

COUNTY OF HAWAII PLANNING DEPARTMENT BACKGROUND AND RECOMMENDATION

COUNTY COUNCIL INITIATED BILL NO. 125 (PL-CCI-2026-000014) AMENDMENT TO CHAPTER 25, ARTICLE 7, SECTION 25-7-40, SECTION 25-7-41 AND SECTION 25-7-42, OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO THE PĀHOA VILLAGE DESIGN DISTRICT

The County Council has referred a bill for an ordinance to amend Section 25-7-40, Section 25-7-41 and Section 25-7-42, Article 7, Chapter 25 of the Hawai'i County Code 1983 (2016 Edition, as Amended), relating to the Pāhoa Village Design (PVD) District.

PURPOSE OF BILL 125

1. The Hawai'i County Council has introduced Bill No. 125 (**Planning Department Exhibit 1**), which seeks to amend Chapter 25 (Zoning), Article 7, Division 4 of the Hawai'i County Code 1983 (2016 Edition, as Amended) (hereinafter HCC) to revise and update zoning code sections related to the PVD District. Section 25-7-40 is amended to clarify the purpose, applicability and boundaries of the PVD District. Section 25-7-41 is amended to better establish and clarify the intent, adoption and applicability of the PVD guidelines, including establishing that the guidelines shall be adopted and subject to amendment by resolution. Section 25-7-42 is amended to clarify the purpose and procedures of the Pāhoa design review committee. Based on a public presentation given by the bill's introducer, dated August 28, 2025, an objective of the proposal is for the Puna Community Development Plan (CDP) Action Committee to take a more active role in the formation and procedures of the Pāhoa design review committee.

AGENCY COMMENTS

2. **Department of Land and Natural Resources – Commission on Water Resource Management (Planning Department Exhibit 2 – March 2, 2026 Memo)**
3. **Department of Environmental Management (Planning Department**

Exhibit 3 – February 25, 2026 Memo)

4. **Puna Community Development Plan Action Committee (Planning Department Exhibit 4 – March 5, 2026 Letter)**

AGENCIES – NO COMMENT OR CONCERN

5. Department of Health, Department of Land and Natural Resources – Land Division and Engineering Division, Department of Public Works – Building Division, Police Department, Department of Water Supply

AGENCIES – NO RESPONSE

6. Department of Land and Natural Resources, Department of Public Works – Engineering, Parks and Recreation Department, Fire Department, Real Property Tax, Pāhoa Mainstreet Community Association

PUBLIC COMMENTS

7. **Planning Department Exhibit 5 – Dephlia Rackley et al Testimony received by the Planning Department on March 22, 2026**
8. **Planning Department Exhibit 6 – Lorn Douglas Testimony received by the Planning Department on March 22, 2026**
9. **Planning Department Exhibit 7 - Bryan Rupp Testimony received by the Planning Department on March 25, 2026**
10. **Planning Department Exhibit 8 - Marty Robinson Testimony received by the Planning Department on March 25, 2026**
11. **Planning Department Exhibit 9 - Namele Naipo-Arsiga Testimony received by the Planning Department**

PLANNING ANALYSIS OF THE IMPACTS OF BILL 125

The proposed amendments in Bill 125 will revise and update existing zoning code sections relating to the Pāhoa Village Design (PVD) District, originally adopted in 2013. Specifically, Section 25-7-40 will be amended to clarify the purpose, applicability and boundaries of the PVD District. Section 25-7-41 will be amended to clarify requirements regarding the Pāhoa Village Design Guidelines (**Planning Department Exhibit 10 – Pāhoa Village Design Guidelines adopted by County Council Resolution 454 14, dated July 18, 2014**), including that the guidelines shall be adopted and subject to amendment by resolution, and that the director shall administer, implement and enforce the

guidelines, after giving consideration to the recommendations of the Pāhoa design review committee. Additionally, amendments will revise applicability of the guidelines to include renovations or alterations to existing buildings and structures, in addition to new developments, within the PVD district.

According to a public presentation given by the bill's introducer, on August 28, 2025, a primary focus of Bill 125 is to provide clarity and transparency on the formation and procedures of the Pāhoa design review committee. As such, proposed amendments to Section 25-7-42 will direct the Puna Community Development Plan Action Committee (CDP AC) to take a more active role in the operations of the Pāhoa design review committee, including to review, discuss publicly and decide who is serving on the design review committee every two years. Additionally, once every ten years, the Puna CDP AC will invite all current and former organizations and members of the design review committee to review the PVD guidelines and PVD district boundaries, submit recommendations and forward them through the Director to the County Council for its consideration.

According to supportive comments provided by the Puna CDP AC, "Bill 125 clarifies the application of the Pāhoa Village Design Guidelines and establishes a transparent, sustained, and community-led design review framework" to "ensure that future construction and renovations respect and reinforce Pāhoa's distinctive small-town plantation character."

Comments provided by the Department of Environmental Management note that the area is about twenty (20) miles from the nearest county sewer and that properties included in the boundaries of the proposed ordinance would need to comply with Department of Health requirements for sewage treatment and disposal.

Although the Director notes that Planning Department staff will be responsible for a larger role in the formation and procedures of the Pāhoa design review committee, the Director is supportive of the intent of Bill 125 to provide better transparency and availability of information for the community and has no proposed amendments.

PLANNING DIRECTOR'S RECOMMENDATION

Based on the preceding discussion, the Planning Director **recommends**

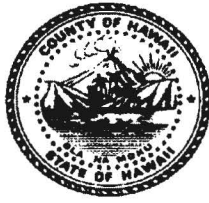
that the Windward Planning Commission forward a favorable recommendation on Bill 125 to the County Council.

PLANNING COMMISSION ACTION

The Windward Planning Commission (WPC) is required to take action on Bill 125 as described in Section 25-2-43(b) of the Zoning Code (**Planning Department Exhibit 11 - 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 as a 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*



COH PLANNING DEPT
FEB 4 2026 PM 3:13
(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 black ink, appearing to be "AK", written over the name Ashley L. Kierkiewicz.

DATE: February 4, 2025

SUBJECT: Referral of Bill 125; AN ORDINANCE AMENDING CHAPTER 25, ARTICLE 7, DIVISION 4, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO THE PĀHOA VILLAGE DESIGN DISTRICT.

Pursuant to Section 25-2-43(b) of the Hawai'i County Code, I am submitting Bill 125, 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 125 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



BILL NO. 125

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE 7, DIVISION 4, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO THE PĀHOA VILLAGE DESIGN DISTRICT.

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

SECTION 1. Chapter 25, article 7, division 4, section 25-7-40, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to read as follows:

"Section 25-7-40. Purpose and applicability; boundaries.

- (a) The PVD (Pāhoa Village Design) District is established to ~~[reinforce]~~:
- (1) ~~Reinforce~~ and promote Pāhoa's role as a regional town center while retaining its rural village feel and identity~~[-The purpose of the regional town center is to serve as];~~
 - (2) Support a diversity of land uses consistent with a compact medium density area [for], including retail shopping, administrative and professional activities, cultural and artistic activities, other supportive business activities, and a mix of residential uses, capable of serving both village residents and the ever more populous surrounding subdivisions[-Further, the PVD district seeks to preserve]; and
 - (3) Preserve the historical Hawai'i plantation architectural [theme] style that has come to symbolize Pāhoa's unique sense of place and identity[-through the implementation of design guidelines within the PVD district].
- (b) The PVD district, as used in this chapter, means the area ~~[delineated on the map as provided in the Pāhoa Village Design Guidelines (hereinafter "design guidelines") and further]~~ described as:
- (1) All parcels having frontage on Pāhoa Village Road from the Pāhoa Village Road and Kea'au-Pāhoa Road intersection and the Pāhoa Village Road and Pāhoa-Kalapana Road intersection;
 - (2) All parcels having frontage on Post Office Road between Pāhoa Bypass Road and Pāhoa Village Road;
 - (3) All parcels having frontage on the west side of Kea'au-Pāhoa Road between and inclusive of tax map key numbers: 1-5-007:012 and 1-5-007:080;
 - (4) All parcels having frontage on Kahakai Boulevard, including any extensions of Kahakai Boulevard up to the parcel identified by tax map key number 1-5-008:001, west of Pāhoa Bypass Road;
 - (5) Parcels identified by tax map key numbers: 1-5-005:024, 1-5-006:037, 1-5-006:015, 1-5-003:037 and 1-5-003:046; and

- (6) All parcels any part of which are designated medium density urban in Exhibit A of Ordinance No. 12-89 amending the general plan land use pattern allocation guide (LUPAG) map, ~~[with the following exclusions:]~~ except:
- (A) That portion of tax map key no: 1-5-002:020 ~~[that is]~~ not designated medium density urban in Exhibit A of Ordinance No. 12-89; and
 - (B) Parcels identified by tax map key numbers: 1-5-001:003 and 1-5-008:001."

SECTION 2. Chapter 25, article 7, division 4, section 25-7-41, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to read as follows:

"Section 25-7-41. Design guidelines; intent; adoption; applicability.

- (a) ~~[The intent of the Pāhoa Village Design Guidelines (hereinafter "design guidelines") is to]~~ Any design guidelines applicable to the PVD district:
 - (1) Shall be known and may be cited as the "Pāhoa Village Design Guidelines";
 - (2) Shall be adopted and subject to amendment by resolution; and
 - (3) Shall articulate primary architectural features and building design characteristics that have historically been identified as the Hawai'i plantation architectural style or theme.
- (b) ~~[Design guidelines may be adopted by resolution or as standards by ordinance and shall be administered by the director]~~ The director shall administer, implement, and enforce the Pāhoa Village Design Guidelines after giving due consideration to the recommendations of the Pāhoa design review committee [having been established in accordance with section 25-2-72 of this chapter].
- (c) ~~[While no specific minimum number of the architectural features in the design guidelines shall be required for any proposed project, all]~~ All buildings and structures, including renovations or alterations to existing ones, within the PVD district~~[; except as otherwise specified in section 25-7-42(d) below,]~~ shall be designed [to be] in a manner consistent with the [design guidelines and to be complementary with the existing structures.] Pāhoa Village Design Guidelines."

SECTION 3. Chapter 25, article 7, division 4, section 25-7-42, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to read as follows:

"Section 25-7-42. Pāhoa design review committee; purpose; procedures.

- (a) The purpose of the Pāhoa design review committee ~~[(hereinafter "committee")]~~ is to provide ~~[an opportunity for local review and comment, for consistency with the design guidelines, on plans for]~~ local oversight and ensure that all [new] buildings and [structures as well as alterations to the exterior of existing buildings and structures] exterior alterations within the PVD district~~[;]~~ comply with the Pāhoa Village Design Guidelines.
- (b) ~~[Upon request from the director, the Puna Community Development Plan Action Committee (PCDPAC) shall identify and recommend one or more appropriate Pāhoa-based community organizations that will be responsible for establishing the~~

~~committee and providing any necessary administrative support that may be required.]~~ The Puna community development plan action committee shall invite one or more appropriate Pāhoa-based community organizations to form and provide administrative support for the Pāhoa design review committee. Committee membership should reflect a broad ~~[cross-section]~~ cross-section of the Pāhoa regional town center ~~[service area and, to the extent reasonably possible, shall include representation from the construction industry, local businesses, and architecture and design professionals.],~~ with efforts to include professionals from the construction, small business, architecture and design industries. The Puna community development plan action committee shall verify and affirm the participation of each supporting organization and member of the committee every two years.

- (c) ~~[The director shall provide the committee with an opportunity to conduct an architectural and design review, for consistency with the design guidelines, of all applications for plan approval, P.U.D. or sign permit, except as provided for in subsection (d) below.]~~ The committee shall review and submit recommendations on all applications for plan approval, a P.U.D. permit, or a sign permit in accordance with section 25-2-73, section 25-6-7, or chapter 3, article 3, of this Code, respectively.
- ~~[(1) The committee shall complete its review of any application for plan approval and submit its written recommendations along with the reviewed plans stamped "Reviewed by" with the date and signature of the committee chair to the director within twenty-five calendar days of receipt of such application from the director.~~
- ~~(2) The committee shall complete its review of any application for a P.U.D. and submit its written recommendations along with the reviewed plans stamped "Reviewed by" with the date and signature of the committee chair to the director within twenty-five calendar days of receipt of any plans for partial or final full approval from the director.~~
- ~~(3) The committee shall review and submit its written recommendations on applications for sign permits as provided in chapter 3, article 3 of this Code.~~
- ~~(4) Committee recommendations to the director shall be consistent with the provisions of the County Charter, general plan, Puna community development plan, Pāhoa Village Design Guidelines, zoning and other related ordinances and any master plan adopted for the PVD district.~~
- (d) The director may waive the requirement for architectural and design review by the committee when the proposed improvements will clearly have little or no visual impact on ~~[the preservation or promotion of]~~ the Hawai'i plantation architectural theme, including, but not limited to:
- (1) ~~[The construction or installation]~~ Construction of accessory buildings or structures or minor exterior alterations to the exterior of any existing building or structure that is not visible from any street frontage of the building site;
- (2) ~~[The addition or replacement]~~ Additions or replacements of accessory features such as flag poles, roof gutters and downspouts, railings and fencing of similar size, style and material or that more closely conforms to the design guidelines;

- (3) Painting or repainting of the exterior of any building, structure or accessory feature that is consistent with the design guidelines; or
- (4) ~~[The replacement of existing]~~ Replacement of doors and windows [where the size of the replacement door or window], provided that the new size is within ten percent of the size of the original [door or window].
- (c) ~~[In order to assist applicants with designing projects that satisfactorily conform to the design guidelines, the committee shall also develop process for and be available to provide preliminary review of conceptual plans prior to formal submittal of detailed plans and an application for a building permit, plan approval, P.U.D. or sign permit.]~~ Upon request of prospective applicants, the committee shall provide preliminary review and comments on draft or conceptual plans prior to submittal of an application to the director.
- (f) ~~[The committee shall conduct a comprehensive review of the design guidelines and PVD district boundaries and submit its recommendations for amendments to the design guidelines and PVD district boundaries to the PCDP AC within ten years following adoption of the design guidelines, and every ten years thereafter. The committee may prepare and submit to the PCDP AC recommendations for interim amendments to the design guidelines and PVD district boundaries as it deems necessary.]~~ The Pāhoa design review committee or the Puna community development plan action committee shall consult with one another before recommending any amendments to the PVD Guidelines or the PVD district boundaries. Any proposed amendments, along with the recommendations of both committees, shall be forwarded through the director to the council for its consideration, subject to the authority of the director under section 25-2-43 in the case of any PVD district boundary amendment.
- (g) Once every ten years, the Puna community development plan action committee shall invite all current and former organizations and members of the design review committee to review the Pāhoa Village Design Guidelines and the PVD district boundaries and submit recommendations thereon. Any recommendation accepted by the Puna community development plan action committee shall proceed as provided in subsection (f)."

SECTION 4. 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 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:

to for 
COUNCIL MEMBER, COUNTY OF HAWAI'I

_____, Hawai'i

Date of Introduction:

Date of 1st Reading:

Date of 2nd Reading:

Effective Date:

REFERENCE Comm. 709

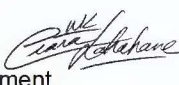


STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA 'OIHANA KUMUWAIWAI 'ĀINA
COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO
P.O. BOX 621
HONOLULU, HAWAII 96809

Mar 2, 2026

REF: RFD.6631.8

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

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

SUBJECT: Hawaii Council Initiated Bill No. 125, Amendments relating to the Pahoa Village Design District

FILE NO.: RFD.6631.8
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/cwrw>.

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 Hawaii, 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 Hawaii, 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 Hawaii. These practices can be found online at

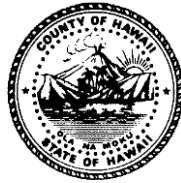
<https://hawaiiiscape.com/index.php>. Additional information can be found at
<https://dlnr.hawaii.gov/cwrm/planning/conservation/>.

- ☐ 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

William V. Brilhante Jr.
Managing Director



Daniel Girvan, P.E.
Director

Craig Kawaguchi
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

MEMORANDUM

Date : February 25, 2026

To : Jeffrey Darrow, Director
Planning Department

From : Daniel Girvan, Director
Department of Environmental Management

Subject : PL-CCI-2026-000013

The Wastewater Division has reviewed the subject application and offers the following comments and/or recommendations:

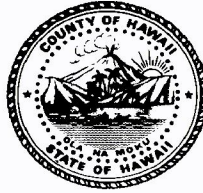
- ☐ No Comments
- ☐ The proposed subdivision is *accessible to a sewer*. The applicant is required to connect all existing and proposed structures to the public sewer in accordance with Section 21-6 and Division 2 of the Hawaii County Code.
- ☐ The proposed subdivision is within 300-linear feet of an existing sewer system. The applicant shall install sewer lines as required by Section 23-85 of the Hawaii County Code. Sewer lines shall comply with Chapter 21, Division 2
- ☐ Extensions of the public sewer system:
The applicant shall submit a letter application to the director detailing where and why the sewer extension is being requested, and a payment mechanism:
 - ☐ The applicant constructs and pays full cost for the extension and may receive for 10 years after completion one-half of all sewer charges collected by the County from other properties that connect to the extension, provided the reimbursement does not exceed the cost incurred by the applicant.
 - ☐ County constructs the extension (the County has yet to create a program to allow this):
 - ☐ The applicant pays the full cost for the extension and may receive for 10 years after completion one-half of all sewer charges collected by the County from other properties that connect to the extension, provided the reimbursement does not exceed the cost incurred by the applicant.
 - ☐ The applicant pays one-half the cost and the County pays the other half of the extension cost. The applicant shall submit sewer engineering plans and sewer study to the Wastewater Division for review.

- ☐ The applicant shall submit a study documenting proposed additional sewer flows so the director can evaluate the capacity of the existing system to handle them. Contact Wastewater Division staff for *Sewer Study* requirements.
- ☐ The proposed subdivision may be subject to existing or future federal, state, or county regulation under Title 40 CFR 403. Contact the Wastewater Division Pretreatment Group for information regarding pretreatment standards and requirements.
- ☒ The proposed subdivision is about 20 miles from nearest Hawai'i County Sewer. The applicant shall comply with Department of Health requirements, and all other applicable federal, state, and county regulations. The applicant shall submit plans for treatment facilities to the Department of Health and to the Department of Environmental Management director for review as required by Section 21-11.

For sewers in private roadways:

- ☐ Sewers will be dedicated to the County in accordance with Section 21-19. Contact the Wastewater Division for sewer and easement details and requirements. Applicant shall hold the County harmless for any damage to roadway corridors during or caused by the construction. Contact Wastewater Division for *Permit to Perform Work on the Public Sewer System*.
- ☐ Sewers will be private and will not be dedicated to the County. The applicant shall comply with all Department of Public Works requirements. Contact the Wastewater Division for *Permit to Perform Work on the Public Sewer System*.
- ☐ Other:

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.

Planning Dept.
Exhibit <u>4</u>

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\gov\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 pahoia village
Date: Wednesday, March 25, 2026 7:08:05 PM

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 Pahoia 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 Pahoia 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,

Marty Robinson

Pāhoa resident

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.

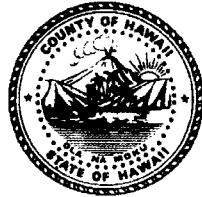
The infrastructure does not exist. The studies have not been done. The community was not meaningfully consulted. And the businesses these bills invite — breweries, wholesalers, food manufacturers, car washes — are not small local enterprises that need a new zoning designation to thrive. They are commercial 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.

COUNTY OF HAWAI‘I



STATE OF HAWAI‘I

RESOLUTION NO. 454 14

A RESOLUTION TO ADOPT THE PĀHOA VILLAGE DESIGN GUIDELINES DATED OCTOBER 2013.

WHEREAS, the Hawai‘i State Constitution, Article IX, Section 6, Management of Population Growth, states: "The State and its political subdivisions, as provided by general law, shall plan and manage the growth of the population to protect and preserve the public health and welfare; except that each political subdivision, as provided by general law, may plan and manage the growth of its population in a more restrictive manner than the State"; and

WHEREAS, the Hawai‘i County Charter, section 3-15, from which the General Plan emerged as a major policy document, states, in part: "The county council shall adopt by ordinance a general plan which shall set forth the council's policy for long-range comprehensive physical development of the county. It shall contain a statement of development objectives, standards and principles with respect to the most desirable use of land within the county for residential, recreational, agricultural, commercial, industrial and other purposes ... and such other matters as may, in the council's judgment, be beneficial to the social, economic, and governmental conditions and trends and shall be designed to assure the coordinated development of the county and to promote the general welfare and prosperity of its people... No public improvement or project, or subdivision or zoning ordinance, shall be initiated or adopted unless the same conforms to and implements the general plan"; and

WHEREAS, the Hawai‘i County General Plan, Section 15.1. Community Development Plans, states, in part: "The Community Development Plans are intended to be the forum for community input into managing growth and coordinating the delivery of government services to the community. The Community Development Plans will translate the broad General Plan statements to specific actions as they apply to specific geographical areas"; and

WHEREAS, pursuant to the provisions of the General Plan to ensure responsible growth and preserve the public health and welfare, the Puna Community Development Plan, as amended, was adopted by Ordinance No. 08-116, effective September 10, 2008; and

WHEREAS, the Puna Community Development Plan identifies Pāhoa as a Regional Town Center with historic development patterns that define a unique "sense of place" and as a strong candidate for Special Design District designation; and

WHEREAS, the Puna Community Development Plan calls for the preparation of a Regional Town Center plan through an inclusive community based process that involves major stakeholders, including landowners, community representatives, and public agencies; and

WHEREAS, Pāhoa, being geographically situated near the center of the most rapidly growing portion of the Puna District, is the principle point of access to goods and services for residents and visitors alike; and

WHEREAS, Pāhoa has experienced extensive and persistent commercial development and redevelopment activity as well as multiple applications for up-zoning over the past 10 years with little or no ability to address inadequate infrastructure needs or to preserve its unique “sense of place”; and

WHEREAS, Resolution No. 313-12 called for a delay on new up-zonings in the Pāhoa Regional Town Center planning area until a Pāhoa Regional Town Center Plan is adopted or June 30, 2013, whichever shall occur first; and

WHEREAS, Resolution No. 313-12 was adopted by the Council to allow the community, through a legitimate, deliberate and inclusive community based planning process, to define how best to solve existing problems, to allocate space for new growth, and to preserve its historical heritage; and

WHEREAS, a Pāhoa Regional Town Center Plan Steering Committee consisting of community leaders and interested stakeholders formed in October 2011 to begin a process for developing a growth management plan with design guidelines for Pāhoa Village; and

WHEREAS, the Pāhoa Regional Town Center Plan Steering Committee has initiated an effective outreach program to gather public input through facilitated community meetings and an extensive public survey in order to define a community vision and to determine a methodology for well-planned future growth and community direction in Pāhoa; and

WHEREAS, the Pāhoa Regional Town Center Plan Steering Committee and the Puna Community Development Plan Action Committee, in collaboration with the Planning Department, have prepared and submitted legislation to amend Chapter 25 (Zoning Code) of the Hawai‘i County Code 1983 (2005 Edition, as amended) to establish a Pāhoa Village Design (PVD) district; and

WHEREAS, the Pāhoa Regional Town Center Plan Steering Committee, in collaboration with the Planning Department, has geographically defined the PVD district.

WHEREAS, the Pāhoa Regional Town Center Plan Steering Committee has, in collaboration with the Planning Department, prepared architectural design guidelines that identify the underlying design principles that define Pāhoa’s unique history and architectural character, and establish architectural design guidelines to preserve and enhance the “*sense of place*” that residents and visitors alike identify with Pāhoa; and

WHEREAS, the Mayor, the Planning Department, the County Council, and the Pāhoa community are committed to the Regional Town Center Plan process as a guiding principle for responsible smart-growth planning and community direction in Pāhoa; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I, that the Pāhoa Village Design Guidelines, attached herein as Exhibit 1, as prepared by the Pāhoa Regional Town Center Plan Steering Committee in collaboration with the Planning Department and dated October 2013, is hereby adopted to guide the architectural design and siting of buildings and structures within the Pāhoa Village Design district.

BE IT FUTHER RESOLVED, that the Planning Director, in collaboration with the Puna Community Development Plan Action Committee, shall be authorized to make non-substantive amendments to the Pāhoa Village Design Guidelines without the approval of the County Council, provided that any such amendments shall be forwarded to the County Council within 30 days of adoption by the Planning Director.

BE IT FINALLY RESOLVED, that the County Clerk shall forward copies of this Resolution to: the Honorable William P. Kenoi, Mayor of the County of Hawai'i; the directors of the departments of Planning, Parks and Recreation, Public Works, and Environmental Management; Molly Stebbins, Corporation Counsel; Margaret Masunaga, Deputy Corporation Counsel for the Windward Planning Commission; William Brilhante, Deputy Corporation Counsel for the Planning Department and Puna CDP Action Committee; the Pāhoa Regional Town Center Steering Committee; and the Puna Community Development Plan Action Committee.

Dated at Kona, Hawai'i, this 18th day of July, 2014.

INTRODUCED BY:

 B/R
COUNCIL MEMBER, COUNTY OF HAWAI'I

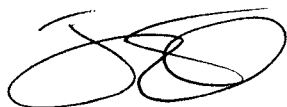
COUNTY COUNCIL
County of Hawai'i
Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on July 18, 2014.

ATTEST:



COUNTY CLERK



CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
EOFF	X			
FORD	X			
ILAGAN	X			
KANUHA	X			
KERN	X			
ONISHI	X			
POINDEXTER	X			
WILLE	X			
YOSHIMOTO	X			
	9	0	0	0

Reference: C-920/PC-68

RESOLUTION NO. 454 14

Pāhoa Village Design Guidelines

October 2013



“**Place** is more than just a location on a map. A sense of place is a unique collection of qualities and characteristics – visual, cultural, social, and environmental – that provide meaning to a location. Sense of place is what makes one city or town different from another, but sense of place is also what makes our physical surroundings worth caring about.”ⁱ

Pāhoa Village Design Guidelines

Prepared for the County of Hawai‘i

Planning Department

October 2013

These design guidelines were prepared by the citizen volunteers of the Pāhoa Regional Town Center Plan Steering Committee under the direction and guidance of the Puna Community Development Plan Action Committee and the Hawai‘i County Planning Department.

Pāhoa Regional Town Center Steering Committee	Puna Community Development Plan Action Committee	
2013-14	2013	2014
Gilbert Aguinaldo	June Conant	June Conant
Kaleo Francisco	Sharon Daun	Sharon Daun
Madie Greene	Farris Etterlee	Farris Etterlee
Mark Hinshaw, Chair	Madie Greene	Leila Kealoha
Russell Jones	Keikialoha Kekipi	Susan Osborne
Charlie Maas, Principle Author	Patti Pinto, Chair	Patti Pinto, Chair
Jon Olson	Oshi Simsarian	Oshi Simsarian, V-Chair
Oshi Simsarian	René Siracusa	René Siracusa
Dan Taylor	Dan Taylor, Vice-chair	Elmer Solis
Elmer Solis		
Former Steering Committee Members and Contributing Volunteers		
Cynthia Albers	René Siracusa	David Wright
Joanna Norton	Robin Stetson	

Hawai‘i County Planning Department

Duane Kanuha, Director

Larry Brown, Planner

Table of Contents

Table of Contents	3
Summary of Purpose	4
History of Pāhoa	4
What you need to know	5
How to get design approval	5
Existing Character	6
Character defining features of plantation-style commercial architecture:	6
Character defining features of plantation-style residential architecture:	7
Design Guideline Goals	8
General Design Recommendations	8
Features to Enhance	8
Pāhoa Village District	9
Architectural Guidelines-Commercial	10
Scale	10
Setback	11
Roofs	12
Facades	13
Canopies	13
Walls and Wall Finish	14
Architectural Details	15
The decorative details of shape, color and texture	15
Doors	16
Color	17
Signs	17
Landscape Planting	17
Walls and Fences	18
Parking	18
Architectural Guidelines – Residential	18
Setbacks	18
Building Form, Height and Scale	18
Roofs	19
Windows	19
Doors	20

Summary of Purpose

The Pāhoa Regional Town Center Steering Committee and Design Working Group have attempted to embrace this proposition of “Place” in part by utilizing the unique characteristics of Pāhoa and present this collection of guidelines to create a positive village design environment for daily life and commerce. These guidelines attempt to identify the underlying design principles that define Pāhoa’s unique historic and architectural character. The design guidelines are intended to help preserve Pāhoa’s historic character, allow for new development that compliments and is comparable to Pāhoa’s historical character and improve the streetscape to make Pāhoa a more pedestrian friendly environment.

History of Pāhoa

It is believed that the general area of Pāhoa was first developed around the mid 1880’s. Prior to that, it was a lush tropical lowland rainforest. This tropical rain forest and its by-products provided an environment that facilitated the first wave of immigration. The immigrants required housing and services, and this catalyst was the beginning of development of the town of Pāhoa.

The first Sugar Plantation in the area was started in 1900 as the Puna Sugar Company and later became the Ola’a Sugar Company, which outlasted all others, ending its operations in 1984. In what is now the center of Pāhoa Town the first lumber mill was erected in 1907 and was named the Mahogany Lumber Company, which stayed in business until 1918. The company supplied all the timber for the town’s construction needs as well as exporting over millions of railroad ties for the construction of the various railroads in the Southwestern United States and the Sugar Plantation railroads in Hawai‘i.

The majority of the early residents were Japanese immigrants who came to Hawaii on a 3 year worker’s contract. Those few who decided to stay after their 3 year contract expired and had managed to save enough money, built simple wood houses on stilts with wide lanais, gabled style, metal clad roofs and redwood catchment systems located at the back of the lot. The rest of the immigrants lived in 6 Camps provided by the lumber mill. Virtually all the buildings along the main town road in the early 1900’s housed some type of business offering from shoe repair to hotel lodging.

There was very little private land ownership in the early years as the majority of the land was owned by the Roman Catholic Mission, the lumber mill and the Territory of Hawai‘i, so most of the land being utilized for private residential and commercial purposes was leased. When land ownership finally became available in the late 1930’s the lots were very small to several acres and haphazardly laid out as there was no such thing as land planning. Electrical power did not come to Pāhoa until 1938 and domestic water in 1962.ⁱⁱ

What you need to know

The Pāhoa Design Guidelines apply to all renovations and new developments within the Pāhoa Village Design (PVD) district (see Figure 1) for which a building permit is required except as noted in Sec. 25.7.() (d) of the Zoning Code. Pāhoa features a diversity of architectural styles from various periods of history. These guidelines focus on the dominant plantation architectural style or theme that has come to define Pāhoa in the eyes of its residents and those in the surrounding subdivisions. The long term goals are to maintain Pāhoa's architectural heritage while allowing for new development that is compatible to our goal of preserving and enhancing the Pāhoa sense of place. To meet these goals, the guidelines propose:

- Renovation of buildings should perpetuate Pāhoa's architectural heritage.
- The design of new buildings shall incorporate a sufficient number of the design elements discussed in these guidelines to contribute to the desired architectural theme and to blend comfortably with the existing structures.
- A reasonable degree of interpretation of traditional building styles that provides for both aesthetic and functional goals.
- The exact replication of historic buildings is not encouraged or appropriate.

How to get design approval

The Pāhoa Village Design Guidelines are not intended to be prohibitively restrictive, but instead to provide architects, developers and owners with ideas that encourage creative, functional and economically advantageous design options for existing and new buildings within the PVD district.

The application and plans for any Plan Approval, Planned Unit Development (P.U.D.) under the Hawai'i County Zoning Code or a building permit for any other building or structure for which Plan Approval is not required, shall be subject to review and comment by the Pāhoa Design Review Committee (PDRC) prior to approval by the Planning Director as prescribed in Chapter 25, HCC. Applicants are encouraged to consult with the Pāhoa Design Review Committee prior to submitting any such application(s) to the Planning Department for clarification and guidance on design elements appropriate for the proposed project. In addition to the application requirements for plan approval contained in section 25-2-72 and for a P.U.D. contained in section 25-6-3 of the Zoning Code, the plans for any project submitted for review by the PDRC shall include the following:

- (1) Complete and accurate exterior elevations of all facades, drawn at a scale adequate to show clearly the appearance of all proposed buildings and structures;
- (2) Description of exterior siding, roofing and finish materials;
- (3) Exterior door and window specifications;
- (4) Description, location and renderings for any exterior signage;

- (5) A streetscape rendering of the project site and adjacent properties suitable for evaluating the immediate spatial relationships. Photographic images may be substituted where they are able to serve the same purpose;
- (6) Other descriptive information as the director or the PDRC finds necessary to determine consistency of the proposed project with the design and architectural guidelines adopted for the special district in which the project building site is located.

Existing Character

Most of Pāhoa's older commercial and residential buildings are characterized as "plantation style" and are typical of buildings commonly seen in small towns and villages throughout Hawai'i. Vernacular plantation-style building features vary, but generally share the following characteristics:

- *Building height:* usually two stories in height, or some one-story structures with false-fronts nearly as high as two-story buildings.
- *Setback:* no setback from property lines and the sidewalk.
- *Roof form:* gable, shed, or flat roof, often behind a false front.
- *Roof materials:* typically corrugated metal, sometimes tarpaper; later composition shingles were used.
- *Walls:* single-wall construction primarily of vertical tongue-and-groove board, board and batten or horizontal boards.
- *Storefront:* Small, irregular and varied.
- *Entries:* Often flush with the front wall, occasionally recessed to provide shade and shelter for pedestrians.
- *Doors:* Wood and wood-with-glass doors featuring multiple panels, raised panels, or glazing and panels.
- *Windows:* Multiple-light and wood framed, with wood sashes and mullions, double-hung windows double hung windows featuring transoms.

Character defining features of plantation-style commercial architecture:

False-front facade: Hawai'i's plantation-style commercial architecture typically featured a false front because building materials were quite expensive in relation to the labor costs. Architectural ornamentation was often limited to the building's facade and resulted in numerous variations of the false front.

Canopy: Canopies across the main façade are a character-defining feature in plantation style commercial structures. Most canopies were shed roofs covered with corrugated metal. A few of Pāhoa's canopies were hipped with shingles. Most canopies were supported by brackets underneath and/or rods above; posts were sometimes used to support canopies in turn-of-the-century structures. Historically, some of Pāhoa's two-story edifices had wood-framed balconies, which also functioned as canopies. Canopies and balconies provide the shade and weather protection important in a pedestrian-friendly

environment. Unfortunately, many canopies have been removed from Pāhoa's historic buildings due to deterioration¹ or the requirements of modern building codes.

Cornice: Often used in plantation-style commercial architecture, cornices were sometimes ornamented with rather elaborate brackets, while others were quite simple in detail. Cornices and brackets were an easy way to decorate a building during an age when craftsmen were easy to find, but building materials were not.

Attic Vent: Louvered attic vents were a prominent, distinctive feature of plantation architecture, often appearing in a variety of geometric shapes, including round, square, rectangular, semi-circular, and rectangular with a gable-shaped peak.

Kick plate: Older plantation-style buildings often included an architectural feature known as a "kick plate." Kick plates are wood panels located beneath the windows and approximately 18" above the foundation. Many of Pāhoa's plantation-style buildings have been inappropriately remodeled with large plate-glass windows that replaced both the historic windows and kick plates.

Character defining features of plantation-style residential architecture:

Most of Pāhoa's older residential buildings are characterized as "plantation style" and are typical of older houses throughout Hawai'i. "Plantation-style" features vary, but generally share the following elements:

- *Building height:* Usually one story.
- *Foundation:* Post and pier
- *Roof form:* Gable, hipped, and gable over hip.
- *Roof materials:* Corrugated metal, wood shakes; in recent decades, many were reroofed with composition shingles.
- *Walls:* Single-wall, vertical-board construction. A prominent feature on plantation style houses is a girt, a horizontal band that wraps around a vertical board house, in essence serving as a girdle that holds the boards together.
- *Eaves:* Open, overhanging eaves with exposed rafters.
- *Doors:* Wood with glass doors or French doors with sidelights.
- *Windows:* Wood-framed, double-hung windows, sliding sash windows, casement windows or more elaborate windows, with diamond or rectangular-patterned panes.
- *Attic Vent:* Louvered attic vents in a variety of geometric shapes, including round, square, rectangular, semi-circular, and rectangular with a gable-shaped peak.
- *Lanais:* Covered with a shed or gable roof often highlighting the entrance; some ran the full width of the house. A simple or decorative balustrade added to the lanai.

Design Guideline Goals

- Pāhoa Village is primarily a high density urban core with small scale building design of historic character.
- The Pāhoa streetscape reflects a pedestrian oriented environment with automobile traffic and related amenities being accommodated as a secondary albeit necessary feature.
- Commercial activity is seamlessly integrated with residential uses.
- Commercial operations are at street level with residential or low volume commercial and office spaces on upper floors.
- Where applicable, passageways and courtyards link nearby streets and parking areas.
- Street trees, planter boxes and other appropriate landscaping is common throughout Pāhoa Village Design District further enhancing its sense of place.

General Design Recommendations

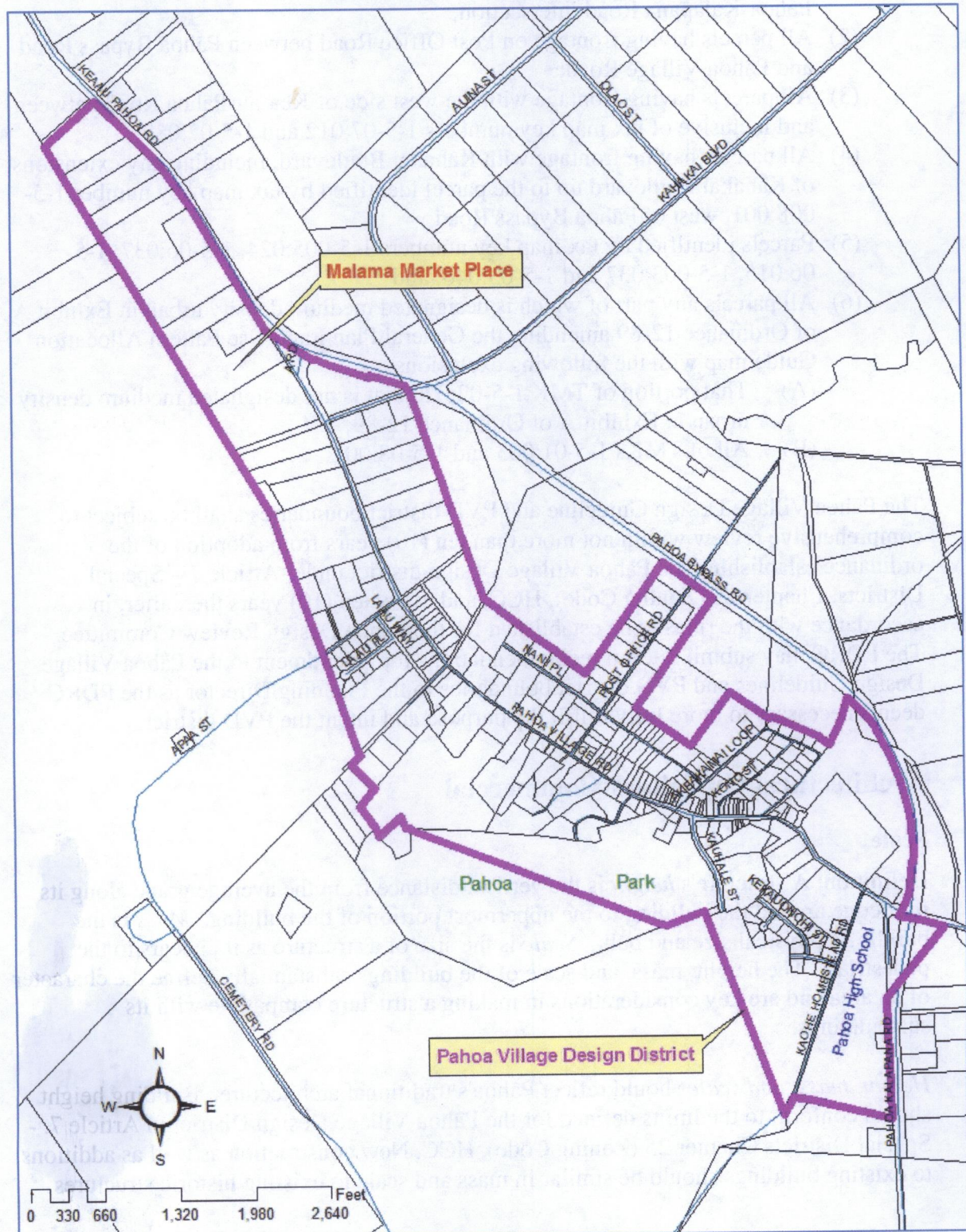
To the extent reasonably feasible the following features should be incorporated into each new construction and building renovation project within the PVD district.

Features to Enhance

- Traditional downtown small scale, being predominantly low-rise and pedestrian-friendly.
- Automobiles and associated amenities should be accommodated as secondary to overall aesthetic appeal and pedestrian oriented priorities.
- Contribute to the variety of small storefront architectural styles from various eras in Pāhoa's history. Details on historic buildings should be replicated or preserved, including traditional canopies, false-front parapets, attic vents, cornices, windows, doors, and other architectural elements.
- Pockets of landscaping and greenery, especially in the commercial blocks.
- Passageways and courtyards between buildings, which link nearby streets to parking areas.
- The mass and scale of new buildings should complement, not overwhelm, Pāhoa's traditional, small-scale architecture.
- Canopies are *highly recommended* as means to keep Pāhoa pedestrian friendly. Canopies should be replaced and/or restored on Pāhoa's historic structures.
- Landscape all parking lots that have street frontage. Plantings should be of size and caliber to screen automobiles from pedestrian sight lines upon completion. Efforts should be made to include Native Hawaiian Flora whenever possible.
- Improve and/or maintain neglected and vacant lots.
- Plant street trees where feasible.
- Improve sidewalks to adequate ADA compliant widths; build new sidewalks where necessary, especially in areas where sidewalks are not continuous.
- Utility lines should be located underground from the border of the lot line to the connection of the building.

Pāhoā Village Design District

Figure 1: Pāhoā Village Design District



The Pāhoa Village Design district is the area shown in Figure 1 and described as:

- (1) All parcels having frontage on Pāhoa Village Road from the Pāhoa Village Road and Kea'au-Pāhoa Road intersection and the Pāhoa Village Road and Pāhoa-Kalapana Road intersection;
- (2) All parcels having frontage on Post Office Road between Pāhoa Bypass Road and Pāhoa Village Road;
- (3) All parcels having frontage with the west side of Kea'au-Pāhoa Road between and inclusive of tax map key numbers 1-5-07:012 and 1-5-07:080;
- (4) All parcels having frontage with Kahakai Boulevard, including any extensions of Kahakai Boulevard up to the parcel identified by tax map key number 1-5-008:001, west of Pāhoa Bypass Road
- (5) Parcels identified by tax map key numbers 1-5-005:024, 1-5-06:037, 1-5-06:015, 1-5-003:037 and 1-5-03:046; and
- (6) All parcels any part of which is designated medium density urban in Exhibit A of Ordinance 12-89 amending the General Plan Land Use Pattern Allocation Guide map with the following exclusions:
 - (A) That portion of TMK 1-5-02:020 that is not designated medium density urban in Exhibit A of Ordinance 12-89;
 - (B) All of TMKs 1-5-01:003 and 1-5-08:001.

The Pāhoa Village Design Guideline and PVD district boundaries shall be subject to comprehensive review within not more than ten (10) years from adoption of the ordinance establishing the Pāhoa Village Design district under Article 7 – Special Districts, Chapter 25 (Zoning Code), HCC, and every ten (10) years thereafter, in accordance with the rules to be established for the Pāhoa Design Review Committee. The PDRC may submit interim recommendations for amendment to the Pāhoa Village Design Guidelines and PVD district boundaries to the Planning Director as the PDRC deems necessary to more fully fulfill the purpose and intent the PVD district.

Architectural Guidelines-Commercial

Scale

Definition: A structure's *height* is the vertical distance from the average grade along its roof edge around the building to the uppermost portion of the building. *Mass* is the building's physical size and bulk. *Scale* is the size of a structure as it appears to the pedestrian. The height, mass, and scale of the buildings substantially define the character of an area and are key considerations in making a structure compatible with its surroundings.

Height, mass, and scale should reflect Pāhoa's traditional architecture. Building height should conform to the limits defined for the Pāhoa Village Design District in Article 7. - Special Districts Chapter 25 (Zoning Code), HCC. New construction as well as additions to existing buildings should be similar in mass and scale to existing historic structures.

When a new building is sited adjacent to an existing building(s) or structure(s), the new building facade should be *no more than one story higher* than the adjacent building(s) or structure(s).



Building should appear similar in height to traditional existing structures

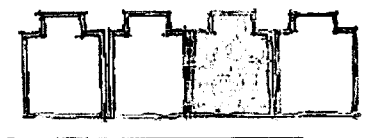
- The scale of a neighborhood takes precedence over the scale of an individual structure.
- The prevalent pedestrian scale of Pāhoa should be maintained.
- Canopies are strongly recommended to reduce a structure's vertical emphasis and encourage a pedestrian environment.
- The contextual scale of large, new buildings should be reduced by using vertical divisions and stepped roof lines or other architectural features that provide a more compatible appearance.
- Windows, doors, and other architectural details should be used to reduce the apparent mass of larger structures.
- The mass and facades of large new buildings should be divided into several, smaller "storefront" to reduce the building's apparent scale

Setback

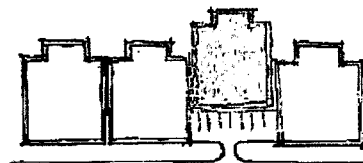
Definition: The distance between the building and a reference line, usually a sidewalk or property- line is the setback.

The lack of a setback is a character-defining feature of Pāhoa's traditional streetscape. It creates a solid architectural edge that defines and unifies the street. Pāhoa's architectural character is compromised when vacant lots and parking areas interrupt the continuous wall of buildings.

Setbacks



Yes

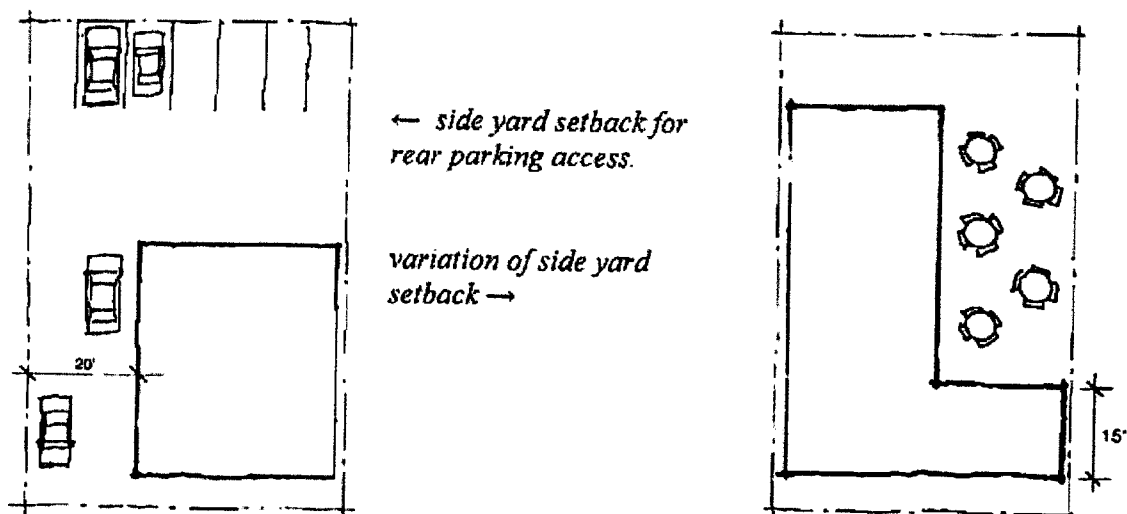


No

Except for single-family dwellings, building fronts should abut the sidewalk on any street frontage. Canopies, awnings and balconies should not be used in establishing setbacks for reference points.

Canopies, awnings, balconies, eaves, signage and other similar elements may project to within 12 inches of the roadway edge of the public sidewalk. Building frontages may be setback from the front sidewalk where the setback area is to allow for business patron oriented uses such as outdoor dining patios or pedestrian public rest areas. Buildings shall not be setback from front sidewalks to accommodate parking or other automobile related amenities.

While a streetscape with a continuous building frontage is generally preferred, buildings may be sited not more than a total of 20 feet from the side property line(s) to accommodate driveway access and egress to parking at the rear of the building, pedestrian passageways to rear parking lots or for mid-block throughways, outdoor patio dining areas, or other appropriate outdoor commercial activities by the existing commercial enterprise.



Roofs

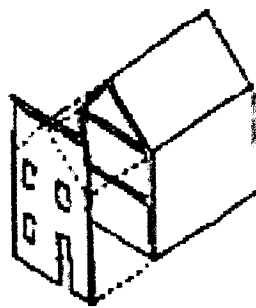
In addition to protection from the elements, a roof and its form influence a structure's architectural character. The predominant roof forms in Pāhoa's older buildings are a shed or gable roof behind a false front.

- When renovating existing buildings, the functional and decorative features of the original roof, including the shape, material, color and pattern should be preserved.
- New developments should utilize roof shapes, materials and colors that are compatible with Pāhoa's traditional architectural character.
- Avoid changing the historic configuration of a roof by adding new features such as dormers, vents or skylights that would be visible from the street or sidewalk.

- Flat or shed roofs should have a false front that is appropriately scaled for the building. Wood frame or stucco finishes should be used for textural details.
- When using formed metal for roofing panels, corrugated metal shapes (rather than standing seam metal) should be installed.
- Mechanical equipment should be shielded from view. Solar collectors, skylights, and other non-historical hardware should not be visible from the street or sidewalk.

Facades

Definition: A façade is the principle exterior face of a building, the architectural front, which is usually distinguished from other faces by elaboration of architectural details.



False front Gable



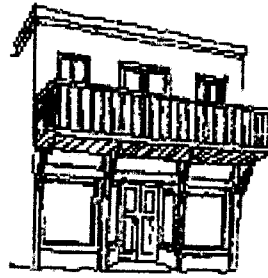
False Front
Shed

- Façade design should be compatible with the traditional architectural character of Pāhoa and other buildings in the immediate vicinity.
- New buildings with end gable roof forms and false fronts are encouraged.
- Canopies and or balconies should extend across the entire building front wherever possible and appropriate.
- Historical architectural elements such as attic/roof vents, paneled kick pates and window transoms are highly recommended for new structures.
- Recessed store fronts are encouraged.
- The bottom of glass windows should be at least 18" above the sidewalk level.
- Symmetrical storefront designs are encouraged.
- Architectural details should be incorporated to add interest to and break down the scale of monolithic walls.
- New buildings with a façade over 50 feet wide should use vertical divisions in the facades to create appearances of separate store fronts.
- Utility and mechanical structure should be located away from public view.

Canopies

Definition: a canopy is a roof structure that projects from a building to protect pedestrians, doors, windows and other openings from the elements. Canopies and Balconies are a defining characteristic in Pāhoa's plantation-style architecture. Canopies

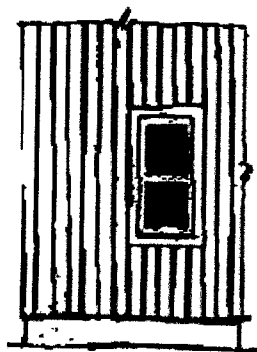
enhance the streetscape, help identify store fronts and protect pedestrians from the sun and rain.



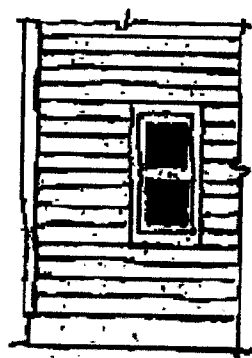
- Original canopies on historic structure should not be removed.
- Canopies and balconies are strongly encouraged along street frontage for all new developments, redevelopments and renovation projects.
- Canopy or balcony design should respect the scale of the surrounding environment.
- Canopies may be pitched or flat.
- Canopies should be supported by metal rods or chains above and wood brackets beneath. Canopies should not be supported by posts within public walkways.
- Canopies should be permanent in nature.
- A second story balcony may function as a canopy
- All balconies should have open balustrades.

Walls and Wall Finish

Wall finish materials not only serve a functional purpose, but can be also used to enhance a building's design. Traditional walls were tongue and grove boards and to a lesser extent board and batten. The following guidelines are primarily directed at street facing exterior walls and need not necessarily be applied to rear and side facing walls not visible from a street or sidewalk.



Vertical



Horizontal



Synthetic
(not recommended)

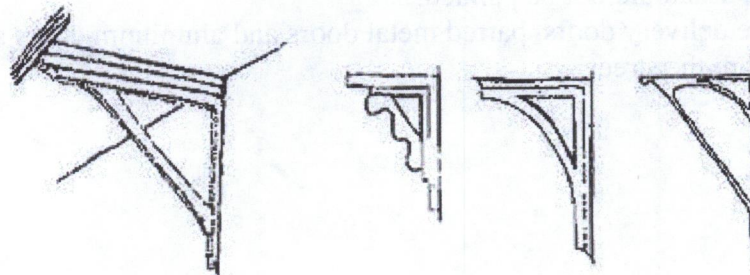
- Original wall materials should be repaired or restored in kind.
- Original historical building materials should not be covered with other finish materials, including, but not limited to: aluminum, vinyl, plastic, asphalt sheets or shingles, brick veneers or plywood unless such materials reasonably replicate the original historical look of the building.
- Wall finishes should be compatible with the existing character of the buildings in Pāhoa.
- Walls of buildings should have a consistent finish.
- Wood siding should be consistent in a horizontal or vertical direction
- Walls of exposed concrete block or plywood siding (T1-11) should not be used
- Plywood may be used on new construction only if battens are used to create board and batten look.
- Composite siding like Hardy plank and board may be used as long as it has a distinctive wood grain look.

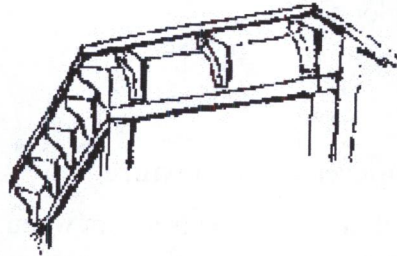
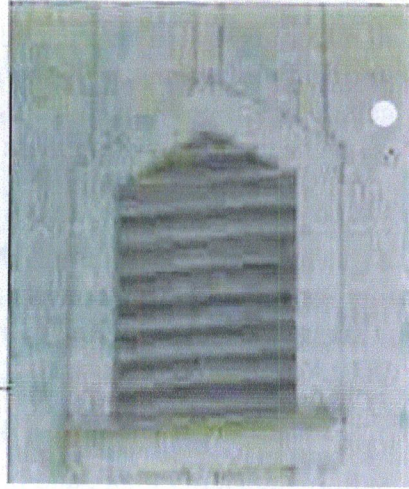
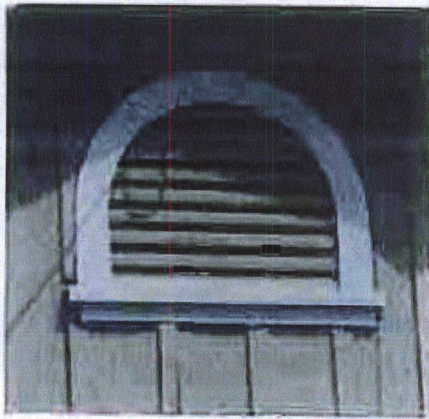
Architectural Details

The decorative details of shape, color and texture

Traditional plantation style architecture reflects an era when building materials were expensive and labor costs were low. Because of this architectural ornamentation and details were limited to the buildings main façade.

- Architectural details should be simple and not overly ornate.
- Original architectural details should be preserved on any buildings being rehabilitated.
- Ornamentation from the Plantation era should be incorporated into new construction, including vents, canopies, false fronts, cornices, brackets, transoms, kick plates, doors and windows.
- Details should be well integrated with the design and not appear as “add ons” or after thoughts.
- Design motifs should reflect meaningful symbols or forms from the surrounding environment.
- Trim and pattern relief should be used to break up the monotony on large long structures.
- New construction should not be overly cluttered with ornamentation detail.

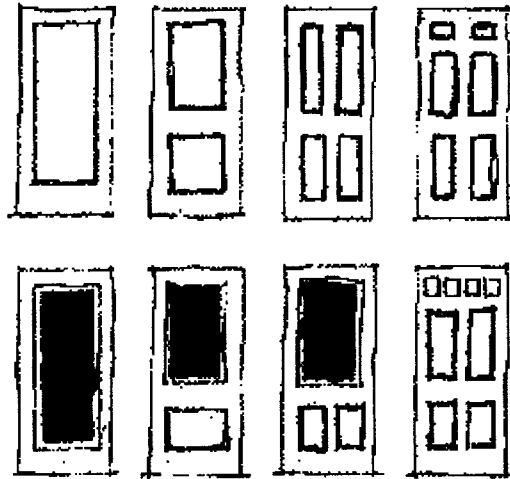




Doors

Doors are often one of the first items to be replaced when a building is modernized. Flush mounted wood doors or aluminum framed glass are typical of modernization.

- The use of wood doors and frames is preferred. Doors should have featured multiple panels or panels and glazing.
- Whenever possible maintain original door styles and hardware in its original opening wherever possible, especially on the primary façade.
- Door frames of aluminum and vinyl must simulate natural grain materials or be trimmed so as to minimize their non-traditional appearance.
- For new construction and renovation of existing buildings, doors should be compatible with the existing traditional styles.
- Glazing in storefront doors should be proportionate to store front windows.
- Glass panels should not be painted.
- Large size delivery doors, barred metal doors and aluminum doors should not be visible from the street.



Color

Exterior color is one of the most important aspects of a building. Color is also one of the simplest architectural details to change and can be an excellent method to quickly enhance a building's appearance and streetscape.

- Dark green, brownish red, white, beige, gray is typical of plantation style coloration.
- Contrasting complimentary colors should be used for accents, trims and architectural details that comprise relative minor portions of the building's façade. Side and rear walls should be painted in the same colors as the building's main façade.
- While bright and vibrant color schemes have long been a feature in Pāhoa's architectural history and continue to be acceptable, fluorescent colors should not be used on any structure.

Signs

Signs are an important element of the Pāhoa Village Design district, providing information and identifying businesses, but also adding interest and a visual variety to the streetscape. While sign diversity is encouraged, individual signs must be compatible with the overall character of Pāhoa and the adjacent structures. All signs must conform to Chapter 3 (Sign Code), HCC.

Landscape Planting

- All landscaping for buildings requiring Plan Approval shall conform to Rule 17, Planning Department Rules of Practice and Procedure.
- Landscaping should be used to enhance and compliment the architecture of adjacent buildings, but should not hide a building.
- Landscaping should be used to encourage pedestrian circulation by providing visual variety, color and shade.
- Parking lots should be screened by hedges, walls or fences from public view at ground level. Parking areas should have landscaping between parking isles to reduce the visual impact of a "sea of cars" or empty parking surface.

Walls and Fences

Walls and Fences provide enclosure, definition and privacy, but can also serve to compliment a structures architectural feature.

- Fence and wall materials should be compatible with a building's architecture and the overall character of the area.
- Walls and fences along a public right-of-way and/or front yard should have a maximum height of 3 feet. Corners and intermediate posts and pillars may be six inches taller.
- Chain link fences are not permitted along lot frontage, adjacent to public open space, or in any area readily visible to the public unless landscaping is provided to screen 100% of the chain link fence from public view from the street or sidewalk.
- Side and rear yard walls and/or fences that are readily visible to the public should utilize landscaping to screen any portion visible to the public.

Parking

- On-site parking should be located at the rear of a building in order to minimize negative visual impacts.
- Avoid parking areas at the sides of buildings that separate building facades on the adjacent lots.
- Parking areas should be screened from the street with landscaping, walls, and/or fences.
- Parking entrances should be designed to minimize interruptions in street tree patterns and the number of curb cuts.
- Rooftop parking should be screened from public view by architectural features such as false fronts.

Architectural Guidelines – Residential

Setbacks

Historically, residential buildings were set back from the sidewalk or street and featured a front yard. In addition to a main house, some lots also included second (ohana) dwellings as well as smaller secondary structures such as cottages, garages, carports and storage sheds.

Building Form, Height and Scale

New homes should respect and maintain the building mass and form of Pāhoa's traditionally small forms. Typical houses were one story and featured a simple rectangular geometric shape.

- No structure should sharply contrast with the overall scale of the neighborhood.
- The height of all new or enlarged dwellings shall be consistent with the Hawai'i County code.

Roofs

New homes should utilize roof shapes, materials and colors that are compatible with the existing traditional architecture of Pāhoa Town.

- Gable, hipped and gable-on hip roofs were traditional forms. Hawaiian hipped roofs with flared eaves are also evident in Pāhoa and are considered appropriate for new residential construction.
- Many plantation-style homes had tongue and grooved corrugated roofs. Traditional roof materials also include wood shakes and asphalt.
- Roof colors should be of earth tones. Reflective surfaces and shiny or bright colors should be avoided.
- Mechanical equipment, including, but not limited to, solar panels, satellite dish antennas and their supporting hardware should be installed so as not to be visible from the street or sidewalk.

Walls

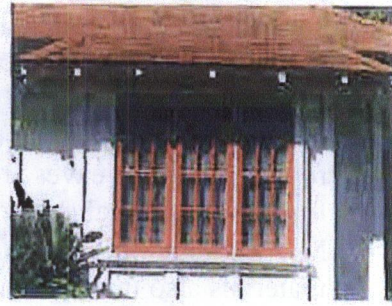
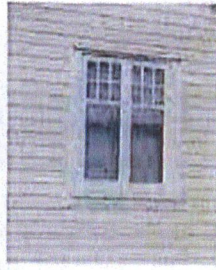
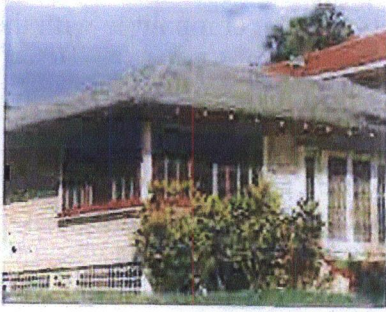
Wall finishes should be compatible with the traditional character of existing buildings in the Design District.

- Builders and homeowners are encouraged to construct houses with traditional materials including vertical board, board and batten or horizontal board. Imitation wood materials such as “Hardy Plank or board” or its equivalent that substantially mimic traditional wood materials are acceptable.
- Girts, a horizontal band encircling a house at mid-wall, were a common feature and can be used as a distinctive plantation-style detail.
- To preserve the integrity of Pāhoa’s historic homes, as defined by Chapter 6E-2, HRS, original building materials should not be covered with finish materials such as aluminum, vinyl, plastic, asphalt sheets or shingles, brick veneers, plywood sheets. Imitation wood materials such as “Hardy Plank or board” or its equivalent are acceptable.

Windows

The windows in the traditional plantation style homes served a functional purpose, and have become a character-defining feature.

- The predominant window style was wood framed, double hung windows, often with multiple-lights.
- Wood framed, multiple panes, sliding sash windows were also quite common.
- Wood framed casement windows were also used.
- Homes of more upscale design had more elaborate windows with diamond or rectangular-patterned lights.
- Aluminum is not only inappropriate, but impractical in a humid tropical climate. If synthetic materials are used they must have some type of simulated wood grain pattern or be trimmed so as to minimize their non-traditional appearance.



Doors

Doors, like windows, were often a key element in the design aesthetic of plantation-style homes.

- Solid core wood doors or wood doors with simple windows are appropriate.
- True divided multiple-light French doors with or without true divided multiple-light sidelights are appropriate.
- Simple outside screen doors are appropriate.
- Simple vinyl or aluminum doors are not appropriate, however; if these materials are used they must have some type of simulated wood grain pattern or trimmed so as to minimize their non-traditional appearance.

ⁱ Urban Land Institute – Ed McMahon

ⁱⁱ Historical reference - Pāhoa Yesterday-Hiroo Sato, 2002

- (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