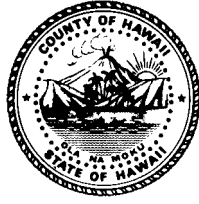


Leningrad Elarionoff  
*Chairman*



J. Curtis Tyler, III  
*Vice Chair*

James Y. Arakaki, *Member*  
Aaron S.Y. Chung, *Member*  
Fred C. Holschuh, M.D., *Member*  
Bob Jacobson, *Member*  
Joe Reynolds, *Member*  
Gary Safarik, *Member*  
Michael Tulang, *Member*

**HAWAII COUNTY COUNCIL  
COMMITTEE ON PLANNING  
26th Session**

**DATE:** April 20, 2004 (Tuesday)  
**PLACE:** Councilroom  
**TIME:** 2 p.m.

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

**STATEMENTS FROM THE PUBLIC ON COMMS. 564, 586 & 587**

Comm. 564: **NOMINATION OF PHIL A. DAVIS, FRANCIS I. KUAILANI, SR. AND  
RILEY M. SAITO, ALL OF COUNCIL DISTRICT 8, TO THE KAILUA VILLAGE  
DESIGN COMMISSION**

From Mayor Harry Kim, dated March 22, 2004, submitting for approval, the nomination of the following individuals to the Kailua Village Design Commission. If confirmed, their terms will expire on December 31, 2006.

*Mr. Phil A. Davis*, a three and a half year resident of Hawai'i, who is a self-employed architect. He will fill the required slot on the commission for a design professional. Not affiliated with any political party, he will replace Robin Hurlbut, whose term expired on December 31, 2003.

**RECOMMENDS APPROVAL OF THE APPOINTMENT OF MR. PHIL A. DAVIS TO THE  
KAILUA VILLAGE DESIGN COMMISSION.**

*Mr. Francis I. Kuailani, Sr.*, a lifelong resident of Hawai'i and law enforcement officer with Wackenhut Security. He will fill the slot for a person with the background in the culture and history, having been the superintendent for the Kaloko-Honokohau National Historic Park, the Puukohola Heiau National Historic site and as ranger at the Hawai'i Volcanoes National Park. Not affiliated with any political party, he will replace Mr. Angel Pilago, whose term expired on December 31, 2003.

**RECOMMENDS APPROVAL OF THE APPOINTMENT OF MR. FRANCIS I. KUAILANI, SR.  
TO THE KAILUA VILLAGE DESIGN COMMISSION.**

*Mr. Riley M. Saito*, a 42-year resident of Hawai'i and vice president with the Mauna Lani Bay Hotel and Bungalows. He will fill the slot representing local business and property owners. Not affiliated with any political party, he will replace Mr. Jay Hanson, whose term expired on December 31, 2003.

**DEFERRED ACTION ON THE APPOINTMENT OF MR. RILEY M. SAITO TO THE KAILUA  
VILLAGE DESIGN COMMISSION.**

Comm. 586: NOMINATION OF DIANE GENTRY OF COUNCIL DISTRICT 5 TO THE COUNTY OF HAWAI'I BOARD OF APPEALS

From Mayor Harry Kim, dated April 7, 2004, nominating Diane Gentry to the Board of Appeals, for a term to expire on December 31, 2007.

A lifelong resident of Hawai'i, Ms. Gentry is a facilitator/trainer for Unlimited Learning. A member of the Republican Party, if confirmed, she will replace Hugo Coutandin, who resigned.

**RECOMMENDS APPROVAL OF THE APPOINTMENT OF MS. DIANE GENTRY TO THE COUNTY OF HAWAI'I BOARD OF APPEALS.**

Comm. 587: NOMINATION OF BERNARD M. KONANUI OF COUNCIL DISTRICT 5 TO THE COUNTY OF HAWAI'I WATER BOARD

From Mayor Harry Kim, dated April 7, 2004, nominating Mr. Bernard M. Konanui to the Water Board, for a term to expire on December 31, 2008.

A lifelong resident of Hawai'i, Mr. Konanui is a retired police officer for the Puna District and is a self-employed woodturner. Not affiliated with any political party, if confirmed, he will replace Raymond Kawamata, whose term expired on December 31, 2003.

**RECOMMENDS APPROVAL OF THE APPOINTMENT OF MR. BERNARD M. KONANUI TO THE COUNTY OF HAWAI'I WATER BOARD.**

**STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA**

UNFINISHED

BUSINESS:

Comm. 438: AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAP, H-7 FOR THE COUNTY OF HAWAI'I, BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT HIENALOLI 2ND TO 4TH, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 7-5-010:066 (Applicant: Nani Kona Aina, LLC) (Area: 14.533 acres); and

**DUE TO A VOTE OF 3 AYES, 3 NOES, AND 3 ABSENT & EXCUSED FOR THE RECOMMENDATION OF PASSAGE OF BILL 198 ON FIRST READING, THE COMMITTEE IS FORWARDING THE BILL TO THE COUNCIL WITH A NEGATIVE RECOMMENDATION.**

(Bill 199) 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 AGRICULTURAL (A-5a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT HIENALOLI 2ND TO 4TH, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 7-5-010:066 (Applicant: Nani Kona Aina, LLC) (Area: 14.533 acres)

From Mayor Harry Kim, dated December 3, 2003, transmitting a letter and the above bills from Planning Commission Chair Fred Galdones.

**DUE TO A VOTE OF 3 AYES, 3 NOES, AND 3 ABSENT & EXCUSED FOR THE RECOMMENDATION OF PASSAGE OF BILL 199 ON FIRST READING, THE COMMITTEE IS FORWARDING THE BILL TO THE COUNCIL WITH A NEGATIVE RECOMMENDATION.**

**CLOSE FILE ON COMMUNICATIONS 438 THROUGH 438.27.**

- Comm. 438.1: From Linda and Donald Gross, dated November 11, 2003, opposing Bills 198 and 199 because the traffic will burden the existing infrastructure in the neighborhood, and requests a meeting be held on the issue in Kona.
- Comm. 438.2: From Ruth E. Robinson, dated November 10, 2003, requesting that a hearing be held in Kona regarding Bills 198 and 199, to afford concerned citizens the opportunity to attend.
- Comm. 438.3: From Lawrence Goff and Virginia Lane, dated November 11, 2003, expressing their opposition regarding the proposed rezoning of 14.5 acres adjacent to the Kona Heights Subdivision, because of concerns about the continued "incremental rezoning" and approvals for numerous adjacent small developments that can, due to their being under the 100 lot threshold" avoid impact studies and related infrastructure costs of approximately 600 homes which all must utilize the single access road, Nani Kailua. Requests the Council hold a meeting in Kona so residents can express their concerns.
- Comm. 438.4: From David O. Kish and Carol Nani Stone, dated November 11, 2003, requesting that a meeting be held in Kona to ensure that the concerns regarding Bills 198 and 199 are heard.
- Comm. 438.5: From David O. Kish and Carol Nani Stone, dated November 13, 2003, requesting that the Planning Committee hold a meeting in Kailua-Kona when the Nani Kona Aina State Land Use Boundary Amendment and rezoning requests are considered.
- Comm. 438.6: From Lawrence Goff, dated November 11, 2003, requesting that the Council oppose Bills 198 and 199; and that the County Council conduct their hearing on this matter in Kona.
- Comm. 438.7: From Charles Fleming and Maureen Lu, dated December 10, 2003, concerned that the proposed Nani Kona Aina development will impact traffic, damage road, have flooding problems, and impact the endangered Hawaiian hawk which hunts there.
- Comm. 438.8: From Rab and Lynn Puri, dated November 13, 2003, expressing gratitude to the Planning Commission for opposing Nani Kona Aina, and requests a meeting be held in Kona to allow their concerned residents a chance to attend.
- Comm. 438.9: From John and Ruby Darnall, dated November 11, 2003, opposing Nani Kona Aina and other further development in the Kona Heights and Kailua View Estates until appropriate traffic and impact studies have been conducted and solutions

found and implemented to improve infrastructure, and requesting a Kona meeting on the matter for the convenience of the Kona residents.

- Comm. 438.10: From B. Scott, dated November 6, 2003, opposing Bills 198 and 199, and requesting they be delayed until a binding infrastructure agreement is included in any development approval.
- Comm. 438.11: From John and Ruby Darnall, dated November 6, 2003, informing that several neighbors met to discuss the impact of the proposed Nani Kona Aina application, and determined several key issues they believe warrant careful consideration, as listed.
- Comm. 438.12: Copy of letter to Planning Department and Planning Commission, from Mark Van Pernis, dated October 29, 2003, expressing concerns that access to Kuakini Highway will be overburdened, and will denigrate the value of the Kailua View Estates property; also that Hienaloli Road is inadequate and overburdened, and that Nani Kona Aina should be required to improve it or create other access. Transmits a map of the area for further clarification.
- Comm. 438.13: From Barbara Scott, dated November 14, 2003, commenting on the impacts that Nani Kona Aina will have on traffic, infrastructure, protected wildlife and the environment. Favors a meeting in Kona to address community concerns.
- Comm. 438.14: Copy of letter to Planning Director Christopher Yuen, from Charles Fleming and Maureen Lu, dated November 3, 2003, expressing concern over "incremental rezoning," which disguise total development of many lots as separate small developments, without requiring the necessary impact study by the developer. Urges the Planning Department, the Planning Commission, and the Department of Public Works to review this for infrastructure needs.
- Comm. 438.15: From Peter J. Callahan, dated December 10, 2003, asking that the Council address all environmental issues before granting the rezoning request of Nani Kona Aina, and that any development be consistent, compatible and complementary with all existing properties.
- Comm. 438.16: Copy of letter to Dr. Ann Goody, Three Ring Ranch Exotic Animal Sanctuary, from Gina Shultz, United States Department of the Interior Acting Field Supervisor, offering technical assistance for the Nani Kona Aina State Land Use Boundary Amendment and rezoning, in order that impacts to listed native Hawaiian species can be avoided or minimized. States that based on their review, the endangered Hawaiian hoary bat and Hawaiian hawk are present in the proposed area and should be considered in the planning process for this area.
- Comm. 438.17: From Ruth E. Robinson, dated January 11, 2004, opposing the rezoning request of Nani Kona Aina; or in the alternative requesting the density be reduced to no more than RS-20, for reasons stated.

- Comm. 438.19: From Dr. Ted Leaf and Diane Stone, dated January 30, 2004, urging the Council to reject and deny Bills 198 & 199, citing traffic and road concerns.  
*(More related items on next page)*
- Comm. 438.20: From Mark Van Pernis, Esq., dated January 30, 2004, opposing Bills 198 & 199, citing infrastructure concerns.
- Comm. 438.21: From Joel Gimpel, Kona Traffic Safety Committee's Public Affairs Committee Chair, dated March 8, 2004, opposing Bills 198 & 199 because of problems of access to Highway 19; and the appearance of circumventing legal requirements by listing projects on adjoining properties under different, but related names. Urges the County to require the applicant to provide the necessary road infrastructure before home construction commences as a condition for approval.
- Comm. 438.22: From Mark Van Pernis, dated March 2, 2004, opposing Bills 198 & 199, because of access and infrastructure deficiencies.
- Comm. 438.23: Copy of letter to Planning Director Chris Yuen from Kristine Van Pernis, dated February 21, 2004, opposing Bills 198 & 199 because of traffic concerns.
- Comm. 438.24: From Lynn Puri, dated March 8, 2004, opposing Bills 198 & 199 due to rampant growth and suggesting a need for a moratorium on all building permits and rezoning.
- Comm. 438.25: From Maureen Lu, received March 8, 2004, opposing Bills 198 & 199 due to traffic and infrastructure problems.
- Comm. 438.26: From Peggy J. Andersen, dated February 20, 2004, opposing Bills 198 & 199, due to "piggybacking" roads and infrastructure.
- Comm. 438.27: Copy of letter to Barbara Scott from Planning Director Christopher J. Yuen, dated April 5, 2004, responding, as requested by Mayor Harry Kim, to a March 12, 2004 letter she sent to Mayor Kim regarding Bills 198 and 199.
- Comm. 455:  
(Bill 209) 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 AGRICULTURAL (A-5a) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT PUAPUAA 2ND, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 7-5-20:71 AND 72 (Applicant: Lehua Lani, LLC)  
(Area: Approximately 10.1 acres)  
From Mayor Harry Kim, dated December 30, 2003, transmitting a letter and the above bill from Planning Commission Chair Fred Galdones.

**DUE TO A VOTE OF 3 AYES, 3 NOES, AND 3 ABSENT & EXCUSED FOR THE RECOMMENDATION OF PASSAGE OF BILL 209 ON FIRST READING, THE COMMITTEE IS FORWARDING THE BILL TO THE COUNCIL WITH A NEGATIVE RECOMMENDATION.**

**CLOSE FILE ON COMMUNICATIONS 455 THROUGH 455.3.**

- Comm. 455.1: From Planning Director Christopher J. Yuen, dated January 5, 2004, informing that the Department of Public Works is recommending that proposed Condition E of Bill 209 be amended to increase from five to ten feet a widening strip along the length of Ali'i Drive to accommodate the utility poles within the right-of-way. The 10-foot future road widening strip will increase the current Ali'i Drive right-of-way width from 50 to 60 feet. States they concur with the stated recommendation.
- Comm. 455.2: Copy of letter to Mayor Harry Kim and Planning Director Chris Yuen from Peter Benson, dated February 8, 2004, regarding traffic concerns and the overall level of development in West Hawai'i. Attaches copy of letter he received from Mayor Kim in reply to his letter regarding Lehua Lani LLC's rezoning request.
- Comm. 455.3: From Joel Gimpel, Kona Traffic Safety Committee's Public Affairs Committee Chair, dated March 8, 2004, opposing Bill 209 because of traffic and infrastructure concerns.

**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, April 16, 2004. 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, Public Works & Intergovernmental Relations Committee and Human Services & Economic Development Committee meetings - Tuesdays, April 27 and May 4, 2004, at 8:30 p.m.; Parks & Environmental Management Committee and Planning Committee meetings - Thursdays, April 29 and May 6, 2004, at 8:30 p.m.; and all five Committee meetings - Sunday, May 9, 2004, at 10:30 a.m.