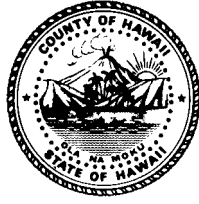


Leningrad Elarionoff
Chairman



J. Curtis Tyler, III
Vice Chair

James Y. Arakaki, *Member*
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**HAWAI'I COUNTY COUNCIL
COMMITTEE ON PLANNING
37th Session**

DATE: November 23, 2004 (Tuesday)
PLACE: Councilroom
TIME: 1:30 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. 847:
(Bill 365) AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAPS, H-14 AND H-25 FOR THE COUNTY OF HAWAI'I, BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE RURAL DISTRICT AT OULI, SOUTH KOHALA, HAWAI'I, COVERED BY TAX MAP KEY 6-2-11:9.
(Applicant: Arthur & Diane Maher) (Area: 5.0067 acres); and

RECOMMENDS PASSAGE OF BILL 365 ON FIRST READING.

(Bill 366) AN ORDINANCE AMENDING SECTION 25-8-7 (NORTH AND SOUTH KOHALA 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 6-2-11:9.
(Applicant: Arthur & Diane Maher) (Area: 5.0067 acres)
From Mayor Harry Kim, dated October 19, 2004, transmitting a letter and the above bills from Planning Commission Chair Fred Galdones.

RECOMMENDS PASSAGE OF BILL 366, AS AMENDED (TO DRAFT 2), ON FIRST READING.

Comm. 848:
(Bill 367) 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-1a) AND RESORT-HOTEL (V-1.25) TO MULTIPLE FAMILY RESIDENTIAL (RM-2.5) AT AUHAUKEAE 1st, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 7-5-9:67 AND PORTION OF 54 (Applicant: Kona Hale Alii, LLC) (Area: Parcel A - approximately 169,762 square feet; Parcel B - approximately 103,751 square feet; Total: Approximately 6.2 acres).

From Mayor Harry Kim, dated October 19, 2004, transmitting a letter and the above bills from Planning Commission Chair Fred Galdones.

RECOMMENDS PASSAGE OF BILL 367, AS AMENDED (TO DRAFT 2), ON FIRST READING.

Comm. 858:
(Bill 372) AN ORDINANCE AMENDING CHAPTER 16, HAWAI'I COUNTY CODE, 1983 (1995 EDITION) RELATING TO GENERAL PLAN AMENDMENT PROCEDURES (outlines procedures for interim and comprehensive review amendments to the General Plan).

From Planning Committee Chairman Leningrad Elarionoff, dated November 10, 2004, transmitting the above bill. Summarizes key points of the bill and states intention to request deferral of this item pending the convening of the new Council.

DEFERRED.

UNFINISHED BUSINESS

Comm. 493:
(Bill 163)
(2002) AN ORDINANCE ADOPTING THE COUNTY OF HAWAI'I GENERAL PLAN AND REPEALING ORDINANCE NO. 89 142, AS AMENDED

From Mayor Harry Kim, dated January 16, 2002, transmitting a letter and the above bill from Planning Commission Chair Geraldine M. Giffin. Also attached with the submittal from Ms. Giffin are documents related to the proposed revision.

DEFERRED.

Comm. 493.8:
(2002) From Planning Committee Chair Bobby Jean Leithead-Todd, dated February 7, 2002, submitting for duplication purposes, transmittal by the Revised General Plan identified as Appendix A, which was part of Communication 493.

DEFERRED.

As required by the Hawai'i County Charter, the County Council in 1971 adopted by ordinance a General Plan which set forth the Council's policy for long range comprehensive physical development for the County. The General Plan also required five and ten year

comprehensive reviews and updates to maintain the Plan's dynamism and flexibility to accommodate major changes and trends within the County.

This bill proposes numerous amendments to the General Plan as part of the current comprehensive review, including revisions to the following elements and components: Economic, Energy,

Environmental Quality, Flooding and Other Natural Hazards, Historic Sites, Natural Beauty, Natural Resources and Shoreline, Housing, Public Facilities, Public Utilities, Recreation, Transportation, Land Use, the Plan's Introduction, Plan Implementation and Amendment Procedures.

This bill also proposes amendments to (1) the Facilities Maps and (2) the Land Use Pattern Allocation Guide Maps, which are the graphic expressions of the General Plan policies, particularly those relating to land uses.

In order to make amendments to the General Plan, this bill repeals Ordinance No. 89-142 (1989 General Plan) and replaces it in its entirety.

Comm. 45.30:
(Bill 163)
(Draft 2)

AN ORDINANCE ADOPTING THE COUNTY OF HAWAI'I GENERAL PLAN AND REPEALING ORDINANCE NO. 89-142, AS AMENDED.
From Planning Committee Chair Leningrad Elarionoff, dated June 4, 2004, submitting the above bill. Also included is a memo from Legislative Auditor Constance R. Kiriu and Legislative Assistant Charmaine Doran, dated June 3, 2004, together with "Report on the County of Hawai'i General Plan-Bill 163, Draft 2."

DEFERRED.

Bill No. 163, Draft 2, proposes numerous amendments to Bill No. 163 relating to the Hawai'i County General Plan, as part of the current comprehensive review. Revisions include changes to the following elements and components: Economic, Energy, Environmental Quality, Flooding and Other Natural Hazards, Historic Sites, Natural Beauty, Natural Resources and Shoreline, Housing, Public Facilities, Public Utilities, Recreation, Transportation, Land Use, the Plan's Introduction, Plan Implementation and Amendment Procedures.

This bill also proposes amendments to (1) the Facilities Maps and (2) the Land Use Pattern Allocation Guide Maps.

Comm. 45.48

From Planning Committee Chairman Leningrad Elarionoff, dated November 9, 2004, regarding Bill 163, Draft 2, Revision of the Hawai'i County General Plan. Requests that it be referred to the Planning Committee for its November 23, 2004 Agenda, and stating that he will at that time request that the Draft 2 be deferred

for consideration by the incoming Council. Includes a summary of the history of Bill 163 since its introduction.

Comm. 45.49
(Bill 163)
(Draft 3)

AN ORDINANCE ADOPTING THE COUNTY OF HAWAI'I GENERAL PLAN AND REPEALING ORDINANCE NO. 89-142, AS AMENDED.

From Planning Committee Chair Leningrad Elarionoff, dated November 10, 2004, submitting the above bill. Also included is a memo from Legislative Auditor Constance R. Kiriu and Legislative Assistant Charmaine Doran, dated November 9, 2004.

DEFERRED.

Bill No. 163, Draft 3, proposes numerous amendments to Bill No. 163, Draft 2, relating to the Hawai'i County General Plan, as part of the current comprehensive review. Major revisions between Draft 2 to Draft 3 include the following changes to plan elements and components: General Plan Requirements, General Plan Program Implementation, District Vision Statements, Land Use, and Natural Beauty, Resources, and Environmental Quality.

In addition, Draft 3 has been reformatted and included Draft 1, District Courses of Action.

(Note: Communications 493.1 through 493.7 and 493.9 through 493.131 were filed at the October 8, 2002, Planning Committee meeting. Communications 493.132 through 493.142 were filed at the October 22, 2002, Planning Committee meeting.)

ALL OF FOLLOWING COMMUNICATIONS DEFERRED.

Comm. 493.143: From Josephine L. Keliipio, dated October 22, 2002, recommending (2002) that a policy be placed in the Economic Chapter of the General Plan that would promote and encourage a recycling industry. Further, states that the Energy Chapter should do more to encourage energy alternatives and should include a chart or spreadsheet showing all the energy alternatives, percentage used, cost, etc. Makes suggestions regarding solar energy and attaches two newspaper articles on recycling and solar bond.

Comm. 493.144: From Josephine L. Keliipio, dated November 19, 2002, regarding questions (2002) on the Energy and Economic chapters of the General Plan.

Comm. 493.145: From Taira Yoshimura, dated November 19, 2002, offering suggestions (2002) for amending the Energy and Economic chapters of the General Plan to "also contain statements on the anticipated social, cultural and environmental consequences of each proposed action along with recommendations for mitigation."

Comm. 45: From Steven S.C. Lim, Carlsmith Ball LLP, dated December 12, 2002, on behalf of their client, Continental Pacific, LLC, objecting to a change in designation of lands they own in Pepe'ekeo, TMK (3)2-5-007:053 from "Intensive Agricultural" and "Extensive Agricultural" to "Industrial" on the LUPAG Map.

- Comm. 45.1: From Planning Director Christopher J. Yuen, dated December 10, 2002, submits explanation to assist in the review of the General Plan LUPAG Map designation, in regards to the September 4, 2002 letter from Mr. James Bell (Comm. 493.130) regarding certain lands in the North Kona district, generally located makai of the Belt Highway, and south of Keauhou, that are designated as Important Agricultural Lands on the proposed General Plan LUPAG Map, classified as at least 'fair' for two or more crops, on an irrigated basis, by the USDA Natural Resource Conservation Service's study of suitability for various crops.
- Comm. 45.2: Copy of letter to Planning Director Christopher Yuen, from James R. Bell, Belt Collins Hawai'i Ltd., dated January 2, 2003, in response to Comm. 45.1, stating certain lands owned by his six clients in North Kona designated "Important," because the USDA classification based on an irrigation basis. States the subject lands are not irrigated, and there are no plans by anyone to bring irrigation to them. Requests redesignation of the lands to "Extensive Agricultural Lands."
- Comm. 45.3: From David Owens, dated January 7, 2003, commenting on the proposed park at Reed's Bay.
- Comm. 45.4: From Ed Johnston opposing a General Plan proposal to add an Industrial designation to the area adjacent to the Hilo Coast Power Plant, for reasons as stated.
- Comm. 45.5: From Roy K. Skogstrom, dated February 5, 2003, opposing a General Plan revision increasing the size of the area for heavy industry at Pepe'ekeo Point.
- Comm. 45.6: From David Drury, dated February 4, 2003, opposing a proposed change in the General Plan to add heavy industry at the HCPC site on Pepe'ekeo Point.
- Comm. 45.7: From Claudia Woodward-Rice, dated February 6, 2003, opposing change to the General Plan, which would increase industrial at the Pepe'ekeo Mill site.
- Comm. 45.8: From Claudia Woodward-Rice, dated February 6, 2003, regarding proposed General Plan changes for future land use of 130+ acres bordering Akaka Falls road to Honomū.
- Comm. 45.9: From Robert E. Cooper, President, W. H. Shipman, Limited, dated February 5, 2003, requesting that the portion of land in A-4, which they own of the proposed revision to the Land Use Pattern Allocation Guide Map for Puna-1 remain Urban Expansion and not be changed to Important Ag Land.
- Comm. 45.10: From JP Michaud, University of Hawai'i at Hilo, Natural Sciences Division,

dated February 10, 2003, opposing industrial activity in the rural and agricultural area near Pepe'ekeo, for reasons stated.

- Comm. 45.11: From Stephen Worchel, PhD, opposing changes in the General Plan that would increase the heavy industry activities allowed at the HCPC site on Pepe'ekeo Point.
- Comm. 45.12: From Lorraine Mendoza, President, Rural South Hilo Community Association; Vice President, Pepe'ekeo Community Association; Director, Hilo-Hāmākua Community Development Corp., dated February 10, 2003, opposing Heavy Industry at the HCPC Pepe'ekeo site as a proposed change to the Hawai'i County General Plan, for reasons stated; and transmits "A Plan for the Hilo Hāmākua Coast, July 2000" by the Hilo Hāmākua Community Development Corporation.
- Comm. 45.13: From Francis Benevides, submitting "Information Re Master Plan."
- Comm. 45.14: From Dr. Dawna Coutant, Psychology Dept., University of Hawai'i at Hilo, dated February 10, 2003, opposing proposed expansion of the industrial acreage in Pepe'ekeo.
- Comm. 45.15: From Jude Mattos, President, Honomū Village Association, dated February 9, 2003, supporting Medium Density Urban Expansion in Honomū.
- Comm. 45.16: From Leighton J. Yuen, Goodsill Anderson Quinn & Stifel, LLP, Attorneys for Waikoloa Land Company, Inc., and its various affiliates and subsidiaries, dated April 17, 2003, relating to the criteria for designation of Important Agricultural Land, on the General Plan, specifically in relation to four parcels owned by their clients.
- Comm. 45.17: Copy of letter to Dixie Kaetsu, Managing Director, from Board of Land and Natural Resources Commission on Water Resources Management's Chairman Peter T. Young, dated June 16, 2003, reiterating their request for certain revisions to the General Plan and also providing an update on DLNR's plans for certain State-owned lands in Kealakehe.
- Comm. 45.18: From Planning Director Christopher J. Yuen, dated June 17, 2003, requesting favorable action on suggested changes to the proposed LUPAG map amendments for the area G-9 and G-10 on the North Kona-2 map, as proposed by the Kohanaiki landowner to incorporate many features that the County and public users of the area want. Attaches a North Kona-2 map, which they are requesting the Council substitute with the one contained in the December 21, 2001 draft.
- Comm. 45.19: From Planning Director Christopher J. Yuen, dated July 22, 2003, proposing revisions to the Transportation - Roadway Maps and Public Utilities Maps in the present draft General Plan, and transmits copies of the revised roadway maps. States that after they reviewed the roadway maps in the present draft General Plan, they found that they needed to propose some revisions.

- Comm. 45.20: From Planning Committee Chair Bobby Jean Leithead-Todd, dated July 31, 2003, summing up her observations and recommendations to the General Plan, specifically on amendments (1) To reclassify subdivisions of less than 3 acre parcels to Rural from Agriculture; (2) Kohanaiki, Keopuka, O'oma and other coastal conservation proposals; (3) Additional Urban Expansion/ Industrial/Commercial areas for Puna and Ka'u; (4) Designation of an industrial area in Volcano; (5) Resort nodes; (6) Slimming down the General Plan; and (7) Important Ag Lands.
- Comm. 45.21: From Planning Committee Chairman Leningrad Elarionoff, dated November 3, 2003, informing that a General Plan workshop will be held on December 18, 2003, with Planning Director Chris Yuen making the presentations which will be divided into three sections with question/answer periods at the end of each. Suggests contacting constituents during the Holiday season for comments to be included with Councilmembers' comments in the first weeks of 2004. Further, suggests an effort be made to simplify and consolidate the General Plan by separating from the ordinance. The supporting material will remain available in a separate document but not codified.
- Comm. 45.22: From David L. Callies, dated December 16, 2003, entitled "Hawai'i County Proposed General Plan Testimony Concerning Selected Parts."
- Comm. 45.23: From Planning Director Christopher J. Yuen, dated December 18, 2003, responding to the testimony of David Callies, Esq., on behalf of the Leeward Planning Council.
- Comm. 45.24: From John B. Ray, President, Hawai'i Leeward Planning Conference, dated December 10, 2003, offering several comments and suggestions to the General Plan.
- Comm. 45.25: From Planning Director Christopher J. Yuen, dated December 15, 2003, as a preparatory letter to the General Plan Workshop scheduled for December 18, 2003.
- Comm. 45.26: From John M. Derby, Sr., Executive Secretary, Hawai'i Conference Foundation, dated January 29, 2004, asking for favorable consideration of Proposal #B-15 in the proposed update of the General Plan.
- Comm. 45.27: From Jean Thompson, dated March 3, 2004, expressing concern about the development in Kona, and requesting support of controls over "spot" development and massive urban growth.
- Comm. 45.28: From Michael W. Gibson, Manager, Captain Cook Ranch LLC, dated April 19, 2004, requesting that their property, TMK (3)8-2-2-2, 55, 56 & 57 be classified as Rural during the present Comprehensive Review of the General Plan so as to remain consistent with both the existing State Land Use Designation and existing Residential Agricultural, Two Acre Zoning.

- Comm. 45.29: From Christopher Norrie, Manager, Skycliff Ranch LLC, dated May 13, 2004, regarding the proposed LUPAG Designation Change H-1; Comprehensive Review of the General Plan, and asking the County Council to support the Planning Commission's recommendation to the Planning Director in their letter of October 19, 2001: to delete Amendment "H-1" to LUPAG Map for South Kona.
- Comm. 45.31: From Steven Lim of Carlsmith Ball LLP, dated June 4, 2004, stating that his firm represents Andrew D. Shaw who is under contract to purchase property in Ka'u (TMK (3)9-5-11:01), from Ka'u Agribusiness Co., Inc., and requesting that the Council retain the existing General Plan "Urban Expansion" designation for the Property.
- Comm. 45.32: From James M. Leonard, AICP, Principal, Hilo Office of PBR Hawai'i, dated June 4, 2004, enclosing an exhibit showing the proposed revision to the County General Plan LUPAG Map to allow for the future mixed use development within the Waikoloa Heights property at Waikoloa Village. On behalf of Lynch Investments, requests that a Medium Density Urban designation be included in the LUPAG Map with the property area, as shown on the Figure 3 exhibit.
- Comm. 45.33: From Planning Director Christopher J. Yuen, dated June 14, 2004, presenting initial comments on Bill 163, Draft 2. Recommends that if the Council wishes to adopt a much-condensed version of the General Plan similar to Draft 2, it should include some of the major policies and map changes that were in the proposed new General Plan that was sent to the Council in Draft 1, but have been deleted in Draft 2.
- Comm. 45.34: From Susan Dursin, dated June 16, 2004, expressing concerns about Bills 163 and 270 (Charter Amendment relating to Public Access, Open Space, Natural Resources Preservation Fund).
- Comm. 45.35: From Delan Perry, President, Big Island Farm Bureau, dated June 25, 2004, stating that during the development of the General Plan, there was intense participation by the Big Island Farm Bureau and other agricultural organizations, and the language with the "Agricultural" chapter of Draft 1 is a product of that participation, and should be retained. During its June 15, 2004 meeting, the Board of Directors voted to respectively request the Planning Committee reject Bill 163, Draft 2, which proposes to delete the references and policy statements related to the identification and protection of Important Agricultural Land in the County, as well as the "Important Agricultural Lands" LUPAG designations currently contained in Draft 1.
- Comm. 45.36: E-mail from Christopher Norrie, dated June 12, 2004, supporting the current draft of the General Plan, and stating that one thing should be clarified: that the three "Overall Amendments to the LUPAG Map" should be embodied as a change in the Bill itself in a note on page one of the LUPAG Map.

- Comm. 45.37: From James M. Leonard, AICP, Principal, Hilo Office, PBR Hawai'i, dated June 3, 2004, enclosing copy of letter and exhibits that had been sent to and discussed with prior Planning Committee Chairperson, Bobby Jean Leithead-Todd, to ensure that it is still part of the record and to be considered during deliberations on the General Plan update.
- Comm. 45.38: From Roberta Kvenild, dated July 2, 2004, strongly opposing the possibility of a change of zoning in Honomu to "medium density."
- Comm. 45.39: From Gene Van Dyke, dated July 2, 2004, opposing the possibility of a change of zoning in Honomu, where 35 units are built on one acre.
- Comm. 45.40: From Robert Kvenild and Sally Kvenild, dated July 2, 2004, opposing the possibility of a change of zoning in Honomu to "medium density."
- Comm. 45.41: From John B. Ray, President, Hawai'i Leeward Planning Conference, dated July 1, 2004, offering comments regarding Bill 163, Draft 2, including support of Draft 2 changes to retain intensive and extensive Ag land classifications; support of Rural-Agricultural Land Designation; support of language adequately addressing the nature and implementation of Community Development Plans; support inclusion of Floating Zone; and supports deletion of the category of "Areas to be Kept in a Largely Natural State, With Minimal Facilities Consistent with Open Space Uses."
- Comm. 45.42: From Michael J. Matsukawa, Attorney at Law, dated June 15, 2004, offering follow up comments to his testimony at the General Plan Workshop on June 14, 2004, regarding Bill 163, Draft 2.
- Comm. 45.43: From Michael J. Matsukawa, Attorney at Law, offering testimony in opposition to Bill 163, Draft 2, stating it is based on the erroneous assumption that the General Plan can and should be hortatory and without the force of law.
- Comm. 45.44: From Dr. Serena Hashimoto, Assistant Professor of Communication, Hawai'i Pacific University College of Communication, dated July 6, 2004, expressing concern over the proposed zoning change above Honomu.
- Comm. 45.45: From Duane D. Erway, President, Plan to Protect Kona, dated June 29, 2004, commenting on the process used to develop Draft 2 of the General Plan at the June 15, 2004 General Plan Workshop in Kona. States if the Council does not vote to shelve Draft 2, that more meetings be held to gather public response to Draft 1 and Draft 2 before the Council votes on either.
- Comm. 45.46: From John M. Derby, Executive Secretary, Hawai'i Conference Foundation, dated August 6, 2004, regarding proposed reclassification of lands in the Hilo Heights area from Urban Expansion to Low Density Urban under Proposal #B-15, and asking for favorable consideration of the proposal in Bill 163, Draft 2.

Comm. 45.47: From Claudia Rohr, dated August 5, 2004, requesting removal of Item B-2 from the South Hilo 1 Map of the Proposed LUPAG Map Revision, Draft 2, consisting of a land use designation change for the area around the Hilo Coast Power Company from Intensive and Extensive Agriculture to Industrial.

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 **November 19, 2004**. Persons using TDDs may call 961-8521.

(Copies of this agenda and the communication 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)
Human Services & Economic Development Committee and Finance Committee meetings - Tuesdays, November 30 and December 7, 2004, at 8:30 p.m.; Planning Committee meeting - Thursdays, December 2 and December 9, 2004, at 8:30 p.m.; and all three Committee meetings - Sunday, December 12, 2004, at 10:30 a.m.

Office of the County Clerk
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720