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**HAWAI'I COUNTY COUNCIL
COMMITTEE ON PLANNING
11th Session**

DATE: May 15, 2007 (Tuesday)
PLACE: Councilroom
Ben Franklin Building
333 Kīlauea Avenue, 2nd Floor
Hilo, Hawai'i
TIME: 1:45 p.m.

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

CALL TO ORDER

REFERRALS

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

- Comm. 239.5: APPOINTMENT OF SHERMAN WARNER TO THE SOUTH KOHALA COMMUNITY DEVELOPMENT PLAN STEERING COMMITTEE
From Mayor Harry Kim, dated April 23, 2007, submitting for confirmation the above nomination. Mr. Warner is a three-year resident of Waimea and has spent the last 25 years as a General Manager of a theatrical production and management company. He states that he would like to help build a fair and just community that upholds our traditional values and guards the culture of one of the world's treasured places.
- Comm. 358: A PROPOSED AMENDMENT TO CHAPTER 11 - HAWAI'I COUNTY AFFORDABLE HOUSING POLICY (Applies its coverage to all new residential developments, except those that have previously satisfied their affordable housing requirements prior to the effective date of the ordinance)
From Planning Director, Chris Yuen, dated April 20 2007, transmitting the above proposed amendment. Amends Section 11-4, Affordable Housing Requirements by adding that the affordable housing requirements shall apply to all final subdivision approvals creating additional lots where residential uses are allowed, including farm dwellings, where the additional lots are less than five acres in size; and all final map approvals for a condominium property regime where residential uses are allowed; including farm dwellings and the units are less than five acres in size; and all plan approvals for buildings which allow residential uses.

Comm. 376: AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP),
 (Bill 96) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983
 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE
 FAMILY RESIDENTIAL - 7,500 SQUARE FEET (RS-7.5) TO NEIGHBORHOOD
 COMMERCIAL - 10,000 SQUARE FEET (CN-10) AT PUNAHOA 2nd, SOUTH HILO,
 HAWAI'I, COVERED BY TAX MAP KEY 2-3-035:018
 (Applicant: Association of Apartment Owners of Punahoe Professional Building)
(Area: Approximately 9,230 square feet)
 From Mayor Harry Kim, dated April 23, 2007, transmitting the above bill and Planning
 Commission's letters and enclosures.

UNFINISHED BUSINESS

Comm. 255: AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP),
 (Bill 74) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983
 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM
 SINGLE-FAMILY RESIDENTIAL - 10,000 SQUARE FEET (RS-10) TO
 NEIGHBORHOOD COMMERCIAL - 40,000 SQUARE FEET (CN-40) AT WAIAKEA,
 SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-2-39:31, 57, 68 AND 69
(Applicant: Ginger Patch DP, LLC) (Area: Approximately 88,317 square feet)
 From Mayor Harry Kim, dated March 14, 2007, transmitting the above bill and Planning
 Commission's letter and enclosures.

Postponed: April 3, 2007

Comm. 255.1: From Attorney Steven S.C. Lim, consultant to the applicant, dated May 3, 2007, transmitting
 the Traffic Impact Analysis Report (TIAR), dated May 2007, prepared for Ginger Patch DP,
 LLC, by M&E Pacific.

Comm. 331: A RESOLUTION REQUESTING THE PLANNING DIRECTOR TO INITIATE AN
 (Res. 158-07) ORDINANCE TO AMEND CHAPTER 23, HAWAI'I COUNTY CODE 1983
 (2005 EDITION, AS AMENDED) RELATING TO SUBDIVISIONS AND AN
 ORDINANCE AMENDING CHAPTER 25, HAWAI'I COUNTY CODE 1983
 (2005 EDITION, AS AMENDED) RELATING TO ZONING (Proposes that subdivision
 applications involving seven or more lots would need to be approved by the Council by
ordinance rather than administratively by the Planning Director)
 From Council Chairman Pete Hoffmann, dated March 30, 2007, transmitting the above
 resolution which requests the Planning Director to submit comments and recommendations on
 the proposed Subdivision and Zoning Code amendments as set forth in the proposed bills for
 ordinances attached as Exhibit "A" to the resolution or to prepare similar bills for ordinances
 to provide for a discretionary permitting process for applications for new subdivisions, new
 planned unit developments, and new cluster plan developments involving seven or more lots,
 wherein the Council is the final approving authority for such developments.

Postponed: May 1, 2007

- Comm. 331.1: From Planning Director Chris Yuen, dated April 18, 2007, requesting a legal opinion on Council decision-making on subdivisions. States that this resolution raises an important legal question about the division of authority between the Council and the Planning Department under the Charter.
- Comm. 331.2: From Council Chair Pete Hoffmann, dated May 1, 2007, transmitting a proposed amendment to Res. 158-07, which suggests a process in which the Planning Commission and the County Council make recommendations, rather than giving final approval, to the Planning Director for subdivision applications which consist of seven or more lots, thereby abiding by the County Charter which assigns the Planning Director the responsibility for rendering decisions on subdivision applications pursuant to law. The proposed amendment makes no changes to the proposed ordinance amending Chapter 25, whereby the County Council will render decisions on applications for new planned unit developments and cluster plan developments consisting of seven or more lots.

ADJOURNMENT

The meeting place is accessible for persons with disabilities. Persons who need special accommodations for these meetings should call 961-8245 by **May 10, 2007**. Persons using TDDs may call 961-8521.

Copies of these agendas and items listed on the agendas are available at the at the County Clerk's Office, 333 Kīlauea Avenue, 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 is available at the following locations:

- Kona Council Office at the Kailua Trade Center; and
- Waimea Council Office at the Holomua Center.

If for technical or other unanticipated circumstances the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

Submitting Testimony: Those wishing to testify in person must register with the County Clerk's staff. Those testifying in person and submitting written testimony at the meetings should bring **fifteen (15)** copies of the testimony for distribution. Testimony may also be submitted (1) by mail to the County Clerk's Office in Hilo at 25 Aupuni St., Hilo, Hawai'i, 96720, (2) by facsimile to (808) 961-8912, or (3) by e-mail to counciltestimony@co.hawaii.hi.us. **Please submit separate testimony for each item.** For testimonies received via e-mail or fax, copies will be distributed at the meeting when transmitted in a timely manner. All 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 Kīlauea Avenue, Hilo.

Viewing of Meetings on Government Access Television - Channel 52:

Finance and Public Works & Intergovernmental Relations Committee meetings - Tuesdays, May 22 & 29, 2007, at 8:30 p.m.; Environmental Management and Planning Committee meetings - Thursdays, May 24 & 31, 2007, at 8:30 p.m.; and all four Committee meetings - Sunday, June 3, 2007, at 10:30 a.m.