January 23, 2020

MEMORANDUM

TO: Arthur D. Challacombe, Chair and Members of the Planning Commission

FROM: Kathy K. Sokugawa, Acting Director
Department of Planning and Permitting

SUBJECT: Request for a Change in Zoning from the AG-1 Restricted Agricultural District to the AG-2 General Agricultural District
66-815 Kaukonahua Road
Waialua, Oahu, Tax Map Keys (TMK) 6-6-019: 008 and 014

Transmitted for appropriate action is our report and recommendation of approval, subject to conditions, for a proposed zone change from the AG-1 Restricted Agricultural District to the AG-2 General Agricultural District for a 5.779-acre lot in Waialua.

The Applicants, Gabriel and Iris Kahawelelo, and John and Abigail Saguiibo, propose to rezone a 3.366-acre parcel (TMK: 6-6-019: 008) and an adjoining 2.413-acre parcel (TMK: 6-6-019: 014) for the purpose of building two farm dwellings on the lot under a condominium property regime. The parcels are considered one lot for zoning purposes. Under the current AG-1 zoning, one farm dwelling is permitted on the combined 5.779-acre lot. Should the proposed zone change be approved, it would allow two farm dwellings on the lot.

The Applicants propose to engage in small-scale agriculture, involving ornamental plants, vegetables, fruit and flower trees such as papaya and banana, livestock such as rabbits, miniature pigs and ducks, and fish farming. The property was in agricultural production in the past but in recent years was left vacant and overgrown. The Applicants propose to build agricultural support structures, including a chicken coop and a horse corral.
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The proposed zone change is consistent with the General Plan, the North Shore Sustainable Communities Plan, and the purpose and intent of the AG-2 General Agricultural District. Reviewing agencies generally have no objections or comments to the proposal. The North Shore Neighborhood Board No. 27 voted unanimously to support the zone change proposal on May 28, 2019.

Comments received to date relate to surface water runoff from the subject property flooding neighboring residential properties; and testing the soil for possible pesticide contamination. Approval is recommended subject to conditions addressing the above.

Please review the report and recommendation and forward them, together with your recommendation through the Mayor, to the City Council.

Attachment

cc: Iris Kahaulelio
IN THE MATTER OF THE APPLICATION
OF
GABRIEL AND IRIS KAHULELIO
JOHN AND ABIGAIL SAGUIBO
FOR A ZONE CHANGE FROM THE
AG-1 RESTRICTED AGRICULTURAL DISTRICT
TO THE AG-2 GENERAL AGRICULTURAL
DISTRICT

FILE NO. 2019/Z-4

FINDINGS OF FACT, ANALYSIS,
CONCLUSIONS OF LAW, AND RECOMMENDATION

I. APPLICATION

A. Basic Information.

PROJECT : Kahaulelio/Saguibo Waialua Properties

APPLICANT / LANDOWNER : Gabriel and Iris Kahaulelio
John and Abigail Saguibo

AGENT : Iris Kahaulelio

LOCATION : 66-815 Kaukonahua Road, Waialua, Oahu
Attachment 1

TAX MAP KEY (TMK) : 6-6-019: 008 (3.366 acres) and 014 (2.413 acres)

LAND AREA TO BE REZONED : 5.779 acres

RECORDATION : Regular System (Parcel 8); Land Court (Parcel 14)

STATE LAND USE DISTRICT : Agricultural District (Attachment 1)

EXISTING ZONING : AG-1 Restricted Agricultural District
(Attachment 1)
DEVELOPMENT PLAN : Within the Community Growth Boundary (CGB) in an area designated for Agricultural use in the North Shore Sustainable Communities Plan (NS SCP)

SPECIAL MANAGEMENT AREA (SMA) : Not in the SMA

SHORELINE SETBACK : Not in the Shoreline Setback Area

SPECIAL DISTRICT : Not in a Special District

PUBLIC INFRASTRUCTURE MAP (PIM) : No PIM symbol on project site (Attachment 1)

FLOOD HAZARD DISTRICT : Zone X (outside the 0.2 percent annual chance floodplain) (Attachment 1)

EXISTING USE : Vacant

SURROUNDING LAND USES : To the north is the Paalaa Kai Unit II single-family residential subdivision in the R-5 Residential District. To the east is Kaukonahua Road, which provides access to the project site. To the south is an AG-2 General Agricultural lot with a church on it, and an undeveloped R-5 Residential lot. To the west is an AG-2 General Agricultural lot. Other uses nearby are the 103-lot Paalaa Kai Unit I subdivision, the Paalaa Kai wastewater treatment plant, and AG-1 Restricted Agricultural lands across Kaukonahua Road.

B. Proposal. The Applicants propose to rezone a 3.366-acre parcel (TMK 6-6-019: 008) and an adjoining 2.413-acre parcel (TMK 6-6-019: 014) off of Kaukonahua Road in Waialua from the AG-1 Restricted Agricultural District to the AG-2 General Agricultural District. The total area covered by the zoning application is 5.779 acres.

The purpose of the proposed zone change is to allow a second farm dwelling on the property. The two parcels are considered one lot for zoning purposes. Under the current AG-1 Restricted Agricultural zoning, one farm dwelling is permitted on the combined 5.779-acre lot. Should the proposed zone change be approved, it would allow two farm dwellings on the lot, one on Parcel 8 and one on Parcel 14. The Applicants previously sought to subdivide the project site, but the Department of Planning and Permitting (DPP) rejected the proposal in 2018 on the grounds that it did not meet the minimum dimension and area standards of the AG-1 Restricted Agricultural District, and the adequate access provisions of the Subdivision Rules and Regulations (2018/SUB-190). A condominium property regime (CPR) was approved by the State Department of Commerce and Consumer Affairs on November 19, 2019.
The Applicants propose to engage in small-scale agriculture, involving ornamental plants, vegetables, fruit and flower trees, livestock such as rabbits, miniature pigs and ducks, and fish farming. A site plan submitted with the zoning application depicts areas to be planted with papaya, banana, coconut, plumeria, and dragon fruit trees, as well as manila palms and ti leaf. The property was in agricultural production in the past but in recent years was left vacant and overgrown. The Applicants propose to build agricultural support structures, including a chicken coop and a horse corral.

C. Background. According to the application, the property was used for farming vegetables such as tapioca and sweet potato, and fruit such as banana and papaya. It may have been part of larger plantations and it is likely the land was cultivated with sugar cane or pineapple. Prior to the 1900s, most likely the properties were cultivated for subsistence crops such as rice or kalo.

Over time, the property was left inactive and became overgrown with California grass. A small amount of plumeria, papaya, and dragon fruit are being grown at the north end of Parcel 8. After the Applicants purchased the property in 2018, they began clearing it of weedy vegetation. There are no existing structures on site.

The property was configured in 1978 when two long, narrow lots were subdivided and consolidated to create two new lots, one with access via Waialua Beach Road and one has access on Kaukonahua Road (78/SUB-105). The latter lot is the subject of this zoning application. It is considered one lot for zoning purposes, but is made up of two TMKs, 6-6-019: 008 and 014.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director has found:

A. Description of Site/Surrounding Land Uses.

1. Location and Current Use. The project site is at 66-815 Kaukonahua Road in Waialua, about 1,300 feet southwest of Weed Circle. It is long and narrow: 1,313 feet long, with 112 feet of frontage along Kaukonahua Road at its eastern end and widening to 248 feet at its western end.

   The land is vacant and cleared, except for a storage container and a 40-by-100-foot concrete slab on Parcel 14. The surface largely consists of low weeds and dirt, except for a gravel driveway in Parcel 8 leading to Kaukonahua Road. A sewer easement runs north to south through roughly the midsection of the property, linking both increments of the Paalaa Kai single-family residential subdivision.

2. Topography and Soils. The project site is relatively flat, with a slight downhill slope from east to west (Attachment 1). The elevation of the project site ranges from 55-60 feet above mean sea level at Kaukonahua Road, declining to 25-30 feet above mean sea level over the 1,313-foot length of the property, for an average slope of about 1.3 degrees.
According to the U.S. Natural Resource Conservation Service (NRCS) Web Soil Survey, the project site consists mostly of Waialua silty clay (WkA), 0-3 percent slopes. Waialua silty clay is moderately well-drained and in the low runoff class. A small area at the eastern end of the property has Lahaina silty clay (LaB), moist, 3-7 percent slopes, MLRA 187. Lahaina silty clay is well-drained and in the medium runoff class. The NRCS classifies both soil types as prime farmland if irrigated.

The property is classified as prime in the Agricultural Lands of Importance to the State of Hawaii (ALISH) survey by the Hawaii Department of Agriculture (1977), and has an agricultural productivity rating of A in the University of Hawaii Land Study Bureau report (1972). The property is not designated as Important Agricultural Lands (IAL) on the City’s proposed IAL maps, which are pending Land Use Commission review and approval.

3. Surrounding Uses. The project site is in a rural area of largely residential and agricultural uses, with a small commercial area and institutional uses nearby. It lies between the two increments of the Paalaa Kai single-family residential subdivision. The 207-lot Paalaa Kai Unit II borders the entire northern boundary of the project site. A Church of Jesus Christ of Latter-day Saints (LDS) chapel and related facilities occupy a 3.9-acre site south of the project site and fronting Kaukonahua Road. Also south of the property is an undeveloped 8-acre lot zoned R-5 Residential. A 4.6-acre AG-2 general agricultural lot is to the west. Nearby uses, but not bordering the project site, include the Paalaa Kai wastewater treatment plant, the Paalaa Kai Unit I residential subdivision, and a commercial area with the Paalaa Kai Bakery and other businesses. Kaukonahua Road borders the project site to the east. On the other side of Kaukonahua Road are cultivated agricultural lands in the AG-1 Restricted Agricultural District.

All adjacent properties have been rezoned from AG-1 Restricted Agricultural Districts over the years to AG-2 General Agricultural Districts or R-5 Residential District. The Paalaa Kai Units subdivisions were rezoned in the 1970s from the AG-1 Restricted Agricultural Districts, first to R-6, then to R-5 Residential Districts. The LDS Church site was rezoned in 2001 from AG-1 to AG-2 and a Conditional Use Permit (CUP) was approved for the meeting facility on AG-2 land. The 4.6-acre lot to the west of the project site was rezoned in 2015 from AG-1 to AG-2. The 8-acre lot to the south was rezoned in 2018 from AG-1 to R-5 for a proposed 25-lot residential project.

B. Other Permits/Approvals Required. The Applicants propose to build a farm dwelling on each of Parcels 8 and 14. A site plan submitted with the zoning application also depicts two chicken coops, a horse corral and four additional agricultural support structures, plus fences or walls along the boundary of each parcel. The farm dwellings and agricultural accessory structures would require building permits as applicable, in accordance with City and State law.

C. Public Agency Notification/Comments. On October 25, 2019, the following public agencies were requested to evaluate the impact of the proposed zone change on their facilities and services. Agencies stating they have “no comments,” “no objections,” or “no impacts on services provided” are identified with an asterisk (*). Agencies that
submitted written comments providing information or identifying concerns are identified with a plus sign (+). Significant comments received are addressed in Section III of this report.

All written agency comments received prior to the signing of this report are included in their entirety in Attachment 2. Comments received after the signing of this report will be transmitted separately to the Planning Commission or to the City Council for their consideration.

1. **City Agencies:**
   - Board of Water Supply (BWS) +
   - Department of Environmental Services (ENV) *
   - Department of Facility Maintenance (DFM) *
   - Honolulu Emergency Services Department (HES)
   - Honolulu Fire Department (HFD) +
   - Honolulu Police Department (HPD) *

2. **State Agencies:**
   - Department of Agriculture (DOA) +
   - Department of Land and Natural Resources (DLNR)
     - Engineering Division +
     - Division of Forestry and Wildlife *
     - Land Division – Oahu District *
     - State Historic Preservation Division (SHPD)
   - Department of Health (DOH)
     - Wastewater Branch +
     - Hazard Evaluation and Emergency Response Office +
   - Department of Transportation (DOT) +

3. **Federal Agencies:**
   - U. S. Fish and Wildlife Service (USFWS)

D. **Community and Adjoining Property Owners Notification/Comments.** Pursuant to Section 21-2.40-2(b)(2), Revised Ordinances of Honolulu (ROH), the Applicants mailed notices to adjoining landowners on May 14, 2019, informing them of the presentation of the proposal to the North Shore Neighborhood Board No. 27 (NB27).

On May 28, 2019, Applicant Iris Kahaulelio presented the zone change proposal to the NB27. Kahaulelio said their intent is to split and rezone the property to AG-2 General Agricultural District to build a family dwelling on each parcel, according to NB27 minutes. In response to questions, Kahaulelio said her family intends to remain in the community; that they have consulted with neighboring properties; and that grading was not affecting neighbors. No opposition to the proposal was indicated in the NB27 minutes. NB27 Chair Kathleen Pahinui said if a motion to support the zone change application is nullified by a complaint, the Kahaulelio family would have to place the matter on the agenda for another vote of support. The NB27 voted unanimously to support the zone change application.

Subsequent to the May 28 meeting of the NB27, Paalaa Kai resident Stephanie Quimpo appeared at the June and July meetings of the NB27 to voice concerns about the
proposed zone change and project site, according to NB27 minutes. Quimpo, who lives next to the project site, said the Applicants did not inform neighbors of the rezoning proposal, and that there had been three flooding incidents from the project site between September 2018 and February 2019. NB27 Chair Kathleen Pahiunui, in comments via email dated January 1, 2020, to the DPP, said the board’s decision to support the zone change stands, but that the board wants to ensure that issues such as those raised by Quimpo are addressed.

Pursuant to Section 21-2.40-2(c)(3), ROH, the Applicants provided written notice of the zone change application to all property owners within 300 feet of the project site, within ten working days of the Director’s acceptance of the application on October 10, 2019.

The DPP received two written comments from property owners whose properties are adjacent to the northwest corner of the subject property. They commented that rainwater runoff from Parcel 8 flooded their properties on three occasions in 2018 and 2019.

Stephanie Quimpo, the same resident who expressed concerns about the project at the NB27 meetings, lives at 66-962 Oliana Street. She opposes the proposed zone change until issues are resolved regarding water from the project site flooding her property and that of a neighbor. Quimpo said since Applicants Gabriel and Iris Kahaulelio began clearing the project site in May 2018, she has experienced three major floods from the project site, in September and October of 2018 and February of 2019. Quimpo said the flooding damaged the foundation of her house. Quimpo said she supports the building of a wall by the Kahaulelilos to protect adjacent properties such as hers, but wants the work done with the proper permits.

Athena Fujinaga, who lives next to Quimpo at 66-966 Oliana Street, opposes the zone change until the Applicants build a wall to prevent future flooding onto her property. Fujinaga said her property has been flooded three times by rainwater coming from the project site, damaging her home. Fujinaga also asked the DPP to inspect the property to ensure all work is done with the proper permits.

In their response dated December 26, 2019 via email to the DPP regarding the flooding issue, the Applicants stated they have addressed the neighbors’ complaint by building a berm to direct water flow away from their neighbors’ properties and a wall along the property lines between the neighbors’ and their properties. A discussion on drainage is included in the Analysis section below, under Public Facilities and Services.

All written community comments received prior to the signing of this report, and the Applicants’ responses to the comments received are included in their entirety in Attachment 2.

On October 25, 2019, the DPP mailed copies of the zone change application to the NB27, Hawaiian Electric Company (HECO), and the Wahiawa Satellite City Hall. Notices about the proposed zone change went out to media sources, area elected officials, islandwide organizations, and other stakeholders. To date only the NB27 among those parties submitted comments.
III. ANALYSIS

A. Compliance with State Land Use Legislation.

Chapter 205, Hawaii Revised Statutes (HRS), Land Use Commission. The project site is in the State Land Use Agricultural District. Section 205-2(a)(3), HRS, states, "In the establishment of the boundaries of agricultural districts the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation."

The state Agricultural District allows a wide range of uses, typically crop and livestock production but also such uses as solar and wind energy generation, open-air recreation, and agricultural tourism, pursuant to Sections 205-2(d) and 205-4.5, HRS. Section 205-4.5(4) defines a farm dwelling as that “used in connection with a farm” or “where agricultural activity provides income to the family occupying the dwelling.” The Applicants have stated their intent to engage in agricultural activities and to build one farm dwelling on each parcel in support of those agricultural activities. The State DOA noted that the subject property has an agricultural tax dedication as “vacant agriculture” on the City’s 2020 Dedicated Agricultural List, indicating an intent to engage in agriculture in the future. The Department commented that it considers agricultural tax dedications as evidence of existing or forthcoming agricultural use. The proposed zone change is consistent with the purpose of the Agricultural District.

B. Compliance with City Land Use Legislation.

1. General Plan (GP) of the City and County of Honolulu, as amended by Resolution 02-205, CD1. The proposed zone change supports the following GP objectives and policies:

I. Population

Objective C: “To establish a pattern of population distribution that will allow the people of Oahu to live and work in harmony.”

Policy 3: “Manage physical growth and development in the urban-fringe and rural areas so that: a) an undesirable spreading of development is prevented; and b) their population densities are consistent with the character of development and environmental qualities desired for such areas.”

The project would not result in an undesirable spreading of development, as it is within the CGB of the NS SCP, and agricultural uses generally are not considered development. It also would have a lower population density than the surrounding R-5 residential subdivisions, and be in keeping with the region's rural character.

II. Economic Activity

Objective A: “To promote employment opportunities that will enable all the people of Oahu to attain a decent standard of living.”
Policy 1: "Encourage growth and diversification of Oahu's economic base."

Policy 2: "Encourage the development of small businesses and larger industries which will contribute to the economic and social well-being of Oahu residents."

Objective C: "To maintain the viability of agriculture on Oahu."

Policy 2: "Support agricultural diversification in all agricultural areas on Oahu."

Policy 5: "Maintain agricultural land along the Windward, North Shore, and Waianae coasts for truck farming, flower growing, aquaculture, livestock production, and other types of diversified agriculture."

Policy 6: "Encourage the more intensive use of productive agricultural land."

The proposed zone change would support the resumption of agricultural production on the property, which has been vacant in recent years. The Applicants propose to engage in small-scale agriculture, including truck farming and flower growing, that would contribute to a diversified economy and agricultural base.

VII. Physical Development and Urban Design

Objective D: "To maintain those development characteristics in the urban-fringe and rural areas which make them desirable places to live."

Policy 4: "Maintain rural areas as areas which are intended to provide environments supportive of lifestyle choices which are dependent on the availability of land suitable for small to moderate size agricultural pursuits, a relatively open and scenic setting, and/or a small town, country atmosphere consisting of communities which are small in size, very low density and low rise in character, and may contain a mixture of uses."

The proposed zone change would maintain the rural and agricultural character of the area. It would maintain the availability of land for small-scale agriculture, as well as an open and scenic setting.

2. Chapter 24, ROH, Article 8, NS SCP. Section 24-8.5(c), ROH, provides that all proposed developments in the North Shore planning area shall be reviewed for their consistency with the vision, policies, and guidelines of the NS SCP, as discussed below:
North Shore’s Role in Oahu’s Development Pattern. Section 1 of the NS SCP states that the North Shore’s role in the City and County of Honolulu is as a rural region characterized by agricultural lands and scenic open spaces. Section 1 lists policies for future land use in the NS SCP area, including:

- Maintain the region’s rural character by promoting diversified agriculture, preserving scenic open space, and retaining the small-town, country atmosphere of the region’s typically low-rise, low-density communities.

- Preserve agricultural lands for current and future agricultural uses and support the diversified agriculture industry.

The Applicants’ stated intention to engage in diversified agriculture supports those policies, including maintaining the region’s rural character and preserving agricultural lands.

The Vision for the North Shore’s Future. Section 2 of the NS SCP states a vision of a North Shore that will experience very little growth and which “will remain ‘country,’ with wide open spaces, agricultural lands and rural communities defining the regional landscape, and growth limited to Haleiwa and Waialua Towns.” These elements of the Vision apply to the proposed zone change:

- 2.2.1 Maintain the Community Growth Boundary to Protect Agricultural, Open Space, and Natural Resources.

- 2.2.2 Promote a Diversified Agricultural Industry.

The CGB was established to guide development by preserving open space and agricultural areas outside the boundary and providing adequate lands inside the boundary for facilities needed to support established communities. The site is within the CGB and the proposed zone change continues the agricultural zoning of the property which supports the above vision element. The Applicants’ proposal to put the land back into cultivation and engage in diversified agriculture also supports the vision.

Land Use Policies and Guidelines. The following policies for Agriculture (Section 3.2.1 of the NS SCP) apply to the proposed zone change:

- Protect all productive, high-value agricultural lands, regardless of current crop production capabilities, from uses that would undermine or otherwise irreversibly compromise their agricultural potential and crop production capabilities.

- Promote the long-term viability of diversified agriculture on the North Shore and ensure the continued productive use of the land.

- Maintain a healthy and competitive industry that supports a range of different types and scales of agriculture.
- Ensure that agriculture is the primary use of agricultural lands. Prohibit the improper use of agricultural lands, including the development or subdivision of agriculturally designated and zoned lands for residential and other nonagricultural uses, unless accessory to agricultural use. Do not allow token farming (i.e., “fake farms”) or ranching as a ruse to exploit agricultural land.

- Maintain the current agricultural land use and zoning designation of agricultural lands within the Community Growth Boundary that are in the State Agricultural District and zoned for agriculture, except for limited “infill” areas contiguous to Haleiwa and Waialua Towns that are designated for future residential.

The proposed zone change to AG-2 would allow a wider range of uses than under the current AG-1 zoning, such as meeting and recreational facilities. The project site is classified as prime in the state ALISH survey and has an agricultural productivity rating of A in the University of Hawaii Land Study Bureau report.

The Applicants' stated reason for seeking a zone change is to build a second farm dwelling on the property, raising the question of whether agriculture would be accessory to the farm dwelling, and not the other way around. On the other hand, the project site is relatively small and is surrounded by properties that have been rezoned from AG-1 to AG-2 or R-5, including three properties since 2001. The Applicants propose to engage in small-scale diversified agriculture on a site that has been vacant in recent years. This would be consistent with the Land Use Policies and Guidelines of the NS SCP and maintain the project site in agricultural zoning.

3. Chapter 4, ROH, Article 8, PIM. The North Shore PIM does not show any PIM symbol on the project site. The PIM symbols shown in the vicinity of the project site include Haleiwa Road sidewalk improvements (Symbol No. 3), Waialua Beach Road improvements (Symbol No. 9), and Haleiwa Fire Station relocation (Symbol No. 20) (Attachment 1). The proposed zone change is not anticipated to have a significant impact on these PIM projects.

4. Chapter 21, ROH, Land Use Ordinance (LUO). The proposed zone change from the AG-1 Restricted Agricultural District to the AG-2 General Agricultural District is discussed below.

Agricultural Districts—Purpose and Intent. Section 21-3.50 of the LUO states, in part:

“(b) The intent of the AG-1 restricted agricultural district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses which perpetuate the retention of these lands in the production of food, feed, forage, fiber crops and horticultural plants. Only accessory agribusiness activities which meet the above intent shall be permitted in this district.”
"(c) The following guidelines shall be used to identify lands which may be considered for the AG-1 restricted agricultural district:

1. Lands which are within the state-designated agricultural district and designated agricultural by adopted city land use policies.

2. Lands which are predominantly classified as prime or unique under the agricultural lands of importance to the State of Hawaii system; and

3. Lands where a substantial number of parcels are more than five acres in size."

"(d) The intent of the AG-2 general agricultural district is to conserve and protect agricultural activities on smaller parcels of land."

"(e) The following guidelines shall be used to identify lands which may be considered for the AG-2 general agricultural district:

1. Lands which are within the state-designated agricultural district and designated agricultural by adopted city land use policies.

2. Lands which are predominantly classified as other under the agricultural lands of importance to the State of Hawaii system; and

3. Lands where a substantial number of parcels are less than five acres in size."

The project site is consistent with the guidelines of the AG-1 District in that it is classified as prime under the state ALISH system. The zoning lot also exceeds five acres in size (although the two parcels that make up the zoning lot are each less than five acres). However, the project site is relatively small and is surrounded by properties that have been rezoned from AG-1 to AG-2 or R-5, including three properties since 2001, two of which are less than five acres. These factors make the project site appropriate for AG-2 zoning.

The State DOA commented that it is very concerned about zone changes involving land zoned AG-1, and with the establishment of CPRs on agricultural land that result in little, if any, agricultural activity. The department said if the zone change is approved and the project site subjected to CPR, that any dwelling units comply with State and City requirements that "farm dwellings" be related to agricultural activity that provides income to the occupants of the dwelling.

It should be noted that the Applicants recently received State approval for the CPR on November 19, 2019. As indicated earlier, the subject property has an agricultural tax dedication as "vacant agriculture" on the City's 2020 Dedicated Agricultural List, indicating an intent to engage in agriculture in the future. Building permit applications for farm dwellings are required to include a plan to show that it meets the LVO definition of a farm dwelling, which is "a dwelling located on and used in connection with a farm where agricultural activity provides
income to the family occupying the dwelling," for review and approval by the DPP. Pursuant to Section 8-7.3, Revised Ordinances of Honolulu (ROH), landowners seeking an agricultural tax dedication are required to submit a detailed agricultural plan, and if a tax dedication is approved, must submit to the City Department of Budget and Fiscal Services (BFS) annual reports that include general excise tax filings documenting the agricultural income.

**AG-2 General Agricultural District Permitted Uses.** Table 21-3 of the LUO, the Master Use Table, lists permitted uses for the various zoning districts. While the AG-1 Restricted Agricultural District generally restricts uses to the direct cultivation of crops and livestock, and to agricultural support activities, the AG-2 General Agricultural District allows a wider range of uses. These include game preserves, commercial kennels, zoos, waste disposal and processing, recreation facilities, cemeteries, day care and meeting facilities, and schools. Many of these uses require a Conditional Use Permit or other discretionary approval. The Applicants state they intend to engage in small-scale diversified agriculture, which is a permitted use in the AG-2 General Agricultural District.

**AG-2 General Agricultural District Development Standards.** Table 21-3.1 of the LUO lists development standards for the Agricultural, Country and Preservation Districts. The minimum lot size is 5 acres in the AG-1 District and 2 acres in the AG-2 District (3 acres in the latter for major livestock production). Section 21-5.250 of the LUO, regulating farm dwellings, states that the number of farm dwellings shall not exceed one for each 5 acres of lot area in the AG-1 District, and one for each 2 acres of lot area in the AG-2 District. As noted above, proposed farm dwellings must meet the LUO definition of a farm dwelling as "a dwelling located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling." Section 21-5.250 also states that each farm dwelling and accessory uses may not exceed 5,000 square feet of the lot.

The Applicants state they intend to comply with development standards of the AG-2 District.

**C. Compliance with Environmental Legislation.**

1. **Chapter 343, HRS, and Title 11, Chapter 200, Hawaii Administrative Rules (HAR), Environmental Impact Statements.** The proposed zone change does not trigger the requirements for an Environmental Assessment (EA), per Chapter 343, HRS. Section 24-8.1, ROH, requires an EA for projects involving a significant zone change within the NS SCP area. In a letter dated July 19, 2019, the DPP determined that the proposed zone change does not involve a significant zone change and, therefore, an EA is not required.

2. **Chapter 6E-42, HRS, Historic Preservation.** The project site is not listed on the Hawaii or National Register of Historic Places. According to the zone change application, the property had been in agricultural use for decades and there are no structures present that would qualify as historic. It is also noted that should the Applicants encounter any subterranean items during agricultural activities or the construction of structures or irrigation systems, they would contact the SHPD.
The SHPD requested additional information via email which the DPP provided on December 16, 2019. To date the Department has yet to receive comments from the SHPD.

3. **Chapter 128D, HRS, and Title 11, Chapter 451, HAR, Hawaii Environmental Response Law.** The Hazard Evaluation and Emergency Response Office (HEER) of the State DOH indicated that for residential development on former agricultural lands, it is recommended that sites with known pesticide-related contamination or where pesticides were regularly applied be evaluated for residual contamination prior to redevelopment. It also recommended that a Sampling and Analysis Work Plan to test the soils for residual pesticides be submitted to the HEER Office for review and approval prior to conducting such an evaluation. Excessive levels may require remediation. Also, for sites which may have been used historically for pesticides mixing and/or illegal dumping, additional investigation and remediation may be necessary. Subsequent phone conversation between DPP staff and HEER Office staff confirmed that the above recommendations apply to any proposed residential development, including construction of farm dwellings. Hence, as a condition of approval, the DPP recommends that the Applicants submit a Sampling and Analysis Work Plan to test the soil for pesticide contamination to the DOH HEER Office, and provide documentation of compliance with Chapter 128D, HRS and HAR 11-451 prior to issuance of a grading or building permit.

4. **Chapter 23, ROH, Shoreline Setback Ordinance and Chapter 25, ROH, SMA Ordinance.** The project site is not in the shoreline setback area or the Special Management Area and, therefore, not subject to Chapter 23 or Chapter 25, ROH.

5. **Chapter 21A, ROH, Flood Hazard Areas.** According to the Federal Emergency Management Agency’s current Flood Insurance Rate Map for the area, the project site is in Flood Zone X, which is determined to be an area outside the 0.2 percent annual chance floodplain (Attachment 1).

The project site is in the Extreme Tsunami Evacuation Zone (EXTEZ), but is not in the Tsunami Evacuation Zone, according to the Hawaii Emergency Management Agency. The EXTEZ is the area that may be affected by a tsunami that exceeds the historic impact zones of distant tsunami events.

6. **Sea Level Rise.** Per Mayor’s Directive No. 18-2 of July 16, 2018, proposed zone changes shall be reviewed for potential impacts from climate change and sea level rise. The project site is not within or adjacent to the 3.2-foot Sea Level Rise Exposure Area (SLR-XA) as defined by the Sea Level Rise Viewer of the Pacific Islands Ocean Observing System. The site is also outside of the projected 6-foot sea level rise inundation area as depicted by the National Oceanic and Atmospheric Administration Sea Level Rise Viewer. The elevation of the lowest point of the project site is 25-30 feet above mean sea level, according to a topographic map prepared by the DPP. The potential hazard due to sea level rise is not expected to increase. A condition of approval regarding sea level rise is not recommended.
7. **Visual Impacts.** The project site does not contain any known landmarks and is not within any public view corridors identified in the NS SCP. The proposed AG-2 zoning will have a height limit of 25 feet, the same as the existing height limit of the AG-1 District. A condition of approval regarding visual resources is not recommended.

D. **Public Facilities and Services.** The review conducted by various agencies was based on the Applicants' zone change proposal. Agency comments received regarding specific public facilities and services are summarized below.

1. **Transportation.** Access to the project site is via Kaukonahua Road, a two-way, two-lane regional roadway under the jurisdiction of the State DOT. In the area around the project site, Kaukonahua Road serves the 310-home Paalaa Kai subdivision and smaller residential projects, leading to Weed Circle and Haleiwa to the north and Waialua Town to the south.

   The DOT reviewed the proposal and states that no significant impact would occur on Kaukonahua Road from two farm dwellings, agricultural use and a minor agricultural retail operation. The DOT also said it would allow one shared access driveway onto Kaukonahua Road for both parcels. The proposed driveway is shown in a supplemental diagram submitted by the Applicants (Attachment 1). Hence, a condition of approval regarding transportation is not recommended.

2. **Water.** The project site is serviced by the BWS. The BWS commented that the water system is adequate to accommodate the domestic demands of the proposed farm dwellings, but it reserves the right to change its position until approval of a building permit application. The BWS recommends that the Applicants investigate the feasibility of using non-potable water for irrigation of the proposed agricultural uses. If non-potable water is unavailable or infeasible, the Applicants should submit a report of its investigation, including proposed irrigation demands, before the BWS would consider the use of potable water for agricultural uses. The Applicants will be required to meet all BWS requirements, prior to the issuance of the building permit for the farm dwelling. In addition, as part of the application process for agricultural use water meter, BWS would require a report on their investigation regarding the availability of non-potable water prior to approval. Hence, a condition of approval is not recommended.

3. **Wastewater.** The project site is not connected to the City wastewater system. Installation of Individual Wastewater Systems (IWS) on private property is under the jurisdiction of the State DOH. In its comments to the proposed zone change, the DOH Wastewater Branch indicated that the site is in the BWS No Pass Zone, areas where waste disposal facilities could contaminate groundwater resources. However, it also stated that it has no objection to the proposal, provided that all wastewater plans conform to applicable state rules and regulations. In a December 10, 2018 letter to Applicants, the DOH Wastewater Branch approved plans for an IWS on Parcel 8 of the project site. As part of the building permit application process, review and approval by the DOH for compliance with the applicable rules and regulations relating to wastewater will be required. Hence, a condition of approval relating to wastewater is not recommended.
4. **Drainage.** The project site has a slight downhill slope from east to west, or from the vicinity of Kaukonahua Road toward the ocean. According to a topographic map prepared by the DPP (Attachment 1), the elevation of the project site is 55-60 feet above mean sea level at Kaukonahua Road, declining to 25-30 feet above mean sea level over the approximately 1,300-foot length of the property, for an average slope of about 1.3 degrees.

The lowest portion of the project site is at the northwestern corner, which corresponds to the area where two neighbors on adjoining properties have complained about flooding from the project site. A site inspection by the DPP staff on December 9, 2019, observed that the northwestern corner of the project site is at the same grade as three adjoining residential properties, identified as 66-956, 66-958, and 66-962 Oliana Street; whereas other adjoining properties along the same boundary are at a higher elevation. The site visit also found that a solid wall approximately 15 feet long and 40 inches high was constructed along the property line in the northwestern corner. The Applicants stated they built the wall, with the agreement of both neighbors who complained of flooding, in an attempt to mitigate the risk of future flooding. The Applicants stated they intend to extend the wall to cover the 40-foot shared property line with 66-962 Oliana Street, which would cover the boundaries with the two neighboring lots where residents have complained of flooding. The NS SCP policies for agricultural lands include encouraging agricultural producers to develop Conservation Plans, in conjunction with the West Oahu Soil and Water Conservation District, to manage and protect natural resources. The Applicants' Plan may identify best practices to mitigate the risk of future flooding. Hence, as a condition of approval, it is recommended that the Applicants be required to develop a Conservation Plan in consultation with the West Oahu Soil and Water Conservation District and to provide a copy to the DPP, prior to the issuance of building permits for the farm dwellings.

5. **Solid Waste.** The City ENV reviewed the proposal and had no comments or objections to the proposed zone change. In an August 22, 2019 letter to the Applicants, the ENV said it would need to review design plans for construction prior to granting refuse collection service. Building permit application plans requesting municipal refuse collection services are subject to ENV review and approval prior to issuance of building permit. Hence, a condition of approval regarding solid waste collection is not recommended.

6. **Police Services.** The project site is in Honolulu Police Department (HPD) District 2 (Wahiawa/North Shore), Sector 3 (Waialua/North Shore). The HPD commented that the project should have no significant impact on HPD operations or services. A condition of approval regarding police services is not recommended.

7. **Fire Services.** The Waialua Fire Station No. 14, at 66-420 Haleiwa Road, is approximately 1.8 miles north of the project site. There is a fire hydrant about 300 feet south of the project site along Kaukonahua Road, in front of the adjacent church property. The HFD commented that any new development must comply with the HFD requirements, such as access road standards, adequate water supply and water pressure, and submission of civil drawings to the HFD for
review and approval. As compliance with HFD requirements is part of the building permit application review process, a condition of approval regarding fire services is not recommended.

8. **Facility Maintenance.** The City DFM commented it has no facilities or easements on the project site, but noted the presence of sewer easement that runs under both parcels which is under the jurisdiction of the ENV. A condition of approval is not recommended.

E. **Social and Economic Impacts.**

1. **Education.** The proposed zone change is not anticipated to generate significant demand on school facilities in the area, as development would be limited to two farm dwellings. A condition of approval is not recommended.

2. **Employment.** The proposed agricultural production on the project site may generate a small number of jobs, but is not anticipated to have a significant impact on employment in the region. Construction-related employment could be supported in the short term as structures are built. A condition of approval is not recommended.

3. **Affordable Housing.** The two proposed farm dwellings would not trigger a requirement for the provision of affordable housing. A condition of approval is not recommended.

IV. **CONCLUSIONS OF LAW**

The Director hereby makes the following conclusions:

Based on the foregoing Findings of Facts and Analysis, the proposed zone change from the AG-1 Restricted Agricultural District to the AG-2 General Agricultural District is consistent with State and City land use plans and policies, including the General Plan and the North Shore Sustainable Communities Plan. Existing services and infrastructure systems are adequate for proposed uses, and will be further evaluated for adequacy during permit reviews. The proposed zone change is not anticipated to have any significant or adverse social, economic, or environmental impacts on surrounding land uses, given recommended conditions of approval.

V. **RECOMMENDATION**

Pursuant to the foregoing Findings of Fact, Analysis, and Conclusions of Law, the Director of the Department of Planning and Permitting (DPP) recommends that a change in zoning from the AG-1 Restricted Agricultural District to the AG-2 General Agricultural District be APPROVED as shown on the map marked Exhibit A in the attached draft Ordinance (Attachment 3) and subject to the Applicants’ execution of a Unilateral Agreement for the project site under the provisions of Section 21-2.80 of the LUO to be recorded with the Bureau of Conveyances of the State of Hawaii. The recommended conditions of approval include the following:
1. **Drainage.** The Declarant shall develop a Conservation Plan in consultation with the West Oahu Soil and Water Conservation District, and provide a copy to the DPP prior to the issuance of a building permit for the farm dwellings. The Declarant shall apply best practices identified in the Conservation Plan, including those which manage and retain drainage onsite.

2. **Pesticide Presence.** The Declarant shall submit a Sampling and Analysis Work Plan to test the soil for pesticide contamination to the Department of Health Hazard Evaluation and Emergency Response Office, and provide documentation of compliance with Chapter 128D, Hawaii Revised Statutes and Hawaii Administrative Rules 11-451, as applicable, to the DPP prior to issuance of a building permit.

3. **Compliance with Other Governmental Requirements.** The Declarant acknowledges that approval of the zone change does not constitute compliance with other LUO or other governmental requirements. They are subject to separate review and approval. The Declarant shall be responsible for ensuring that the final plans for the Project comply with all applicable LUO and other governmental provisions and requirements.

4. **Annual Reports.** On an annual basis, the Declarant shall submit a written status report to the DPP documenting its satisfaction of and/or describing its progress toward complying with each condition of approval for this zone change. The status report shall be submitted to the DPP by December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied, or as necessary.

5. **Noncompliance with Conditions.** In the event of noncompliance with any of the conditions set forth herein, the Director of the DPP shall inform the City Council and may seek civil enforcement or take appropriate action to terminate or stop the Project until applicable conditions are met, including but not limited to revoking any permits issued under this zoning and withholding issuance of other permits related to the Project. Noncompliance also may be grounds for the enactment of ordinances making further zone changes, including revocation of the underlying zoning, upon initiation by the proper parties in accordance with the Revised City Charter.

Dated at Honolulu, Hawaii, this 21st day of January, 2020.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

By [Signature]
Kathy K. Sokugawa
Acting Director

Attachment
ATTACHMENT 1
(MAPS: LOCATION MAP, EXISTING ZONING MAP NO. 17, STATE LAND USE MAP, FLOOD HAZARD MAP, TOPOGRAPHY MAP, PUBLIC INFRASTRUCTURE MAP, SUPPLEMENTAL DIAGRAM OF PROPOSED DRIVEWAYS AND APRONS)
PORTION OF
EXISTING ZONING MAP NO. # 17
(MOKULEIA - WAIALUA - HALEIWA)

Land situated within the proximity of Waialua, approximately .3 miles from the intersection of Kaukonahua Rd and Waialua Beach Rd and approximately 1.3 miles south of Haleiwa.

APPLICANT: Kahuaoleo-Saguibo North Shore Zone Change
TAX MAP KEY(S): 6-6-019: 008; 014
FOLDER NO.: 2019/Z-4
LAND AREA: 5.779 ACRES (APPROX)
PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU
PUBLIC HEARING PLANNING COMMISION CITY COUNCIL

ORD. NO.
EFF. DATE:

EXHIBIT A
BILL
Special Flood Hazard Areas Subject To Inundation By the 1% Annual Chance Flood – The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year.

The Special Flood Hazard is the area subject to flooding by the 1% annual chance flood. Mandatory flood insurance applies in these zones.

The Base Flood Elevation (BFE) is the water-surface elevation of the 1% annual chance flood.

Flood Hazard Zones:
- Zone A = No BFE determined
- Zone AE = BFE determined

Non-Special Flood Hazard Area – An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

Zone XS (X shaded) = Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

Zone X = Area Determined to be outside the 0.2% annual chance floodplain.

PORTION OF FLOOD HAZARD MAP
WAIALUA
FIRM FLOOD PANEL: 0105H
TAX MAP KEY(S): 6-6-019: 008; 014
FOLDER NO.: 2019/Z-4

Prepared by: Department of Planning & Permitting
City & County of Honolulu
Date Prepared: 12/27/2019

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All Rights Reserved 2019
2019/Z-4
Kahaulelio-Saguibo zone change

Supplemental diagram showing proposed driveways and apron

LEGEND

Saguibo driveway
min. 20’ wide per HFD

Unit B users will be
allowed to cross part
of Unit A to reach the
access driveway

Kahaulelio driveway
min. 20’ wide per HFD

Driveway apron
min. 20’ wide

Shared access
driveway

Kaukonahua Road

1-9-20

Scanned by CamScanner
ATTACHMENT 2
(AGENCY & COMMUNITY COMMENTS
APPLICANTS’ RESPONSE TO COMMENTS)
TO: KATHY K. SOKUGAWA, ACTING DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

ATTN: LIN WONG, BRANCH CHIEF
DEVELOPMENT PLANS AND ZONE CHANGE BRANCH

FROM: ERNEST Y. W. LAU, P.E., MANAGER AND CHIEF ENGINEER

SUBJECT: APPLICATION FOR ZONE CHANGE FROM AG-1 RESTRICTED
AGRICULTURAL DISTRICT TO THE AG-2 GENERAL AGRICULTURAL
DISTRICT AT 66-815 KAUKONAHUA ROAD, WAIALUA, OAHU
TAX MAP KEY: 6-6-019: 008 AND 014

The Department of Planning and Permitting recognizes Tax Map Key 6-6-019: 008 and 014 as being previously consolidated into one parcel. Therefore, the proposed zone change has been evaluated as a single lot development.

The existing water system is adequate to accommodate the domestic demands of the proposed farm dwellings. However, please be advised that this information is based upon current data, and therefore, the Board of Water Supply reserves the right to change any position or information stated herein up until the final approval of the building permit application. The final decision on the availability of water will be confirmed when the building permit application is submitted for approval.

When water is made available, the applicant will be required to pay our Water System Facilities Charges for resource development, transmission and daily storage.

Water conservation measures are required for all proposed developments. These measures include utilization of nonpotable water for irrigation using rain catchment, drought tolerant plants, xeriscape landscaping, efficient irrigation systems, such as a drip system and moisture sensors, and the use of Water Sense labeled ultra-low flow water fixtures and toilets.

The developer should investigate the feasibility of using non-potable water for irrigation of the proposed agriculture farms. If non-potable water is either unavailable or infeasible, a report of the investigation including proposed irrigation demands should be submitted to us before we will consider the use of potable water.
Ms. Kathy Sokugawa  
November 25, 2019  
Page 2

The proposed development shall verify with the State Department of Health in regard to wastewater disposal systems that are allowable within the “No Pass Zone”.

The on-site fire protection requirements should be coordinated with the Fire Prevention Bureau of the Honolulu Fire Department.

If you have any questions, please contact Robert Chun, Project Review Branch of our Water Resources Division at 748-5443.
November 29, 2019

MEMORANDUM

TO: Lin Wong, Branch Chief  
Development Plans and Zone Change Branch  
Department of Planning and Permitting

FROM: Cyndy K. Aylett  
Executive Assistant I

SUBJECT: Application for Zone Change from the AG-1 Restricted Agricultural District to the AG-2 General Agricultural District  
66-815 Kaukonahua Road, Waialua, Oahu  
Tax Map Key: 6-6-019: 008 and 014

We have reviewed the subject application as transmitted to us by your memo dated October 25, 2019, reference number 2019/Z-4 (ay). We have no comments or objections to the proposed zone change.

Should you have any questions, please call Marisol Olaes, Civil Engineer, at 768-3467.
MEMORANDUM

TO: Kathy K. Sokugawa, Acting Director
    Department of Planning and Permitting

ATTENTION: Lin Wong, Chief
            Development Plans and Zone Change Branch

FROM: Ross S. Sasamura, P.E.
      Director and Chief Engineer
      Department of Facility Maintenance

SUBJECT: Application for Zone Change from the AG-1 Restricted Agricultural
         District to the AG-2 General Agricultural District
         66-815 Kaukonahua Road, Waialua
         Tax Map Key: 6-6-019:008 and 014

Thank you for the opportunity to review and comment on the subject project.

We do not have any comments at this time, as we do not have any facilities or
 easements on the subject property. Please note that there is a sewer easement that
 runs through both properties that would be under the jurisdiction of the Department of
 Environmental Services, Wastewater Division.

If you have any questions, please call Mr. Kyle Oyasato of the Division of Road
 Maintenance at 768-3697.
November 20, 2019

TO: LIN WONG, BRANCH CHIEF
DEVELOPMENT PLANS AND ZONE CHANGE BRANCH
DEPARTMENT OF PLANNING AND PERMITTING

FROM: SOCRATES BRATAKOS, ASSISTANT CHIEF

SUBJECT: 2019/Z4, APPLICATION FOR ZONE CHANGE FROM THE AG-1 RESTRICTED AGRICULTURAL DISTRICT TO THE AG-2 GENERAL AGRICULTURAL DISTRICT
66-815 KAUKONAHUA ROAD, WAIALUA, OAHU
TAX MAP KEYS: 6-6-019: 008 AND 014

In response to your letter dated October 29, 2019, regarding the abovementioned subject, the Honolulu Fire Department (HFD) reviewed the submitted information and requires that the following be complied with:

1. Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet (46 meters) from fire department access roads as measured by an approved route around the exterior of the building or facility. (National Fire Protection Association [NFPA] 1; 2012 Edition, Sections 18.2.3.2.2 and 18.2.3.2.2.1.)

A fire department access road shall extend to within 50 feet (15 meters) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. (NFPA 1; 2012 Edition, Section 18.2.3.2.1.)

2. A water supply approved by the county, capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county.
When any portion of the facility or building is in excess of 150 feet (45,720 millimeters) from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ [Authority Having Jurisdiction]. (NFPA 1; 2012 Edition, Section 18.3.1, as amended.)

3. The unobstructed width and unobstructed vertical clearance of a fire apparatus access road shall meet county requirements. (NFPA 1; 2012 Edition, Sections 18.2.3.4.1.1 and 18.2.3.4.1.2, as amended.)

4. Submit civil drawings to the HFD for review and approval.

Should you have questions, please contact Assistant Chief Socrates Bratakos of our Planning and Development division at 723-7106 or sbratakos@honolulu.gov.

[Signature]
SOCRATES BRATAKOS
Assistant Chief

SB:ms
November 7, 2019

MEMORANDUM

TO: Kathy K. Sokugawa, Acting Director
   Department of Planning and Permitting

ATTENTION: Lin Wong, Branch Chief, Development Plans and Zone Change Branch

FROM: Allan T. Nagata, Assistant Chief, Support Services Bureau

SUBJECT: Application for Zone Change (Project File No. 2019/Z-4)
          AG-1 Restricted Agricultural District to AG-2 General Agricultural District
          66-815 Kaukonahua Road - Waialua
          Tax Map Keys: 6-6-019: 008 and 014

This is in response to Ms. Wong’s memorandum of October 25, 2019, requesting
input on a proposed zone change to allow a second farm dwelling on the property under a
condominium property regime.

The Honolulu Police Department has reviewed the information contained in the CD
provided. This project should have no significant impact on the operations or services
provided by the HPD at this time.

If there are any questions, please call Captain Thomas Taflinger of District 2
(Wahiawa) at 723-8703.

Thank you for the opportunity to review this project.

ALLAN T. NAGATA
Assistant Chief
Support Services Bureau

Serving and Protecting With Aloha
November 21, 2019

Lin Wong, Branch Chief  
Development Plans and Zone Change Branch  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7th Floor  
Honolulu, HI 96813

via email: andrew.yamaguchi@honolulu.gov

Dear Sirs:

SUBJECT: Application for Zone Change from AG-1 Restricted Agricultural District to the AG-2 General Agricultural District, 66-815 Kaukonahua Road, Waialua, Oahu; TMK: (1) 6-6-019:008 & -014

Thank you for the opportunity to review and comment on the above subject matter. The Land Division of the Department of Land and Natural Resources (“DLNR”) distributed or made available a copy of your request pertaining to the subject matter to selected DLNR Divisions for their review and comments.

Enclosed are responses from DLNR’s a) Engineering Division and b) Division of Forestry and Wildlife, and c) Land Division—Oahu District. Should you have any questions, please feel free to contact Barbara Lee, Project Development Specialist, at (808) 587-0453, or via email at barbara.j.lee@hawaii.gov. Thank you.

Sincerely,

[Signature]
Russell Y. Tsudo
Land Administrator

Enclosure(s)
cc: Central Files
MEMORANDUM

TO: DLNR Agencies:
- Division of Aquatic Resources
- Division of Boating & Ocean Recreation
  • Engineering Division
- Division of Forestry & Wildlife
- Division of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division – Oahu District
- Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator

SUBJECT: Application for Zone Change from AG-1 Restricted Agricultural District to the AG-2 General Agricultural District

LOCATION: 66-815 Kaukonahua Road, Waialua, Oahu; TMK: (1) 6-6-019:008 & -014
APPLICANTS: Gabriel & Iris Kahaulelio; and John & Abigail Saguido

Transmitted for your review and comment is information on the above-referenced project, as explained in the attached. The Rezoning Application Report can be viewed at this URL: https://hawaiioimt-my.sharepoint.com/:f:/g/personal/barbara_j_lee_hawaii_gov/EoyfhYerizNPsTiM0vPgszcBVTtoEJSui0AHwxO_P1_dA?e=o0Id9X

Please submit any comments to Land Division by November 20, 2019. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Barbara Lee at 587-0453 or by email at barbara.j.lee@hawaii.gov. Thank you.

( ) We have no objections.
( ) We have no comments.
(✓) Comments are attached.

Signed: Carly S. Chang, Chief Engineer
Print Name: Date: 11/5/19

Attachments
cc: Central Files
LD/Russell Y. Tsuji
Ref: Application for Zone Change from Ag-1 Restricted Agricultural District to the AG-2 General Agricultural District
Location: 66-815 Kaukonahua Road, Waialua, Island of Oahu
TMK(s): (1) 6-6-019:008 & -014
Applicant: Gabriel & Iris Kahaulelio; and John & Abigail Saguibo

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high risk areas). State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA’s Flood Insurance Rate Maps (FIRM), which can be viewed on our Flood Hazard Assessment Tool (FHAT) (http://gis.hawaiinfip.org/FHAT).

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- **Oahu**: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- **Hawaii Island**: County of Hawaii, Department of Public Works (808) 961-8327.
- **Maui/Molokai/Lanai**: County of Maui, Department of Planning (808) 270-7253.
- **Kauai**: County of Kauai, Department of Public Works (808) 241-4896.

Signed: [Signature]

CARTY S. CHANG, CHIEF ENGINEER

Date: 11/5/19
MEMORANDUM

TO: DLNR Agencies:  
- Division of Aquatic Resources  
- Division of Boating & Ocean Recreation  
- Engineering Division  
- Division of Forestry & Wildlife  
- Division of State Parks  
- Commission on Water Resource Management  
- Office of Conservation & Coastal Lands  
- Land Division – Oahu District  
- Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator

SUBJECT: Application for Zone Change from AG-1 Restricted Agricultural District to the AG-2 General Agricultural District

LOCATION: 66-815 Kaukonahua Road,Waialua, Oahu; TMK: (1) 6-6-019:008 & -014

APPLICANTS: Gabriel & Iris Kahaulelio; and John & Abigail Saguibo

Transmitted for your review and comment is information on the above-referenced project, as explained in the attached. The Rezoning Application Report can be viewed at this URL: https://hawaiiioimt-my.sharepoint.com/:f:/g/personal/barbara_j_lee_hawaii_gov/EoyfhYerizNPsTiMoVpgszcBVTtEJ5SuiOAHwO_P1_da?e=o0Id9X

Please submit any comments to Land Division by November 20, 2019. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Barbara Lee at 587-0453 or by email at barbara.j.lee@hawaii.gov. Thank you.

We have no objections.

We have no comments.

Comments are attached.

Signed:
Print Name: DAVID G. SMITH, Administrator
Date: 11/19/19

Attachments
cc: Central Files
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 821
HONOLULU, HAWAII 96809

October 30, 2019

MEMORANDUM

TO: DLNR Agencies:
   - Division of Aquatic Resources
   - Division of Boating & Ocean Recreation
   - Engineering Division
   - Division of Forestry & Wildlife
   - Division of State Parks
   - Commission on Water Resource Management
   - Office of Conservation & Coastal Lands
   - Land Division – Oahu District
   - Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator

SUBJECT: Application for Zone Change from AG-1 Restricted Agricultural District to the AG-2 General Agricultural District

LOCATION: 66-815 Kaukonahua Road, Waialua, Oahu; TMK: (1) 6-6-019:008 & -014

APPLICANTS: Gabriel & Iris Kahaulelio; and John & Abigail Saguibo

Transmitted for your review and comment on the above-referenced project, as explained in the attached. The Rezoning Application Report can be viewed at this URL: https://hawaiiofmt-
my.sharepoint.com:/f/g/personal/barbara_j_lee_hawaii_gov/EoyfhyerizNPsTIm0vPgszc
BVTtoEJ5Su0AhxO_P1_da?e;o0Id9X

Please submit any comments to Land Division by November 20, 2019. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Barbara Lee at 587-0453 or by email at barbara.j.lee@hawaii.gov. Thank you.

( ) We have no objections.
( X) We have no comments.
( ) Comments are attached.

Signed: Patti E. Miyashiro
Print Name: Patti E. Miyashiro
Date: October 31, 2019

Attachments
cc: Central Files
Hello Andy,

Can you send more information? When consulting with the SHPD, we require the following information:

1. Cover letter initiating historic preservation consultation pursuant to HRS Chapter 6E including a detailed project description, identification of all TMK, and the items specified in HAR §13-284-3;
2. Permit Application(s);
3. Permit Set;
5. Submittals shall be sent to: dlnr.intake.shpd@hawaii.gov;
6. An HRS 6E historic properties project effect determination of:
   - No historic properties affected or
   - Effect, with agreed upon mitigation commitments
7. Note: Effect means destruction or alteration of the historic property, detrimental alteration, of the properties’ surrounding environment, detrimental visual, spatial, noise or atmospheric impingement, increasing access with the chances of resulting damage and neglect resulting in deterioration or destruction.
8. Request for SHPD’s concurrence with the HRS 6E project effect determination and, if the project determination is “Effect, with agreed upon mitigation commitments,” a request for the SHPD’s concurrence with the agreed upon mitigation commitments.

If you have any questions feel free to contact me.

Aloha,

Garnet

**Garnet K. Clark**
Archaeology Branch
State Historic Preservation Division
Department of Land and Natural Resources
601 Kamokila Blvd, Suite 555
Kapolei, HI 96707
(808) 692-8024

---

From: Soares, Lehua K <lehua.k.soares@hawaii.gov>
Sent: Wednesday, December 4, 2019 8:00 AM
To: Caramonte, Alexis M <alexis.m.caramonte@hawaii.gov>; Yamaguchi, Andrew E <andrew.yamaguchi@honorlu.gov>; DOH.WWB <DOH.wwb@doh.hawaii.gov>; hdoa_info <hdoa.info@hawaii.gov>
Cc: Lebo, Susan A <susan.a.lebo@hawaii.gov>; Hacker, Stephanie <stephanie.hacker@hawaii.gov>; Clark, Garnet K <garnet.k.clark@hawaii.gov>
Subject: RE: DPP requests comment on zone change 2019/Z-4

Thank you Alexis,

I have forwarded it to Garnet. She does most Zone changes.
November 27, 2019

Ms. Lin Wong, Branch Chief
Development Plans and Zone Change Branch
Department of Planning and Permitting
650 South King Street 7th Floor
Honolulu, Hawaii 96813
Attn: andrew.yamaguchi@honolulu.gov

Dear Ms. Wong:

Subject: Application for Zone Change from the AG-1 Restricted Agricultural District to the AG-2 General Agricultural District 66-815 Kaukonahua Road, Waialua, Oahu
TMK (1) 6-6-019: 008 and 014

Thank you for allowing us the opportunity to provide comments for the subject zone change application. The subject parcels are located in the No Pass Zone as defined by Honolulu Board of Water Supply as an area where waste disposal facilities have the potential to contaminate groundwater resources used or expected to be used for domestic water supplies. The construction of waste disposal facilities is generally prohibited in the No Pass Zone.

We presently have no objection to the subject proposed zoning change reclassification provided that all wastewater plans for the lot conforms to applicable provisions of Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems." This shall include, but not be limited to, conformance with appropriate treatment requirements for the wastewater generated from the project and the applicable setback distances requirements for the wastewater systems on the properties.

Should you have any questions, please call Mr. Mark Tomomitsu of my staff at 586-4294.

Sincerely,

SINA PRUDER, P.E., CHIEF
Wastewater Branch

LM/MST:sp
November 25, 2019

Lin Wong, Branch Chief
Development Plans and Zone Change Branch
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Facility/Site: Kahaulelio/Saguibo Waialua Properties, 66-815 Kaukonahua Road, Waialua, Oahu, Hawaii, Tax map Keys 6-6-019: 008 and 014

Subject: Comments on Memorandum RE: Application for Zone Change from AG-1 Restricted Agricultural District to AG-2 General Agricultural District [2019/Z-4 (ay)]; dated October 25, 2019

Dear Ms. Wong:

The Hawaii Department of Health (HDOH), Hazard Evaluation and Emergency Response (HEER) Office has reviewed the subject document and has the following comments.

1. The site appears to have been historically used for large-scale cultivation. Residual pesticides in former agricultural lands could pose potential risks to human health and the environment in a residential setting.

   For residential redevelopment on former agricultural lands, HEER Office guidance recommends that sites with known pesticide-related contamination and also those where pesticides were regularly applied be evaluated for residual contamination prior to redevelopment (HDOH Technical Guidance Manual [TGM] Interim Final, 2014, Section 9.1). A Sampling and Analysis Work Plan should be submitted to the HEER Office for review and approval prior to conducting such an evaluation.

   Where soil contamination concentrations exceed HDOH Tier 1 Environmental Action Levels (EALs), land use restrictions or remedial action may be required.

2. Areas of the site may have been used historically for pesticide mixing and/or illegal dumping. If buried or surface debris potentially containing hazardous wastes, or indications of soil contamination (including soil staining and/or chemical odors), are observed on the property then additional investigation and remediation may be necessary.

Identified releases must be reported to the HEER Office in accordance with Hawaii Revised Statute (HRS) 128D and Hawaii Administrative Rules (HAR) 11-451.
Ms. Lin Wong  
November 25, 2019  
Page 2 of 2

Should you have any questions regarding this matter, you may contact me at (808) 586-5815 or send me an email message at sven.lindstrom@doh.hawaii.gov.

Sincerely,

Sven Lindstrom  
Remedial Project Manager  
Hazard Evaluation and Emergency Response Office
Ms. Kathy K. Sokugawa  
Acting Director  
City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street, 7th Floor  
Honolulu, Hawaii 96813  

Dear Ms. Sokugawa:

Subject: Application for Zone Change (2019/Z-4)  
66-815 Kaukonahua Road  
Waialua, Oahu, Hawaii  
TMK: (1) 6-6-019: 008 and 014

The Department of Transportation (DOT) understands that the applicant is requesting a zone change from AG-1 Restricted Agricultural District to AG-2 General Agricultural District for two parcels in Waialua. Access to the parcels will be via Kaukonahua Road (State Route 930).

DOT has the following comments:

1. The application addresses DOT’s pre-zone change application comment in our letter HWY-RM 3.95490 dated September 10, 2019 that both parcels should share the access driveway at Kaukonahua Road.

2. Based on the information provided, there would be no significant impact on Kaukonahua Road associated with the proposed action, including the second dwelling unit, agricultural use, and minor agricultural retail operation.

3. A permit to perform work upon State highways shall be required for any work within the highway right-of-way. Construction plans prepared by a Hawaii licensed engineer shall be submitted to the DOT Highways Division for review and approval prior to applying for a permit to perform work.
If there are any questions, please contact Mr. Blayne Nikaido of the DOT Statewide Transportation Planning Office at (808) 831-7979 or via email at blayne.h.nikaido@hawaii.gov.

Sincerely,

[Signature]

JADE T. BUTAY
Director of Transportation
December 26, 2019

Ms. Kathy Sokugawa  
Acting Director  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7th Floor  
Honolulu, Hawaii 96813

Attn:  Mr. Andrew Yamaguchi  
Development Plans and Zone Change Branch

Subject:  Application no. 2019/Z-4 for Zone Change from the AG-1 Restricted Agricultural District to the AG-2 General Agricultural District  
66-815 Kaukonahua Road, Waialua, Oahu  
TMKs: 6-6-019: 008 (3.31 acres) and 014 (2.41 acres)  
Area: 5.72 acres

The Hawaii Department of Agriculture (HDOA) has reviewed the Application for a zone change from the AG-1 Restricted Agricultural District to the AG-2 General Agricultural District for TMKs 6-6-019:008 and 6-6-019:014 in Waialua (subject property), adjacent to and makai of Kaukonahua Road. The purpose of the proposed zone change is to allow two farm dwellings to be built on the subject property under a condominium property regime (CPR).

The subject property is within the State Agricultural District. According to the North Shore Sustainable Communities Plan (NSSCP)'s Land Use Map, the subject property appears to be within the NSSCP's Community Growth Boundary.

The Application states that the subject property is not in active agricultural use and is currently vacant. The Department notes that according to the 2020 Dedicated Agricultural List provided by the City’s Department of Budget and Fiscal Services, Real Property Assessment Division’s website, the subject property has an agricultural tax dedication as “vacant agricultural”. “Vacant agricultural” indicates an intention to undertake agricultural activity in the future. The Department considers agricultural tax dedications as evidence of existing or forthcoming agricultural use. The parcels have a Land Study Bureau Overall Productivity Rating of "A".
The property directly Northwest from the subject property (TMK 6-6-019:046) is zoned AG-2. According to the 2020 Dedicated Agricultural List provided by the City’s Department of Budget and Fiscal Services, Real Property Assessment Division’s website, there exists a tax dedication on the property that ends in 2028. Parcels further Northwest are zoned Country or R-5 Residential, and the parcel directly West (TMK 6-6-019:013) from the subject property is within the State Urban District and is zoned as R-5. Directly South from the subject property exists a church, and East exists a residential subdivision.

According to the Application, the purpose of establishing a CPR on the subject property is to allow an official ingress/egress for parcel 6-6-019:014, and to also establish clear title to land use ownership. The Department did not find anything in the Application to suggest the Applicant intends to further divide the subject property through CPR or subdivision.

The Department also notes that the zone change proposal for the subject property was presented to the North Shore Neighborhood Board No. 27 on May 28, 2019, and the Board voted unanimously to support the zone change.

The Department is very concerned about zone changes involving AG-1 (Restricted Agricultural) land. The Department is equally concerned about the establishment of CPRs on agricultural land that result in little, if any, agricultural activity on the properties. Should this downzoning be approved and the properties condominiumized, any dwellings built on the units created must comply with relevant sections of the Land Use Ordinance (Chapter 21, Revised Ordinances of Honolulu) and Section 205-4.5 (a)(4), Hawaii Revised Statutes, that requires “farm dwellings” to be located on and used in connection with a farm, or where agricultural activity provides income to the family occupying the dwelling.

Should you have any questions, please contact Earl Yamamoto at 973-9466, or email him at earl.j.yamamoto@hawaii.gov.

Sincerely,

Phyllis Shimabukuro-Geiser
Chairperson, Board of Agriculture

c: Iris Kahaulelio
Aloha Andrew –

The board decision stands; however, as with all applications, there are issues that need to be addressed. Attached is a subsequent letter as well as an email from an adjacent resident to the property outlining some of these issues. The board would like to see these issues addressed as part of the application.

I am including the neighbor, Stephanie Quimpo so you can discuss her concerns directly with her. Board Member Achiu, is one of the Haleiwa reps and has been following this issue closely.

The board wants to ensure that when these types of applications come our way, that all issues are addressed.

Please let me know if you have any questions and we look forward to hearing back on resolutions for the neighbors’ concerns.

Mahalo,

Kathleen
637-8545

On Dec 26, 2019, at 12:38 PM, Yamaguchi, Andrew E <andrew.yamaguchi@honolulu.gov> wrote:

Aloha Chair Pahinui,

I am a planner at DPP processing a zone change application for an AG-1 lot in Waialua, by applicants Kahaulelio and Saguito families. We had not received a comment from Neighborhood Board 27 on this matter, and wanted to reach out to see if NB 27 wished to submit a comment.

I have attached the original request for comment memo.
To view the zone change application, 2019/Z-4, go to http://www.honoluludpp.org/Portals/0/pdfs/planning/Rezoning/Kahaulelio%20App.pdf

In addition, I noticed that on May 28, 2019 NB27 voted to support the zone change application, following a presentation by applicant Iris Kahaulelio. The B27 minutes note that “if a motion to support the application of a zoning change is nullified by a complaint, the Kakahulelio family will need to contact the North Shore Neighborhood Board to place the matter on the agenda for another vote to support.”

NB27 minutes of June 25 and July 23 state that resident Stephanie Quimpo raised concerns about flooding incidents from the Kahaulelio property and other concerns. Given Quimpo’s statements, would
that cause N827 to reconsider its vote of support on May 28, or require Kahaulello to place the matter on the agenda for another vote?

Thank you for your consideration of this matter.

Andy Yamaguchi
Planner, Development Plans & Zone Change Branch
Honolulu Dept. of Planning and Permitting

<Waialua zone change 2019 Z-4.pdf>
July 8, 2019

Kathy Sokugawa  
Acting Director  
Department of Planning and Permitting (DPP)  
650 S. King St.  
Honolulu, HI 96813

Aloha Director Sokugawa:

At the Tuesday, June 25, 2019 meeting of the North Shore Neighborhood Board, a resident whose property backs up to 66-815 Kaukonahua Road property, expressed her concerns regarding lack of notification for the rezone from Ag-1 to Ag-2 and flooding that is now impacting hers and another neighbor's properties. (NOTE: resident did confirm later that notices were sent out but the addresses were glued to a single sheet, folded no envelope. The property owner showed the resident one of the notices that had been returned because the address had fallen off.)

We let her know that we would forward to DPP as she was not able to share these concerns at the Tuesday, May 28, 2019 NSNB meeting. Also attached is a detailed email that outlines the concerns she stated at the board meeting.

The neighbor stated she is not opposed to the rezoning but wants to ensure that the issues she is bringing up are addressed prior to any rezoning.

Please call or email if you have any questions. We will continue to follow up with the resident to ensure her concerns are addressed.

Mahalo,

Kathleen M. Pahinui  
Chair, North Shore Neighborhood Board #27
June 24, 2019

Kathy Sokugawa
Acting Director, Department of Planning and Permitting
630 S. King St.
Honolulu, HI 96813

Aloha Director Sokugawa –

At the May 28, 2019 North Shore Neighborhood Board meeting, the following motion was made and passed regarding the application for rezoning of the property at 66-815 Kaukonahua Rd from Ag-1 to Ag-2:

Shirai Moved and Andersen Seconded a Motion to Support the application of zoning change to property owned by Residents Iris Kahaulelio and Sagibo from AG1 to AG2, with an Amendment that states the that all questions and concerns will be included in the letter of support.

Questions, comments, and concerns followed:

1. **Land Usage**: Justice inquired about land usage of the property. Kahaulelio responded that the property is intended to be split and rezoned to AG2 in order to build a family dwelling on each separate parcel. McElherty inquired if a Condominium Property Regime (CPR) is the only way to separate property assets and Kahaulelio responded that it is the best way to create boundaries with ingress and egress without subdividing the parcel.

2. **Community**: The Board inquired if the Kahaulelio family intend to remain in the community and Kahaulelio responded that they do.

3. **Neighboring Properties**: Leinau inquired if the Kahaulelio family has consulted with the neighboring properties and Kahaulelio responded that they have.

4. **Grading**: Chair Pahinui asked if grading on the property is affecting surrounding neighbors. Kahaulelio said no.

5. **Disclaimer**: Chair Pahinui raised that if a Motion to Support the application of zoning change is nullified by a Complaint, the Kahaulelio family will need to contact the North Shore Neighborhood Board to place the matter on the Agenda for another vote to support.

Mahalo for your time and attention to this issue.

Kathleen M. Pahinui
Chair, North Shore Neighborhood Board #27

*Oahu’s Neighborhood Board system – Established 1973*
Hi Kathleen! It's Stephanie Quimpo, one of Iris and Gabby Kahaulelio's abiding neighbors. You wanted me to email you. I have a timeline of events...

May 2018 they started removing veggitation and grating the property. (Mind you me and my neighbors were wondering what's going on back there, cause we didn't receive no notice).

June 11, 2018 they gave us a letter letting us know that they along with the Saguibo's bought the property.

September 27, 2018 1st big flood.
October 2018 2nd big flood.
Early February 2019 3rd big flood.

My neighbor bought pvc pipes to pump out water from their property and had it going through our yard and into the storm drain.

After the water was all pumped out they pushed a high pile of dirt up against my wall and fence as their way of stopping more floods into mine and my neighbors property.

After the May board meeting, I found out that Iris went to the board asking for approval of a rezone. I was upset because she did not notify her abiding neighbors and therefore none of us was at the meeting to speak about issues that are happening.

May 29, 2019 is when I called DPP to stop there approval of a rezone until they fix the current issues.

I had inspectors come out and they couldn't believe what they saw. Iris and Gabby and Reid or Reid, is in violation because they all do not have any permits for their property. Reed or Reid was given 30 days to apply for a permit and if he doesn't he needs to take down his walls that he built. They all do not have a drainage system for the water when it rains, therefore causing flooding.

Since the grating inspector came out on May 31, 2019 they have done nothing to make things right about their property.

The 2 videos are when we had the 3rd flood and the pictures are after my neighbor helped them pump out the water, what they did to their property to prevent future flooding. (Stacking the dirt up against our wall and fence).

You can email me back with anymore questions.

Mahalo,
Stephanie Quimpo
June 24, 2019

Kathy Sokugawa
Acting Director, Department of Planning and Permitting
630 S. King St.
Honolulu, HI 96813

Aloha Director Sokugawa –

At the May 28, 2019 North Shore Neighborhood Board meeting, the following motion was made and passed regarding the application for rezoning of the property at 66-815 Kaukonahua Rd from Ag-1 to Ag-2:

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2. Community: The Board inquired if the Kahaulelio family intend to remain in the community and Kahaulelio responded that they do.
3. Neighboring Properties: Leinau inquired if the Kahaulelio family has consulted with the neighboring properties and Kahaulelio responded that they have.
4. Grading: Chair Pahinui asked if grading on the property is affecting surrounding neighbors. Kahaulelio said no.
5. Disclaimer: Chair Pahinui raised that if a Motion to Support the application of zoning change is nullified by a Complaint, the Kahaulelio family will need to contact the North Shore Neighborhood Board to place the matter on the Agenda for another vote to support.

Mahalo for your time and attention to this issue.

Kathleen M. Pahinui
Chair, North Shore Neighborhood Board #27

cc: Council Member Heidi Tsuneyoshi
Dear Andy Yamaguchi,

My name is Stephanie Quimpo and my parents Clarence and Rebecca Rego are owners of the property directly in front of Iris and Gabby Kahaulelio's property. We are on Olana Street. I am writing this letter of concerns because they are requesting a zone change from AG 1 to AG 2. I do not want their application to be approved because me and my neighbor to the right of me have issues with their property. I feel they do not deserve an approval until the current issues have been resolved.

**Issue #1:**

May 2018 they started work on the property, clearing debris, grass, trees and grating a lot of dirt which they put into piles on their property. June 11, 2018 property was cleared with a very low point directly behind us and a high point in the middle of their property, which is couple houses to the left of us.

We have had 3 major floods from their property.


Water flowed through both of our properties like a river, we couldn't believe it. My neighbor had a lot of damages to his out. He had water 2-3 feet high in his house because his house is on the ground. He had to throw everything away from in his house. They were able to save some stuff however, furnitures and beddings all had to be thrown away. He had to rip out the flooring, dry walls and put new ones. Iris and
Gabby Kahaulello never helped nor gave my neighbor one penny for the damages caused by their property however, my neighbor knows what he needs to do about getting them to pay. The flooding hasn’t caused damage to our house because our house is off the ground however, all that water is damaging the foundation of our house. We need them to take these issues seriously and do stuff the right way, because my parents are elderly and in no financial means to repair any damages to our house. My parents are retired and live on a fixed income.

**Issue #2:**

They do not have any drainage for their property. After the 3 floods there was a pond of water sitting on their property and they didn’t know what to do so my neighbor who’s house got flooded, helped them out.

**Issue #3:**

They have done nothing to their property since the 3rd flood to fix these issues. In July or August of 2019 they moved all the dirt that they had in piles and spread it on their property directly behind our house which was the lowest point. So now their property looks pretty even, but still not sure. In the meantime, they started to build a wall. I called Johnathan with DPP who’s the inspector for the building department with the concern. He told me that they do not have a permit to build and he was going to come out and look at it. Johnathan never got back to me if he came out but I think he did because Iris and Gabby haven’t finished the wall. They stopped all work and left everything as is. They do not deserve this re-zone because they’re continuing to do stuff the way they want, without permits and not thinking or caring about what they do to their property and
how it will affect their abidding neighbors. Me and my neighbor want them to build the wall to protect our properties, but we want them to do it the right way by getting a permit first. They keep continuing to do stuff the wrong way and it's very frustrating and I'm going to keep voicing my concerns and not allowing them to move forward until they take care of these current issues. Me and my neighbor do not want any more floods or rivers in our property caused by their property. The first time Iris and Gabby put in an application for a zone change, we didn't get no letter from them about it which they were required to do as part of the process. They then proceeded to the neighborhood board with the zone change which the board said that they were okay with it not knowing that a couple neighbor's had issues but we were unaware of what was happening and therefore was not at that board meeting to voice our concerns. I was able to go to the next board meeting and voice my concerns and correct what Iris had previously said. So this is why they need to do the process all over again but they haven't done anything to fix the issues and they continue to do things the wrong way (no permit, no proper drainage) and with no care to their neighbor's.

If you have any questions you can reach me by:

Phone: (808)979-5908 or Email: quimpo96@gmail.com

Aloha,

Stephanie Quimpo
Aloha!

Kathy Sokugawa, Acting Director  
City and County of Honolulu  
Department of Planning and Permitting  
650 South King St, 7th Flr  
Honolulu, HI 96813

This letter is in regards to a zone change application that I am against. File number 2019/Z-4).  
I was sent a letter from Iris Kahaulelio that if I had any comments on this, to write to you.

I am neighboring this lot and already have been flooded 3 times by rain water coming from their property. Yes, my home has been through enough damage. I do not agree on this Zone Change from AG-1 Restricted Agriculture District to the AG-2 General Agriculture District.  
Unless the owners (Iris Kahaulelio) gets approved by the DPP and has the right permits. Please I ask to have your inspector come to their property and make sure they're doing everything legal.  
My other request is that they do not get approved until they build a wall along they're property so no flooding can occur to my home again (my address: 66-966 Oliana St. Waialua, 96791) or the other neighbors for that matter.

Mahalo for your time,  
Athena Fujinaga

66-966 Oliana St.  
Waialua, HI 96791  
(808)630-5682

Athenafujinaga@gmail.com
Responses to agency and community comments

Submitted by Applicant Iris Kahaulelio to DPP via email on December 26, 2019
iriskahaulelio@gmail.com

BOWS: When water is made available, the required fees will be paid.

DOH: Land will be evaluated for residual contamination prior to redevelopment and sampling and an Analysis Work Plan will be submitted to the HEER Office for review.

DLNR-Engineering Division: The subject property is in Zone X, which is an area determined to be outside the 0.2% annual chance floodplain.

HFD: NFPA rules will be followed as required by the DPP office and civil drawings were submitted for their review and approval.

DOT: Construction plans prepared by a licensed engineer will be submitted.

FUJINAGA: 1. Athena's husband Shane, asked my husband to move the dirt as close as possible to the gap between their property and ours, but because they had items such as a jet ski, a trailer, a truck pipe rack, a slide, and other miscellaneous items, stored on our property, the dirt could not be moved as close. When it rained, a pool was created and overflowed into their property. Howard Dean from DPP called me after a complaint was filed by their neighbor Stephanie Quimpo, who said the dirt was too close to her fence. Shane Fujinaga told her that he had asked us to move the dirt so my husband spoke to her regarding the distance the dirt needed to be moved away from her wall. Because Howard was on vacation, he had someone come out to confirm that the dirt was moved. He followed up with us a few weeks later to confirm that it was done. 2. We built a wall to fill the gap that was exposed between our properties as requested by the Fujinaga's.

QUIMPO: 1. I was the only one who helped Athena Fujinaga inside and outside of their house. My husband came after work to help wherever needed. Gabby and our partner John Saguido also cut down all of their trees and bushes alongside their house and hauled the greens away. They asked for $2,000 to help pay for damages and buy material for the wall, but we gave them $3,000. The check was cashed and a wall was never built as they went to Disney World in Florida. 2. The reason there was a pond was because the berm could not be put closer as there were items that belonged to the Fujinaga's on our property so a pool was created, which overflowed into their property. 3. We did fix issues: A wall was built to fill the gap between the Fujinaga's and our property. We disposed the items that were near the gap. A berm was created to direct water flow away from The Fujinaga's and Stephanie Quimpo's parents' property. This was done because we do care about our neighbors.
Aloha Andy,

My responses to:

Dept of Agriculture
- once a building permit is issued and we are able to obtain lender financing, the construction of a farm dwelling will begin. It will be located on and used in connection with a farm and the agricultural activity hopes to provide income to the family.

NB27
- I will be addressing all of the comments/concerns.

Mahalo,
Iris

On Fri, Jan 3, 2020 at 3:20 PM Yamaguchi, Andrew E <andrew.yamaguchi@honolulu.gov> wrote:

Aloha Iris,

As I mentioned in my phone call today, here are two late comments to your ZC application.

-- Dept of Agriculture

-- Neigh Board 27 (includes several attachments)

As before, these are sent for your information and review. You may send a written response to either or both; however no action is required of you.

Sorry for the quick turnaround, but should you choose to respond, please email to me by Monday Jan. 6.

Thank you,
ATTACHMENT 3
(DRAFT ORDINANCE)
A BILL FOR AN ORDINANCE

TO REZONE LAND SITUATED AT WAIALUA, OAHU, HAWAII.

BE IT ORDAINED by the People of the City and County of Honolulu.

SECTION 1. Zoning Map No. 17 (Mokuleia – Waialua – Haleiwa), Ordinance No. 86-134, is hereby amended as follows: Lands situated at 66-815 Kaukonahua Road, Waialua, Oahu, Hawaii, hereinafter described, are hereby rezoned from the AG-1 Restricted Agricultural District to the AG-2 General Agricultural District. The boundaries of said Districts shall be described as shown on the map attached hereto, marked “Exhibit A” and made a part hereof, and further identified as Tax Map Keys 6-6-019: 008 and 014.

SECTION 2. A Unilateral Agreement marked “Exhibit B” is by reference incorporated herein and made a part hereof, with regard to Tax Map Keys 6-6-019: 008 and 014.
A BILL FOR AN ORDINANCE

SECTION 3. This Ordinance shall take effect upon its approval.

INTRODUCED BY:


DATE OF INTRODUCTION:


Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

__________________________________
Deputy Corporation Counsel

APPROVED this _____ day of ______________, 20 _____.

__________________________________
KIRK CALDWELL, Mayor
City and County of Honolulu
PORTION OF
EXISTING ZONING MAP NO. # 17
(MOKULEIA - WAIALUA - HALEIWA)

Land situated within the proximity of Waialua, approximately 3 miles from the intersection of Kaukonahua Rd and Waialua Beach Rd and approximately 1.3 miles south of Haleiwa.

APPLICANT: Kahauleio-Saguibo North Shore Zone Change

TAX MAP KEY(S): 6-6-019: 008; 014

FOLDER NO.: 2019/Z-4

LAND AREA: 5.779 ACRES (APPROX)

PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU

PUBLIC HEARING
PLANNING COMMISION
CITY COUNCIL

ORD. NO.
EFF. DATE:

EXHIBIT A
BILL
EXHIBIT B

DRAFT UNILATERAL AGREEMENT
INCORPORATING THE CONDITIONS RECOMMENDED BY
THE DPP IN THE DIRECTOR’S REPORT

To be prepared by the Applicant and submitted to the Council