

COUNTY OF HAWAI'I PLANNING DEPARTMENT RECOMMENDATION

ZAK AI IKAWA SAITO

CHANGE OF ZONE APPLICATION NO. PL-REZ-2026-000101

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 are requesting a Change of Zone from a Single-Family Residential-15,000 square feet (RS-15) zoning district to a Single-Family Residential-10,000 square feet (RS-10) zoning district for a 21,792-square-foot parcel of land. The RS zoning district, with a minimum area required for each building site of 10,000 square feet, would allow a maximum density of 2 building sites (lots).

The purpose of the rezoning request is to allow for the subdivision of the 21,792-square-foot property into two lots, each with a minimum lot size of 10,000 square feet. Upon subdivision approval, the applicant intends to construct single-family dwellings on the resulting lots for long-term residential rental purposes and future estate planning.

Upon approval of the rezoning request, the applicant plans to promptly file a subdivision application. Tentative plans call for securing subdivision approval within one year of the rezoning approval. The applicant has indicated that construction timelines and costs for future dwellings are currently undetermined. Despite the preceding, the Planning Director recommends a condition of approval

allowing a 5-year timeframe within which to secure final subdivision approval to allow for any unforeseen obstacles.

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 decisions must also be considered as they may have an impact on similar areas in the County.

The change of zone request from a Single-Family Residential-15,000 square feet (RS-15) zoning district to a Single-Family Residential-10,000 square feet (RS-10) zoning district conforms to applicable goals, policies, and standards of the General Plan. The subject property is a 21,792-square-foot rectangular parcel situated at an elevation of approximately 230 feet above sea level. The property is generally level in topography and is currently vacant, consisting primarily of maintained lawn and ornamental vegetation. According to Real Property Tax records, a single-family dwelling was constructed on the property in 1946 but was demolished in 2015.

The surrounding properties are predominantly zoned Single-Family Residential-15,000 square feet (RS-15) with some nearby Single-Family Residential-10,000 square feet (RS-10) properties. The surrounding area is primarily developed with single-family residential uses. University-related uses associated with the University of Hawai'i at Hilo are located to the north.

The Hawai'i County General Plan 2045 (GP 2045) serves as the County's long-range policy framework for guiding growth, development, conservation, and infrastructure planning throughout Hawai'i Island. The Plan establishes goals, objectives, policies, and actions intended to promote sustainable development, resilient communities, environmental stewardship, housing opportunities, economic vitality, and the efficient use of public infrastructure and services. The General Plan is intended to guide public and private decision-making regarding land use and development in a manner that balances environmental, social, cultural, and economic considerations while enhancing the quality of life for present

and future generations. The request conforms to the following goals and policies of GP2045:

- *Direct growth and development in a sustainable manner that supports compact urban development patterns, protects natural and cultural resources, promotes efficient use of infrastructure, and enhances quality of life.*
- *Rezoning that promote infill are encouraged; rezoning that would result in sprawl should be discouraged.*
- *Growth should be encouraged in terms of renewing older areas or developing new urban areas consistent with the land use map.*
- *Vacant lands in the urban growth boundary should be prioritized for residential and supportive uses before additional agricultural lands outside the UGB are converted into urban uses.*

The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County.

The subject property is designated Low-Density Urban (ldu) by the General Plan 2045 LUPAG Map which includes residential uses, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to 12 units per acre. The proposed RS-10 zoning is consistent with this designation.

The Hilo CDP designates the property and surrounding area as single-family residential; thus the proposed RS-10 zoning is consistent with this designation.

All essential utilities and services are available to the site. Access to the subject property is from West Puainako Street, State-owned roadway maintained by the Hawai'i Department of Transportation (DOT) with approximately 33-foot-wide pavement within an approximately 40-foot-wide right-of-way. There is an existing, gravel driveway currently serving the subject property and the applicant's proposed subdivision plan shows a single driveway providing shared

access to both proposed lots. A condition of approval will require any driveway accesses to meet with the approval of DOT.

After conferring with DOT, Staff determined that no future road widening setback would be required as the State plans to a realignment of West Puainako Street in the vicinity northward to connect with the Puainako Street extension mauka of Komohana Street.

There was no Traffic Impact Analysis Report (TIAR) included with the application as the proposed project does not meet the 50 peak-hour trip threshold to require a TIAR.

According to the Department of Water Supply (DWS), there is an existing service lateral serving the parcel capable of accommodation a 5/8-inch meter, which is limited to one unit of water (equal to an average usage of 400 gallons per day) and suitable to serve one single-family dwelling. Additional water can be made available from an existing 8-inch water line within West Puainako Street fronting the subject property. The applicant will be required to secure an additional water commitment to serve the second lot. The preceding will be added as a condition of approval.

According to the Department of Environmental Management, the proposed subdivision is approximately 505 feet from the nearest County sewer line, thus a condition of approval will require each new lot to be served by an individual wastewater system meeting Department of Health wastewater regulations.

Solid waste will be handled through commercial haulers or disposal by the landowner into authorized landfill sites or transfer stations.

Police, fire and medical services are available nearby in Hilo. Electrical and telephone services are available to the site. A condition of approval will require the applicant to meet all applicable County, State and Federal laws, rules, regulations, and requirements.

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 situated within Zone "X" on the Flood Insurance Rate Map (FIRM) by FEMA, an area of minimal flood hazard on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency

(FEMA). Moreover, the property was previously used for residential purposes and was previously improved with a dwelling.

The request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area. The subject property is located approximately 2 miles from the nearest shoreline; 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 use 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'Aina*" 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 is a previously disturbed residential lot located within an established subdivision. Review of available agency records, project materials, GIS databases, and public testimony did not identify any known archaeological sites, historic properties, traditional gathering areas, cultural sites, or ongoing Native Hawaiian traditional and customary practices within the project area. No evidence was presented (in the application or by the applicant) indicating the exercise of protected Native Hawaiian rights on the subject parcel.
- The valued cultural, historical, and natural resources found in the rezoning area: No known archeological or historical features exist on the subject property nor is the property listed as a historic site on the State or National Register of Historic Places. According to the applicant, it is not known whether the subject property or immediate surrounding area has been used

in the recent past for the gathering of plants by Native Hawaiians.

Finally, the likelihood of any rare or endangered animal species, habitat or flora on the property is remote given the long developed, urban nature of the property and surrounding area.

- 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 impacted property and surrounding urban environment.
- Feasible actions to protect native Hawaiian rights: To the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights; therefore, no action is necessary to protect these rights. That said, as the proposed zoning could allow the development of new dwellings and potentially ADUs on each proposed lot, a condition will be added requiring consultation with SHPD should historic resources be inadvertently discovered during construction.

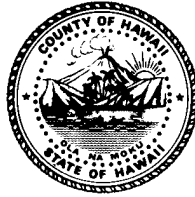
Lastly, this recommendation is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the proposed use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, 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, the request to rezone the property from a Single-Family Residential-15,000 square feet (RS-15) to a Single-Family Residential-10,000 square feet (RS-10) zoning district would result in an appropriate land use pattern that would further benefit the general public.

The accompanying draft bill to amend Section 25-8-33 (City of Hilo District Zone Map), Article 8, Chapter 25 (Zoning) of the Hawai'i County Code, is provided for your

favorable consideration. Please note the proposed conditions of approval attached to the draft bill.

COUNTY OF HAWAI‘I



STATE OF HAWAI‘I

BILL NO. _____
(Planning Department)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO 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 SINGLE-FAMILY RESIDENTIAL – 15,000 SQUARE FEET (RS-15) TO SINGLE-FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) AT WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY NO. 2-4-014:016.

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

SECTION 1. Chapter 25, Article 8, Section 25-8-33, of the Hawai‘i County Code 1983 (2016 Edition, as amended) is amended by changing the district classification of the land situated at Waiākea, South Hilo, 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 Single-Family Residential – 15,000 square feet (RS-15) to Single-Family Residential – 10,000 square feet (RS-10).

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:

ZAK AI IKAWA SAITO
CHANGE OF ZONE APPLICATION NO. PL-REZ-2026-000101
CONDITIONS OF APPROVAL

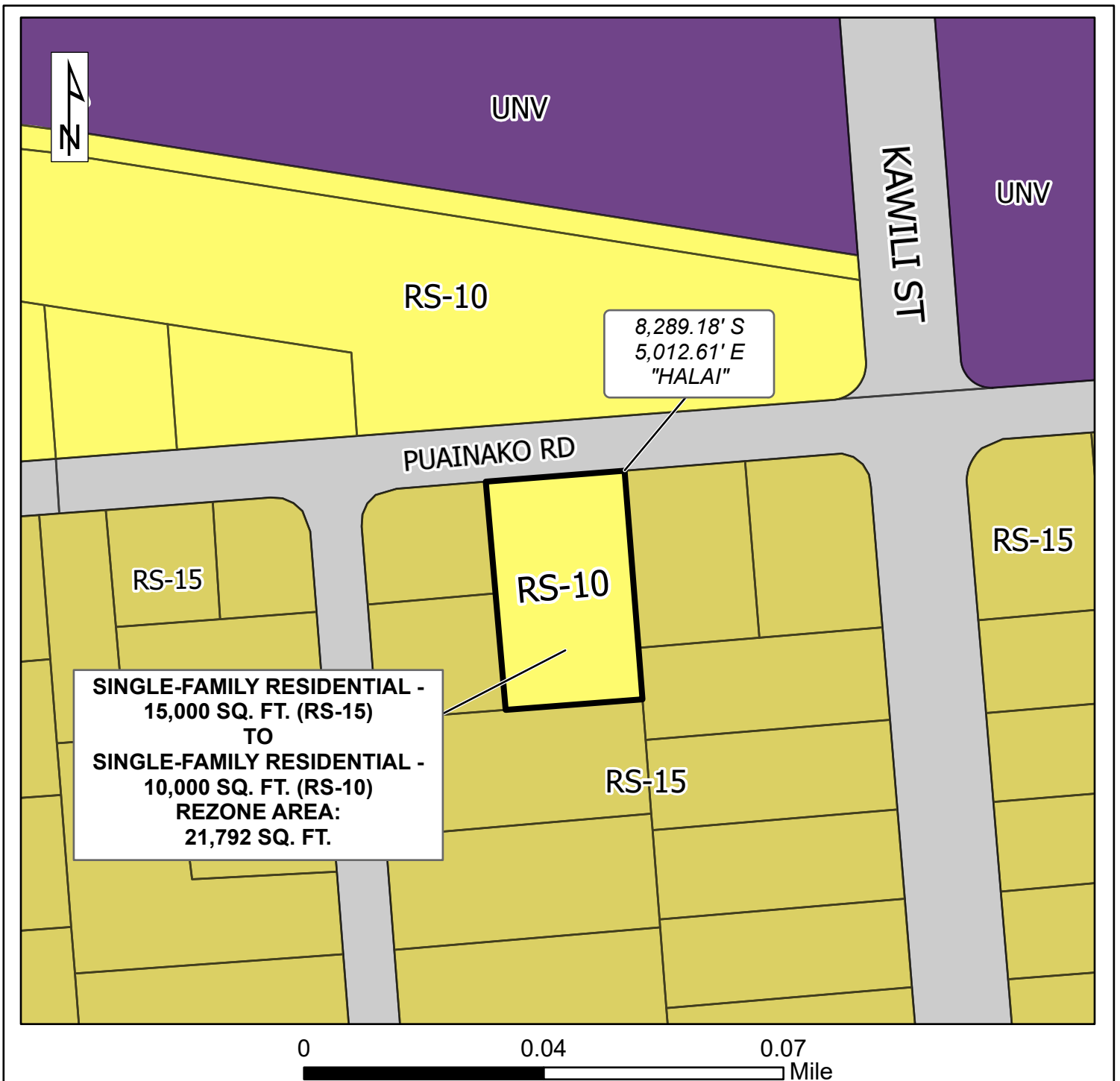
- A. The applicant, successors or assigns ("Applicant") shall be responsible for complying with all stated conditions of approval.
- B. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance. The time during which required plans, reports, studies, 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.
- C. The required water commitment payment for one (1) additional lot shall be submitted to the Department of Water Supply in accordance with Rule 5 of the Department of Water Supply Rules and Regulations within one hundred eighty (180) days of the effective date of this ordinance. The Applicant shall maintain valid water commitments for the proposed use until all required water facilities charges have been paid in full.
- D. Prior to receipt of Final Subdivision Approval, the Applicant shall construct any water system improvements that may be required by the Department of Water Supply to serve the proposed subdivision.
- E. Any driveway connections to West Puainako Street shall meet with the requirements of the State of Hawai'i Department of Transportation.
- F. All development-generated runoff shall be disposed of on-site and not directed toward any adjacent properties.
- G. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawai'i County Code.
- H. The method of sewage disposal shall meet the requirements of the State Department of Health.

- I. 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 (DLNR-SHPD) at (808) 933-7651. Subsequent work shall proceed upon receipt of an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- J. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- 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 Subdivision approval 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 **\$19,184.66** 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. **\$9,251.18** per single family residential unit/lot to the County to support park and recreational improvements and facilities;
 2. **\$446.28** per single family residential unit/lot to the County to support police facilities;

3. **\$881.46** per single family residential unit/lot to the County to support fire facilities;
4. **\$385.91** per single family residential unit/lot to the County to support solid waste facilities; and
5. **\$8,219.83** 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 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8,
CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),
BY CHANGING THE ZONE MAP CLASSIFICATION FROM
SINGLE-FAMILY RESIDENTIAL - 15,000 SQUARE FEET (RS-15) TO
SINGLE-FAMILY RESIDENTIAL - 10,000 SQUARE FEET (RS-10)
AT HILO, WAIĀKEA, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 2-4-014:016

DATE: April 7, 2026

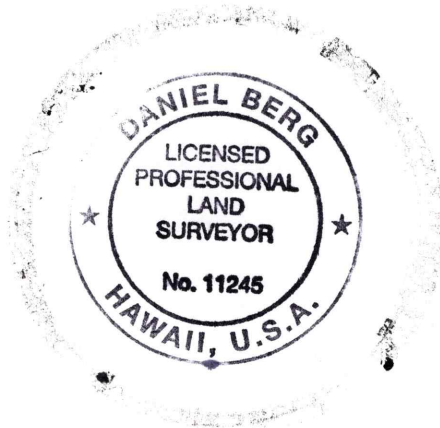
Lot -1

That certain parcel of land being a portion of Grant 9700 to Mrs. Jessie M. Hamauku being Lot 515-A of Waiakea Homesteads 1st Series, situated at Waiakea, District of South Hilo, Island and County of Hawaii, State of Hawaii more particularly described as follows:

Beginning at the northeast corner of this parcel of land, being the northeast corner of Hooluana Tract, File Plan 396, also being the northwest corner of the Waiakea House Lots 3rd Series as shown on Registered Map No. 4112 on south line of Puainako Road, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "HALAI" being 8,289.18 feet south and 5,012.61 feet east and running by azimuths measured clockwise from true South:

1. 355°40'00" 192.00 ft. along said Waiakea House Lots 3rd Series, thence;
2. 85°40'00" 113.50 ft. along Lot 5 of the Hooluana Tract, thence
3. 175°40'00" 192.00 ft. along Lot 2 of the Hooluana Tract thence;
4. 265°40'00" 113.50 ft. along Puainako Road to the Point of Beginning and enclosing an area of 21,792 sq. ft., more or less.

Tax Map Key (3) 2-4-014:016



This description was prepared by
me or under my direction.

Daniel Berg

Daniel L. Berg,
PLS 11245

