

Article 6. Koolau Poko

Sections:

- 24-6.1 **Definitions.**
- 24-6.2 **Applicability and intent.**
- 24-6.3 **Adoption of the Koolau Poko Sustainable Communities Plan.**
- 24-6.4 **Existing zoning and subdivision ordinances, approvals, and applications.**
- 24-6.5 **Consistency.**
- 24-6.6 **Review of development and other applications.**
- 24-6.7 **Zoning change applications.**
- 24-6.8 **Annual capital improvement program review.**
- 24-6.9 **Five-year review.**
- 24-6.10 **Authority.**
- 24-6.11 **Severability.**
- 24-6.12 **Conflicting provisions.**

Sec. 24-6.1 Definitions.

Unless the context otherwise requires, the definitions contained in this section will govern the construction of this article.

"Charter" or "Revised Charter" means the Revised Charter of the City and County of Honolulu.

"City" means the City and County of Honolulu.

"City Council" or "Council" means the council of the City and County of Honolulu.

"County" means the City and County of Honolulu.

"Department" or "department of planning and permitting" means the department of planning and permitting of the City and County of Honolulu.

"Development" means any public improvement project, or any public or private project requiring a zoning map amendment.

"Development plan" or "sustainable communities plan" means a plan document for a given geographic area that consists of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan for the several parts of the City and County of Honolulu.

"Director" means the director of planning and permitting.

"Environmental assessment" or "EA" means a written evaluation prepared in compliance with the environmental council's procedural rules and regulations implementing Hawaii Revised Statutes Chapter 343 to determine whether an action may have a significant environmental effect.

"Environmental impact statement" or "EIS" means an informational document prepared in compliance with the environmental council's procedural rules and regulations implementing Hawaii Revised Statutes Chapter 343; and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic and social welfare of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

"Finding of no significant impact" or "FONSI" means a determination based on an environmental assessment that the subject action will not have a significant effect and, therefore, will not require the preparation of an environmental impact statement.

"Functional plan" means the public facility and infrastructure plans prepared by public agencies to further implement the vision, policies and guidelines set forth in the Koolau Poko Sustainable Communities Plan.

"General plan" means the general plan of the City and County of Honolulu as defined by Section 6-1508 of the Charter.

"Hawaii Revised Statutes" or "HRS" means the Hawaii Revised Statutes.

"Koolau Poko SCP" means the Koolau Poko Sustainable Communities Plan attached hereto as Exhibit A and made a part hereof.

"Planning commission" means the planning commission of the City and County of Honolulu.

"Project master plan" means a conceptual plan that covers all phases of a development project. The project master plan describes how the project conforms to the vision for Koolau Poko, and the relevant policies and guidelines for the site, the surrounding lands, and the region.

"Significant zone change" means a zone change that involves at least one of the following:

- (1) Changes in zoning of 10 or more acres of land to any zoning district or combination of zoning districts, excluding preservation or agricultural zoning districts;
- (2) Any change in zoning of more than five acres to an apartment, resort, commercial, industrial, or mixed use zoning district; or
- (3) Any development that would have a major social, environmental, or policy impact, or major cumulative impacts due to a series of applications in the same area.

"Special area" means a designated area within the Koolau Poko SCP area that requires more detailed planning efforts beyond what is contained in the Koolau Poko SCP.

"Special area plan" means a plan for a special area.

"Unilateral agreement" means a conditional zoning agreement made pursuant to ROH Section 21-2.80 or any predecessor provision that imposes conditions on a landowner or developer's use of the property at the time of the enactment of an ordinance for a zone change.

"Vision" means the future outlook for the Koolau Poko region extending out to the year 2035 and beyond that seek to adapt the concept of ahupuaa in land use management; preserve the region's scenic, recreational, and cultural features; protect and enhance residential character, and existing commercial and civic districts; and retain the community growth boundary to protect agricultural, open space, and natural resources.

(Added by Ord. 17-42)

Sec. 24-6.2 Applicability and intent.

- (a) The Koolau Poko SCP area encompasses the windward coastal and valley areas of Oahu from Makapuu Point to Kaoio Point at the northern end of Kaneohe Bay, and is bound by the Koolau mountain range and the sea. It includes the rural communities of Waiahole, Waikane, Kahaluu, Heeia, and Waimanalo and the urban fringe communities of Ahuimanu, Kaneohe, and Kailua.
- (b) The Koolau Poko SCP is intended to provide a guide for orderly and coordinated public and private sector development in a manner that is consistent with applicable general plan provisions, recognizing the region's urban fringe and rural areas as areas where growth will be managed to prevent an undesirable spreading of development.
- (c) The provisions of this article and the Koolau Poko SCP are not regulatory. Rather, they are established with the explicit intent of providing a coherent vision to guide all new public and private sector development within Koolau Poko. This article will guide public investment in infrastructure, zoning and other regulatory procedures, and the preparation of the City's annual capital improvement program budget.

(Added by Ord. 17-42)

Sec. 24-6.3 Adoption of the Koolau Poko Sustainable Communities Plan.

- (a) This article is adopted pursuant to the Revised Charter Section 6-1509 and provides a self-contained development plan document for Koolau Poko. Upon enactment of this article, all proposed developments will be evaluated against how well they fulfill the vision for Koolau Poko enunciated in the Koolau Poko SCP and how closely they meet the policies and guidelines selected to implement that vision.
- (b) The plan entitled, "Koolau Poko Sustainable Communities Plan," attached as Exhibit A is hereby adopted by reference and made a part of this article.
- (c) Chapter 24, Article 1, entitled "Development Plan Common Provisions," in its entirety is no longer applicable to the Koolau Poko SCP area. This article and the Koolau Poko SCP, as adopted by reference by this ordinance, supersede any and all common provisions previously applicable to the Koolau Poko SCP area.

(Added by Ord. 17-42)

Sec. 24-6.4 Existing zoning and subdivision ordinances, approvals, and applications.

- (a) All existing subdivisions and zoning approved prior to August 24, 2017* continue to remain in effect following August 24, 2017*.
- (b) Subdivision and zoning ordinances applicable to the Koolau Poko SCP area enacted prior to August 24, 2017* continue to regulate the use of land within demarcated zones of the Koolau Poko SCP area until such time as the subdivision and zoning ordinances may be amended to be consistent with the Koolau Poko SCP.
- (c) Notwithstanding adoption of the revised Koolau Poko SCP, applications for subdivision actions and land use permits accepted by the department for processing prior to August 24, 2017* continue to be subject only to applicable ordinances and rules and regulations in effect at the time the application is accepted for processing.

(Added by Ord. 17-42)

***Editor's Note:** "August 24, 2017" is substituted for "the effective date of this ordinance" and "enactment of this ordinance."

Sec. 24-6.5 Consistency.

- (a) The performance of prescribed powers, duties and functions by all city agencies shall conform to and implement the policies and provisions of this article and the Koolau Poko SCP. Pursuant to Revised Charter Section 6-1511.3, public improvement projects and subdivision and zoning ordinances must be consistent with the Koolau Poko SCP, as adopted.
- (b) The council shall ultimately resolve any questions of interpretation regarding the consistency of a proposed development with the provisions of the Koolau Poko SCP and the objectives and policies of the general plan.
- (c) In determining whether a proposed development is consistent with the Koolau Poko SCP, the responsible agency shall primarily take into consideration the extent to which the development is consistent with the vision, policies, and

guidelines set forth in the Koolau Poko SCP.

- (d) Whenever there is a question regarding consistency between existing subdivision or zoning ordinances, including any unilateral agreement, and the Koolau Poko SCP, the existing subdivision or zoning ordinances will prevail until such time as they may be amended to be consistent with the Koolau Poko SCP.

(Added by Ord. 17-42)

Sec. 24-6.6 Review of development and other applications.

The review of applications for zone changes and other development approvals will be guided by the vision of the Koolau Poko SCP. Decisions on all proposed developments will be based on the extent to which the project enabled by the development approval supports the policies and guidelines of the Koolau Poko SCP.

The director may review other applications for improvements to land to help the responsible agency determine whether a proposed improvement supports the policies and guidelines of the Koolau Poko SCP.

(Added by Ord. 17-42)

Sec. 24-6.7 Zoning change applications.

- (a) All zone change applications relating to land in the Koolau Poko SCP area will be reviewed by the department of planning and permitting for consistency with the general plan, the Koolau Poko SCP, and any applicable special area plan.

(1) The director shall recommend either approval, approval with changes, or denial. The director's written review of the application will become part of the zone change report that will be sent to the planning commission and the city council.

(2) A project master plan must be part of an EA or EIS for any project involving 10 acres or more of land. The director shall review the project master plan for its consistency with the Koolau Poko SCP.

(3) Any development or phase of development already covered by a project master plan that has been fully reviewed under the provisions of this article will not require a new project master plan, provided the director determines that the proposed zone change is generally consistent with the existing project master plan for the affected area.

(4) If a final EIS has already been accepted for a development, including one accepted prior to August 24, 2017*, then a subsequent project master plan will not be required for the development.

- (b) Projects that involve a significant zone change will be required to submit an EA to the department of planning and permitting prior to an application for a zone change being accepted. Any development or phase of a development that has already been assessed under the National Environmental Policy Act (NEPA), HRS Chapter 343 (Hawaii Environmental Policy Act, HEPA), ROH Chapter 25, or the provisions of this article, and for which a FONSI has been filed or a required EIS has been accepted, will not be subject to further EA or EIS requirements under this chapter unless otherwise required by NEPA or HEPA.

- (c) The department shall review the EA. Based on review of the EA, the director shall determine whether an EIS will be required or whether a FONSI should be issued.

- (d) If an EIS is required, the EIS must be accepted by the director before a zone change application may be initiated.

- (e) Zone changes must be processed in accordance with this section, Section 5.6 of the Koolau Poko SCP, and Chapter 21.

(Added by Ord. 17-42)

***Editor's Note:** "August 24, 2017" is substituted for "the effective date of this ordinance" and "enactment of this ordinance."

Sec. 24-6.8 Annual capital improvement program review.

Annually, the director shall work jointly with the director of the department of budget and fiscal services and the city agencies to review all projects in the city's capital improvement program and budget for compliance and consistency with the general plan, the Koolau Poko SCP and other development plans, any applicable special area plan provisions, and the appropriate functional plans. The director of planning and permitting shall prepare a written report of findings to be submitted to the council in accordance with Revised Charter Section 6-1503.

(Added by Ord. 17-42)

Sec. 24-6.9 Five-year review.

- (a) The department of planning and permitting shall conduct a comprehensive review of the Koolau Poko SCP, adopted by reference in Section 24-6.3(b), every five years subsequent to the plan's adoption and shall report its findings and recommended revisions to the council.

- (b) The Koolau Poko SCP will be evaluated to assess the appropriateness of the plan's regional vision, policies, guidelines, and implementing actions, as well as its consistency with the general plan.

- (c) Nothing in this section prohibits the processing of a revision to the Koolau Poko SCP in the event either the biennial report of the director of planning and permitting or council recommends consideration of such a revision, pursuant to

the Revised Charter.
(Added by Ord. 17-42)

Sec. 24-6.10 Authority.

Nothing in this article should be construed as an abridgement or delegation of the responsibility of the director, or of the inherent legislative power of the council, to review or revise the Koolau Poko SCP pursuant to the Revised Charter and the above procedures.

(Added by Ord. 17-42)

Sec. 24-6.11 Severability.

If any provision of this article or the application thereof to any person or property or circumstances is held invalid, such invalidity will not affect other provisions or applications of this article that can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

(Added by Ord. 17-42)

Sec. 24-6.12 Conflicting provisions.

Any provision contained in this article will prevail should there be any conflict with the common provisions or any other provisions under Chapter 24.

(Added by Ord. 17-42)