

COUNTY OF HAWAI‘I PLANNING DEPARTMENT **BACKGROUND REPORT**

ERNEST AND ELIZABETH YOUNG **AMENDMENT TO CHANGE OF ZONE ORDINANCE NO. 21-40** **(PL-REZ-2025-000087/ AMEND REZ 1059)**

ERNEST AND ELIZABETH YOUNG have submitted an application for a 5-year time extension to Condition C (Time to Secure Final Subdivision Approval) and to delete Condition H (Prohibition of Second Dwelling) of Change of Zone Ordinance No. 21-40, which amended Change of Zone Ordinance No. 04-149, which rezoned 1.8629 acres of land from Agricultural-5 acres (A-5a) to Single Family Residential-20,000 square feet (RS-20). The subject property is located at the southwest corner of the intersection of Mahilani Drive and Māmalahoa Highway, Kalaoa 1st & 2nd, North Kona, Hawai‘i, TMK: (3) 7-3-011:068.

Applicants’ Request

1. **Applicants’ Request:** The applicants are requesting the following amendments to Change of Zone Ordinance No. 21-40:
 - A 5-year time extension to Condition C (Time to Secure Final Subdivision Approval) from the effective date of the requested amendment.
 - The deletion of Condition H (Prohibition of Second Dwelling).

Following is the existing condition language:

Condition C:

Final subdivision approval shall be secured within five (5) years from the effective date of this amended ordinance.

Condition H:

Restrictive covenants in the deeds of all proposed residential lots shall prohibit the construction of a second dwelling unit and condominium property regimes and any further subdivision of each lot. This restriction may be removed by amendment of this ordinance by the County Council. The owners of the property may also impose private covenants restricting the number of dwellings. A copy of the proposed covenant(s) to be recorded with the 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 approved covenant(s) shall be

recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances for any portion of the subject property. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.

2. **Applicants' Reasons for the Request:** The applicants purchased the property in 2016 and have been working toward complying with conditions of the change of zone ordinance and tentative approval for a 3-lot subdivision. However, as the applicants will need more time to complete the remaining conditions, they are requesting a 5-year time extension to Condition C. Regarding the request to delete Condition H, following the passage of County Council Bill 123, which allows the development of up to 3 accessory dwelling units (ADUs) per lot in the RS zoned district, the applicants would like to remove the prohibition of the construction of a second dwelling in order to build ADUs on the proposed lots and offer them for rent.
3. **Landowner:** Ernest and Elizabeth Young.
4. **Supportive Information:** The applicants have submitted the attached in support of the request. (**Planning Department Exhibit 1 – Change of Zone Amendment Request dated July 23, 2025**).

LAND USE PERMITTING CHRONOLOGY

5. **December 8, 2004:** Effective date of Change of Zone Ordinance No. 04-149, approved by the County Council, which reclassified 1.8628 acres of land from an Agricultural 5-acre (A-5a) to Single Family Residential 20,000 square feet (RS-20) zoning district.
6. **April 1, 2005:** The previous landowner submitted a subdivision application to comply with Condition C (see Figure 4 of the Application).
7. **September 19, 2005:** The Planning Department issued tentative approval for a 3-lot subdivision of the subject property (SUB-05-000056).
8. **June 18, 2007 through December 3, 2021:** The Planning Department issued time extensions ten times for completion of the tentative subdivision approval.

STATE AND COUNTY PLANS

9. **State Land Use Designation:** Urban
10. **County Zoning:** Single Family Residential-20,000 square feet (RS-20)
11. **General Plan LUPAG Map:** Low Density Urban (ldu)

12. **Kona Community Development Plan (CDP):** The Kona CDP, adopted by the Hawai‘i County Council by Ordinance No. 08-131 on September 25, 2008, identifies the area as situated within the "Kona Urban Area."
13. **Special Management Area (SMA):** The Special Management Area is a part of the Coastal Zone Management Program and regulated by the County. The subject property is located approximately 5.3 miles from the nearest shoreline and is not situated within the SMA.

DESCRIPTION OF SUBJECT PROPERTIES AND SURROUNDING AREA

14. **Subject Property:** The subject, rectangular shaped property is improved with a 1,712-square foot single-family dwelling, a storage building and two small sheds.
15. **Surrounding Zoning/Land Uses:** Lands to the south, west and east are zoned agricultural (A-1a, A-5a, A-20a), with properties to the north zoned residential (RS-10). Surrounding land uses are predominantly residential and include the residential subdivisions Kona Highlands, Kona Coastview, Kona Wonderview, Kalaoa View and Keahole View.
16. **FEMA FIRM MAP:** The subject property is in an area designated as Zone "X" on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency, an area determined to be outside the 500-year flood plain.
17. **Floral/Faunal Resources:** A botanical study was conducted by Ron Terry, Ph.D. and Layne Yoshida, B.A. of Geometrician Associates, LLC in March 2004. The report concluded that, "no rare, threatened or endangered species as listed by the U.S. Fish and Wildlife Service were observed on or near the property, as the property was already graded and developed for residential use."
18. **Archaeological/Historic/Cultural Resources:** No professional archaeological and cultural study was conducted as the subject property has been cleared and impacted by residential development. By letter dated February 9, 2021, the Department of Land and Natural Resources – State Historic Preservation Division (SHPD) indicated no objection to the proposed time extension, citing the extensive grading and existing residential development of the parcel.
19. **Public Access:** There is no record of a designated public access to the shoreline or mountain areas that traverses the subject property.

PUBLIC UTILITIES AND SERVICES

20. **Access/Traffic:** The subject parcel currently has two driveway accesses, one from Mahilani Drive, a County-owned and maintained street with 25-foot wide pavement, and a second from Māmalahoa Highway, a State-owned and maintained highway. Condition D of Ordinance 21-40 requires that access to proposed lots be taken from Mahilani Drive, meeting with the requirements of the Department of Public Works. Pursuant to State Department of Transportation (DOT) requirements, the applicants shall remove the existing driveway onto Māmalahoa Highway, prior to issuance of Final Subdivision Approval. Additionally, per condition E of Ordinance 21-40, the applicants are required to delineate a 10-foot-wide planting screen easement along all lots fronting Māmalahoa Highway.
21. **Water:** According to the Department of Water Supply (DWS), the applicants have secured 3 units of water and maintained water commitment payments and an existing 12-inch waterline fronts the subject property within Māmalahoa Highway. DWS has no objection to the applicants' amendment request, subject to the understanding that the total allocation of water for the subject property is limited to 3 units of water. If any additional dwellings are built as accessory dwelling units (ADUs), DWS cannot support additional water units. In response to DWS comments, the applicants note that they understand and accept such limitations, and that water catchment systems will be utilized to provide water for any ADUs.
22. **Wastewater:** The Department of Environmental Management notes that as the proposed subdivision is approximately 4 miles from the nearest county sewer line, the applicants shall comply with Department of Health (DOH) requirements. According to the applicants, wastewater will be disposed of via individual wastewater treatment systems approved by DOH.
23. **Essential Utilities and Services:** All essential utilities and services are available to the project site. The area is served by police and fire stations in Kailua-Kona, approximately 8 miles from the subject property, while emergency medical services are available at the Kona Hospital in Kealahou.

AGENCIES' AND ORGANIZATIONS' COMMENTS

24. **State Department of Health (Planning Department Exhibit 2 – August 21, 2025**

Memo)

- 25. **State Department of Transportation (Planning Department Exhibit 3 – September 12, 2025 Letter)**
- 26. **Department of Water Supply (Planning Department Exhibit 4 – August 4, 2025 Letter and September 11, 2025 Letter)**
- 27. **Department of Environmental Management - Wastewater Division (Planning Department Exhibit 5 – September 2, 2025 Memo)**

AGENCIES - NO COMMENTS OR OBJECTIONS

- 28. Department of Environmental Management – Solid Waste Division.

AGENCIES - NO RESPONSES

- 29. Department of Public Works – Engineering Division; Fire Department.

PUBLIC COMMENTS

- 30. No public comments have been received as of the date of the writing of this report.

July 23, 2025
County Of Hawaii Planning Department
101 Pauahi St. Suite 3
Hilo, HI. 96720

Subject: Change Of Zone Ordinance No. 21 40
Applicants: Ernest & Elizabeth Young
Request #1: Remove Condition H
Request #2: Time Extension To Condition C
(Securing Final Subdivision Approval)
Tax Map Key: (3)7-3-011:068

Aloha! Let me introduce ourselves, Ernest & Elizabeth Young, we are the owners of the subject property. Five years ago, you graciously granted us a time extension to finalize the subdivision on our property, that extension will be coming to an end June 21, 2026. Our goal has been to finalize our subdivision to be able to provide a place for our children and ohana. When we saw Bill 123 get passed, we were thrilled to be able to be part of helping in Hawaii's housing shortage and plan to build ADU's to rent once we have finalized our subdivision. We have noticed Condition H. "Restrictive covenants in the deeds of all proposed residential lots shall prohibit the construction of a second dwelling unit..." and this condition will not allow us to utilize Bill 123, which is why we are requesting that Condition H., please be removed from our Ordinance No. 21 40.

We have also realized that even though we are moving towards finalizing all of the remaining conditions we will most likely need a time extension to finish everything and are humbly asking if you would grant us an additional 5 year time extension.

The subject property, consisting of 1.8628 acres, was rezoned in 2004 (by the previous owner Lilian Mahi) from Agriculture- 5 Acres A- 5a) to Single Family Residential- 20,000 Square Feet (RS- 20) with the specific goal of subdividing the property into three lots. A copy of the Change of Zone ordinance (Ordinance No. 04 149) is attached for reference as **Exhibit A**. We have also included our most recent Ordinance No. 21 40, attached for reference as **Exhibit B**.

I. Project Location and Description

The subject property is 1.8629 acres. The property is located on the southwest corner of the Mahilani Dr.-Mamalahoa Highway (Highway 190) intersection, Kalaoa 1st and 2nd, North Kona, as shown on the attached Location Map (**Figure 1**), TMK Map (**Figure 2**)and Vicinity Map (**Figure 3**). The parcel is roughly rectangular in shape. There is an existing home located on the parcel in the area proposed for lot B-2.

II. Regulatory Background

As noted, the property was rezoned from Agriculture- 5 Acres (A-5a) to Single Family Residential- 20,000 Square Feet (RS- 20) in 2004 with the adoption of Ordinance No. 04 149. And in 2021, Ordinance No. 21 40 amended the previous Ordinance No. 04 149. The timing related condition was to secure Final Subdivision Approval within 5 years of the effective date of the amended ordinance (Condition C).

Tentative Subdivision approval for the planned 3-lot subdivision was granted by the County of Hawaii Planning Department on September 15, 2023. Copy of the proposed three-lot subdivision that received tentative subdivision approval is shown in **Figure 4**, Preliminary Subdivision Map. A Time extension was granted by the Planning Director, extending the deadline for obtaining approval to September 19, 2025. A request for an extension of time to secure final subdivision approval was requested July 16, 2025 to the Planning Department and is attached for reference as **Exhibit C**.

Other conditions of the change of zone ordinance pertain to the requirements for final subdivision approval, including: The applicant, successors, or assigns are responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full (Condition B); Access to the proposed lots shall be from Mahilani Drive. Access shall meet the

requirements of the Department of Public Works. The existing driveway onto Mamalahoa Highway shall be removed prior to issuance of Final Subdivision Approval (Condition D). and the applicant making its fair-share contribution to mitigate potential regional impact of the project with respect to roads, parks and recreation, fire, police, and solid waste disposal (Condition K). Pending approval from the County Council of the requested extension of time, Applicants are prepared to meet the above listed conditions of approval.

III. Nature Of The Request

Condition H "Restrictive covenants in the deeds of all proposed residential lots shall prohibit the construction of a second dwelling..."

Applicants would like to have this Condition removed so that they will be allowed to utilize Bill 123 and build ADU's once the subdivision has been finalized.

Condition C required the applicant to obtain final subdivision approval within five (5) years of the effective date of the amended ordinance, which would be by June 21, 2026. We are requesting an additional 5-year time extension, which we understand would be five (5) years from the date of the Council' s approval of this request, to allow us a little more time to finalize the remaining conditions.

IV. Justification For The Request

The reason to request Condition H. be removed from the conditions would be to help address the housing shortage by allowing the applicants to utilize Bill 123 to be able to build up to three accessory dwelling units (ADU's) on their properties, to provide more rental options for local families. The reason to request for additional time extension would be to allow the applicants the time to finalize the remaining subdivision conditions.

1. Granting of the time extension & Removing Condition H. would not be contrary to the General Plan or Zoning Code.

These requests for an extension of time and removal of Condition H, continue to be consistent with the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area for Urban Expansion. Urban Expansion Area allows for a mix high density, medium density, low density, industrial and/or open designations in areas where new settlements may be desirable, but where the specific settlement pattern and mix of uses have not been determined. The area under consideration is consistent with the urban form established for this section of the North Kona District as depicted on the LUPAG Map. The Kona Regional Plan, adopted by Resolution No. 1 84, recommends the area for residential four (4) units per acre. The applicant's proposal is a single family residential subdivision. It is adjacent to a residential subdivision called Kona Highlights. The proposed reclassification is for a similar urban land use designation. Thus, the requested boundary amendment would be in the direction of fulfilling the low density range plans, in this particular case. Furthermore, an Urban classification would complement the existing and future residential land use patterns of the surrounding properties in view of the adjacent Kona Highlands Subdivision.

2. Granting of the time extension and removing Condition H, would not be contrary to the original reasons for the change of zone.

The reason for approving the rezoning of the site, which were articulated in the Planning Department's initial recommendations to the Planning Commission in reference to the change of zone application for the property, are still applicable to the project at this time. These included:

- Consistency with the General Plan LUPAG map and regional and community planning documents;
- Conformance with intent and purpose of State Land Use Law;
- The absence of known, archaeological, or cultural features and no rare, threatened, or endangered species of either flora or fauna on the site.
- All utilities and services are available to the property which is essential to accommodate urban development

- From a land use perspective, it is more feasible alternative to infill residential development within this particular area of North Kona. In doing so, it would tend to alleviate the conversion of more productive agriculture lands in more appropriate locations within the North Kona area for Urban Low Density type uses. Furthermore, the request would complement the existing and future residential land use patterns of the surrounding properties.

It should be noted that, in accordance with the public notice requirements per section 25- 2- 4 of the County Zoning Code, written notice of the pending request will be provided to property owners and lessees for properties, which any portion of which is within 300 ft. of the boundary of the subject property. A complete list of those owners and lessees of record that are to be included in the notification, is included for reference as **Exhibit D** with this submittal.

Please let me know if you have any questions or require additional information related to this request.

Mahalo Nui Loa, Ernest & Elizabeth Young
73-1236 Mahilani Dr.
Kailua Kona, HI. 96740
(808) 640-8942
(808) 989-1730
ErnestYoungArt@gmail.com



07/23/25

Exhibits & Figures Attached

- **Exhibit A** "Change of Zone ordinance (Ordinance No. 04 149)
- **Exhibit B** Ordinance No. 21 40
- **Exhibit C** "Request for an extension of time to secure final subdivision approval"
- **Exhibit D** "Neighbors within 300 ft"
- **Figure 1** "Location Map"
- **Figure 2** "TMK Map"
- **Figure 3** "Vicinity Map"
- **Figure 4** "Preliminary Subdivision Map"

Exhibit A

COUNTY OF HAWAII

STATE OF HAWAII

BILL NO. 343
Draft 4

ORDINANCE NO. 04 149

AN ORDINANCE AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL - 5 ACRES (A-5a) TO SINGLE FAMILY RESIDENTIAL - 20,000 SQUARE FEET (RS-20) AT KALAOA 1ST AND 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-011:068

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 25-8-3, Article 8, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Kalaoa 1st and 2nd, North Kona, Hawaii shall be Single Family Residential - 20,000 square feet (RS-20):

Beginning at a 1/4 inch pipe (found) at the Southeasterly corner of this parcel of land, being also the Northeastly corner of Lot 1 and being a point on the Westerly side of Hawaii Belt Road (F.A.P.F-10(5)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 4,614.00 feet South and 8,759.10 feet West and running by azimuths measured clockwise from True South:

Thence, for the next six (6) courses following along the remainder of Grant 3027 to Heiau:

- | | | | |
|----|-------------|--------|--|
| 1. | 86° 20' 30" | 37.95 | feet along Lot 1 to a point; |
| 2. | 93° 28' 30" | 78.47 | feet along Lot 1 to a point; |
| 3. | 95° 20' 30" | 104.89 | feet along Lot 1 to a point; |
| 4. | 88° 34' | 45.03 | feet along Lot 1 to a 1/4 inch pipe (found); |
| 5. | 93° 09' 30" | 4.29 | feet along Lot 1 to a 1/4 inch pipe (found); |

Exhibit A

- | | | | |
|----|--------------|--------|---|
| 6. | 191° 56' | 383.98 | feet along Lot A to a ½ inch pipe (found). |
| 7. | 268° 17' 15" | 154.77 | feet along the Southerly side of Mahilani Drive to a point; |

Thence, following along the Westerly side of Hawaii Belt Road (F.A.P. F-10(5)) on a curve to the left with a radius of 5,769.56 feet, the chord azimuth and distance being:

- | | | | |
|----|--------------|--------|--|
| 8. | 355° 13' 26" | 249.82 | feet to a point; |
| 9. | 353° 59' | 143.35 | feet along the Westerly side of Hawaii Belt Road (F.A.P.F-10(5)) to the point of beginning and containing an area of 1.8628 Acres. |

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code, the County Council finds 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.

- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The required water commitment payment shall be submitted to the Department of

Exhibit A

Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance.

- C. Final subdivision approval shall be secured within five (5) years from the effective date of this ordinance.
- D. Access to the proposed lots (B-1 and B-2) shall be from Mahilani Drive. Access to proposed lot B-3 shall be from an existing access on Mamalahoa Highway. Access shall meet with the requirements of the Department of Public Works.
- E. A 10-foot wide no vehicular access planting screen easement shall be delineated along all lots fronting Mamalahoa Highway.
- F. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
- G. Drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works in conjunction with Final Subdivision Approval.
- H. Restrictive covenants in the deeds of all proposed residential lots shall prohibit the construction of a second dwelling unit and condominium property regimes and any further subdivision of each lot. This restriction may be removed by amendment of this ordinance by the County Council. The owners of the property may also impose private covenants restricting the number of dwellings. A copy of the proposed covenant(s) to be recorded with the 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 approved covenant(s) shall be recited in an instrument executed by the applicant and the County and recorded

Exhibit A

with the Bureau of Conveyances for any portion of the subject property. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.

- I. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.
- J. Should any undiscovered remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources - State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- K. The applicant shall pay its fair share contribution to address potential regional impacts of the project with respect to roads, park, fire, police and solid waste disposal facilities. The fair share contribution shall be initially based on the representations contained within the change of zone application and may be increased or reduced proportionally if the lot counts are adjusted. The fair share contribution shall become due and payable prior to receipt of Final Subdivision Approval or within five (5) years from the effective date of this change of zone ordinance, whichever occurs first. The fair share contribution for each additional lot shall be based on a maximum density for each additional lot as determined by the zoning resulting from this change of zone. The fair share contribution in a 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

Exhibit A

contribution shall have a maximum combined value of **\$9,671.44** per additional single family residential unit. Based upon the applicant's representation of intent to develop a total of two (2) additional single-family residential units, the indicated total of fair share contribution is **\$19,342.88** for the additional single-family residential units. However, the total amount shall be increased or reduced in proportion with the actual number of units according to the calculation and payment provisions set forth in this Condition K. The fair share contribution shall be allocated as follows:

1. **\$4,663.74** per single family residential unit for an indicated total of **\$9,327.48** to the County to support park and recreational improvements and facilities;
2. **\$224.98** per single family residential for an indicated total of **\$449.96** to the County to support police facilities;
3. **\$444.36** per single family residential unit for an indicated total of **\$888.72** to the County to support fire facilities;
4. **\$194.55** per single family residential unit for an indicated total of **\$389.10** to the County to support solid waste facilities;
5. **\$4,143.81** per single family residential unit for an indicated total of **\$8,287.62** to the State or County to support road and traffic improvements.

Exhibit A

In lieu of paying the fair share contribution, the applicant may construct such facilities related to park, fire, police and solid waste disposal facilities subject to the review and recommendation of the Planning Director, upon consultation with the appropriate agencies and the approval of the Hawaii County Council.

- L. 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.
- M. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- N. An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:
 - 1. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence
 - 2. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - 3. Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone.
 - 4. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within

Exhibit A

one year may be extended for up to one additional year).

5. If the applicants should require an additional extension of time, the Planning Director shall submit the applicants' request to the County Council for appropriate action.
6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject area to its original or more appropriate designation.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

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

INTRODUCED BY:

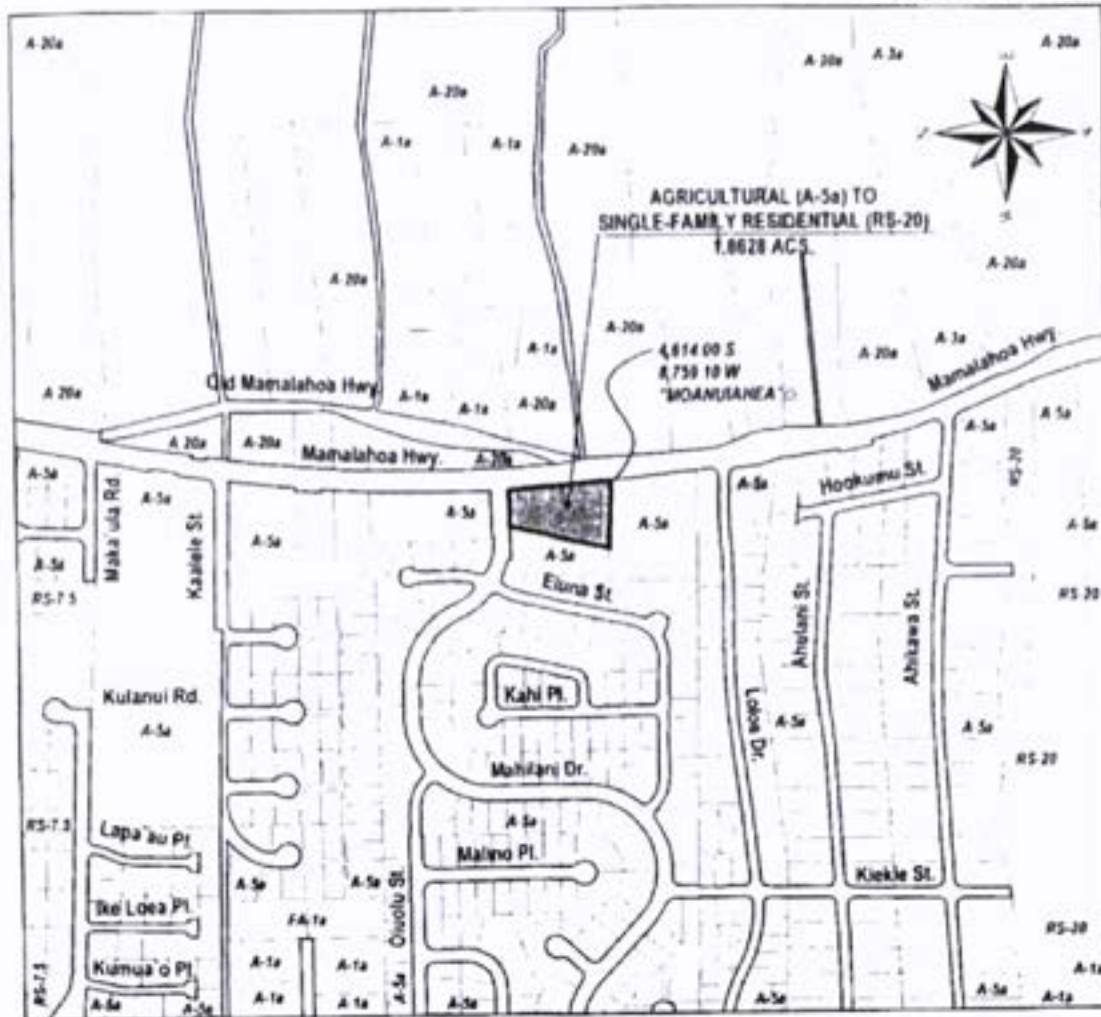

COUNCIL MEMBER, COUNTY OF HAWAII

Kona, Hawaii

Date of Introduction: November 10, 2004
Date of 1st Reading: November 10, 2004
Date of 2nd Reading: November 24, 2004
Effective Date: December 8, 2004

REFERENCE: Comm. 788.3

Exhibit A



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP)
 ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE,
 BY CHANGING THE DISTRICT CLASSIFICATION
 FROM AGRICULTURAL (A-5a)
 TO SINGLE-FAMILY RESIDENTIAL (RS-20)
 AT KALAOA 1st and 2nd, NORTH KONA, HAWAII

PREPARED BY PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMM 7-3-011 068

EXHIBIT "A"

Date June 1, 2004

(Lean E. Mats 1137)

Exhibit A

OFFICE OF THE COUNTY CLERK County of Hawaii Kona, Hawaii

(Draft 3)

Introduced By: Lettingrad Elarionoff
Date Introduced: November 10, 2004
First Reading: November 10, 2004
Published: November 21, 2004

REMARKS:

	ROLL CALL VOTE			
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Holschuh	X			
Jacobson		X		
Reynolds			X	
Safarik			X	
Tulang	X			
Tyler	X			
	5	1	2	0

Second Reading: November 24, 2004

To Mayor: November 29, 2004
Returned: December 9, 2004
Effective: December 8, 2004
Published: December 15, 2004

REMARKS:

(Draft 4)

	ROLL CALL VOTE			
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Holschuh	X			
Jacobson		X		
Reynolds	X			
Safarik	X			
Tulang	X			
Tyler	X			
	5	1	1	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
FORM AND LEGALITY:

Deputy Corporation Counsel
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: December 1, 2004

Approved and signed this 8th day of December, 2004
Harry Kim
MAYOR, COUNTY OF HAWAII

Council Chairman
COUNCIL CHAIRMAN

County Clerk
COUNTY CLERK

Bill No: 343 (Draft 4)
Reference: C-788.3/PC-115
Ord: 04 149

Exhibit B

COUNTY OF HAWAII



STATE OF HAWAII

ORDINANCE NO. 21 40 BILL NO. 32
(DRAFT 2)

AN ORDINANCE AMENDING ORDINANCE NO. 04 149 WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – 5 ACRES (A-5a) TO SINGLE FAMILY RESIDENTIAL – 20,000 SQUARE FEET (RS-20) AT KALAOA 1ST AND 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY: 7-3-011:068.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 2 of Ordinance No. 04 149 is amended as follows:

“SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code (2016 Edition, as amended), the County Council finds 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.

A, The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.

Exhibit B

- B. ~~[The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance.]~~ The applicant, successors, or assigns are responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full.
- C. Final subdivision approval shall be secured within five (5) years from the effective date of this amended ordinance.
- D. ~~[Access to the proposed lots (B-1 and B-2) shall be from Mahilani Drive. Access to proposed lot B-3 shall be from an existing access on Māmalahoa Highway. Access shall meet with the requirements of the Department of Public Works.]~~ Access to the proposed lots shall be from Mahilani Drive. Access shall meet the requirements of the Department of Public Works. The existing driveway onto Māmalahoa Highway shall be removed prior to issuance of Final Subdivision Approval.
- E. A 10-foot wide "no vehicular access planting screen" easement shall be delineated along all lots fronting ~~[Māmalahoa]~~ Māmalahoa Highway.
- F. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
- G. Drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works in conjunction with Final Subdivision Approval.
- H. Restrictive covenants in the deeds of all proposed residential lots shall prohibit the construction of a second dwelling unit and condominium property regimes and any further subdivision of each lot. This restriction may be removed by amendment of this ordinance by the County Council. The owners of the property may also impose private covenants restricting the number of dwellings. A copy of the proposed

Exhibit B

covenant(s) to be recorded with the 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 approved covenant(s) shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances for any portion of the subject property. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.

- I. All earthwork and grading shall conform to Chapter 10, Erosion and ~~[Sediment]~~ Sedimentation Control of the Hawai'i County Code.
- J. A National Pollutant Discharge Elimination System (NPDES) permit and an Underground Injection Control (UIC) permit, if required, shall be secured from the State Department of Health before the commencement of construction activities.
- ~~[J]K.~~ [Should any undiscovered remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigation measures have been taken.] 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 State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

Exhibit B

~~[K.]L.~~ The applicant shall pay its fair share contribution to address potential regional impacts of the project with respect to roads, park, fire, police and solid waste disposal facilities. The fair share contribution shall be initially based on the representations contained within the change of zone application and may be increased or reduced proportionally if the lot counts are adjusted. The fair share contribution shall become due and payable prior to receipt of Final Subdivision Approval ~~[or within five (5) years from the effective date of this change of zone ordinance, whichever occurs first]~~. The fair share contribution for each additional lot shall be based on ~~[a maximum density for each additional lot as determined by the zoning resulting from this change of zone]~~ the actual number of residential lots developed. The fair share contribution in a 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 ~~[maximum]~~ combined value of ~~[\$9,671.44]~~ \$15,030.92 per additional single family residential ~~[unit]~~ lot. ~~[Based upon the applicant's representation of intent to develop a total of two (2) additional single family residential units, the indicated total of fair share contribution is \$19,342.88 for the additional single family residential units. However, the total amount shall be increased or reduced in proportion with the actual number of units according to the calculation and payment provisions set forth in this Condition K.]~~ The total amount shall be determined with the actual number of lots according to the calculation and payment provisions set forth in this condition. The fair share contribution shall be ~~[allocated]~~ as County Council deems reasonable, which may be less when considering the merits of the application, or as follows:

1. ~~\$[4,663.74]~~ 7,248.17 per single family residential ~~[unit]~~ lot ~~[for an indicated total of \$9,327.48]~~ to the County to support park and recreational improvements and facilities;

Exhibit B

2. ~~S[224.98]~~349.65 per single family residential ~~lot~~ ~~[for an indicated total of \$449.96]~~ to the County to support police facilities;
3. ~~S[444.36]~~690.61 per single family residential ~~[unit]~~ ~~lot~~ ~~[for an indicated total of \$888.72]~~ to the County to support fire facilities;
4. ~~S[194.55]~~302.36 per single family residential ~~[unit]~~ ~~lot~~ ~~[for an indicated total of \$389.10]~~ to the County to support solid waste facilities;
5. ~~S[4,143.81]~~6,440.12 per single family residential ~~[unit]~~ ~~lot~~ ~~[for an indicated total of \$8,287.62]~~ to the ~~[State or]~~ County to support road and traffic improvements.

In lieu of paying the fair share contribution, the applicant may construct such facilities related to park, fire, police, and solid waste disposal facilities subject to the review and recommendation of the Planning Director, upon consultation with the appropriate agencies and the approval of the Hawai'i County Council.

- ~~[L.]~~M. 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.
- ~~[M.]~~N. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- ~~[N.]~~O. ~~[An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:]~~

Exhibit B

1. ~~The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns; and that are not the result of their fault or negligence.~~
2. ~~Granting of the time extension would not be contrary to the General Plan or Zoning Code.~~
3. ~~Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone.~~
4. ~~The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).~~
- 5.] If the applicants, successors, or assigns should require an additional extension of time, the Planning Director shall submit the applicants request to the County Council for appropriate action.

[~~Q~~]P Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject area to its original or more appropriate designation.

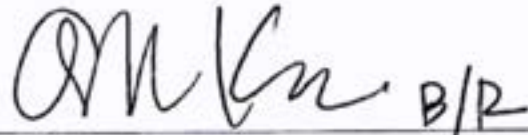
SECTION 2. Material to be deleted is bracketed and stricken. New material is underscored.

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.

Exhibit B

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

INTRODUCED BY:

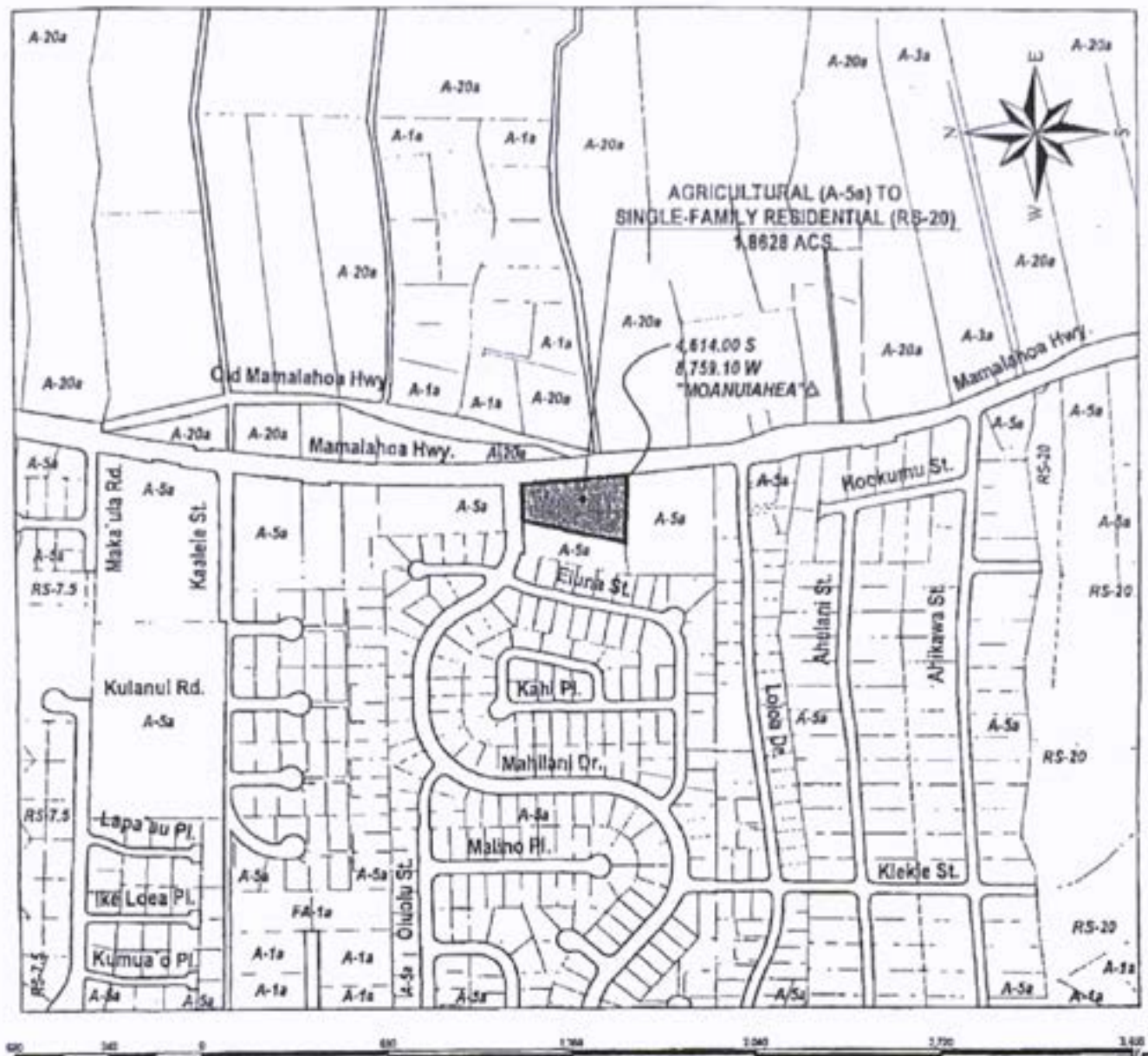
 B/R

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i
Date of Introduction: May 19, 2021
Date of 1st Reading: May 19, 2021
Date of 2nd Reading: June 2, 2021
Effective Date: June 21, 2021

REFERENCE Comm. 218.3

Exhibit B



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP)
ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE,
BY CHANGING THE DISTRICT CLASSIFICATION
FROM AGRICULTURAL (A-5a)
TO SINGLE-FAMILY RESIDENTIAL (RS-20)
AT KALAOA 1st and 2nd, NORTH KONA, HAWAII

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-3-011-068

EXHIBIT "A"

Date: June 1, 2004

(Lillian E. Mahi:1137)

FOR REFERENCE ONLY

Exhibit B

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Hilo, Hawai'i

COUNTY CLERK
COUNTY OF HAWAII

2021 JUN 21 AM 10:48

(Draft 2)

Introduced By: Ashley Kierkiewicz (B/R)
Date Introduced: May 19, 2021
First Reading: May 19, 2021
Published: May 28, 2021

REMARKS: _____

Second Reading: June 2, 2021
To Mayor: June 10, 2021
Returned: June 21, 2021
Effective: June 21, 2021
Published: July 9, 2021

REMARKS: _____

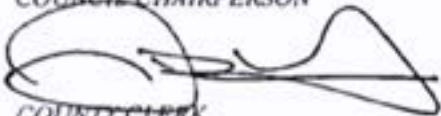
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Inaba	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Richards	X			
Villegas	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Inaba	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Richards	X			
Villegas	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

Approved/Disapproved this 21 day
of June, 2021


MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRPERSON

COUNTY CLERK

Bill No.: 32 (Draft 2)
Reference: C-218.3/PC-16
Ord No.: 21 40

Exhibit C

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante Jr.
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i PLANNING DEPARTMENT

Jeffrey W. Darrow
Director

Michelle S. Ahn
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

July 17, 2025

Ernest & Elizabeth Young
73-1236 Mahilani Drive
Kailua-Kona, HI 96740

Dear Mr. & Ms. Young:

**REQUEST TIME EXTENSION, AGENCY REVIEW OF TENTATIVE APPROVAL
SUBDIVIDERS: YOUNG, Ernest Davis & Elizabeth Eileen**

Proposed Subdivision of Lot B,
Being a Portion of Grant 3027,
Into Lots B-1, B-2 & B-3,
Kalaoa 1st & 2nd, North Kona, Island of Hawai'i, Hawai'i
TMK: (3) 7-3-011:068 (SUB-05-000056)

This is to acknowledge receipt of your email correspondence dated July 16, 2025, requesting a time extension for the subject subdivision application. The conditions of tentative approval dated September 19, 2020, will expire shortly. A review of the subdivision application by respective agencies is required.

Please be advised that in accordance with Hawai'i County Code, Chapter 23 (Subdivisions), Section 23-62(d), by a copy of this letter, **we are requesting that the applicable agencies review the subject subdivision and provide written comments related to compliance with current code and rule requirements.** We will notify you when all agencies' comments are received.

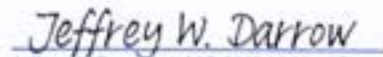
Please note, any time extension that may be granted is not a time extension for the change of zone ordinance (ORD-21-040), it will be for the subdivision application. Should the subdivision not be completed by June 21, 2026, a time extension for the change of zone ordinance will need to be approved by the Hawai'i County Council prior to the final approval of the subdivision.

Exhibit C

Ernest & Elizabeth Young
SUB-05-000056
Request Time Extension-Agency Review
July 17, 2025
Page 2

Should you have any questions, please feel free to contact Hans Santiago at hans.santiago@hawaiicounty.gov or Jaslyn Nathaniel at jaslyn.nathaniel@hawaiicounty.gov.

Sincerely,


Jeffrey W. Darrow signed 17 Jul 2025 14:30 HST

JEFFREY W. DARROW
Planning Director

HS:cn

\\hawaiicounty.gov\depts\PL\PL\planning\public\Admin Permits Division\Subdivision\2025\2025-3\SUB-05-000056 Young REQ TE
07-17-25.docx

cc: Manager, DWS
Director, DPW
Director, DEM
Environmental Health Program Chief, DOH
Wastewater Branch, Environmental Management Division, DOH
Chrystal Thomas Yamasaki, LPLS, Wes Thomas Associates
REZ 1059 (Ord. 21 040); SLU 1256

Exhibit D

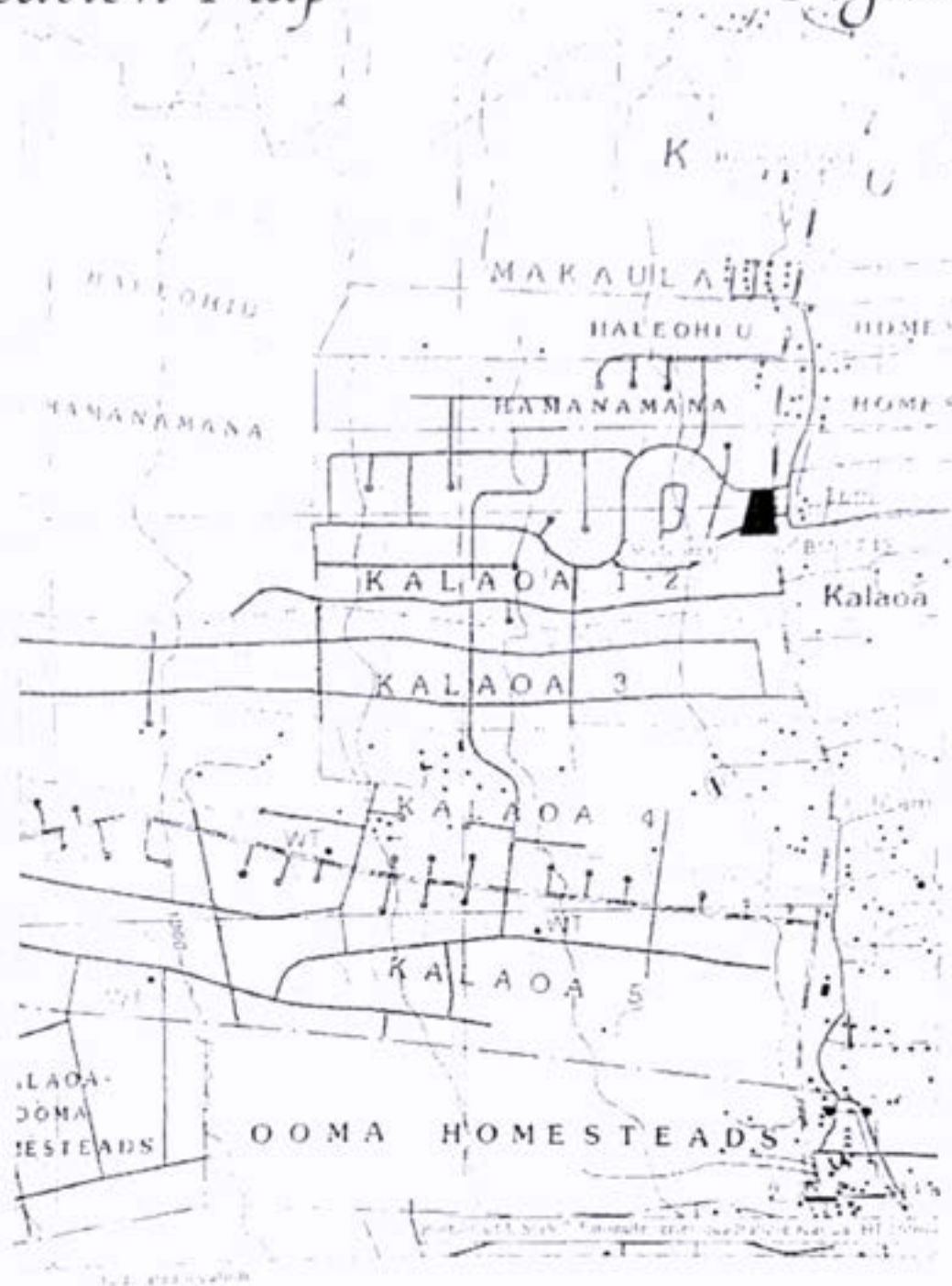
Parcel Results

37 Results

Parcel ID #	Owner #	Property Address #	Map
730020080000	P CALL CHARLES JOHN CALL ERNESTINA REBECA	73 4213 HAWAII BELT ROAD	Map
730020100000	P WILTON WILLIAM H TR	73 4189 HAWAII BELT ROAD	Map
730020110000	P ROMAN CATHOLIC CHURCH	73 4179 HAWAII BELT ROAD	Map
730020310000	P NAHUNA GEORGE DAVID NAHUNA MINDY AULI	73 1206 KAULANAKA DRIVE	Map
730020130000	P MOKIAO TED L WINIFRED N TR MOKIAO JOANN	73 4175 HAWAII BELT ROAD	Map
730030260000	P STEVENS LYNNETTE JEAN KALAU SYDETTE HALEWA DELIMA LACEY STEVENS	73 4165 HAWAII BELT ROAD	Map
730030270000	P STATE OF HAWAII		Map
730110180000	P MILLER KIMBERLI RAE MILLER DALE LOUIS	73 4210 ELUNA STREET	Map
730110190000	P BOTAN IN PARADISE LLC	73 4204 ELUNA STREET	Map
730110200000	P TANAKA JOHN C M TANAKA MASAKO N GEN TR FBO JOHN TANAKA TANAKA MASAKO N GEN TR FBO DAVID TANAKA	73 4202 ELUNA STREET	Map
730110210000	P ESTRELLA RAY CHARLES ESTRELLA JULIANA ALOHE M L	73 4200 ELUNA STREET	Map
730110220000	P BREWER VALERIE L ZWICK WILLIAM R TR	73 4196 ELUNA STREET	Map
730110230000	P ANDERSON CORY LEE ANDERSON MAURA BETTY	73 4194 ELUNA STREET	Map
730110240000	P MILLS JOHN SR (DEC'D)	73 4192 ELUNA STREET	Map
730110250000	P GALT ERNEST TR	73 4188 ELUNA STREET	Map
730110260000	P TEVES TERRILYN M H	73 1222 MAHILANI DRIVE	Map
730110290000	P SEKIOKA PETER TOSHIO MATSUNAMA SEKIOKA STACY MIE	73 4178 ELUNA PLACE	Map
730110430000	P MCFADDEN CHAD R MCFADDEN ELIZABETH KAY	73 4167 HANA PLACE	Map
730110460000	P BERGBAUER JEFFREY KLOSTER ZACHARY BERGBAUER CATHERINE BERGBAUER MICHELE ANN	73 4177 ELUNA PLACE	Map
730110470000	P YANG LING ZHANG MEIRONG	73 4179 ELUNA PLACE	Map
730110480000	P BAKEWELL KRISTEEN KAREN TR COBB JOHN D	73 1229 MAHILANI DRIVE	Map
730110490000	P KAIKAKA ROBERT K TR	73 1232 MAHILANI DRIVE	Map
730110500000	P DICKINSON TYLER DIANDRA J TR	73 4187 ELUNA STREET	Map
730110510000	P SMITH JUSTIN PAUL SMITH NICOLE JANINE SANDERLIN	73 4189 ELUNA STREET	Map
730110520000	P FOUTS BENJAMIN C FOUTS ALEXANDRIA	73 4193 ELUNA STREET	Map
730110530000	P SALCIDO JOHN B TRST	73 4195 ELUNA STREET	Map
730110540000	P LIANO ETHAN LIANO JAMIE D	73 4199 ELUNA STREET	Map
730110550000	P LESTE ELAINE ANN TR LIPSCOB VERNON E TR	73 4201 ELUNA STREET	Map
730110560000	P KALOKO CONG OF JEHOVAH'S WITNESSES	73 4202 HAWAII BELT ROAD	Map
730110570000	P JONES CHERYL RENEE	73 4205 ELUNA STREET	Map
730110580000	P MCCLURE KEVIN JAMES SALLY MCCLAUGHRY TR	73 4207 ELUNA STREET	Map
730110590000	P MEDINAGARY S MEDINA EVALANI K	73 4209 ELUNA STREET	Map
730110600000	P MCKEE STEVEN R STINETTE MCKEE SHARON LOU MACK MICHELLE MARIE	73 4211 ELUNA STREET	Map
730110680000	P YOUNGER ERNEST DAVIS YOUNG ELIZABETH EILEEN	73 1236 MAHILANI DRIVE	Map
730110690000	P MAYER LEIALOHA DUSTIN KAMAE FEAR CHRISTINA MAILE	73 4163 HANA PLACE	Map
730110700000	P RIGG OSCAR WILLIAM MALAPIT SARAH KEALA	73 4159 HANA PLACE	Map
730110710000	P SHANNON CATHERINE VERONICA	73 4155 HANA PLACE	Map

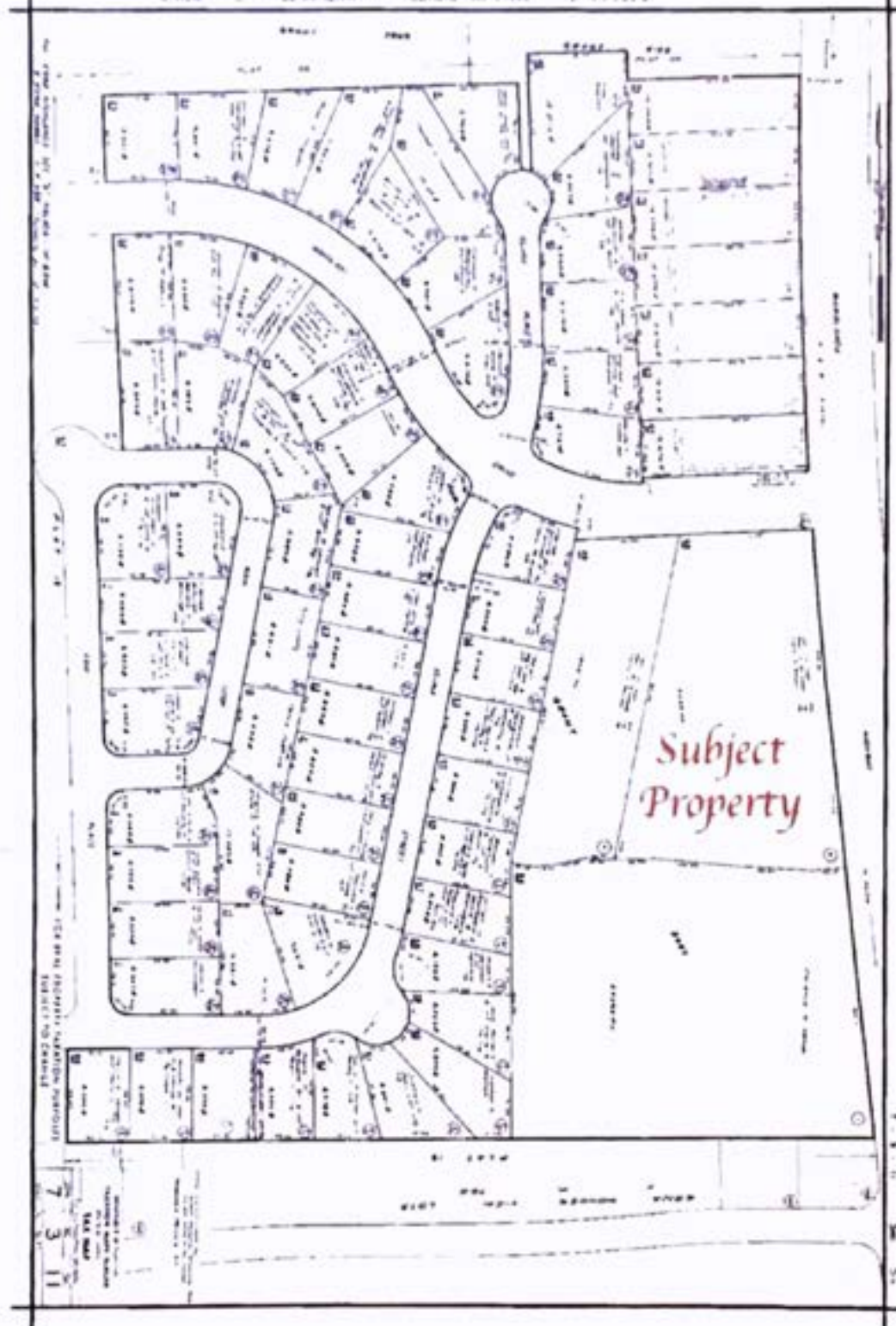
Location Map

Figure 1



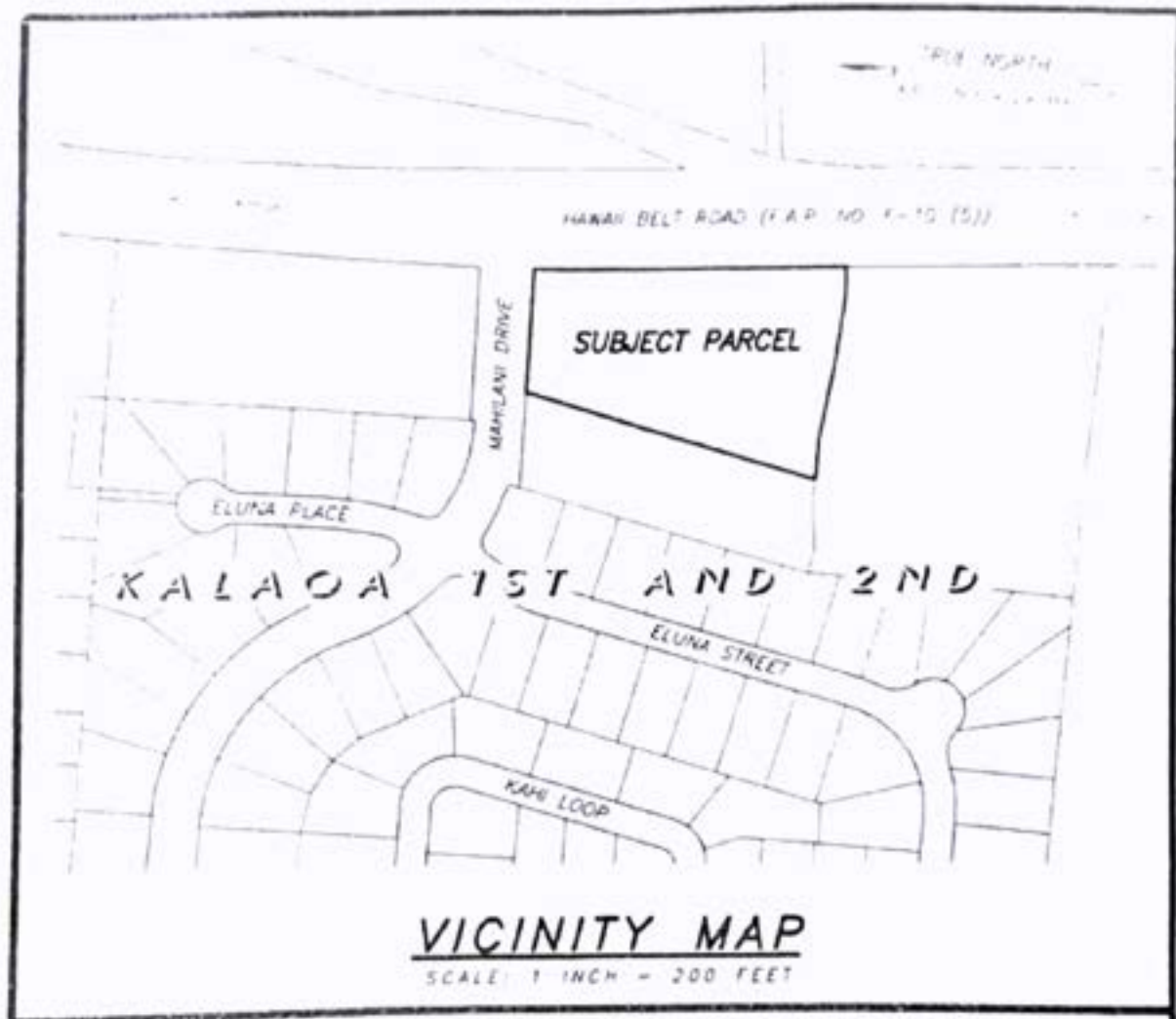
TMK Map

Figure 2



Vicinity Map

Figure 3



Preliminary Subdivision Map

Figure 4

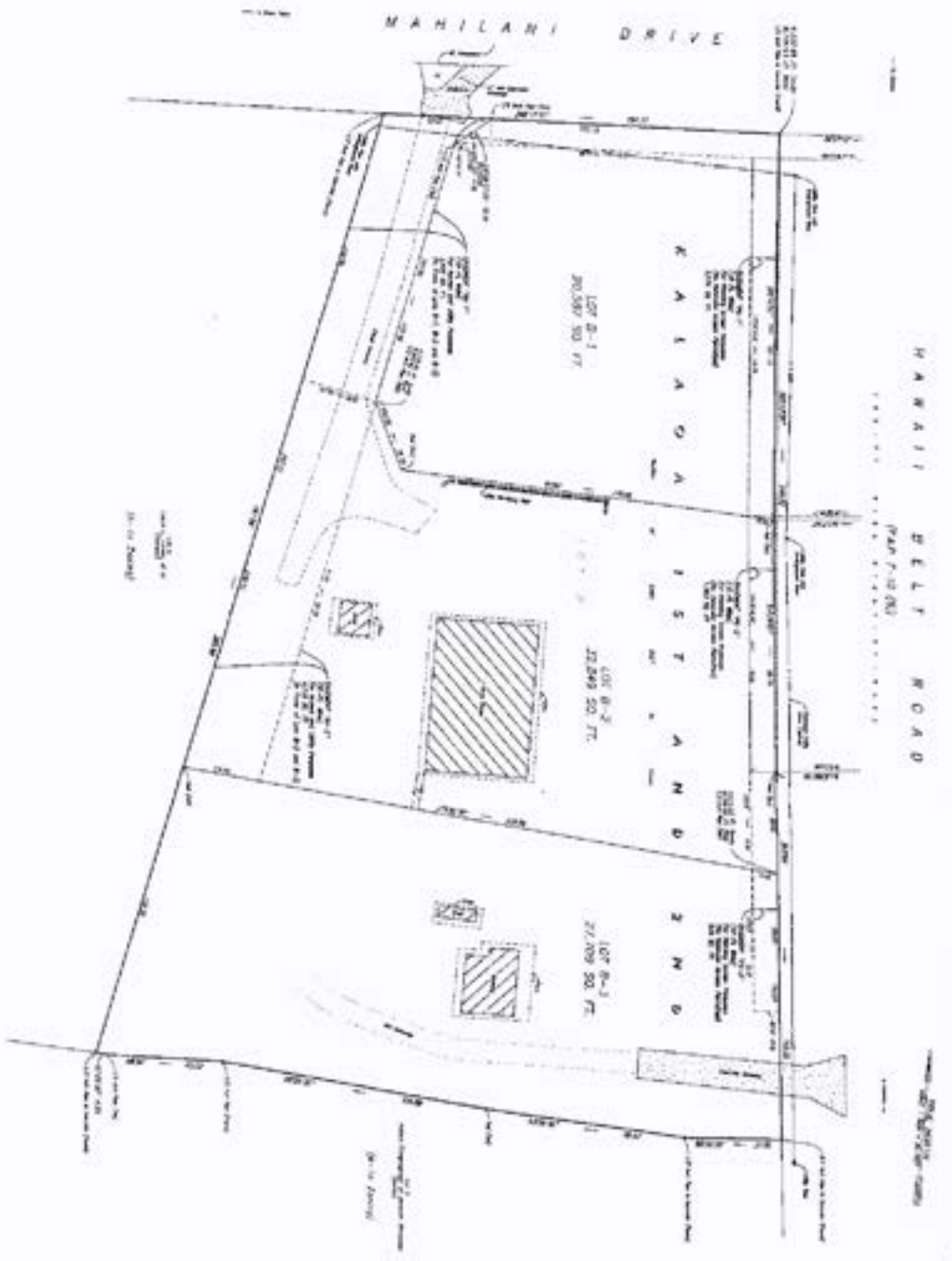


NOTES:
 1. The boundaries of the lots shown on this map are based on the survey of the same by the Surveyor General of Hawaii, dated 1907, and are subject to the right of the State of Hawaii to alter the same at any time.
 2. The boundaries of the lots shown on this map are subject to the right of the State of Hawaii to alter the same at any time.
 3. The boundaries of the lots shown on this map are subject to the right of the State of Hawaii to alter the same at any time.
 4. The boundaries of the lots shown on this map are subject to the right of the State of Hawaii to alter the same at any time.
 5. The boundaries of the lots shown on this map are subject to the right of the State of Hawaii to alter the same at any time.

Surveyed by
 H. H. H. H. H.
 H. H. H. H. H.

Surveyed by
 H. H. H. H. H.
 H. H. H. H. H.

RECEIVED
 HONOLULU, HAWAII
 MAY 10 1907
 HONOLULU, HAWAII
 MAY 10 1907
 HONOLULU, HAWAII
 MAY 10 1907



SONNY VIEW ESTATES
 MAP SHOWING
 SUBDIVISION OF LOT B
 Being a Portion of
 Grant 3027 to Heiueu
 INTO LOTS B-1, B-2 AND B-3
 At Kaliaoa 1st and 2nd, North Kona,
 Island and County of Hawaii,
 State of Hawaii



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KĒKŪANĀŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

August 4, 2025

Mr. Ernest and Ms. Elizabeth Young
73-1236 Mahilani Drive
Kailua-Kona, HI 96740

Dear Mr. and Ms. Young:

Subject: Water Commitment Time Extension
Subdivision Application (SUB 05-00056)
Change of Zone Ordinance No. 04-149 (REZ 1059)
Applicant - Ernest Young and Elizabeth Young
Tax Map Key 7-3-011:068

This is to acknowledge receipt of the required \$150.00 water commitment deposit for a commitment time extension for the proposed development. We are enclosing Receipt No. 5852155 for your files.

Pursuant to Rule 5 of the Department's Rules and Regulations, a water commitment time extension for the proposed 3-lot development in the amount of 400 gallons per day, or one (1) additional unit of water, is hereby granted until January 31, 2026, with the following conditions:

1. Construct necessary water system improvements, which shall include, but not be limited to:
 - a. service laterals that will accommodate 5/8-inch meters to front each lot,
 - b. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

Submit construction plans, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval.

2. Remit the prevailing facilities charge balance which is subject to change as shown below:

FACILITIES CHARGE (FC):

2 units of water previously paid	Paid
1 additional unit @ \$6,095.00/unit	\$6,095.00
Total FC	\$6,095.00

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.

WATER COMMITMENT DEPOSIT (WCD):

One (1) additional unit @ \$150.00/unit paid, three times	(\$450.00)
Total FC Balance	\$5,645.00

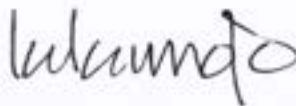
These are due and payable upon completion of the installation of the required water system improvements and prior to final subdivision approval being granted.

For your information, water commitment deposits are credited towards the final facilities charge required for the development. Note that the amount of water commitment deposit may exceed the prevailing facilities charge amount; for example, when requests for time extensions continue and are approved. Until the development is finally completed, these are separate and unrelated items. In the event that water commitment deposits exceed the facilities charge, no refunds are applicable.

3. Should it be necessary, submit the appropriate documents, properly prepared and executed, to convey the water system improvements and necessary easements to the Water Board of the County of Hawai'i prior to final subdivision approval being granted. A registered land surveyor shall stamp and certify the metes and bounds description within the conveyance documents. However, prior to water meter services being granted to the development, or any lots within, the conveyance documents shall be accepted by the Water Board.

Should there be any questions, please contact Ms. Robyn Matsumoto of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,



Keith K. Okamoto, P.E.
Manager-Chief Engineer

RM:makk

Enc.

copy - Planning Department
Wes Thomas Associates

DEPT OF WATER SUPPLY
COUNTY OF HAWAII

JK07-28 07-25-2025 15:09

Receipt: 5852155

7-3-011-068; SUB 005-0056; ERNEST D
AVIS & ELIZABETH EILEEN YOUNG

NEW CHARGES

WATER COMMITMENT DEP 150.00

TOTAL: 150.00

=====

PAYMENTS

CHECK 150.00

1627 TOTAL: 150.00

=====

TENDERED: 150.00

APPLIED: 150.00

=====

CHANGE DUE: 0.00

BALANCE 0.00

THANK YOU!
RETAIN THIS RECEIPT



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: August 21, 2025

TO: Mr. Jeffrey W. Darrow
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Change of Zone Amendment Application (PL-REZ-2025-000087)
Applicant: Ernest and Elizabeth Young
Request: Amendment to Delete Condition H (Prohibition of Second Dwelling) and Provide a Time Extension to Condition C (Secure Final Subdivision Approval)
Tax Map Key: (3) 7-3-011:068; Kalaoa 1st and 2nd, North Kona, Hawai'i

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR),

Chapters 11-59 and 11-60.1.

2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure. A demolition permit is required prior to demolition.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'ŌKELE

Deputy Directors
NA HOPE LUNA HO'ŌKELE
DREANALEE K. KALILI
TAMMY L. LEE
CURT T. OTAGURO
ROBIN K. SHISHIDO

IN REPLY REFER TO:

STP 00868.25
STP 8.3971

September 12, 2025

VIA EMAIL: planning@hawaiiicounty.gov

Mr. Jeffrey W. Darrow
Director
County of Hawaii
Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Dear Mr. Darrow:

Subject: Change of Zone Amendment Application (PL-REZ-2025-000087)
Ernest and Elizabeth Young (Applicants)
North Kona, Hawaii
Tax Map Key: (3) 7-3-011: 068

Thank you for your letter, dated August 18, 2025, requesting the Hawaii Department of Transportation's (HDOT) review and comments on the subject Change of Zone Amendment Application. The HDOT understands that the Applicants are requesting an amendment to delete Condition H, which prohibits a second dwelling, and a time extension of five years to comply with Condition C.

The HDOT has reviewed the application materials and has no objections to the requested amendments; however, it has the following comments:

1. The subject property is approximately 3.40 miles from the property boundary of Ellison Onizuka Kona International Airport at Keahole (KOA). All projects within 5 miles of Hawaii state airports are advised to read the Technical Assistance Memorandum (TAM) for guidance with development and activities that may require further review and permits. The TAM can be viewed at this link: http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports_08-01-2016.pdf
2. Federal Aviation Administration (FAA) regulation requires the submittal of FAA Form 7460-1 Notice of Proposed Construction or Alteration pursuant to the Code of Federal Regulations, Title 14, Part 77.9, if the construction or alteration is within 20,000 feet of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with its longest runway more than 3,200 feet. Construction equipment and staging area heights, including heights of temporary construction cranes, shall be included in the submittal.

The form and submission criteria can be found at the following website:

<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. Please provide a copy of the FAA response to the Part 77 analysis to the HDOT Airport Planning Section.

3. Due to the proximity to KOA, the applicant should be aware of potential noise from aircraft operations. There is also potential for fumes, smoke, vibrations, odors, etc., resulting from occasional aircraft flight operations over or near the project location. These impacts may increase or decrease over time and are dependent on airport operations.
4. If a solar energy photovoltaic (PV) system is going to be installed, be aware that PV systems located in or near the approach path of aircraft can create a hazardous condition for pilots due to possible glint and glare reflected from the PV panel array. If glint or glare from the PV array creates a hazardous condition for pilots, the owner of the PV system shall be prepared to immediately mitigate the hazard upon notification by the HDOT and/or FAA.

The FAA requires a glint and glare analysis for all solar energy PV systems near airports. The www.sandia.gov/glare website has information and guidance on the preparation of a glint and glare analysis. A separate FAA Form 7460-1 will be necessary for the solar energy PV system. After the FAA determination of the Form 7460-1 glint and glare analysis, a copy shall be provided to the HDOT Airport Planning Section by the owner of the solar energy PV system.

Solar energy PV systems have also been known to emit radio frequency interference (RFI) to aviation-dedicated radio signals, thereby disrupting the reliability of air-to-ground communications. Again, the owner of the solar energy PV system shall be prepared to immediately mitigate the RFI hazard upon notification by the HDOT and/or FAA.

Please submit any subsequent land use entitlement-related requests for review or correspondence to the HDOT Land Use Intake email address at DOT.LandUse@hawaii.gov.

If there are any questions, please contact Mr. Blayne Nikaido, Planner, Land Use Section of the HDOT Statewide Transportation Planning Office at (808) 831-7979 or via email at blayne.h.nikaido@hawaii.gov.

Sincerely,



EDWIN H. SNIFFEN
Director of Transportation



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAI'I 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

August 4, 2025

Mr. Ernest and Ms. Elizabeth Young
73-1236 Mahilani Drive
Kailua-Kona, HI 96740

Dear Mr. and Ms. Young:

Subject: Water Commitment Time Extension
Subdivision Application (SUB 05-00056)
Change of Zone Ordinance No. 04-149 (REZ 1059)
Applicant - Ernest Young and Elizabeth Young
Tax Map Key 7-3-011:068

This is to acknowledge receipt of the required \$150.00 water commitment deposit for a commitment time extension for the proposed development. We are enclosing Receipt No. 5852155 for your files.

Pursuant to Rule 5 of the Department's Rules and Regulations, a water commitment time extension for the proposed 3-lot development in the amount of 400 gallons per day, or one (1) additional unit of water, is hereby granted until January 31, 2026, with the following conditions:

1. Construct necessary water system improvements, which shall include, but not be limited to:
 - a. service laterals that will accommodate 5/8-inch meters to front each lot,
 - b. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

Submit construction plans, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval.

2. Remit the prevailing facilities charge balance which is subject to change as shown below:

FACILITIES CHARGE (FC):

2 units of water previously paid	Paid
1 additional unit @ \$6,095.00/unit	\$6,095.00
Total FC	\$6,095.00

Planning Dept.
Exhibit 4

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.

WATER COMMITMENT DEPOSIT (WCD):

One (1) additional unit @ \$150.00/unit paid, three times	(\$450.00)
Total FC Balance	\$5,645.00

These are due and payable upon completion of the installation of the required water system improvements and prior to final subdivision approval being granted.

For your information, water commitment deposits are credited towards the final facilities charge required for the development. Note that the amount of water commitment deposit may exceed the prevailing facilities charge amount; for example, when requests for time extensions continue and are approved. Until the development is finally completed, these are separate and unrelated items. In the event that water commitment deposits exceed the facilities charge, no refunds are applicable.

3. Should it be necessary, submit the appropriate documents, properly prepared and executed, to convey the water system improvements and necessary easements to the Water Board of the County of Hawai'i prior to final subdivision approval being granted. A registered land surveyor shall stamp and certify the metes and bounds description within the conveyance documents. However, prior to water meter services being granted to the development, or any lots within, the conveyance documents shall be accepted by the Water Board.

Should there be any questions, please contact Ms. Robyn Matsumoto of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,



Keith K. Okamoto, P.E.
Manager-Chief Engineer

RM:makk

Enc.

copy - Planning Department
Wes Thomas Associates

DEPT OF WATER SUPPLY
COUNTY OF HAWAII

1K07-28

07-25-2025 15:09

Receipt: 5852155

7-3-011-068; SUB 005-0056; ERNEST D
AVIS & ELIZABETH EILEEN YOUNG

NEW CHARGES

WATER COMMITMENT DEP 150.00

TOTAL: 150.00

=====

PAYMENTS

CHECK 150.00

1027

TOTAL: 150.00

=====

TENDERED:

150.00

APPLIED:

150.00

CHANGE DUE:

0.00

BALANCE

0.00

THANK YOU!
RETAIN THIS RECEIPT



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KĒKŪANĀŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

September 11, 2025

COH PLANNING DEPT
SEP 15 2025 PM2:24

REC'D HAND DELIVERED

TO: Mr. Jeffrey Darrow, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Change of Zone Amendment Application (PL-REZ-2025-000087)**
Applicant: Ernest and Elizabeth Young
Request: Amendment to Delete Condition H (Prohibition of Second Dwelling) and
Provide a Time Extension to Condition C (Secure Final Subdivision Approval)
Tax Map Key 7-3-011:068

We have reviewed the subject application and have the following comments and conditions.

Please be informed that there is an existing 12-inch waterline within Hawai'i Belt Road fronting the subject parcel. There is an existing 5/8-inch meter which is limited to one (1) unit of water. For your information, one (1) unit of water is equal to an average daily usage of 400 gallons.

We have no objection to the subject time extension request, subject to the applicant understanding and accepting that the Department can only support the total allocation of water, which is currently three (3) units of water based on the current RS-20 zoning. Allowing for a second dwelling for each lot would require six (6) units of water with the current RS-20 zoning, which does not meet the requirements of the Department's Water System Standards.

Should there be any questions, please contact Ms. Robyn Matsumoto of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,

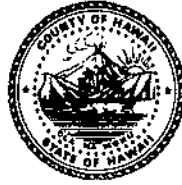
Keith K. Okamoto, P.E.
Manager-Chief Engineer

RM:dfg

copy – Ernest and Elizabeth Young

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante Jr.
Managing Director



Wesley R. Segawa
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 : September 2, 2025

To : Jeffrey Darrow, Director
Planning Department

From : Wesley R. Segawa, Director
Department of Environmental Management

Subject : **Change of Zone Amendment Application (PL- REZ-2025-000087)**
Applicant: Ernest and Elizabeth Young
Request: Amendment to Delete Condition H (Prohibition of Second Dwelling)
and Provide a Time Extension to Condition C (Secure Final
Subdivision Approval)
Tax Map Key: (3) 7-3-011:068; Kalaoa 1st and 2nd, North Kona, Hawai'i

The Solid Waste Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Solid Waste Division for details):

- ☒ No comments.
- ☐ Submit Solid Waste Management Plan in accordance with attached guidelines.
- ☐ Existing Solid Waste Management Plan shall be followed. Provide updates to the department on the status of the project.
- ☐ Other: _____

Applicant is reminded of the following requirements/restrictions:

- ☒ Commercial operations, State and Federal agencies, religious entities and non-profit organizations may not use any of the 21 transfer stations for disposal.
- ☒ Acceptable construction and demolition waste is allowed only at the West Hawai'i Sanitary Landfill.
- ☒ Green waste is allowed only at the West Hawai'i Organics Facility or East Hawai'i Organics Facility, or other suitable diversion programs.
- ☒ Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent.
- ☒ Ample and equal room should be provided for rubbish and recycling.

The Wastewater Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Wastewater Division for details):

Hawai'i County is an Equal Opportunity Provider and Employer

- ☐ 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 4 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: