

## Article 7. Ko'olau Loa

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### Sec. 24-7.1 Definitions.

Unless the context otherwise requires, the definitions contained in this section shall govern the construction of this article and the Ko'olau Loa *sustainable* communities plan.

"Charter" or "Revised Charter" means the Revised Charter of the City and County of Honolulu 1973, as amended.

"City" means the City and County of Honolulu.

"Council" means the city 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 which 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 the department of planning and permitting.

"Environmental assessment" and "EA" mean a written evaluation prepared in compliance with the environmental quality commission's procedural rules and regulations implementing HRS Chapter 343 to determine whether an action may have a significant environmental effect.

"Environmental impact statement" and "EIS" mean an informational document prepared in compliance with the environmental quality commission's procedural rules and regulations implementing HRS 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" and "FONSI" mean 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, principles, and guidelines set forth in the Ko'olau Loa *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, as amended.

"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 shall be that portion of an EA or EIS which illustrates and describes how the project conforms to the vision

for Ko'olau Loa, and the relevant policies, principles, and guidelines for the site, the surrounding lands, and the region.

"Revised Ordinances of Honolulu" or "ROH" means the Revised Ordinances of Honolulu 1990, as amended.

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

- (1) Any change in zoning of 10 or more acres of land to any zoning district or combination of zoning districts, excluding preservation or agricultural zoning districts; or
- (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 which would have a major social, environmental, or policy impact, or major cumulative impact due to a series of applications in the same area.

"Unilateral agreement" means a conditional zoning agreement made pursuant to the city's land use ordinance as part of the process of enactment of an ordinance for a zone change and that imposes conditions on a landowner's or developer's use of the property.

(Added by Ord. 99-72)

**Sec. 24-7.2 Applicability and intent.**

- (a) The Ko'olau Loa *sustainable* communities plan area encompasses the entire area from the mountains to the northeastern shoreline of Oahu stretching from Waiale'e on the northwest end, along the ridgeline of the Ko'olau Mountain Range in a southeasterly direction to Kaoio Point at its southeast end.
- (b) It is the intent of the Ko'olau Loa *sustainable* communities plan to provide a guide for orderly and coordinated public and private sector development in a manner that is consistent with applicable general plan provisions, including the designation of Ko'olau Loa as a rural area where growth will be managed so that "an undesirable spreading of development is prevented."
- (c) The provisions of this article and the Ko'olau Loa *sustainable* communities plan are not regulatory. Rather, they are established with the explicit intent of providing a coherent vision to guide resource protection and land use within Ko'olau Loa. This article shall guide for Ko'olau Loa any development, public investment in infrastructure, zoning and other regulatory procedures, and the preparation of the city's annual capital improvement program budget.

(Added by Ord. 99-72)

**Sec. 24-7.3 Adoption of the Ko'olau Loa *sustainable* communities plan.**

- (a) This article is adopted pursuant to Revised Charter Section 6-1509 and provides a self-contained sustainable communities plan document for Ko'olau Loa. Upon enactment of this article, all proposed developments will be evaluated against how well they fulfill the vision for Ko'olau Loa enunciated in the Ko'olau Loa *sustainable* communities plan and how closely they meet the policies, principles, and guidelines selected to implement that vision.
- (b) The plan entitled "Ko'olau Loa *sustainable* communities plan," attached as an exhibit to this ordinance, is hereby adopted by reference and made part of this article.
- (c) Chapter 24, Article 1, entitled "Development Plan Common Provisions," in its entirety is no longer applicable to the Ko'olau Loa plan area. This article, and the Ko'olau Loa *sustainable* communities plan, as adopted by reference by this ordinance, shall supersede any and all common provisions previously applicable to the Ko'olau Loa area.
- (d) Ordinance No. 83-9 entitled, "Article 7, Koolauloa: Part I Development Plan Special Provisions for Koolauloa," and "Part II Development Plan Maps (Land Use and Public Facilities Maps) for Koolauloa," as amended, is hereby repealed in its entirety.

(Added by Ord. 99-72)

**Sec. 24-7.4 Existing zoning and subdivision ordinances.**

- (a) All existing subdivisions and zoning ordinances approved prior to February 14, 2000\* for projects, including but not limited to those subject to unilateral agreements, shall continue to remain in effect following February 14, 2000.\*
- (b) Subdivision and zoning ordinances applicable to the Ko'olau Loa *sustainable* communities plan area enacted prior to February 14, 2000\* shall continue to regulate the use of land within demarcated zones of the Ko'olau Loa *sustainable* communities plan area until such time as the subdivision and zoning ordinances may be

amended to be consistent with the Ko'olau Loa *sustainable* communities plan.

- (c) Notwithstanding adoption of the Ko'olau Loa *sustainable* communities plan, any application for subdivision actions and land use permits accepted by the department for processing prior to February 14, 2000\* shall continue to be subject only to applicable zoning and subdivision ordinances and rules and regulations in effect at the time the application is accepted for processing.

(Added by Ord. 99-72)

[\***Editor's Note:** "February 14, 2000" is substituted for "the effective date of this ordinance."]

**Sec. 24-7.5 Consistency.**

- (a) The performance of prescribed powers, duties and functions by all city agencies within the area subject to this article shall conform to and implement the policies and provisions of this article. Pursuant to Revised Charter Section 6-1511.3, public improvement projects and subdivision and zoning ordinances shall be consistent with the Ko'olau Loa *sustainable* communities plan.
- (b) Any questions of interpretation regarding the consistency of a proposed development with the provisions of the Ko'olau Loa *sustainable* communities plan and the objectives and policies of the general plan shall ultimately be resolved by the council.
- (c) In determining whether a proposed development is consistent with the Ko'olau Loa *sustainable* communities plan, the responsible agency shall primarily take into consideration the extent to which the development is consistent with the vision, policies, principles, and guidelines set forth in the Ko'olau Loa *sustainable* communities plan.
- (d) Whenever there is a question regarding consistency between existing subdivision or zoning ordinances, including any unilateral agreements, and the Ko'olau Loa *sustainable* communities plan, the existing subdivision or zoning ordinances shall prevail until such time as they may be amended to be consistent with the Ko'olau Loa *sustainable* communities plan.

(Added by Ord. 99-72)

**Sec. 24-7.6 Implementation.**

Implementation of this article relating to the Ko'olau Loa *sustainable* communities plan will be accomplished by the following:

- (a) Initiating zoning map and development code amendments to achieve consistency with the policies, principles, and guidelines of the Ko'olau Loa *sustainable* communities plan;
- (b) Guiding public investment in infrastructure through functional plans which support the vision of the Ko'olau Loa *sustainable* communities plan;
- (c) Recommending approval, approval with modifications or denial of developments for which zoning and other development approvals are sought based on how well they support the vision of Ko'olau Loa *sustainable* communities plan;
- (d) Incorporating the Ko'olau Loa *sustainable* communities plan priorities through the public infrastructure map and the city's annual budget process; and
- (e) Evaluating progress in achieving the vision of the Ko'olau Loa *sustainable* communities plan periodically and presenting the results of the evaluation in the biennial report to the council which is required by Revised Charter Section 6-1510.4; and
- (f) Reviewing the vision of the Ko'olau Loa *sustainable* communities plan every five years and revising, as necessary, on the basis of that review, the policies, guidelines, and capital improvement program investments therein.

(Added by Ord. 99-72)

**Sec. 24-7.7 Zoning change applications.**

- (a) All zone change applications relating to land in the Ko'olau Loa *sustainable* communities plan area will be reviewed by the department for consistency with the general plan, the Ko'olau Loa *sustainable* communities plan, and any applicable special area plan.
  - (1) The director will recommend either approval, approval with changes or conditions, or denial. The director's written review of the application shall become part of the zone change report which will be sent to the planning commission and the council.

- (2) A project master plan shall be a 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 Ko'olau Loa *sustainable* communities plan.
  - (3) Any development or phase of a development already covered by a project master plan which has been fully reviewed under the provisions of this article shall 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 February 14, 2000\*, [**Editor's Note:** "February 14, 2000" is substituted for "the effective date of this ordinance."] then a subsequent project master plan shall not be required for the development.
- (b) For projects which involve a significant zone change, an environmental assessment shall be submitted to the department of planning and permitting. However, any development or phase of a development which has already been assessed under the National Environmental Policy Act, HRS Chapter 343, ROH Chapter 25 or the provisions of this article, and for which a FONSI has been filed or a required EIS has been accepted, shall not be subject to further EA or EIS requirements under this chapter.
  - (c) For projects requiring an environmental assessment, the environmental assessment will be reviewed by the department. Based on review of the environmental assessment, the director will determine whether an environmental impact statement will be required or whether a FONSI should be issued.
  - (d) Zone changes shall be processed in accordance with this section, Section 5.5 of the Ko'olau Loa *sustainable* communities plan, and ROH Chapter 21.
- (Added by Ord. 99-72)

**Sec. 24-7.8 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 Ko'olau Loa *sustainable* communities plan. Decisions on all proposed developments shall be based on the extent to which the project enabled by the development approval supports the policies, principles, and guidelines of the Ko'olau Loa *sustainable* communities plan.

The director may review other applications for improvements to land to help the responsible agency determine whether a proposed improvement supports the policies, principles, and guidelines of the Ko'olau Loa *sustainable* communities plan.

(Added by Ord. 99-72)

**Sec. 24-7.9 Annual capital improvement program review.**

Annually, the director shall work jointly with the director of budget and fiscal services and the applicable city agencies to review all projects in the city's capital improvement program and budget for compliance and consistency with the general plan, the Ko'olau Loa *sustainable* communities plan and other development and sustainable communities plans, any applicable special area plans, and appropriate functional plans. The director will prepare a written report of findings. (Added by Ord. 99-72)

**Sec. 24-7.10 Five-year review.**

- (a) The department shall conduct a comprehensive review of the Ko'olau Loa *sustainable* communities plan every five years subsequent to February 14, 2000\* [**Editor's Note:** "February 14, 2000" is substituted for "the effective date of this ordinance."] and shall report its findings and recommended revisions to the city council.
- (b) The Ko'olau Loa *sustainable* communities plan will be evaluated to assess the appropriateness of the plan's regional vision, policies, design principles and guidelines, and implementing actions, as well as its consistency with the general plan.
- (c) Nothing in this section shall be construed as prohibiting the processing of a revision to the Ko'olau Loa *sustainable* communities plan in accordance with the charter.

(Added by Ord. 99-72)

**Sec. 24-7.11 Biennial report.**

In addition to meeting the requirements of Revised Charter Section 6-1510.4, the department of planning and permitting's biennial report shall also address the county's achievements and progress in fulfilling the vision of the

Ko'olau Loa *sustainable* communities plan. (Added by Ord. 99-72)

**Sec. 24-7.12 Authority.**

Nothing in this article shall 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 Ko'olau Loa *sustainable* communities plan pursuant to the charter and the above procedures. (Added by Ord. 99-72)

**Sec. 24-7.13 Severability.**

If any provision of this article or the application thereof to any person or property or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which 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. 99-72)

**Sec. 24-7.14 Conflicting provisions.**

Any provision contained in this article shall, with respect to the Ko'olau Loa *sustainable* communities plan area, prevail should there be any conflict with the common provisions or any other provisions under Chapter 24. (Added by Ord. 99-72)