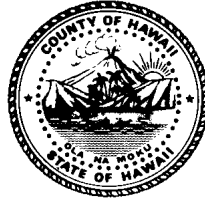


Mitchell D. Roth  
*Mayor*

Lee E. Lord  
*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

Zendo Kern  
*Director*

Jeffrey W. Darrow  
*Deputy Director*

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

May 9, 2022

Mr. John Pipan  
Land Planning Hawai'i, LLC  
194 Wiwoole Street  
Hilo, HI 96720  
VIA EMAIL

Dear Mr. Pipan:

**SUBJECT: State Land Use Boundary Amendment (PL-SLU-2021-000002)**  
**Request: Agricultural to Urban**  
**Change of Zone Application (PL-REZ-2021-000011)**  
**Request: Agricultural-1 Acre (A-1a) to Single-Family Residential-15,000**  
**Square Feet (RS-15)**  
**Applicant: Aaron Nuola Kahananui**  
**Tax Map Key: (3) 7-3-017:024**

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For your information, attached please find Ordinance No. 22 47 amending the State Land Use Boundaries Maps and Ordinance No. 22 48 amending Chapter 25 (Zoning) of the Hawai'i County Code, both effective April 29, 2022, by reclassifying the subject land at 'O'oma 1<sup>ST</sup>, North Kona, Hawai'i.

Sincerely,

*Maija Jackson for*  
Maija Jackson for (May 9, 2022 14:02 HST)

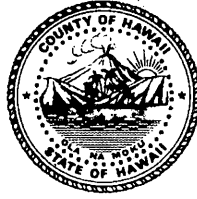
JEFFREY W. DARROW  
Deputy Planning Director

C:\Users\nsauere\Documents\PC\2022 COR\2022-01-20\Ordinances\LKahananuiPL-SLU-2021-002Ord22-47PL-REZ-2021-011Ord22-48

Attachments: Ordinance No. 22 47  
Ordinance No. 22 48

cc w/att. via email: Mr. Aaron Nuola Kahananui

COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 22 47 BILL NO. 137

AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAI'I BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT 'O'OMA 1ST, NORTH KONA, HAWAI'I BY TAX MAP KEY: 7-3-017:024.

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

SECTION 1. The State Land Use Boundaries Maps for the County of Hawai'i are amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at 'O'oma 1<sup>st</sup>, North Kona, Hawai'i, shall be Urban:

Beginning at the Southwesterly corner of this parcel of land, being also the Northwesterly corner of Lot 2 and being a point on the Easterly side of Hawai'i Belt Road (F.A.P. No. F-10 (5)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 9,739.71 feet South and 8,308.45 feet West and running by azimuths measured clockwise from True South:

1. 167° 13' 58.23 feet along the Easterly side of Hawai'i Belt Road (F.A.P. No. F-10 (5)) to a point;
2. 190° 06' 30" 64.04 feet along the Easterly side of Hawai'i Belt Road (F.A.P. No. F-10 (5)) to a 1/2 inch pipe (found);
3. 274° 11' 446.24 feet along the Southerly side of Kinoulou Street to a point;
4. 328° 26' 30" 53.33 feet along the Westerly side of Old Government Mauka Road to a 1/2 inch pipe (found);

- |    |          |        |  |
|----|----------|--------|--|
| 5. | 332° 22' | 20.83  | feet along the Westerly side of Old Government Mauka Road to a 1/2 inch pipe (found);  |
| 6. | 87° 13'  | 481.55 | feet along Lot 2 and along the remainder of Grant 4343 to J.M. to J.M. Lilinoe to the point of beginning and containing an area of 0.992 Acre. |

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

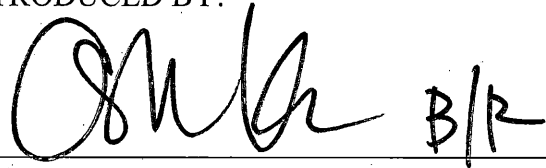
SECTION 2. This change in district classification is conditioned upon the following:

- A. The applicant, successors, or assigns shall notify prospective purchasers, tenants, or lessees of all lots that farming operations and practices on adjacent or contiguous land in the State Land Use Agricultural District are protected under Hawai'i Revised Statutes Chapter 165, the Hawai'i Right to Farm Act. This notice shall be included in any disclosure required for the sale or transfer of all of the proposed lots.
- B. Any action that would interfere with or restrain farming operations on adjacent or contiguous properties shall be prohibited under Hawai'i Revised Statutes Chapter 165, the Hawai'i Right to Farm Act; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the Agricultural District.

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:

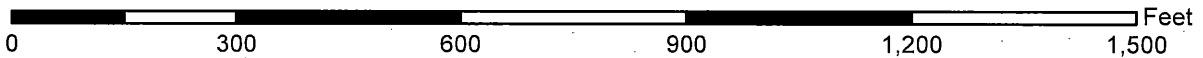
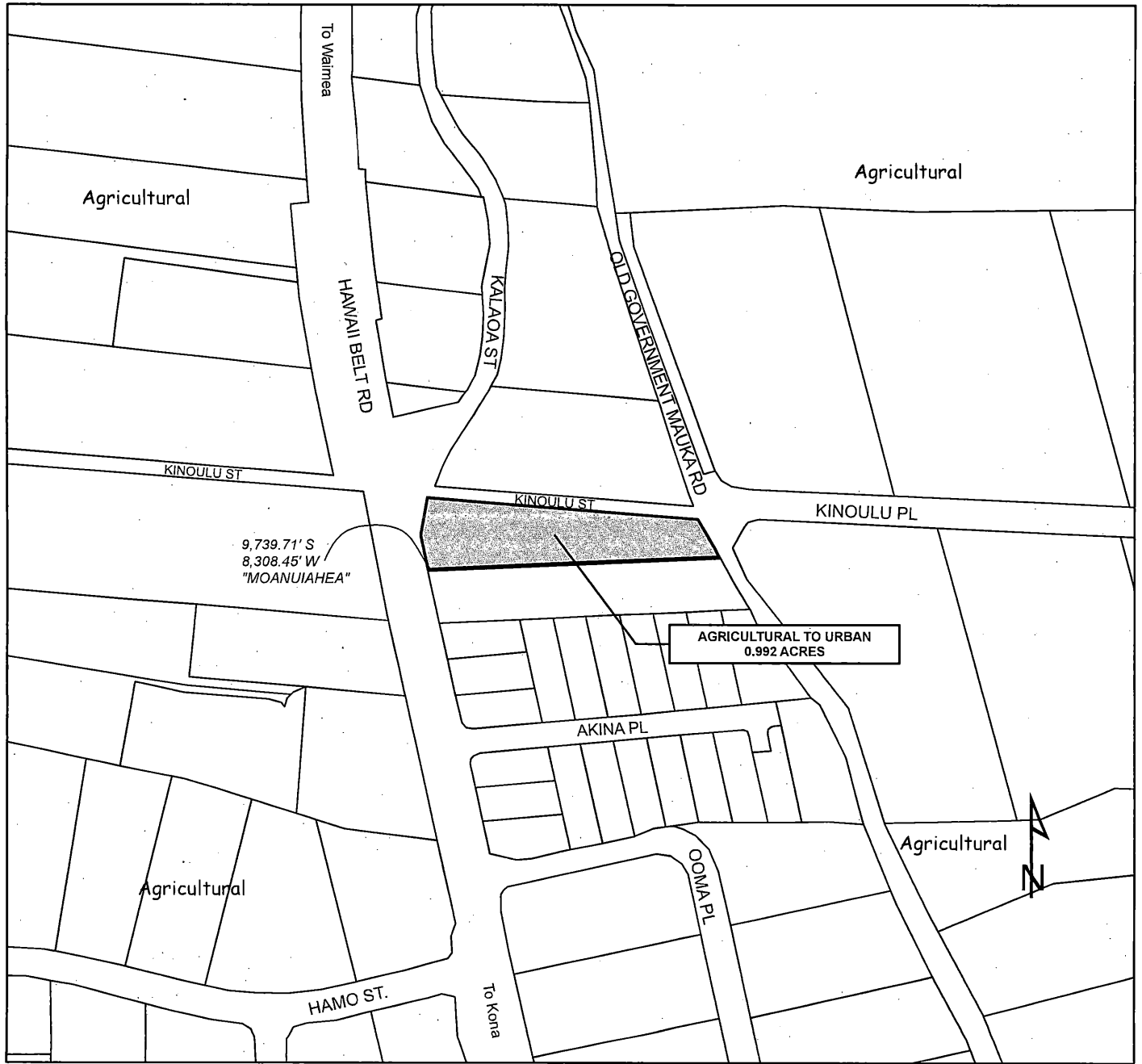


COUNCIL MEMBER, COUNTY OF HAWAII

Kona , Hawai'i

Date of Introduction: April 6, 2022  
Date of 1st Reading: April 6, 2022  
Date of 2nd Reading: April 20, 2022  
Effective Date: April 29, 2022

REFERENCE Comm. 676



# **AMENDMENT TO THE STATE LAND USE BOUNDARIES MAPS**

AMENDING THE STATE LAND USE BOUNDARIES MAP FOR THE COUNTY OF HAWAII, BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT OOMA 1ST, NORTH KONA, HAWAII.

MAP PREPARED BY:  
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 7-3-017:024

DATE: October 5, 2021

EXHIBIT "A"

Kahananui  
Map: 21-208

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

COUNTY CLERK  
 COUNTY OF HAWAII

2022 MAY -4 PM 2:49

Introduced By: Ashley L. Kierkiewicz (B/R)  
 Date Introduced: April 6, 2022  
 First Reading: April 6, 2022  
 Published: April 15, 2022

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Second Reading: April 20, 2022  
 To Mayor: April 28, 2022  
 Returned: May 4, 2022  
 Effective: April 29, 2022  
 Published: May 13, 2022

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.

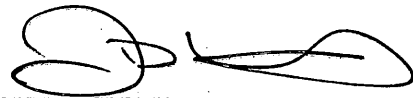
Approved/Disapproved this 29<sup>th</sup> day  
 of April, 2022



MAYOR, COUNTY OF HAWAII



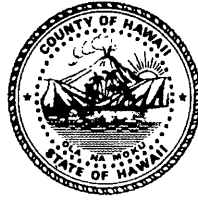
COUNCIL CHAIRPERSON



COUNTY CLERK

Bill No.: 137  
 Reference: C-676/PC-54  
 Ord No.: 22 47

COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 22 48 BILL NO. 138

AN ORDINANCE AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – 1 ACRE (A-1a) TO SINGLE-FAMILY RESIDENTIAL – 15,000 SQUARE FEET (RS-15) AT 'O'OMA 1ST, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY: 7-3-017:024

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

SECTION 1. Section 25-8-3, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at 'O'oma 1<sup>st</sup>, North Kona, Hawai'i, shall be Single-Family Residential – 15,000 square feet (RS-15):

Beginning at the Southwesterly corner of this parcel of land, being also the Northwesterly corner of Lot 2 and being a point on the Easterly side of Hawai'i Belt Road (F.A.P. No. F-10 (5)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 9,739.71 feet South and 8,308.45 feet West and running by azimuths measured clockwise from True South:

1. 167° 13' 58.23 feet along the Easterly side of Hawai'i Belt Road (F.A.P. No. F-10 (5)) to a point;
2. 190° 06' 30" 64.04 feet along the Easterly side of Hawai'i Belt Road (F.A.P. No. F-10 (5)) to a 1/2 inch pipe (found);
3. 274° 11' 446.24 feet along the Southerly side of Kinoulou Street to a point;

- |    |              |        |  |
|----|--------------|--------|--|
| 4. | 328° 26' 30" | 53.33  | feet along the Westerly side of Old Government Mauka Road to a 1/2 inch pipe (found);  |
| 5. | 332° 22'     | 20.83  | feet along the Westerly side of Old Government Mauka Road to a 1/2 inch pipe (found);  |
| 6. | 87° 13'      | 481.55 | feet along Lot 2 and along the remainder of Grant 4343 to J.M. to J.M. Lilinoe to the point of beginning and containing an area of 0.992 Acre. |

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 1983 (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, its successors or assigns (Applicant) shall comply with all of the stated conditions of approval.
- B. Prior to issuance of Final Subdivision Approval, the Applicant shall designate, in writing, which lot within the proposed subdivision will be assigned each of the existing service meters and construct necessary water improvements, which shall include but not be limited to relocation and adjustment of the Department of



Water Supply's affected water system facilities, should they be necessary. The Applicant shall implement any improvements required by the Fire Department and/or Department of Water Supply to ensure that fire protection requirements are met.

- C. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance.
- D. All development generated runoff shall be disposed of on site and not be directed toward any adjacent properties.
- E. All earthwork activities including grading, grubbing, and stockpiling shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
- F. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- G. 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.
- H. Should any state or federally listed or endangered species be found on the subject property, the Applicant shall comply with all applicable requirements of the State

Department of Land and Natural Resources - Division of Forestry and Wildlife and/or the U.S. Department of Interior - Fish and Wildlife Service.

- I. 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.
  
- J. The Applicant shall comply with all applicable County, State and Federal codes, laws, rules, regulations, and requirements for the proposed development, including the Department of Public Works, Department of Water Supply and Department of Health.
  
- K. 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 Applicant, 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 Applicant should require an additional extension of time, the Planning Director shall submit the Applicant's request to the County Council for appropriate action.

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

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.

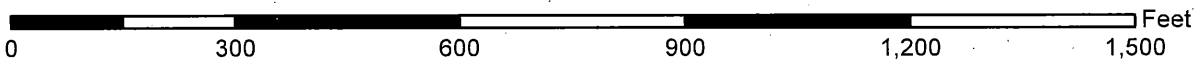
INTRODUCED BY:

A handwritten signature in black ink, appearing to be "Oma" followed by a flourish and "B/R".

COUNCIL MEMBER, COUNTY OF HAWAI'I

Kona, Hawai'i  
Date of Introduction: April 6, 2022  
Date of 1st Reading: April 6, 2022  
Date of 2nd Reading: April 20, 2022  
Effective Date: April 29, 2022

REFERENCE Comm. 676



# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP) ARTICLE 8,  
CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),  
BY CHANGING THE DISTRICT CLASSIFICATION FROM  
AGRICULTURAL (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-15)  
AT OOMA 1ST, NORTH KONA, HAWAII

MAP PREPARED BY:  
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 7-3-017:024

DATE: October 5, 2021

EXHIBIT "A"

Kahananui  
Map: 1433

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

COUNTY CLERK  
 COUNTY OF HAWAII

2022 MAY -4 PM 2:49

Introduced By: Ashley L. Kierkiewicz (B/R)  
 Date Introduced: April 6, 2022  
 First Reading: April 6, 2022  
 Published: April 15, 2022

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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Second Reading: April 20, 2022  
 To Mayor: April 28, 2022  
 Returned: May 4, 2022  
 Effective: April 29, 2022  
 Published: May 13, 2022

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
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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 29 day  
 of April, 2022

  
 MAYOR, COUNTY OF HAWAII



COUNCIL CHAIRPERSON

  
 COUNTY CLERK

Bill No.: 138  
 Reference: C-676/PC-55  
 Ord No.: 22 48