

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

**JACQUELINE VISSER, HANALE VISSER AND GILBERT VISSER
CHANGE OF ZONE APPLICATION (PL-REZ-2026-000099)**

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

The Applicants submitted an application for a change of zone from an Agricultural-40 acres (A-40a) to a Family Agricultural-1 acre (FA-1a) zoning district for 2.397 acres of land in to create a two (2)-lot subdivision, with each lot consisting of a minimum of one (1) acre each, allowing two family members to construct a single-family farm dwelling on their respective lots.

According to the applicant, a subdivision application would be filed immediately after the granting of the change of zone. The applicant anticipates having the property subdivided by 2026 and cost of the project will be minimal.

The change of zone request from an Agricultural-40 acre zoning district to a Family Agricultural-1 acre zoning district conforms to applicable goals, policies, and standards of the General Plan. To consider an area for any type of zoning designation, the applicable goals, policies, and standards of the General Plan must be adequately addressed. It is only through such a comprehensive policy analysis approach that evaluations and decisions can be made to better time and stage developments to achieve growth determined by the General Plan and related Planning Documents. The implications of these evaluations and decision must also be considered as they may have an impact on similar areas in the County.

The FA (Family Agricultural) district provides for a blend of small-scale agricultural operations associated with residential activities, characterized by farm estates, small acreage farms, or subsistence lots. The FA district is intended for areas designated within the State land use agricultural district, where public services and infrastructure support the very low-density residential needs of a rural community. It is particularly suitable for areas where a substantial number of parcels are less than five acres in size and where a mix of uses will not conflict with or be detrimental to existing agricultural activities in the surrounding area. The subject property and surrounding area exhibit these characteristics including a mix of agricultural and residential uses and the presence of similarly sized parcels.

Consistent with this framework, the Land Use Pattern Allocation Guide (LUPAG) Map is used to evaluate whether the proposed zoning aligns with the County's intended land use pattern. The subject property is designated as Important Agricultural Land (IAL), reflecting its potential for agricultural productivity. While this designation emphasizes the importance of preserving agricultural lands, the proposed rezoning represents a minor adjustment to the existing land use pattern due to its limited scope (two lots) and does not constitute a significant increase in land use intensity.

This finding is further supported by the existing development pattern in the surrounding area. Surrounding land uses are generally agricultural in nature, with a mix of dwellings and active farms. Properties directly adjacent to the subject property are zoned A-40a, as are most parcels to the south, north and west and east. Many of these parcels are nonconforming in size, having been created prior to the establishment of the Zoning Code. As a result, there are existing lots in the vicinity that are similar in size to those proposed.

According to the U.S. Department of Agriculture Soil Survey, the subject property consists of Kikoni medial silt loam (0 to 3 percent slopes) and Honoka'a highly organic hydrous silty clay loam (0 to 10 percent slopes). The Kikoni soils are characterized by gentle slopes, deep profiles, good drainage, and high available water capacity, making them well-suited for agricultural production. The Honoka'a soils, while also deep and capable of supporting agriculture, have greater moisture

content and moderate limitations due to slope and hydric conditions. The property is classified as Prime Agricultural Land under the State of Hawai'i Agricultural Lands of Importance designation, indicating its overall capability to support sustained agricultural use. The Land Study Bureau classifies the soils predominantly as Class "C" (fair), with a small portion classified as Class "B" (good), reflecting moderate agricultural productivity.

Although the subject property contains soils capable of supporting agricultural use, the proposed FA-1a zoning will continue to allow and support small-scale agricultural activities. Given the limited scale of the request and the existing pattern of similarly sized parcels, the proposed rezoning will not materially diminish the long-term agricultural productivity of the area. However, allowing additional farm dwellings or farm employee housing on lots of this size could substantially reduce the land available for agricultural use and would be inconsistent with the intent of preserving the agricultural character of the property. Accordingly, a condition of approval will be added to limit each lot created through the proposed subdivision to one (1) single-family farm dwelling and prohibit additional dwellings.

The South Kohala Community Development Plan (SKCDP) identifies the property within the "Waimea Conceptual Plan" area, where a mix of land uses is considered appropriate. The proposed rezoning is consistent with this designation and aligns with SKCDP Strategy 2.1, which supports small-scale rezonings intended to accommodate family subdivision. Although the property is not located within the Small Farms and Ranches Preservation Program area, the proposed zoning remains compatible with surrounding uses and is site-specific, based on the established development pattern in the immediate vicinity, and is not intended to establish a broader precedent.

Accordingly, the proposed rezoning is consistent with the applicable goals, policies, and standards of the Hawai'i County General Plan and SKCDP, supports small-scale agricultural use, and is compatible with the surrounding development pattern.

All essential utilities and services are available to the site. Access to the project is provided via White Road, a County-owned and maintained roadway with an approximately 9-foot-wide pavement within an approximately 40-foot-wide right-of-way. The subject parcel's frontage is currently unimproved, as are the surrounding properties. Given the substandard pavement width, the Planning Director recommends that the applicant provide roadway improvements along the property frontage, including, but not limited to, widening the existing pavement by approximately 11 feet, in accordance with Department of Public Works (DPW) requirements, to achieve a total paved roadway width of approximately 20 feet. The Planning Director finds that widening the roadway along the subject property's frontage is necessary to improve access and circulation and to establish a roadway standard that can be consistently applied to future development along White Road.

Pursuant to Section 25-5-46(d)(1) of the County's concurrency provisions, a Traffic Impact Analysis Report (TIAR) is required for rezoning applications when the projected use would generate 50 or more peak-hour trips. Based on the small scale of the proposed two (2)-lot subdivision, a significant increase in traffic is not anticipated, thus a TIAR was not required.

According to the Department of Water Supply (DWS), water service is available from an existing 6-inch water line located within White Road fronting the subject property. The property is currently served by two (2) existing 5/8-inch meters, each limited to an average usage of 400 gallons per day. DWS indicates that the applicant will be required to construct necessary water system improvements and pay applicable facilities charges as part of the subdivision process. The preceding will be added as a condition of approval.

The subject property is not serviced by the County sewer system, thus a condition of approval will require wastewater disposal by individual wastewater systems meeting with State Department of Health regulations.

There is no municipal solid waste collection services in the County. Solid waste will be handled by commercial haulers or individual homeowners and disposed of at County transfer stations. A condition of approval will require the applicant to meet all applicable County, State, and Federal laws, rules, regulations

and requirements. Additionally, prior to final subdivision approval for any newly created lots, the applicant will be required to make a fair-share contribution to mitigate regional impacts on parks and recreation, fire protection, police services, solid waste facilities, and roads.

There are no severe geological or topographical problems for the property that cannot be properly rectified, or which would render the land unusable. The subject property is in an area designated as Zone “X”, an area determined to be outside the 500-year flood plain, on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). A condition of approval will be added to require that all development generated runoff will be disposed of on-site and not directed toward any adjacent properties and all earthwork activity, including grading, grubbing, and stockpiling, and the project will conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai‘i County Code. This, the proposed change of zone meets this criterion.

The request is not contrary to Chapter 205A, Hawai‘i Revised Statutes, relating to Coastal Zone Management Area. The subject property is located approximately 6.5 miles from the nearest shoreline, and it is not situated within the Special Management Area and will not be impacted by coastal hazards and beach erosion. There is no designated public access to the mountains or the shoreline that runs through the property. The proposed change of zone will not adversely impact any recreational resources, including access to and along the shoreline, scenic and open space nor visual resources, coastal ecosystems, and marine and coastal resources. Therefore, the proposed use is not contrary to the objectives of Chapter 205A, Hawai‘i Revised Statutes.

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

- Investigation of valued resources: The subject property has been previously cleared and is currently vacant. No archaeological reconnaissance survey, cultural impact assessment, or biological studies were submitted with the application. However, a review of Planning Department records, available GIS data, and the State Historic Preservation Division (SHPD) records did not identify any previously recorded cultural or historic resources within the subject property.
- The valued cultural, historical, and natural resources found in the rezoning area: The subject property has been previously cleared and disturbed, and based on available information, it is unlikely that valued cultural, historical, or natural resources are present within the rezoning area. No known archaeological or historic resources have been identified on the property, and it is not listed on either the State or National Register of Historic Places.

Existing vegetation consists primarily of introduced grasses and a limited number of non-native trees, with commonly introduced bird species and domestic animals typical of the surrounding residential and agricultural area. Although the Hawaiian Hawk ('Io), Hawaiian Owl (Pueo), and Hawaiian Hoary Bat ('Ope'ape'a) may occasionally utilize the broader area, the disturbed condition and limited scale of the proposed project make significant impacts unlikely. Best Management Practices (BMPs) will be implemented during any future land clearing or construction activities to minimize potential impacts to wildlife, including limiting unnecessary vegetation removal, minimizing nighttime lighting, and reducing excessive noise, dust, and disturbance.

According to the applicant, there is no known recent use of the property or surrounding area for traditional cultural or gathering practices. Additionally, due to the prior ground disturbance, the presence of threatened or endangered plant or animal species within the project area is considered unlikely.

- Possible adverse effect or impairment of valued resources: Native plants and/or endangered species are unlikely to be impacted by the proposed development due to the already cleared property and surrounding urban environment. The proposed development is not expected to adversely impact cultural, historical, or natural resources, including traditional and customary Native Hawaiian practices. Due to the previously disturbed condition of the property and surrounding area, the likelihood of impacts to native flora, fauna, or endangered species habitat is considered low.
- Feasible actions to protect native Hawaiian rights: To address the potential for inadvertent discovery of cultural resources, a condition of approval will require that all work cease in the immediate area if any historic or cultural remains (e.g., rock walls, terraces, platforms, shell concentrations, or human burials) are encountered. The applicant shall contact the Department of Land and Natural Resources – State Historic Preservation Division (DLNR-SHPD), and work shall not resume until appropriate mitigation measures have been implemented and clearance is provided by DLNR-SHPD.

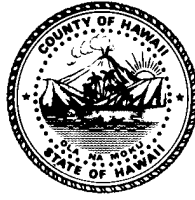
Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a

violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the preceding findings, approval of the change of zone request from an **Agricultural-40 acre (A-40a)** to a **Family Agricultural 1-acre (FA-1a)** zoned district would result in an appropriate land use pattern that will further the public necessity and convenience and the general welfare.

The accompanying draft bill to amend Section 25-8-11 (Lālāmilo-Pu'ikapu Zone Map) is provided for your favorable consideration. Please note the proposed conditions of approval are attached to the draft bill.

COUNTY OF HAWAI‘I



STATE OF HAWAI‘I

BILL NO. _____
(Planning Department)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-8-11 (LĀLĀMILO-PU‘UKAPU DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI‘I COUNTY CODE (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – 40 ACRES (A-40a) TO FAMILY AGRICULTURAL – 1 ACRE (FA-1a) AT PU‘UKAPU, WAIMEA, HAWAI‘I, COVERED BY TAX MAP KEY NO. 6-4-018:030.

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

SECTION 1. Chapter 25, Article 8, Section 25-8-11, of the Hawai‘i County Code 1983 (2016 Edition, as amended) is amended by changing the district classification of the land situated at Pu‘ukapu, Waimea, Hawai‘i, as more particularly depicted on Exhibit A and described in Exhibit B, both of which are attached hereto and made a part hereof, from Agricultural – 40 acres (A-40a) to Family Agricultural – 1 acre (FA-1a).

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

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

SEE ATTACHED CONDITIONS

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

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

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI'I

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

**JACQUELINE VISSER, HANALE VISSER AND GILBERT VISSER
CHANGE OF ZONE APPLICATION (PL-REZ-2026-000099)
CONDITIONS OF APPROVAL**

- A. The applicant(s), its successor(s) or assign(s) ("Applicant") shall be responsible for complying with all of the stated conditions of approval.
- B. The Applicant shall construct necessary water system improvements as required by the Department of Water Supply (DWS), which include, but may not be limited to, the installation of a fire hydrant spaced no more than 600 feet apart and within 300 feet of the driveway or access to the lot.
- C. Final Subdivision Approval of the proposed subdivision shall be secured from the Planning Director within five (5) years from the effective date of this ordinance. The time during which required plans, reports, studies, or relevant permit applications are under review for approvals by government agencies shall not count towards the deadline established in the ordinance. To justify this tolling, the applicant shall provide evidence of the excluded time period to the planning department for its review and approval, which shall consist of dates obtained from a government agency website, permitting program, or office indicating when the required plans, reports, studies, or permit applications were submitted, approved, denied, or returned by the government agency.
- D. The applicant shall provide improvements along the property's White Road frontage consisting of, but not limited to, widening the existing pavement to achieve a minimum twenty (20) foot paved roadway width, meeting the approval of the Department of Public Works. Such improvements shall be completed prior to Final Subdivision Approval, or when otherwise required by the Department of Public Works, whichever occurs first.

- E. Restrictive covenants in the deeds of all proposed lots within the property shall give notice that the terms of the zoning ordinance prohibit the construction of any second dwelling unit (e.g. farm dwelling, accessory dwelling unit, etc.) and condominium property regimes on each lot. This restriction may be removed by amendment of this ordinance by the County Council. A copy of the proposed covenant(s) to be recorded with the State Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- F. All driveway connections to White Road shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
- G. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentary Control, of the Hawai'i County Code.
- H. All development-generated runoff shall be disposed of onsite and shall not be directed toward any adjacent properties.
- I. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- J. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the Department of Land and Natural Resources-State Historic Preservation Division (SHPD) at (808) 933-7651. Subsequent work shall proceed upon archaeological clearance from SHPD when it finds that sufficient mitigation measures have been taken.

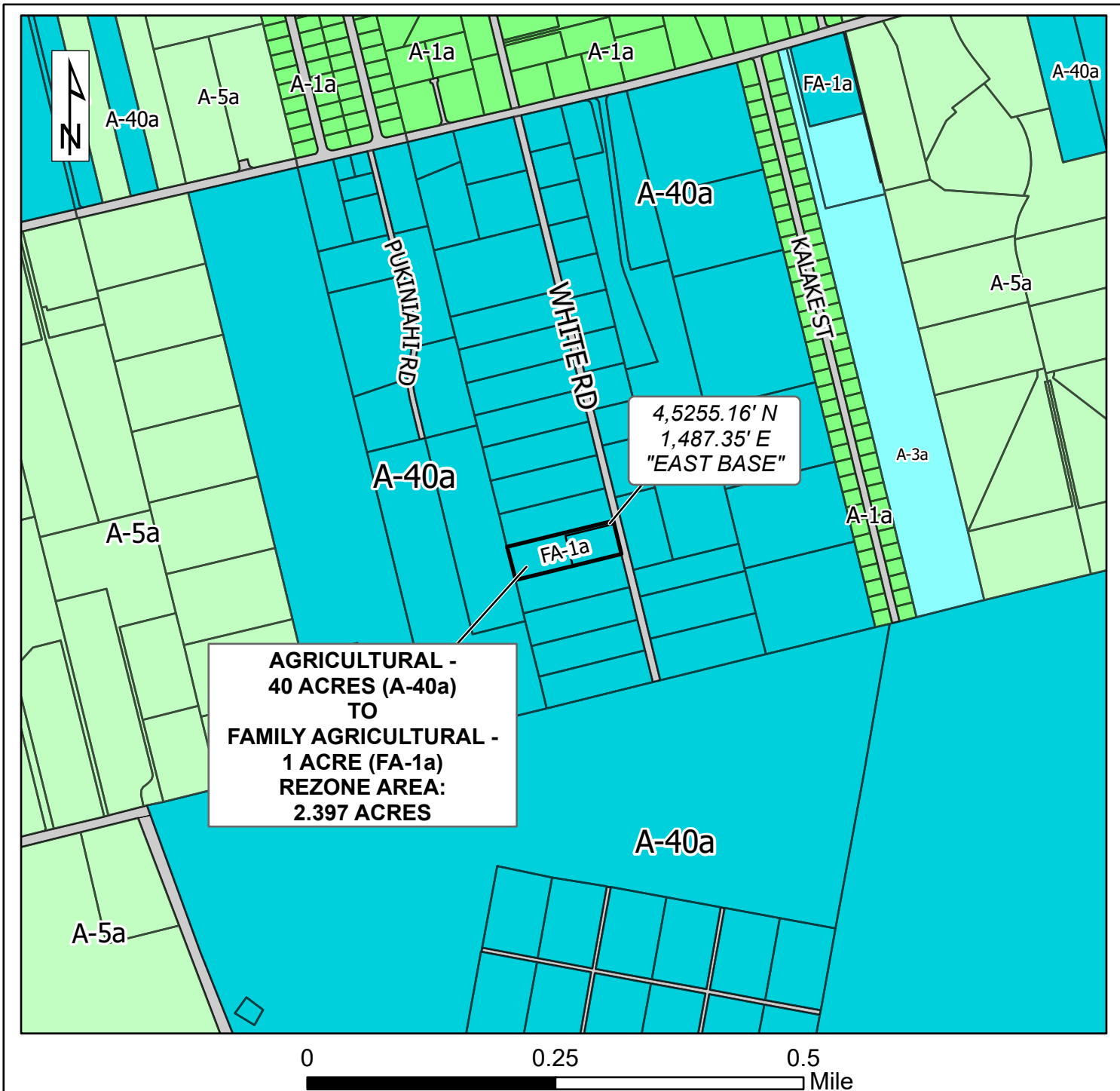
K. The Applicant shall make their fair share contribution to mitigate the potential regional impacts of the development with respect to parks and recreation, fire, police, solid waste disposal facilities and roads for the additional residential units to be created. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval or Final Subdivision approval for each phase and shall be based on the actual number of additional residential units/lots created. The fair share contribution in the form of cash, land, facilities or any combination thereof shall be determined by the County Council. The fair share contribution may be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a combined value of **\$17,921.82** per single family residential unit/lot. The total amount shall be determined with the actual number of residential units/lots according to the calculation and payment provisions set forth in this condition. The fair share contribution shall be allocated as follows:

1. **\$8,642.22** per single family residential unit/lot to the County to support park and recreational improvements and facilities;
2. **\$416.90** per single family residential unit/lot to the County to support police facilities;
3. **\$823.43** per single family residential unit/lot to the County to support fire facilities;
4. **\$360.51** per single family residential unit/lot to the County to support solid waste facilities; and
5. **\$7,678.76** per single family residential unit/lot to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the Applicant may contribute land and/or construct improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development, subject to the review and recommendation of the Planning

Director, upon consultation with the appropriate agencies and approval of the County Council pursuant to Section 2-162.1(a) of Hawai'i County Code.

- L. The Applicant shall comply with all applicable County, State and Federal codes, laws, rules, regulations and requirements.
- M. An initial extension of time for the performance of conditions within this ordinance may be requested in accordance with Section 25-2-44, subsections (c) and (d), of the Hawai'i County Code.
- N. If any conditions have not been completed by the deadline, or if a time extension request has not been submitted in accordance with section 25-2-44(c), the Planning Department shall inform the Applicant that the ordinance is null and void without further action by the County. In that event, the zoning designation of the property(s) affected by the ordinance shall automatically revert to its immediate prior zoning designation.



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-11 (LALAMILO-PU'UKAPU DISTRICT ZONE MAP) ARTICLE 8,
CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),
BY CHANGING THE ZONE MAP CLASSIFICATION FROM
AGRICULTURAL - 40 ACRES (A-40a) TO
FAMILY AGRICULTURAL - 1 ACRE (FA-1a)
AT PU'UKAPU, WAIMEA, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 6-4-018:030

DATE: March 25, 2026

E X H I B I T B

PROPOSED CHANGE OF ZONE FROM A-40a TO FA-1a
LOT 12 (REVISED) OF WAIMEA SUMMER LOTS

Land situated on the Westerly side of White Road at Puukapu, Waimea, South Kohala, Island and County of Hawaii, State of Hawaii.

Being the whole of:

Lot 12 (Revised) of Waimea Summer Lots; and

Being portions of:

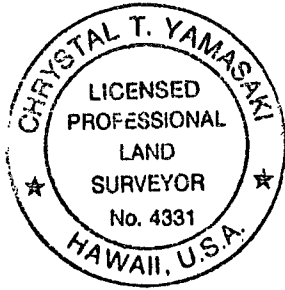
Grant 8270 to James S. Lemon; and

Lot 106 of Puukapu Homesteads (Second Series) (H.T.S. Plat 402).

Beginning at a 1-1/4 inch pipe (found) at the Northeasterly corner of this parcel of land being also the Southeasterly corner of Lot 11 of Waimea Summer Lots and being a point on the Westerly side of White Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "EAST BASE" being 4,255.16 feet North and 1,487.35 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|--|
| 1. | 346° 10' | 179.80 | feet along the Westerly side of White Road to a 1-1/4 inch pipe (found); |
| 2. | 76° 09' | 579.48 | feet along Lot 13 of Waimea Summer Lots and along the remainders of Grant 8270 to James S. Lemon and Lot 106 of Puukapu Homesteads (Second Series) (H.T.S. Plat 402) to a 1-1/4 inch pipe (found); |

3. 166° 14' 180.47 feet along Lot 1 of Marshall Wright Subdivision and along Grant 8380 to Kahaunani Campbell Bell to a 1-1/4 inch pipe (found);
4. 256° 13' 579.27 feet along Lot 11 of Waimea Summer Lots and along the remainders of Grant 8270 to James S. Lemon and Lot 106 of Puukapu Homesteads (Second Series) (H.T.S. Plat 402) to the point of beginning and containing an area of 2.396 Acres.



WES THOMAS ASSOCIATES

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

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

75-5749 Kalawa Street, Suite 201
Kailua-Kona, Hawaii 96740-1873
TMK: 6-4-018: 030 (3rd Division)
December 9, 2025