

K. Angel Pilago
Chair

Dominic Yagong
Vice Chair



Brenda Ford, *Member*
Stacy K. Higa, *Member*
Pete Hoffmann, *Member*
Donald Ikeda, *Member*
Bob Jacobson, *Member*
Emily I. Naeole, *Member*
J Yoshimoto, *Member*

**HAWAI'I COUNTY COUNCIL
COMMITTEE ON PLANNING
5th Session**

DATE: February 21, 2007 (Wednesday)
PLACE: Sheraton Keauhou Bay Resort and Spa
78-128 Ehukai Street
Kailua-Kona, Hawai'i
TIME: 10:00 a.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. 86:
(Bill 24) AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAI'I BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT WAIAKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-2-56:23; (Applicant: Glenn T. Nakamura) (Area: Approximately 2.649 acres); and _____

(Bill 25) AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL - 3 ACRES (A-3a) TO RESIDENTIAL AND AGRICULTURAL - 5 ACRE (RA-5a) AT WAIAKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-2-56:23 (Applicant: Glenn T. Nakamura) _____
From Mayor Harry Kim, dated January 8, 2007, transmitting the above bills and Planning Commission's letter and enclosures.

Recommends passage of Bills 24 and 25 on first reading.

Votes:

For: Committee Members Ford, Higa, Hoffmann, Ikeda, Jacobson, Naeole, Yagong, Yoshimoto and Chair Pilago

Against: None.

Absent & Excused: None.

Comm. 104:
(Bill 30)

AN ORDINANCE AMENDING SECTION 25-8-33, (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION) BY CHANGING THE DISTRICT CLASSIFICATION FROM LIMITED INDUSTRIAL - 20,000 SQUARE FEET (ML-20) TO INDUSTRIAL-COMMERCIAL MIXED USE - 20,000 SQUARE FEET (MCX-20) AT WAIAKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-2-35:47
(Applicant: Clark Realty Corporation) (Area: Approximately 21,050 square feet)
From Mayor Harry Kim, dated January 11, 2007, transmitting the above bill and Planning Commission's letter and enclosures.

Recommends passage of Bill 30 on first reading.

Votes:

For: Committee Members Ford, Higa, Hoffmann, Ikeda, Jacobson, Naeole, Yagong, Yoshimoto and Chair Pilago

Against: None.

Absent & Excused: None.

Comm. 156:
(Bill 44)

AN ORDINANCE AMENDING SECTION 25-8-2 (NORTH AND SOUTH KONA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL - 1 ACRE (A-1a) TO OPEN (O) AT PUUANAHULU, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 7-1-5:9 AND 7-1-7:44-47 (Planning Director Initiated)
From Planning Commission Chairman William Graham, dated February 1, 2007, transmitting the above bill and Planning Commission's letter and enclosures.

Recommends passage of Bill 44 on first reading.

Votes:

For: Committee Members Ford, Higa, Hoffmann, Ikeda, Jacobson, Naeole, Yagong, Yoshimoto and Chair Pilago

Against: None.

Absent & Excused: None.

Comm. 165:

From Planning Director Chris Yuen, dated February 6, 2007, requesting a time extension to process the bills referenced below due to the complexity of the issues involved:

Bill 318: Amending Chapter 25, Zoning Code re: Conditions of Change of Zone

Bill 319: Amending Chapter 23, Subdivision Code re: Large-scale developments

Bill 328: Amending the Hawai'i County Code 1983 (2005 Edition, as amended) to add a Concurrency Chapter

Bill 329: Amending the Hawai'i County Code 1983 (2005 Edition, as amended)
to add an Adequate Public Facilities Chapter

States that the bills are being scheduled for public hearings by the Planning Commission on March 2, 2007 in Hilo and March 16, 2007 in Kona and that their recommendation and report will be forwarded shortly thereafter.

Recommitted Bills 318, 319, 328 and 329 to the Planning Department and Planning Commission.

Votes:

For: Committee Members Ford, Higa, Hoffmann, Ikeda, Jacobson, Naeole, Yagong, Yoshimoto and Chair Pilago

Against: None.

Absent & Excused: None.

Close File

Votes:

For: Committee Members Ford, Hoffmann, Ikeda, Jacobson, Naeole, Yagong, Yoshimoto and Chair Pilago

Against: None.

Absent & Excused: Committee Member Higa.

Comm. 178:
(Bill 52)

AN ORDINANCE AMENDING CHAPTERS 23 (SUBDIVISION CONTROL CODE), 25 (ZONING CODE) AND 27 (FLOOD CONTROL CODE), HAWAI'I COUNTY CODE 1983 (2005 EDITION), AS AMENDED, RELATING TO STORMWATER MANAGEMENT (to require that most new developments have onsite drainage of rainwater into drywells or other methods that infiltrate stormwater into the ground) From Mayor Harry Kim, dated January 22, 2007, transmitting the above bill and the Planning Commission's letter and enclosures. The amendment to Chapter 23, Subdivision Code, would require that the subdivider construct a storm drainage system on a new subdivision that will contain runoff and divert it to drywells or other approved infiltration devices; the amendment to Chapter 25, Zoning Code, requires that most new developments needing plan approval would first need a "site drainage plan" approval by the Department of Public Works; and the amendments to Chapter 27, Flood Control, contain the requirements of the "site drainage plan."

Recommends passage of Bill 52, as amended to Draft 2, on first reading.

Votes:

For: Committee Members Ford, Hoffmann, Ikeda, Jacobson, Naeole, Yagong, Yoshimoto and Chair Pilago

Against: None.

Absent & Excused: Committee Member Higa.

Comm. 178.1: From Legislative Specialist Leslie Chow, dated February 9, 2007, transmitting a proposed amendment to Bill 52.

Close File - Votes:

For: Committee Members Ford, Hoffmann, Ikeda, Jacobson, Naeole, Yagong, Yoshimoto and Chair Pilago

Against: None.

Absent & Excused: Committee Member Higa.

Comm. 181: REVIEW AND COMMENT FROM THE PLANNING COMMISSION ON A DRAFT ORDINANCE RELATING TO THE GENERAL PLAN AMENDMENT PROCEDURE REQUESTED BY THE COUNTY COUNCIL (2004 - 2006 term)
From Mayor Harry Kim, dated February 1, 2007, transmitting the Planning Commission's letters and enclosures regarding the above.

Close File - Votes:

For: Committee Members Ford, Higa, Hoffmann, Jacobson, Naeole, Yagong, Yoshimoto and Chair Pilago

Against: None.

Absent & Excused: Committee Member Ikeda.

UNFINISHED BUSINESS

Bill 345: AN ORDINANCE AMENDING CHAPTER 25, ARTICLE 1, SUBSECTION 25-1-5(b),
(Draft 2) (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS
(2004-2006) AMENDED), RELATING TO THE DEFINITION OF FAMILY
(Comm. 67.20) (Amends the definition of "Family" to include a group of not more than eight unrelated persons, plus any program staff, living in a facility licensed or certified by the Department of Health) (Planning Director Initiated)
From Planning Committee Chair K. Angel Pilago, dated January 8, 2007, transmitting the above bill. Draft 2 adds additional language to this definition to include "provided that if more than one dwelling on a lot is used for such a facility, the number of unrelated persons in each dwelling shall not exceed five, plus any program staff."

Approved: PC-128
Council Postponed: December 20, 2006
Council 1st Reading: January 4,
Commit to PC: February 7, 2007

(Note: There is a pending motion by Mr. Pilago and duly seconded by Mr. Jacobson to approve Bill 345, Draft 2.)

Recommends passage of Bill 345, as amended to Draft 3, on first reading

Votes:

For: Committee Members Ford, Higa, Hoffmann, Jacobson, Naeole, Yagong, Yoshimoto and Chair Pilago

Against: Committee Member Ikeda.

Absent & Excused: None.

Comm. 67.22: From Councilmember Brenda Ford, dated January 19, 2007, transmitting proposed amendments to Bill 345.

Close File on Comms. 67.22 through 67.54

Votes:

For: Committee Members Ford, Higa, Hoffmann, Jacobson, Naeole, Yagong, Yoshimoto and Chair Pilago

Against: Committee Member Ikeda.

Absent & Excused: None.

Comm. 67.45: From Councilmember J Yoshimoto, dated February 5, 2007, transmitting proposed amendments to Bill 345.

Comm. 67.46: From Planning Director Chris Yuen, dated February 5, 2007.

Comm. 67.47: From Councilmember Brenda Ford, dated February 6, 2007.

Comm. 67.48: From Ron Amundson, Disability Rights Hawai'i Secretary, dated February 6, 2007.

Comm. 67.49: From Jennifer Shibuya, dated January 30, 2007.

Comm. 67.50: From Janet Nakamura, dated February 7, 2007.

Comm. 67.51: From Matt Claybaugh, PhD., dated February 7, 2007.

Comm. 67.52: From Hiroshi Kozohara, dated February 7, 2007.

Comm. 67.53: From Linda Sasaki, National Association of Residential Property Managers President, dated February 7, 2007.

Comm. 67.54: From Dr. Judith Gersting, University of Hawai'i at Hilo Computer Science Department Chair, dated February 6, 2007.

ADJOURNMENT

The meeting place is accessible for persons with disabilities. Persons who need special accommodations to attend this meeting should call 961-8245 by **February 16, 2007**. Persons using TDDs may call 961-8521.

Copies of this agenda and items listed on the agenda are available at the County Clerk's Office, 333 Kilauea Ave., Hilo; the Office of the Mayor, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona; the Kona Councilmembers' Office, Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona; and at the Waimea Council Members' Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5, Waimea, Hawai'i. For further information, please call 961-8245.

Videoconferencing **may** be available for this meeting. Please call 961-8245 after Thursday, February 15, 2007, to inquire.

Submitting Testimony: Those persons wishing to testify in person or by videoconference must register with the County Clerk's staff. Those testifying in person and submitting written testimony at the meeting in Hilo should bring fifteen (15) copies of the testimony for distribution at the meeting. Those testifying by videoconference from the Kona or Waimea Council Offices, should bring one copy of the testimony. Those persons unable to testify in person or by videoconference may submit testimony (1) by mail to the County Clerk's Office in Hilo at 25 Aupuni Street, Hilo, Hawai'i, 96720, (2) by facsimile to (808) 961-8912, or (3) by e-mail to counciltestimony@co.hawaii.hi.us. Please submit a separate testimony for each item. For testimonies submitted by e-mail or fax, copies will be distributed at the meeting when transmitted in a timely manner. In any case, both oral and written testimony will be made a part of the public record.

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist {Article 15, Section 2-91.3(b), Hawai'i County Code}. A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." {Article 15, Section 2-91.3(a)(6), Hawai'i County Code}. Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 333 Kilauea Ave., Hilo, Hawai'i 96720.

Viewing of Meetings on Government Access Television - Channel 52: Public Works & Intergovernmental Relations and Planning Committee meetings - Tuesdays, February 27 & March 6, 2007, at 8:30 p.m.; Finance, Human Services & Economic Development, Environmental Management and Public Safety & Parks and Recreation Committee meetings- Thursdays, March 1 & 8, 2007, at 8:30 p.m.; and all six Committee meetings - Sunday, March 11, 2007, at 10:30 a.m.