburban family life. Requirements for establishing land uses in the RS zoning district, including a list of the variety of permitted land uses, are shown in Section 25-5-1 to 8 of the Zoning Code (**Planning Department Exhibit 2 - Zoning Code Requirements for Single Family Residential Districts**).

The purpose of the CV district is to provide for a broad range or variety of commercial and light industrial uses that are necessary to serve the population in rural areas where the supplementary support of the general business uses and

activities of a central commercial district is not readily available. Requirements for establishing land uses in the CV zoning district, including a list of the variety of permitted land uses, are shown in Section 25-5-120 to 128 of the Zoning Code.

(Planning Department Exhibit 3 - Zoning Code Requirements for Village Commercial Districts)

AGENCY COMMENTS

2. **Department of Land and Natural Resources – Commission on Water Resource Management (Planning Department Exhibit 4 – March 2, 2026 Memo)**
3. **Puna Community Development Plan Action Committee (Planning Department Exhibit 5 – March 5, 2026 Letter)**

AGENCIES – NO COMMENT OR CONCERN

4. Department of Health, Department of Public Works – Building Division, Police Department

AGENCIES – NO RESPONSE

5. Department of Land and Natural Resources – Land Division and Engineering Division, Department of Public Works – Engineering, Department of Environmental Management, Department of Water Supply, Parks and Recreation Department, Fire Department, Real Property Tax, Pāhoa Mainstreet Community Association

PUBLIC COMMENTS

6. **Planning Department Exhibit 6 - Dephlia Rackley et al Testimony received by the Planning Department on March 22, 2026**
7. **Planning Department Exhibit 7 - Lorn Douglas Testimony received by the Planning Department on March 22, 2026**
8. **Planning Department Exhibit 8 - Bryan Rupp Testimony received by the Planning Department on March 25, 2026**
9. **Planning Department Exhibit 9 - Marty Robinson Testimony received by the Planning Department on March 25, 2026**
10. **Planning Department Exhibit 10 - Tiffany Edwards Hunt and Jeff Hunt Testimony received by the Planning Department on March 29, 2026**
11. **Planning Department Exhibit 11 - Namele Naipo-Arsiga Testimony**

received by the Planning Department

PLANNING ANALYSIS OF THE IMPACTS OF BILL 126

As proposed, Bill 126 will revise and update existing zoning code sections relating to Special Districts, including adding a division to address the new Downtown Pāhoa Commercial (DPC) District.

The purpose, applicability and designation of the DPC district is detailed in the first two sections of the new division addressing the DPC district. The bill indicates that the purpose of the DPC district is to encourage a dynamic town and support diverse, community-driven economic development. Additional goals focus on strengthening historical and cultural heritage, enhancing quality of life for residents, providing opportunities and promoting housing availability. In the presentation on August 28, 2025, the bill's introducer noted that the list of permitted uses for the DPC district is intended to be specific and realistic so as to create opportunities for Pāhoa landowners to establish a business. It was additionally noted that the Puna community has expressed the desire to support agricultural endeavors and to allow for uses such as agricultural processing and light manufacturing in downtown Pāhoa, in addition to allowing for new opportunities that focus on cultural uses.

Regarding broad trends in the list of permitted uses for the DPC district, as compared with those uses currently permitted in the CV district, the Planning Department notes that Bill 126 proposes to remove nearly all overnight accommodation uses, including bed and breakfast establishments, hotels, lodges and short-term vacation rentals. Boarding facilities, rooming or lodging houses are retained as a permitted land use, although the density criteria of the CV district is removed. Additionally, it is noted that a broad category of schools, such as elementary, intermediate, high school, is not included as a permitted land use in the DPC district, rather several unique school categories are added, specifically business schools, photography, art, music, dance or other similar schools, and vocational schools.

PERMITTED LAND USES:

The Department completed a comparison of permitted land uses in the proposed DPC district versus the current Single-Family Residential (RS)

and Village Commercial (CV) zoning districts to determine: 1) what land uses that are currently permitted will not be permitted in the DPC zoning district, 2) what land uses currently not permitted will be permitted in the DPC zoning district, and 3) changes to land uses that are currently permitted and will still be permitted in the DPC zoning district.

There are seventeen (17) land uses permitted by right and ten (10) land uses permitted by issuance of a Use Permit by the Planning Commission in the RS zoning district.

There are forty-nine (49) land uses permitted by right and three (3) permitted by Use Permit in the CV zoning district.

The following twenty-two (22) land uses are not currently permitted in the RS and CV zoning district but will be permitted in the DPC district:

- Agricultural products processing, minor.
- Agricultural tourism, as permitted under section 25-4-15.
- Bakeries.
- Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
- Breweries, distilleries, and alcohol manufacturing facilities.
- Broadcasting stations or studios (radio and television).
- Car washing, provided that the facilities are not detrimental to the character of the district.
- Catering establishments.
- Co-working and innovation hubs.
- Creative media spaces.
- Cultural enterprises.
- Display rooms for products sold elsewhere.
- Food manufacturing and processing facilities.
- Ice storage and dispensing facilities.
- Laundries other than those utilizing steam cleaning equipment, provided that facilities are not detrimental to the character of the

district.

- Modeling agencies.
- Libraries.
- Schools, business.
- Schools, photography, art, music, dance or other similar studios or academies.
- Schools, vocational.
- Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
- Wholesaling and distribution operations.

The proposed list of permitted uses for the DPC district removes eighteen (18) uses that are currently included in the CV zoning district, as follows:

- Automobile sales and rentals.
- Bed and breakfast establishments.
- Cemeteries and mausoleums.
- Commercial parking lots and garages.
- Convenience stores.
- Crematoriums, funeral homes, funeral services and mortuaries.
- Crop production.
- Day care centers.
- Hotels.
- Laboratories, medical and research.
- Lodges.
- Model homes.
- Repair establishments, major.
- Schools.
- Short-term vacation rentals.
- Telecommunication antennas and towers.
- Temporary real estate offices.
- Utility substations.

Additionally, the DPC list of permitted uses includes modification of twelve (12) uses from the CV list, as follows (material to be repealed is bracketed

and stricken while new material is underscored):

- Boarding facilities, rooming or lodging houses [~~provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit~~].
- Dwellings, double-family or duplex, [~~provided that the maximum density shall be one thousand two hundred fifty~~]with a minimum density of five hundred square feet of land area per rentable unit or dwelling unit.
- Dwellings, multiple-family, [~~provided that the maximum density shall be one thousand two hundred fifty~~]with a maximum density of five hundred square feet of land area per rentable unit or dwelling unit.
- Farmers markets. [~~When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.~~]
- Hospitals, [~~sanitariums,~~]old age, [~~convalescent,~~]nursing and rest homes.
- Manufacturing, processing and packaging light [~~and general, except for concrete or asphalt products, where the products are distributed to retail establishments located in the immediate community, as approved by the director~~]provided that the activities are not detrimental to the character of the district.
- Photography and art studios.
- Printing and [P]publishing [~~plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops, which are designed to primarily serve the local area~~]including print shops

and publishing houses, and digital media production studios.

- Retail establishments, provided that they are not detrimental to the character of the district.
- Theaters, auditoriums and indoor sports arenas.

As some parcels in the DPC district are currently within the Single-Family Residential (RS) district, the following uses that are currently permitted within the RS district are not included on the list of uses permitted in the DPC district:

- Cemeteries and mausoleums.
- Crop production.
- Household henneries, as permitted under section 25-4-18.
- Model homes, as permitted under section 25-4-8.
- Short-term vacation rentals situated in the general plan resort and resort node areas.
- Telecommunication antenna and towers, as permitted under section 25-4-12.
- Temporary real estate office, as permitted under section 25-4-8.
- Utility substations, as permitted under section 25-4-11.

Additionally, the following use currently permitted within the RS district is proposed to be modified on the list of uses permitted in the DPC district:

- Meeting facilities, including special events, as permitted under section 25-4-17.

There is no provision for Use Permits in the new DPC district code sections, to address uses that are not included on the list of permitted uses for the DPC district.

HEIGHT LIMIT

The height limit in the DPC district is set at thirty (30) feet, which matches that in the CV district, but is less than the RS district which is thirty-five (35) feet.

MINIMUM BUILDING SITE AREA AND AVERAGE WIDTH:

The minimum building site area is the same as the RS and CV districts, set at seven thousand five hundred (7,500) square feet.

The minimum building site average width is set at fifty (50) feet, which is

smaller than the minimum of sixty (60) feet for the RS and CV district.

MINIMUM YARDS:

Minimum yards in the DPC district will match the requirements of the Commercial Downtown Hilo (CDH) district, which has no front, rear or side yard requirements, except as required by plan approval. The minimum yards in the RS district range from 15-25 feet for front and rear yards and 8-15 feet for side yards based on building site size. The minimum yards in the CV district are 15 feet for front and rear yards and none for side yards except where the adjoining building site is in a residential zoning district it shall conform to that zoning district.

PARKING:

Amendments proposed to Section 25-4-59 will remove the requirement for off-street parking and loading for any property wholly within the DPC district, except as may be required by plan approval. Street parking is currently available along a portion of one side of Pāhoa Village Road, but, as stated by the bill's introducer in a public presentation on August 28, 2025, since downtown Pāhoa is land limited, there needs to be an established, alternative parking area, potentially at the County recreation center, for use by employees and patrons of Pāhoa businesses.

According to supportive comments provided by the Puna CDP Action Committee, Bill 126 recognizes Pāhoa's role as a regional town center and "expands permitted uses beyond those allowed under the existing Commercial Village zoning to include light industrial and economic support uses such as agricultural processing, co-working spaces, creative media studios and cultural enterprises" which the CDP Action Committee believes "would support entrepreneurship and broaden economic opportunities for property owners and local businesses." Additionally, the CDP Action Committee notes that interested property owners in Pāhoa Village will be able to opt-in to the proposed rezoning to the DPC zoning district. However, the Planning Director notes that the proposed ordinance will require additional language to explain the opt-in process and proposes adding the following, to be inserted in the appropriate section of Bill 126 as determined by County Council:

- *Application of the DPC zoning district shall be voluntary and activated only upon the property owner's written election. Upon receipt of the election, the Director of Planning shall verify ownership and administratively apply the DPC zoning district to the subject parcel without the need for further legislative action. Until such a time as the property owner elects to change the zoning district to the DPC zoning district, the property shall remain subject to its underlying zoning classification and regulations. Property owners may request a change of zone to the DPC district designation at any time.*
Upon the effective date of a DPC Election, existing uses and structures that conform to DPC standards are deemed conforming, and existing uses and structures that do not conform to DPC standards are deemed legal nonconforming uses and structures.

There was some public concern over whether existing homes become nonconforming upon passage of the proposed bill. As reflected in the recommended "opt-in" language above, until a property owner "opts-in" to the DPC district via a change of zone action, the property remains under control of its current zoning. Upon successful rezoning to DPC, all uses and structures that do not conform with DPC standards are deemed "legal nonconforming."

There was a similar concern raised about the ability to rebuild damaged or destroyed dwellings to their existing conditions if they are deemed "legal nonconforming" under provisions of this bill. Under the current Zoning Code (HCC Section 25-4-63), if a building where a nonconforming use is conducted is destroyed or damaged by 50% of its value or more, it cannot be rebuilt the same way unless the use follows current Zoning and Building Codes. If less than 50% is damaged, the structure can be repaired and continue to be used the same way as before, but the repairs must be finished within one year of the damage. The Department of Public Works decides how much damage there is and whether the building can be restored and continue its nonconforming use. If there is a desire to go beyond these provisions, the Zoning Code and likely the Building Code would need to be amended to allow for it.

According to staff discussions with the Department of Public Works, the Pāhoa Village Road right-of-way through downtown Pāhoa is variable and is insufficient in some areas for future widening and roadway improvements. Should zero front yard setbacks be approved in the DPC, any improvements, such as future sidewalk extension would need to occur within the County right-of-way. Additionally, due to Pāhoa Village Road's limited right of way width, which is variable, future on-street parking may be limited to one side of the roadway. The County Council may want to consider requiring a yard setback from a future road widening line in areas where additional right-of-way is needed.

According to staff discussions with the Department of Water Supply (DWS), a water system improvement project for Pāhoa Village has been identified for funding through the Federal Emergency Management Agency (FEMA). However, there are currently other FEMA-funded water system improvement projects under construction in lower Puna. As a result, the Pāhoa Village water system improvement project is contingent upon the availability of FEMA funds once those ongoing projects are completed.

The bill's purpose section refers to improved infrastructure and amenities, a safe and walkable built environment, and promotion of housing availability through mixed residential-commercial development. Those objectives are consistent with the PCDP, but the Council may wish to consider how implementation of the district will coordinate with infrastructure capacity, circulation, pedestrian improvements, and the broader revitalization of central Pāhoa. The PCDP ties successful town-center development to targeted public investment and infrastructure support, not zoning alone.

PLANNING DIRECTOR'S RECOMMENDATION

The Planning Director is supportive of the intent of Bill 126 and respectfully recommends including additional language to explain the opt-in rezoning process, as outlined in this report, along with the following revision to address the requirement of Plan Approval:

Include a provision at the end of the bill to require Plan Approval for new structures and additions on parcels within the DPC district by inserting the following statement:

“Section 25-7- Other regulations.

Plan Approval is required for all new structures and additions to existing structures in the DPC district, except for construction of one single-family dwelling and any accessory buildings per lot.”

The Director recommends this addition because the minimum yards section states that there are no setbacks except as required by Plan Approval yet does not include a section for requirements for Plan Approval.

Based on the analysis provided, the Planning Director **recommends that the Windward Planning Commission forward a favorable recommendation** on Bill 126 to the County Council with the recommended revisions outlined in this report.

PLANNING COMMISSION ACTION

The Windward Planning Commission (WPC) is required to take action on Bill 126 as described in Section 25-2-43(b) of the Zoning Code (**Planning Department Exhibit 12- HCC Section 25-2-43(b)**). This bill was transmitted by the County Council to the Department on February 4, 2026, which means the WPC is required to transmit its recommendation to the council by June 4, 2026. The WPC shall recommend approval in whole or in part, with or without modifications, or rejection of the proposed bill, and the recommendation will be forwarded to the County Council for their consideration and decision. In the event the WPC fails to act on the proposed bill by this date, such inaction shall be considered as an unfavorable recommendation by the WPC.

Ashley L. Kierkiewicz
County Council District IV

*Policy Committee on Planning
Land Use and Economic
Development – Chair*



(808) 961-8265
ashley.kierkiewicz@hawaiicounty.gov

*Policy Committee on Public Works
and Mass Transit– Vice Chair*

REC'D HAND DELIVERED

HAWAI'I COUNTY COUNCIL

Hawai'i County Building
25 Aupuni Street • Hilo, Hawai'i 96720

TO: Jeff Darrow, Director
Planning Department

FROM: Ashley L. Kierkiewicz, Council Member

A handwritten signature in dark ink, appearing to be "AK", written over the name Ashley L. Kierkiewicz.

DATE: February 4, 2025

SUBJECT: Referral of Bill 126; AN ORDINANCE AMENDING CHAPTER 25, ARTICLES 1, 3, 5, AND 7, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SPECIAL DISTRICTS.

Pursuant to Section 25-2-43(b) of the Hawai'i County Code, I am submitting Bill 126, enclosed for your comment and recommendation. I also request that you forward the same to the Windward Planning Commission for their comment and recommendation.

Bill 126 was referred for comment and recommendation to the Planning Director and the Windward Planning Commission by the Hawai'i County Council's Committee on Planning on February 3, 2025.

After your and the Commissions review, please forward your comments and recommendations to Council Chairperson Dr. Holeka Goro Inaba.

Thank you for your attention to this matter.

Enc.
AK/kj

COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 126

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 25, ARTICLES 1, 3, 5, AND 7, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SPECIAL DISTRICTS.

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

SECTION 1. Chapter 25, article 1, section 25-1-5, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by adding definitions to be appropriately inserted in subsection (b) and to read as follows:

““Co-working and innovation hub” means an establishment where office space, supplies, amenities, and other related services are shared among multiple businesses or individuals.”

““Creative media space” means a facility used for the production of creative media, including film, television, graphic design, website development, video games, and other digital content, or for the instruction of skills, techniques, methods, and processes used therein. Creative media spaces typically include, but need not have, a sound stage, audiovisual recording and editing equipment, and office space.”

““Cultural enterprise” means an establishment primarily involved in the creation, display, and sale of arts, crafts, music, performances, activities, and educational experiences related to the cultural heritage of Hawai'i.”

SECTION 2. Chapter 25, article 3, section 25-3-2, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to read as follows:

“Section 25-3-2. Designation of special districts.

The special zoning districts of the County shall consist of the following:

- (1) Kailua Village design commission (article 7, division 1).
- (2) CDH, Downtown Hilo commercial district (article 7, division 2).
- (3) UNV, University district (article 7, division 3).
- (4) PD, Project districts (article 6, division 4).
- (5) APD, Agricultural project districts (article 6, division 5).
- (6) PVD, Pāhoa Village Design district (article 7, division 4).
- (7) DPC, Downtown Pāhoa commercial district (article 7, division).

SECTION 3. Chapter 25, article 4, division 1, section 25-4-15, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by amending subsection (a) to read as follows:

"(a) Agricultural tourism is permitted as an accessory use to agricultural processing facilities in the CG, CDH, CV, CN, ML, MG, ~~[and]~~ MCX, and DPC districts."

SECTION 4. Chapter 25, article 4, division 1, section 25-4-17, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by amending subsection (b) to read as follows:

- "(b) Meeting facilities, which may include special events, are permitted:
- (1) In the RCX, V, CN, CG, CV, MCX, ML, MG, ~~[and]~~ CDH, and DPC districts, provided that the director has issued plan approval;
 - (2) In the RA, FA, and A districts, provided a use permit or a special permit is obtained; and
 - (3) In the IA district, provided a special permit is obtained."

SECTION 5. Chapter 25, article 4, division 5, section 25-4-59.2, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to read as follows:

"Section 25-4-59.2. Exceptions to the off-street parking and loading requirements.

The off-street parking and loading requirements of this chapter shall not apply to the following:

- ~~[(a)]~~ (1) Non-residential uses located within that area in the City of Hilo, bounded by Kino'ole Street, Ponahawai Street, and an imaginary straight line extension of Ponahawai Street into Hilo Bay and Wailuku River[-];
- ~~[(b)]~~ (2) Dwelling units with a maximum density of one thousand square feet of land area per unit or less, within that area in the City of Hilo, bounded by Kino'ole Street, Ponahawai Street, and an imaginary straight line extension of Ponahawai Street into Hilo Bay and Wailuku River[-];
- ~~[(c)]~~ (3) That area immediately fronting either side of that portion of the Hawai'i Belt Highway which runs from the real property designated as tax map key no: 7-9-7-66 to the real property designated as tax map key no: 7-9-9:22, in Kainaliu, North Kona[-]; and
- ~~[(d)]~~ — Those lots in the PVD district having a total area of less than seven thousand five hundred square feet and that have frontage on Pāhoehoe Village Road between Post Office Road and the eastern intersection of Akeakamai Loop and Pāhoehoe Village Road; provided that any lot created through parcel consolidation does not result in a lot having a total area of seven thousand five hundred square feet or more, or a parcel consolidation and resubdivision that results in the creation of additional building sites after May 28, 2015 shall

provide off-street parking in accordance with the requirements of this chapter.]

- (4) Any property wholly within the DPC district, except as may be otherwise required by plan approval."

SECTION 6. Chapter 25, article 7, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by adding a division to be appropriately inserted and to read as follows:

"Division . Downtown Pāhoa Commercial District.

Section 25-7- . Purpose and applicability.

- (a) The DPC (downtown Pāhoa commercial) district is established to:
- (1) Encourage a dynamic town where environment, culture, commerce, and community coexist harmoniously;
 - (2) Support diverse economic development, with an emphasis on locally-owned businesses;
 - (3) Celebrate the historical and cultural heritage of Pāhoa in alignment with applicable design guidelines of the PVD district;
 - (4) Enhance the quality of life of residents and visitor experiences through improved infrastructure and amenities;
 - (5) Provide opportunities for recreation, dining, cultural practices, creative activities, education, business and commercial services, and community programs in a safe and walkable built environment; and
 - (6) Promote housing availability and community-driven economic growth through mixed residential-commercial development.
- (b) The zoning requirements of this district shall not be applicable to any parcel, unless wholly within the PVD district.

Section 25-7- . Designation of the DPC district.

The DPC (downtown Pāhoa commercial) district shall be designated by the symbol "DPC."

Section 25-7- . Permitted uses.

- (a) The following uses shall be permitted in the DPC district:
- (1) Adult day care homes.
 - (2) Agricultural products processing, minor.
 - (3) Agricultural tourism, as permitted under section 25-4-15.
 - (4) Amusement and recreation facilities, indoor.
 - (5) Apiaries.
 - (6) Art galleries.
 - (7) Automobile service stations.
 - (8) Bakeries.
 - (9) Bars and cocktail lounges.
 - (10) Boarding facilities, rooming, or lodging houses.

- (11) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
- (12) Breweries, distilleries, and alcohol manufacturing facilities.
- (13) Broadcasting stations or studios (radio and television).
- (14) Business services.
- (15) Car washing, provided that the facilities are not detrimental to the character of the district.
- (16) Catering establishments.
- (17) Co-working and innovation hubs.
- (18) Creative media spaces.
- (19) Cultural enterprises.
- (20) Display rooms for products sold elsewhere.
- (21) Dwellings, double-family or duplex, with a minimum density of five hundred square feet of land area per rentable unit or dwelling unit.
- (22) Dwellings, multiple-family, with a maximum density of five hundred square feet of land per rentable unit or dwelling unit.
- (23) Dwellings, single-family.
- (24) Family child care homes.
- (25) Farmers markets.
- (26) Financial institutions.
- (27) Food manufacturing and processing facilities.
- (28) Group living facilities.
- (29) Home occupations, as permitted under section 25-4-13.
- (30) Hospitals, old age, nursing and rest homes.
- (31) Ice storage and dispensing facilities.
- (32) Laundries other than those utilizing steam cleaning equipment, provided that facilities are not detrimental to the character of the district.
- (33) Manufacturing, processing and packaging, light, provided that the activities are not detrimental to the character of the district.
- (34) Medical clinics.
- (35) Meeting facilities, including special events, as permitted under section 25-4-17.
- (36) Modeling agencies.
- (37) Museums and libraries.
- (38) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- (39) Offices.
- (40) Personal services.
- (41) Photography and art studios.
- (42) Printing and publishing, including print shops and publishing houses, and digital media production studios.
- (43) Public uses and structures, as permitted in section 25-4-11.
- (44) Repairs establishment, minor.
- (45) Restaurants.

- (46) Retail establishments, provided that they are not detrimental to the character of the district.
- (47) Schools, business.
- (48) Schools, photography, art, music, dance or other similar studios or academies.
- (49) Schools, vocational.
- (50) Special events.
- (51) Storage and sale of seed, feed, fertilizer, and other products essential to agriculture production.
- (52) Theaters, auditoriums and indoor sports arenas.
- (53) Wholesaling and distribution operations.
- (b) Residential uses in connection with the operation of any permitted use shall be permitted in the DPC district.
- (c) Buildings and uses normally considered accessory to the above uses shall also be permitted in the DPC district.

Section 25-7- . Height limit.

The height limit in the DPC district shall be thirty feet.

Section 25-7- . Minimum building site area.

The minimum building site area in the DPC district shall be seven thousand five hundred square feet.

Section 25-7- . Minimum building site average width.

Each building site in the DPC district shall have a minimum building site average width of fifty feet.

Section 25-7- . Minimum yards.

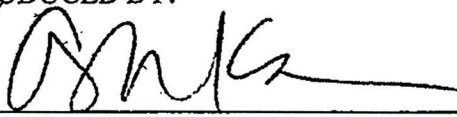
Front, rear, and sides: none, except as required by plan approval."

SECTION 7. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 8. 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 9. This ordinance shall take effect upon its approval.

INTRODUCED BY:

for 
COUNCIL MEMBER, COUNTY OF HAWAI'I

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

REFERENCE Comm. 710

Section 25-4-68. Grounds for approval or denial.

The director shall approve an application for recognition of a de minimis structure position discrepancy unless:

- (a) The discrepancy is greater than the difference as allowed by the de minimis structure position discrepancy definition, or
- (b) The director finds that the improvement was placed with knowledge that it would violate the minimum yard or open space requirements; or
- (c) The improvement could be moved, or the discrepancy otherwise corrected, without significant expense, difficulty, or hardship to the applicant.

(2002, ord 02-70, sec 3.)

Section 25-4-69. Recognition of de minimis structure position discrepancy.

If the director accepts the application for recognition of de minimis structure position discrepancy, the director shall notify the applicant in writing that the discrepancy is not a violation of the zoning code and that it may remain in place without a variance.

(2002, ord 02-70, sec 3.)

Section 25-4-70. Disclosure.

A de minimis structure position discrepancy shall be disclosed by the owner to subsequent purchasers of the property in question.

(2002, ord 02-70, sec 3.)

Section 25-4-71. Appeals.

The director's decision with respect to a de minimis structure position discrepancy is appealable to the board of appeals.

(2002, ord 02-70, sec 3.)

Article 5. Zoning District Regulations.**Division 1. RS, Single-Family Residential Districts.****Section 25-5-1. Purpose and applicability.**

The RS (single-family residential) district provides for lower or low and medium density residential use, for urban and suburban family life. It applies to areas having facilities, and to carry out the above stated purpose.

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

Section 25-5-2. Designation of RS districts.

Each RS (single-family residential) district shall be designated on the zoning map by the symbol "RS" followed by a number which specifies the required minimum building site area in thousands of square feet.

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

Section 25-5-3. Permitted uses.

- (a) The following uses shall be permitted in the RS district:
- (1) Adult day care homes.
 - (2) Apiaries.
 - (3) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (4) Crop production.
 - (5) Dwellings, single-family.
 - (6) Family child care homes.
 - (7) Group living facilities.
 - (8) Home occupations, as permitted under section 25-4-13.
 - (9) Household henneries, as permitted under section 25-4-18.
 - (10) Meeting facilities, as permitted under section 25-4-17.
 - (11) Model homes, as permitted under section 25-4-8.
 - (12) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
 - (13) Public uses and structures, as permitted under section 25-4-11.
 - (14) Short-term vacation rentals situated in the general plan resort and resort node areas.
 - (15) Telecommunication antenna and towers, as permitted under section 25-4-12.
 - (16) Temporary real estate offices, as permitted under section 25-4-8.
 - (17) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RS district, provided that a use permit is issued for each use:
- (1) Bed and breakfast establishments as permitted under section 25-4-7.
 - (2) Care homes.
 - (3) Crematoriums, funeral homes, funeral services, and mortuaries.
 - (4) Day care centers.
 - (5) 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.
 - (6) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (7) Medical clinics.
 - (8) Schools.
 - (9) Special events.
 - (10) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the RS district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 3; am 2014, ord 14-86, sec 3; am 2018, ord 18-114, sec 5; am 2019, ord 19-100, sec 3; am 2021, ord 21-26, sec 5; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, secs 8 and 9; ord 25-66, sec 10; ord 25-85, sec 3.)

Section 25-5-4. Height limit.

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

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

The minimum building site area in the RS district shall be seven thousand five hundred square feet.

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

Section 25-5-6. Minimum building site average width.

Each building site in the RS district shall have a minimum average width of sixty feet, plus two feet for each five hundred square feet of required building site area in excess of seven thousand five hundred square feet, except that no building site shall be required to have an average width of more than one hundred fifty feet.

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

Section 25-5-7. Minimum yards.

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

- (1) On a building site with a required area of seven thousand five hundred square feet to and including nine thousand nine hundred ninety-nine square feet:
 - (A) Front and rear yards, fifteen feet; and
 - (B) Side yards, eight feet.
- (2) On a building site with a required area of ten thousand square feet to and including nineteen thousand nine hundred ninety-nine square feet:
 - (A) Front and rear yards, twenty feet; and
 - (B) Side yards, ten feet.
- (3) On a building site with a required area of twenty thousand square feet or more:
 - (A) Front and rear yards, twenty-five feet; and
 - (B) Side yards, fifteen feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 1997, ord 97-88, sec 1.)

Section 25-5-8. Other regulations.

- (a) There may be more than one single-family dwelling on each building site in an RS district provided there is not less than the required minimum building site area for each dwelling.
- (b) One guest house, in addition to a single-family dwelling, may be located on any building site in the RS district.
- (c) An accessory dwelling unit may be located on any building site in the RS district, as permitted under article 6, division 3 of this chapter.
- (d) If a legal building site in the RS district has less area or average width than is required, then the yard requirements for the building site shall be the same as in the RS district having the largest requirements for which the building site can comply.
- (e) Exceptions to the regulations for the RS district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development, or by the director within a cluster plan development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 3; am 2024, ord 24-70, sec 8.)

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

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

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

Section 25-5-116. Minimum yards.

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

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

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

Section 25-5-117. Landscaping of yards.

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

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

Section 25-5-118. Other regulations.

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

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

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

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

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

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

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

Section 25-5-122. Permitted uses.

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

- (23) Group living facilities.
 - (24) Home occupations, as permitted under section 25-4-13.
 - (25) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (26) Hotels, when the design and use conform to the character of the area, as approved by the director.
 - (27) Laboratories, medical and research.
 - (28) Lodges.
 - (29) Manufacturing, processing and packaging light and general, except for concrete or asphalt products, where the products are distributed to retail establishments located in the immediate community, as approved by the director.
 - (30) Medical clinics.
 - (31) Meeting facilities, including special events, as permitted under section 25-4-17.
 - (32) Model homes, as permitted under section 25-4-8.
 - (33) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
 - (34) Offices.
 - (35) Personal services.
 - (36) Photography studios.
 - (37) Public uses and structures, as permitted under section 25-4-11.
 - (38) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops, which are designed to primarily serve the local area.
 - (39) Repair establishments, major, when there are not more than five employees, as approved by the director.
 - (40) Repair establishments, minor.
 - (41) Restaurants.
 - (42) Retail establishments.
 - (43) Schools.
 - (44) Short-term vacation rentals.
 - (45) Special events.
 - (46) Telecommunication antennas and towers, as permitted under section 25-4-12.
 - (47) Temporary real estate offices, as permitted under section 25-4-8.
 - (48) Theaters.
 - (49) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the CV district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
 - (2) Major outdoor amusement and recreation facilities.
 - (3) Yacht harbors and boating facilities.

- (c) Residential uses in connection with the operation of any permitted uses shall be permitted in the CV district.
 - (d) Buildings and uses similar to the permitted uses listed in subsection (a) above shall be permitted in the CV district, as approved by the director.
 - (e) Buildings and uses normally considered accessory to the uses permitted in this section shall also be permitted in the CV district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 14; am 2014, ord 14-86, sec 12; am 2018, ord 18-114, sec 12; am 2021, ord 21-26, sec 12; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, sec 12; ord 25-66, sec 21.)

Section 25-5-123. Height limit.

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

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

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

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

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

Section 25-5-126. Minimum yards.

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

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

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

Section 25-5-127. Landscaping of yards.

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

Section 25-5-128. Other regulations.

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

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

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

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

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

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

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

Section 25-5-132. Permitted uses.

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

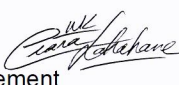


STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA 'OIHANA KUMUWAIWAI 'ĀINA
COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO
P.O. BOX 621
HONOLULU, HAWAII 96809

Mar 2, 2026

REF: RFD.6630.8

TO: Ms. Lauren Yasaka, Acting Land Administrator
Land Division

FROM: Ciara W.K. Kahahane, Deputy Director 
Commission on Water Resource Management

SUBJECT: Special Districts as set forth in Chapter 25, Articles 1, 3, 5, and 7 of the Hawai'i County Code

FILE NO.: RFD.6630.8
TMK NO.:

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://dlnr.hawaii.gov/cwrn>.

Our comments related to water resources are checked off below.

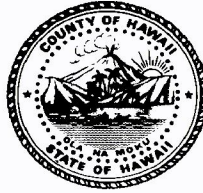
- ☐ 1. We recommend coordination with the county to incorporate this project into the next update of the county's Water Use and Development Plan (WUDP). Please contact the respective Planning Department and/or Department of Water Supply for further information.
- ☐ 2. We recommend coordination with the Engineering Division of the State of Hawai'i, Department of Land and Natural Resources (DLNR) to incorporate this project into the next update of the State Water Projects Plan (SWPP).
- ☐ 3. We recommend coordination with the State of Hawai'i, Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the associated agricultural water demands into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information at <https://hdoa.hawaii.gov/contact/>.
- ☒ 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the project to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.
- ☐ 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project on the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://planning.hawaii.gov/czm/initiatives/low-impact-development/>.
- ☒ 6. We recommend the use of alternative water sources, wherever practicable.
- ☒ 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>.
- ☒ 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawai'i. These practices can be found online at

<https://hawaiiscape.com/index.php>. Additional information can be found at
<https://dlnr.hawaii.gov/cwrm/planning/conservation/>.

- ☐ 9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health (HDOH) and the acceptance of any resulting requirements related to water quality.
- ☐ 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- ☐ 11. The Hawai'i Water Plan is directed toward the achievement of the utilization of reclaimed water for uses other than drinking and for potable water needs in one hundred per cent of State and County facilities by December 31, 2045 (§174C-31(g)(6), Hawaii Revised Statutes). We strongly recommend that this project consider using reclaimed water for its non-potable water needs, such as irrigation. Reclaimed water may include, but is not limited to, recycled wastewater, gray water, and captured rainwater/stormwater. Please contact the Hawai'i Department of Health, Wastewater Branch, for more information on their reuse guidelines and the availability of reclaimed water in the project area. Contact information can be found at <https://health.hawaii.gov/about/contact/>.
- ☐ 12. A Well Construction Permit(s) is (are) are required before the commencement of any well construction work.
- ☐ 13. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- ☐ 14. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- ☐ 15. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- ☐ 16. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a steam channel.
- ☐ 17. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- ☐ 18. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- ☐ 19. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required by CWRM, or whether there are potential impacts to water resources.
- ☐ 20. The proposed water source(s) and projected water demands for the project, both potable and non-potable, should be identified. If the project will be provided water by a local water system we recommend consultation with them to ensure that system capacity is available to supply water for this project.
- ☐ OTHER:

If you have any questions, please contact Ryan Imata of the Groundwater Regulation Branch at (808) 587-0225 or Katie Roth of the Planning Branch (808) 587-0216.

C. Kimo Alameda, Ph.D.
Mayor



Gregory Henkel
Jennifer Scheffel
Martha Morishige
Vacant
Melissa Leilani DeMello, Vice Chair
Stephanie Bath
Leila Kealoha
Susan Osborne, Chair
Frances Brewer

County of Hawai'i

PUNA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
(808) 961-8288 • Fax (808) 961-8742

March 5, 2026

Chair Louis Daniele III
and Members of the Windward Planning Commission
County of Hawai'i
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Email: WPCtestimony@hawaiiicounty.gov

Aloha Chair Daniele and Members of the Windward Planning Commission:

**SUBJECT: Puna Community Development Plan Action Committee Letter –
Pāhoa Special District Legislative Suite (Bills 124, 125, and 126)**

The Puna Community Development Plan (CDP) Action Committee writes to express its strong support for the Pāhoa Special District Legislative Suite, a coordinated package of three bills introduced by Council Member Ashley Kierkiewicz.

This legislation reflects the vision and goals articulated by the community through the Puna CDP, the Kīlauea Recovery and Resilience Plan, the Eruption Economic Recovery Plan, and the Revitalize Puna initiative. Together, these measures represent an important step toward implementing community-driven strategies for recovery, revitalization, and long-term resilience.

Bill No. 126 establishes the Downtown Pāhoa Commercial Special District, recognizing Pāhoa's role as a regional town center. It expands permitted uses beyond those allowed under the existing Commercial Village zoning to include light industrial and economic-support uses such as agricultural processing, co-working spaces, creative media studios, and cultural enterprises. This expansion would support entrepreneurship and broaden economic development opportunities for property owners and local businesses.

Bill No. 124 provides an opt-in rezoning mechanism allowing property owners to transition from Commercial Village (CV) zoning to Downtown Pāhoa Commercial (DPC). This approach ensures participation is voluntary while enabling interested property owners to immediately benefit from the expanded range of permitted uses.

Bill No. 125 clarifies the application of the Pāhoa Village Design Guidelines and establishes a transparent, sustained, and community-led design review framework. This process will help ensure that future construction and renovations respect and reinforce Pāhoa's distinctive small-town plantation character.

Collectively, this legislative package lays critical groundwork for economic revitalization, stability, and long-term resilience in Puna. It creates flexible, community-informed pathways for growth that align with the vision of the Puna CDP Action Committee: Mālama Puna A Mau Loa!

The Committee extends its appreciation to Council Member Ashley Kierkiewicz and her team for their continued collaboration and engagement throughout the development of this initiative. The Puna CDP Action Committee strongly endorses this legislative suite.

Me ke aloha nui,

Susan Osborne

[Susan Osborne \(Mar 5, 2026 15:10:33 HST\)](#)

Susan Osborne, Chair
Puna Community Development Plan Action Committee

JH

<\\hawaii\county\depts\PL\PL\planning\public\wpwin60\CDP\CDP - Puna\Action Committee\Meetings\2026\2026 Letters>

From: [Dea Rackley](#)
To: [Planning WPC Testimony](#)
Subject: **4-2 WPC** Oppose/continue Bills 124,125 and 126 affecting Pāhoa Village
Date: Sunday, March 22, 2026 9:58:32 AM

Subject: Oppose / Continue Bills 124, 125, and 126 affecting Pāhoa Village

Aloha Chair and Commissioners,

I strongly urge you to defer and not advance Bills 124, 125, and 126 unless and until the County provides a full public analysis of the impacts on existing Pāhoa residents, property owners, and businesses.

These bills would change zoning in Pāhoa Village to Downtown Pāhoa Commercial, update the Pāhoa Village Design District, and establish new development standards for the DPC district. Before any recommendation is made, the public deserves clear answers on:

Which existing residential properties would be affected;

Whether existing homes become nonconforming;

Whether homes damaged by fire or storm may be rebuilt as residences;

The exact changes to permitted uses, building height, and yards/setbacks;

Expected impacts on assessed value, taxes, rents, traffic, drainage, parking, and infrastructure;

How these changes protect the historic character and livability of Pāhoa rather than accelerating speculative redevelopment.

Pāhoa is not just vacant land on a map. It is a living historic town. A zoning overhaul of this scale should not move forward without a parcel-level impact review and meaningful community process.

For these reasons, I ask you to continue Bills 124, 125, and 126 until the County releases complete impact information and holds additional community outreach focused specifically on affected Pāhoa residents and businesses.

Mahalo,

Dephlia Rackley

Rocky Ishibashi

Rhea Davis

Jennifer Jackson

Keegan Mcgreger

[Pāhoa resident / owner / business / community member]

Sent from my iPhone

From: [Lorn Douglas](#)
To: [Planning WPC Testimony](#)
Subject: WPC 4-2 ZOning 124, 125 and 126
Date: Sunday, March 22, 2026 5:22:34 PM

Aloha WPC members,

Hawaii has had huge development and I can't say that what has happened to Honolulu, Maui and Kona is a testimony for development. There are very few historical towns left and Pahoa is certainly one of them. Please do not support these bills, we already have Subway, McDonalds, Pizza Hut etc....

Thanks for your consideration and please vote NO!!!!

Lorn Douglas
Lower Puna

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Albert Einstein: "What I most admire about your art is your universality. You don't say a word, yet the world understands you!"
Charlie Chaplin: "True. But your glory is even greater! The whole world admires you, even though they don't understand a word of what you say."

From: [Bryan Rupp](#)
To: [Planning WPC Testimony](#)
Subject: Subject: Oppose / Continue Bills 124, 125, and 126 affecting Pāhoa Village
Date: Wednesday, March 25, 2026 4:31:05 AM

Aloha Chair and Commissioners, I strongly urge you to defer and not advance Bills 124, 125, and 126 unless and until the County provides a full public analysis of the impacts on existing Pāhoa residents, property owners, and businesses.

These bills would change zoning in Pāhoa Village to Downtown Pāhoa Commercial, update the Pāhoa Village Design District, and establish new development standards for the DPC district. Before any recommendation is made, the public deserves clear answers on:

Which existing residential properties

would be affected;

Whether existing homes become nonconforming;

Whether homes damaged by fire or storm may be rebuilt as residences;

The exact changes to permitted uses, building height, and yards/setbacks;

Expected impacts on assessed value, taxes, rents, traffic, drainage, parking, and infrastructure;

How these changes protect the historic character and livability of Pāhoa rather than accelerating speculative redevelopment.

Pāhoa is not just vacant land on a map.

It is a living historic town. A zoning overhaul of this scale should not

move forward without a parcel-level impact review and meaningful community process.

For these reasons, I ask you to continue Bills 124, 125, and 126 until the County releases complete impact information and holds additional community outreach focused specifically on affected Pāhoa residents and businesses.

Mahalo,

Bryan Rupp

Pāhoa resident

From: [Doodle Bug](#)
To: [Planning WPC Testimony](#)
Subject: Oppose / continue bills 124, 125 and 126 affecting pāhoa village
Date: Wednesday, March 25, 2026 7:08:05 PM

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Mahalo,

Marty Robinson

Pāhoa resident

From: [Tiffany Edwards Hunt](#)
To: [Planning WPC Testimony](#)
Cc: [REDACTED]; [Kierkiewicz, Ashley](#); [Darrow, Jeffrey W.](#); [Council Testimony](#); [REDACTED]
Subject: Testimony in Strong Support of Bill 124 and Bill 126 – Pahoa Revitalization
Date: Sunday, March 29, 2026 5:59:58 PM

To: Windward Planning Commission

From: Tiffany Edwards Hunt & Jeff Hunt

Date: March 29, 2026

Subject: Testimony in Strong Support of **Bill 124** and **Bill 126** – Pahoa Revitalization

Chair and Members of the Windward Planning Commission,

My name is Tiffany Edwards Hunt, and I am submitting this testimony on behalf of myself and my husband, Jeff Hunt. We have owned commercially zoned property in Pahoa for a couple of decades. We stand in strong support of Bill 124 and its companion, Bill 126, which together will establish and govern the new Downtown Pahoa Commercial District.

We are heartened to see this district described as a way to encourage a "dynamic town where environment, culture, commerce and community co-exist harmoniously." As long-time stakeholders, we have seen Pahoa suffer tremendously over the years:

- We witnessed the devastating Luquin's Mexican Restaurant fire.
- We felt the economic toll when lava threatened to cross Pahoa Village Road in 2014-2015.
- We saw the 2018 Kilauea lava flow wipe out 700 homes in our surrounding area, and we were among those with homes that were inundated.
- We endured the COVID-19 pandemic and tried to continue to operate our business despite the challenge of a government shutdown.

Our regional town center, as outlined in the Puna Community Development Plan, is in great need of revitalization. We believe the zoning changes in Bill 124 and the updated standards in Bill 126 are vital steps toward that recovery.

Beyond zoning, we hope the County will use this momentum to address the significant challenges of homelessness and vagrancy. We ask that the County proactively work with community partners to reinvigorate the "Weed and Seed" program that thrived here more than a decade ago.

Furthermore, we suggest the County prioritize the revitalization of the old Pahoa Council Office. We urge the County to pursue whatever renovations are necessary to make that building habitable and work with a social service partner to inhabit the space. Having a dedicated service provider located in the heart of the village would be a transformative step for our community's well-being.

We are in desperate need of parking options. Because on-street parking is minimal and many Pahoa lots are small and logistically challenging, we urge the County to:

- Widen hours of operation and remove restrictive fencing for the Pahoa District Park and the Pahoa Swimming Pool.
- Open the back area of the old Pahoa Council Office (the former Pahoa Police Substation) for public parking.

We thank our elected officials for the clear communication regarding these bills, specifically Councilwoman Ashley Kierkiewicz, who did a significant amount of "front-loading" to support Pahoa property owners.

Note on Mailing Address Change: Finally, please note that our mailing address has changed. We request that the Planning Department update its records for our correspondence to: **15-1682 Second Avenue, Keaau, HI 96749.**

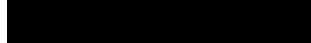
Thank you for your consideration of our testimony.

Sincerely,

Tiffany Edwards Hunt & Jeff Hunt

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Tiffany Edwards Hunt
(808) 938-8592



KVKS Media Foundation Board Member
Big Island Press Club Past President
Tiffany Edwards Communications Founder
HSTA Government Relations Committee Member
&

Big Island Educator

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Testimony in Strong Opposition
Bills 124, 125, and 126 – Downtown Pāhoa Commercial District
East Hawai‘i Planning Commission Hearing – April 2, 2025

Submitted by: Namele Naipo-Arsiga

Aloha Chair and Members of the Commission,

I am a resident of Puna and I am submitting this testimony in strong opposition to Bills 124, 125, and 126.

My opposition is simple: Pāhoa and the surrounding Puna community do not have the infrastructure to support the scale of commercial development these bills would allow. Passing these bills does not create that infrastructure. It simply opens the door to businesses and developers while leaving our community to absorb the consequences.

That is not “Activate Puna”. That is negligence.

****These Bills Open Pāhoa’s Door to Outside Development — Without Building Anything Our Community Needs****

Who do these bills actually serve? The small local business owner in Pāhoa is already here. The artist, the farmer, the family running a plate lunch shop, the kupuna renting a small commercial space — they do not need a new zoning designation to do what they are already doing. What they need is infrastructure. They need reliable water. They need safe roads with sidewalks accessible for all ages. They need a community that is not being priced out from under them.

Large commercial districts attract developers and investors who look at a newly designated commercial corridor and see opportunity — the opportunity to build at scale, to acquire multiple parcels, to consolidate and develop in ways that local residents and small business owners cannot compete with financially.

We have watched this happen across Hawai‘i. Kaka‘ako was going to be revitalized for local communities. Kailua was going to be protected by design guidelines. In both cases, the zoning changes that were supposed to preserve character instead created the conditions for displacement. The buildings got taller. The rents went up. The local businesses that gave those places their identity could no longer afford to stay.

The development these bills attract will not build that infrastructure. It will consume what little we have — and leave our community to live with what remains.

****There Is No Water****

Most of lower Puna runs on rainwater catchment and private wells. There is no municipal water main serving Pāhoa Village at commercial scale. Bill 126 permits breweries, food processing facilities, car washes, laundries, and medical clinics by right — all of them heavy water users. None of these businesses can operate responsibly without a reliable, high-volume water supply that does not exist here.

Beyond supply, the geology beneath Pāhoa is young, porous lava. There is almost no natural filtration between the surface and the aquifer our community drinks from. Commercial wastewater — chemical runoff, cleaning agents, food processing discharge — moves directly into that aquifer. There is no sewer system to intercept it. The county is proposing to welcome large commercial operations into a community where the ground water is one spill away from contamination, with no infrastructure to prevent it and no plan to address it.

****There Is No Road****

Pāhoa has one road in and one road out. Pāhoa Village Road is a single corridor. It is already congested during peak hours. It is already difficult for kupuna, for families with young kēiki, and for community members with disabilities to navigate safely.

Bill 126 eliminates all off-street parking requirements for the entire DPC district while simultaneously permitting over fifty commercial uses by right — bars, restaurants, breweries, theaters, event facilities, wholesaling operations. The vehicles those businesses generate have nowhere to go except onto that one road and into the surrounding residential streets.

This is not a theoretical concern. It is a daily lived reality for everyone in lower Puna who drives through Pāhoa to get anywhere. Adding a large commercial traffic volume to a single-corridor road with no parking, no sidewalks, and no transit alternatives does not serve our community. It traps it.

And it does something far worse in an emergency. Pāhoa Village Road is the evacuation route for tens of thousands of lower Puna residents. We lived through 2018. We know what that road looks like when people are trying to leave and lava is moving. Increasing commercial density and eliminating parking on that corridor without a single traffic study or evacuation capacity analysis is not a planning oversight. It is a public safety failure that this community cannot afford.

****There Is No Wastewater System****

Lower Puna relies heavily on individual cesspools and septic systems. The State of Hawai‘i has already mandated under Act 132 that all cesspools be eliminated by 2050 because of the threat they pose to groundwater and coastal water quality. These bills would encourage large-scale commercial development — with the wastewater demands that come with it — in an area where the primary disposal method is already under a state mandate to be phased out. There is no county wastewater infrastructure to replace it. The county would be simultaneously telling property owners to upgrade their cesspools while rezoning their land in ways that demand more from those same failing systems.

****There Is No Plan****

Not one of these three bills is accompanied by a fiscal impact analysis, a traffic study, a water capacity assessment, a wastewater infrastructure plan, or an environmental review. The map establishing the DPC boundary was drawn by the Planning Department in January 2026. This hearing was scheduled two months later. The testimony deadline gives working people in our community less than one week to respond to a zoning change that will affect their land, their taxes, their safety, and their daily lives for generations.

The infrastructure does not exist. The studies have not been done. The community was not meaningfully consulted. And the businesses these bills invite — breweries, wholesalers, food manufacturers, car washes — are not small local enterprises that need a new zoning designation to thrive. They are commercial operations that require the kind of roads, water, wastewater, and utilities that lower Puna simply does not have.

Approving these bills does not build that infrastructure. It just makes our community responsible for the consequences of its absence.

I am asking this Commission to reject Bills 124, 125, and 126 in their entirety and to tell the County Council that before any commercial rezoning of Pāhoa moves forward, the infrastructure must come first — the water, the roads, the wastewater systems, the safety plans. Build that foundation, do the studies, consult the community, and then talk about what kind of future Pāhoa wants.

Until then, the answer is no.

- (3) Within ninety days after receipt of the application from the director, unless a longer period is agreed to by the applicant, the commission shall transmit the proposed change of zone ordinance together with its recommendations thereon through the mayor to the council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of such application. In the event that the commission fails to act on the application within the ninety-day period, the application shall be considered an unfavorable recommendation by the commission, and the application shall be transmitted through the mayor to the council with such recommendation.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-136, sec 3; am 2012, ord 12-90, sec 1; am 2024, ord 24-87, sec 1.)

Section 25-2-43. Amendments initiated by the council and director.

- (a) Any amendment initiated by the director shall be reviewed by the commission.
- (1) The amendment shall be submitted to the commission with the director's justification and recommendation on the amendment.
- (2) Upon receipt of a proposed amendment from the director, the commission shall hold at least one public hearing. Notice of the hearing by the publication shall be provided by the commission in accordance with section 25-2-5, except that when a proposed amendment involves a specific parcel of land, notice shall be provided by the commission in accordance with subsections (c) and (d).
- (3) Within sixty days after receipt of the amendment from the director, the commission shall transmit the proposed amendment together with its recommendations thereon through the mayor to the council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of such amendment. In the event that the commission fails to act on the amendment within the sixty-day period, such inaction shall be considered as unfavorable recommendation by the commission, and the amendment shall then be submitted through the mayor to the council with such recommendation.
- (b) The council shall refer any proposed council-initiated amendment to this chapter to the director and the commission with requests for their respective comments and recommendations thereon, prior to the first reading of any such amendment. The director and the commission shall each submit comments and recommendations on the proposed amendment to the council within one hundred twenty days from the date that the amendment is transmitted by the council to the director and the commission.
- (1) The director shall submit comments and any recommendations to both the commission and the council within the one-hundred-twenty-day review period.

- (2) The commission shall hold at least one public hearing on the proposed amendment. Notice of the hearing by publication shall be provided by the commission in accordance with section 25-2-5, except that when a proposed amendment involves a specific parcel of land, notice shall be provided by the commission in accordance with subsections (c) and (d).
 - (3) The commission shall transmit the amendment together with its recommendations thereon through the mayor to the council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of such amendment. In the event that the commission fails to act on the amendment within the one-hundred-twenty-day review period, such inaction shall be considered as an unfavorable recommendation by the commission.
 - (4) After the one-hundred-twenty-day review period has expired, the council may proceed to act on the proposed amendment as it deems appropriate.
 - (c) Notice by mail to surrounding owners and lessees of record of properties within the boundaries established by section 25-2-4, shall not be required for any amendment initiated by the council or the director. In lieu of mailing written notice to surrounding property owners and lessees of record, the director shall publish notice of the commission's public hearing in at least two newspapers of general circulation in the County, once a week for three consecutive weeks, with the last notice to be at least ten days prior to the hearing. The notice shall specify the time, date and place of the hearing, its purpose and a description of any property which may be involved.
 - (d) Notice to owners of any properties specifically subject to the proposed amendment shall be provided by mail from the director, no later than thirty days prior to the commission's public hearing on the amendment.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-2-44. Conditions on change of zone.

- (a) Within any ordinance for a change of zone, the council may impose conditions on the applicant's use of the property subject to the change of zone provided that the council finds that the 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.

Within any ordinance for a change of zone that includes any such conditions, except for ordinances reverting zoning to a previous zoning district designation or to an open zoning designation, the director shall specify the time by which all conditions shall be completed. The time during which required plans, reports, studies, or relevant permit applications are under review for approvals by