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**HAWAI'I COUNTY COUNCIL
COMMITTEE ON PLANNING
27th Session**

DATE: June 18, 2002 (Tuesday)
PLACE: Councilroom
TIME: 2:00 p.m.

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

CALL TO ORDER

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

REFERRALS

Comm. 642: AN ORDINANCE AMENDING SECTION 25-8-7 (NORTH AND SOUTH KOHALA
(Bill 224) DISTRICTS ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE
HAWAI'I COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION
FROM AGRICULTURAL (A-5a) TO RESIDENTIAL AND AGRICULTURAL (RA-2a)
AT OULI, SOUTH KOHALA, HAWAI'I, COVERED BY TAX MAP KEY 6-2-7:2
(Approximately: 5.000 Acres) Applicant: Hawai'i Preparatory Academy
From Mayor Harry Kim, dated May 20, 2002, transmitting a letter and the above
bill from Planning Commission Chair Geraldine M. Giffin.

Close file on Comm. 642 and recommends passage of Bill 224 as amended to Draft 2, on first reading.

UNFINISHED BUSINESS:

Comm. 480: AN ORDINANCE AMENDING CHAPTER 25 (ZONING CODE) OF
(Bill 157) THE HAWAI'I COUNTY CODE 1983 (1995 EDITION) RELATING TO
NONCONFORMING USES AND BUILDINGS
From Councilman Aaron S.Y. Chung, dated January 11, 2002, transmitting the above-
mentioned bill.

The bill would allow replacing, repairing and reconstructing of a multiple-family building or use when the non-conforming situation is the consequence of an amendment to the general plan and associated zoning.

Close File on Comm. 480 and recommends passage of Bill 157, as amended to Draft 5 on 1st rdg.

(Note: Communication No. 635 with Bill 222, relating to Bill 157, was referred to the Committee on Public Works & Intergovernmental Relations - See PW&IRC Agenda of June 18, 2002)

Comm. 480.1: From Gary Rizzo, President, Hale Kahakai Association of Owners, dated April 16, 2002, stating their Board unanimously endorses the passage of Bill 157. Also attaches their testimony submitted to the County of Hawai'i Planning Department on September 18, 2000, stating their 58 owners' reasons for supporting the proposed amendment.

Close file on Comm. 480.1

Comm. 480.2: From Donna W. Saiki, President, Leleiwi Community Association, dated April 10, 2002, stating their support of Bill 157. States this measure provides a positive solution to a long standing situation within their community that all members of the Leleiwi community can support.

Close file on Comm. 480.2

Comm. 480.3: From Council Member Aaron S. Y. Chung, dated May 6, 2002, transmitting Bill 157, (Bill 157 Draft 2) relating to Nonconforming Uses and Buildings. This Bill amends Section 25-4-65.1 Exceptions to nonconforming use and building provisions by adding the following sentence, "Construction shall commence within five (5) years from the date the building is damaged or destroyed."

(See Comm. 480 for action)

Comm. 480.4: From Mayor Harry Kim, dated May 20, 2002, transmitting a letter from Planning Commission Chair Geraldine M. Giffin, stating that on April 19, 2002, they voted to send a favorable recommendation to the County Council relative to proposed Bill No. 157. Transmits a draft bill amending Bill 157 which adds additional language that would place a time frame upon which construction would begin to establish parameters for development and to avoid further nonconformity over a period of time.

(See Comm. 480 for action)

Comm. 632: AN ORDINANCE AMENDING CHAPTER 23 (SUBDIVISION CODE) OF THE HAWAI'I COUNTY CODE, RELATING TO CONDOMINIUM PROPERTY REGIMES

From Mayor Harry Kim, dated May 6, 2002, transmitting a letter and the above bill from Planning Commission Chair Geraldine M. Giffin.

Adds new article to Chapter 23, Subdivision Code, relating to the approval of condominium property regimes primarily in the RS, RA, A, FA, IA and APD zoning districts. Includes provisions to: (1) address infrastructure, drainage, flooding concerns, etc.; (2) clarify applicability of zoning regulations to CPR developments; and (3) provide a transitional period for applicants who made initial filings by June 19, 2001 -- one year after Act 251, Session Laws of Hawai'i, 2000, took effect.

Close File on Comm. 632 and recommends the adoption of Bill 220 on first reading.

Comm. 632.1: From Dr. Larry Harrison, Walnut Square Optometry, dated April 22, 2002, stating he is in favor of Bill 220 which exempts two (2) unit condominium projects which either (a) have a declaration of condominium property regime, which was filed on or before June 19, 2001, or (b) have two or more legal dwellings (not sheds) which are either completed or have valid building permits. He is also in favor of exempting minimum lot size for the CPR filers who have been caught in limbo with the drafting of this proposed CPR bill

(See Comm. 632.7 for action)

- Comm. 632.2: From Clyde & Kathleen Willey, dated May 14, 2002, stating their support of the Planning Commission's favorable recommendation of Bill 220 for reasons stated in their letter.
- Comm. 632.3: From Judy Hiller, dated April 5, 2002, stating that she and her husband are wholeheartedly for controlled growth through zoning, and against any mechanism that permits developers to circumvent the zoning laws.
- Comm. 632.4: From Klaus D. Conventz, Planning Consultant, Baumeister Consulting, dated June 2, 2002, requesting that his letter and the attached letters to the Planning Director, dated February 12, 2002, and to the Planning Commission, dated February 20, 2002, be placed on the next Planning Committee agenda for discussion, relating to Bill 220.
- Comm. 632.5: Copy of an e-mail to Councilman J. Curtis Tyler, from Virginia Lane, dated April 3, 2002, expressing her support of Bill 220.
- Comm. 632.6: Copy of letter to the Planning Commission from Dan and Ann Roudebush, dated April 5, 2002, strongly urging support of the Planning Director's proposal for ending CPR's.
- Comm. 632.7: Copy of an e-mail to Councilman J. Curtis Tyler, from Tom Langenstein, dated February 22, 2002, transmitting a copy of his testimony to the Planning Department and Planning Commission for their February 25, 2002, hearing in support of Bill 220..

CLOSE FILE ON Comm. Nos. 632.1 through 632.7

- Comm. 701: PLANNING DIRECTOR INITIATED AMENDMENT TO THE COUNTY OF
(Bill 195) HAWAII GENERAL PLAN, SECTION 6 OF ORDINANCE NO. 89 142, AS
(1998) AMENDED BY ORDINANCE NO. 90-71, RELATING TO THE GENERAL PLAN
AMENDMENT PROCEDURES
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- From Mayor Stephen K. Yamashiro, dated January 29, 1998, transmitting a letter and the above bill from Planning Commission Chairman Kevin M. Balog.

The purpose of this bill is to make the amendment procedures more understandable and also to amend the procedures to make it consistent with the County Charter.

DEFER

STATEMENTS FROM THE PUBLIC/ADJOURNMENT

The meeting place is accessible for persons with physical disabilities. Persons who need special accommodations to attend this meeting should call 961-8245 by **June 14, 2002**. Persons using TDDs may call 961-8521.

(Copies of this agenda and the communications are posted and filed at the County Clerk's Office, 25 Aupuni St., Hilo; the Office of the Mayor, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona; and the Kona Councilmembers' Office, 77-6399 Nalani St., Suite 104, Kailua-Kona. For further information, please call 961-8245. Those wishing to testify, please register with the County Clerk's staff prior to the convening of the meeting. If possible, submit fifteen (15) written copies of testimony to staff prior to the convening of the meeting.)

VIEWING OF MEETINGS ON GOVERNMENT ACCESS TELEVISION - Channel 52 (Hilo/Kona)
Public Works & Intergovernmental Relations Committee and Finance Committee meetings – Tuesdays, June 25 & July 2, 2002, at 8:30 p.m.; Parks & Environmental Management Committee, Planning Committee and Human Services

& Economic Development Committee meetings – Thursdays, June 27 and July 4, 2002, at 8:30 p.m. All five meetings – Sunday, July 7, 2002 at 10:30 a.m.