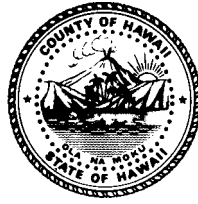


Leningrad Elarionoff
Chairman



James Y. Arakaki, *Member*
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Fred C. Holschuh, M.D., *Member*
Bob Jacobson, *Member*
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Gary Safarik, *Member*
Michael Tulang, *Member*

J. Curtis Tyler, III
Vice Chair

**HAWAI'I COUNTY COUNCIL
COMMITTEE ON PLANNING
19th Session**

DATE: December 2, 2003 (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. 348.11: REQUEST OF THE COUNTY BY COUNSEL FOR THE ALA LOOP COMMUNITY ASSOCIATION REGARDING THE DEPARTMENT OF PUBLIC WORKS' INTENTION TO ISSUE A BUILDING PERMIT OR OCCUPANCY PERMIT FOR A "TEMPORARY STRUCTURE" TO WATERS OF LIFE CHARTER SCHOOL ON ALA LOOP IN KURTISTOWN
From Thomas L.H. Yeh, Esq., Tsukazaki Yeh & Moore, dated November 7, 2003, asking the County to review and reconsider taking actions pending a court determination on the issue of whether the Waters of Life school must first obtain a special permit or use permit before operating a school on the premises.

Close file.

Comm. 400:
(Bill 178) AN ORDINANCE AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM GENERAL INDUSTRIAL (MG-3a) TO PROJECT DISTRICT AT OOMA 2ND, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 7-3-9:22 (Applicant: Clifto's Kona Coast, LLC) (Area: 83 Acres)
From Mayor Harry Kim, dated October 23, 2003, transmitting a letter and the above bill from Planning Commission Chairman Fred Galdones. The vote on the motion to send a favorable recommendation to the Council was four to one in

favor. Only five members of the Planning Commission were present. The four to one vote constitutes a "no action" by the Planning Commission because of the lack of the five votes required by Hawai'i County Charter, Section 13-4(i). The applicant requested that the rezoning application be forwarded on to the County Council without further action by the Planning Commission. This was the applicant's prerogative under Hawai'i County Code Section 25-2-42(d)(3) because more than ninety days had passed since the Planning Commission had received the application from the Planning Director. Under Section 25-2-42(d)(3) and Planning Commission Rules 11-3(b)(2), the Planning Commission's non-action constitutes an unfavorable recommendation.

Recommends passage of Bill 178, as amended to Draft 2, on first reading .

Comm. 415:
(Bill 184)

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO INDUSTRIAL-COMMERCIAL MIXED (MCX-20) AT WAIAKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-2-37:41 (Applicant: State of Hawai'i, Department of Land & Natural Resources) (Area: 124,002 square feet) From Mayor Harry Kim, dated November 6, 2003, transmitting a letter and the above bill from Planning Commission Chairman Fred Galdones.

Recommends passage of Bill 184 on first reading.

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 Friday, November 28, 2003. 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 the testimony to staff prior to the convening of the meeting.)

VIEWING OF MEETINGS ON GOVERNMENT ACCESS TELEVISION - Channel 52 (Hilo/Kona)
Finance Committee meeting - Tuesdays, December 9 and 16, 2003, at 8:30 p.m.; Parks & Environmental Management Committee and Planning Committee meetings - Thursdays, December 11 and 18, 2003, at 8:30 p.m.; and all three Committee meetings - Sunday, December 21, 2003, at 10:30 a.m.