

PLANNING COMMISSION  
COUNTY OF HAWAII

MINUTES  
February 6, 2004

The Planning Commission met in regular session at 9:04 a.m. in the County Building, Councilroom - Room 201, 25 Aupuni Street, Hilo, Hawaii with First Vice-Chairperson Earl Fujikawa presiding.

PRESENT: Earl Fujikawa  
William Graham  
Jeffrey McCall  
Aurelio Mina, Jr.  
Francis Smith  
Hannah Springer  
Bill Thibadeau

ABSENT & EXCUSED: Fred Galdones  
Florence Kubota

Pat O'Toole, Deputy Corporation Counsel  
Chris Yuen, Planning Director  
Norman Hayashi, Staff Planner  
Phyllis Fujimoto, Staff Planner  
Jeff Darrow, Staff Planner  
Glenn Ahuna representing Department of Water Supply

And approximately 20 people from the public in attendance.

**APPLICANT: WESTERN UNITED LIFE ASSURANCE COMPANY (REZ 03-023)**

Continued hearing on the application for a Change of Zone for 171.504 acres from the Agricultural 1-acre (A-1a), Neighborhood Commercial – 40,000 square foot (CN-40), Single Family Residential – 7,500 square foot and 10,000 square foot (RS-7.5 and RS-10) and Open (O) district to a Project District. The property is located on the west (mauka) side of the Komohana Street - Ponahawai Street intersection and makai of the Mohouli Street Extension, Ponahawai, South Hilo, Hawaii, TMK: 2-3-44:19, 2-3-49:53 and 2-3-37:1.

The Chair introduced the Commissioners and staff to members of the public.

All those testifying were duly sworn in.

Mr. Hayashi oriented the Commission and public of the subject and surrounding properties on the location map and site plan, summarized the request, and noted the Planning Director recommended a favorable recommendation on the application, with conditions. He also stated into the record correspondences received into the record were from Russell Oda, James A. Anderson, Ronald T. Nakamichi, US Army Engineer District, and the Department of Water Supply.

The following is a recapitulation of those testifying on the application:

John Lipscomb, Punahale Street resident, expressed his concern of the applicant receiving a blanket approval to situate the structures wherever they want on an area larger than Kaikoó Mall, noting it is placed in the middle of an existing community. He urged an unfavorable recommendation to the County Council as it will have negative impacts on traffic, drainage, schools, and the neighboring residential areas' quality of life and property values.

Amy Mahealani Jones, Liko Lehua Street resident for 22 years, firmly opposed the project, noting the Crescent City Subdivision is bordered on one side by a forested area which the 'io and pueo reside. She expressed various concerns, such as the developer completing their project then selling off their interest and leaving unsuspecting buyers with the problems of exacerbating problems of existing neighbors and taxing police, fire, schools, utilities, roads, and the people of Hilo. She felt the development will create bigger flooding problems than those experienced in Hilo in November 2000 as it will block runoff from being absorbed into the ground, increase noise and traffic, and be located on the side of the property where houses on the adjoining subdivision are already fairly close together. She felt the temporary housing will not be managed as described and the commercial complex is excessive and unnecessary as currently residents in the area travel less than a mile to shop. She was concerned with the concept of district use zoning and the potential for misuse and abuse. She then asked the Commission to imagine living in a peaceful forest with a gentle breeze and then imagine having a 10- or even 4-story apartment blocking out the view of the sky and the breeze and the residents in the complex looking directly into your windows and creating noises.

Joseph Lopez, whose property borders the subject property, said he was not against development but expressed his concerns regarding major flooding and traffic entering Mohouli and Komohana Streets. He also expressed his concern that the project will force him to sell his rentals, along with his residence.

Janis Shirai, Punawai Street resident, expressed her concerns that the development will increase the water run-off problem from Punahale Street wherein the flooding of her yard will be increased and erode the foundation of her home. She also expressed her concern that the development does not adequately address the increased traffic issue, noting the proposed entrance is at a very dangerous location because it is on a slope with poor visibility. She added the development will substantially increase traffic on Komohana Street and compound the already dangerous traffic situation. She felt the project was too ambitious and the developers have not given adequate consideration to the concerns of the bordering neighborhoods.

Cheryl Reis, Punahale Street resident, asked the Commission to please reject the application. She expressed her concerns of the increase in traffic, which was a safety issue, increase in noise, burglarizing of surrounding areas, and building alarms going off all hours of the night and day affecting people's sleep.

Scott Andrews, member of the Hilo Bay Watershed Advisory Group, expressed his concern of flooding and polluting Downtown Hilo, the soccer fields and Hilo Bay, quoting excerpts from various reports. He believed the criteria for establishing a project district have not been met. He said this was a very complex issue that will take years of study by various governmental agencies and should involve the whole community. He said before a bigger mess is made the County should clean up existing messes, noting this project may open up the County to law suits and fines.

Emmeline de Pillis, teacher at the UH Hilo, implored the Commission to deny the request as the plan lacks the amenities the university students want as it is not within easy walking distance of the main campus. She said the plan has the hallmarks of a very large suburban slum as it lacks major employers within easy walking distance, there are no meaningful and long-term barriers to inappropriate tenants or architectural eyesore, the size of the lots are small and the density high, and there would be an erosion of commercial and residential rates because of the oversupply of available units.

Henry Horton said he would like planning done for 100 years from now and not just for the current. He said agreed with the previous speakers speaking out against the project, noting his concerns of flooding and not addressing the needs of the University in general.

Claudia Rohr spoke against the project because of her concerns on flooding, submitting into the record a portion of the Mohouli Street Extension Drainage Study. She also noted her concerns regarding the increased traffic in the area.

In response to Commissioner Graham's inquiry, Mr. Yuen said engineering work will come later but he believes DPW and Planning will address concerns raised by the public.

Mr. Yamashiro responded to the comments from testifiers. He pointed out the project is within one mile of the University Library and between that and the project site there is the University Tech Park area, Pacific Basin Agriculture Research Center, and a considerable concentration of businesses that could be serviced by both residents living in the area and the commercial core. He said although student population is one thing, they were also looking at the other market segments, such as people of his age who were getting ready to retire that may want to down size and move from a house to a town house or smaller facility and, also, for the first-time buyers, such as starting teachers, policemen, etc. who now live in the Puna district and have to travel a considerable distance into Hilo. He pointed out that they found the population is growing and there is no major shopping on this side of town.

Mr. Yamashiro stated they feel the project will (1) live up to the General Plan and (2) it will provide needed services to a growing community within the Hilo District and help address the present shortage in housing that is being experienced throughout the area.

RECESSED

The Chair called a short recess at 10:40 a.m.

RECONVENED

The meeting reconvened at 10:45 a.m.

Commissioner Graham expressed his concern of not wanting to see over the long-term all large developments become project districts because he felt there is some loss to the public for the public's input through the whole development process.

Commissioner Graham read portions of the October 16, 1996 transcript from the County Council public hearings on project districts and the new Zoning Code, where Councilman Keola Childs questioned whether 50 acres was larger than necessary and thought for something to be creative it had to be a large-scale project with plenty of buffering. He said Sandra Schutte at that meeting said the reason why it was put at 50 acres is because it does relinquish a lot of Council control, noting the Council sets the conceptual guidelines for the district and then the specific boundaries, etc. gets determined administratively and would be for the kind of comprehensive project used under limited circumstances like the Mauna Lani situation.

Commissioner Graham expressed his concern that in order to meet the requirement of the Zoning Code, that the request for a project district will not result in a substantial adverse impact upon the surrounding area, community or region, adequate buffers would have to be required. He also expressed his concern that Councilperson Schutte referred to a project district as a resort project like the Mauna Lani situation, which he said he did not think this project was.

In response to Commissioner Graham's request that Ms. Goldstein address his concerns and explain her understandings of how things went when the Zoning Code was adopted, Ms. Goldstein said the idea behind the project district was that the developer would describe the overall project area by metes and bounds but not describe by metes and bounds the pockets of single family residence, commercial, etc., so that if there was a need to make some adjustments to the uses for the area, such as the golf course as it was being laid out would encroach into a single-family residential area, etc., the developer could come in and make the necessary kinds of adjustments without going through the cost and long process of going to the Planning Commission and then ultimately to the County Council for approval. She said the other idea was because there were many areas that had restraints on it such as natural hazards, and for cultural reasons or whatever, this would allow some give and take. She clarified that the project district cannot exceed the overall density set by the ordinance and it becomes an administrative matter for Planning Department to detail out how that capacity can be achieved through the site plan and process that is laid out in the project district.

Commissioner Graham questioned if any large project that wishes to do it in the same manner that Mauna Lani Resort has done suitable for a project district, or should the use of a project district be constrained somewhat to certain situations? In response, Ms. Goldstein said it would be the applicant's responsibility to justify their project district; and, in their instance, there are constraints on the subject property, such as the flood hazard areas, that still need to be further detailed as they provide areas for the different uses. She added that the applicant is considering a buffer on the north side of the overall property area because of the concerns of the neighboring residents, but they have not established how exactly it will be done.

Mr. Yamashiro added that the project district was to make the planning process, and the time of the Commission and the Council more efficiently used when there are changes to be made because of engineering concerns such as after obtaining a detailed topography of the area they may find some of those land uses may not be appropriate in the planned area. He added that if they are looking at providing housing in affordable quantities and affordable prices, the more administrative encumbrances are put on the project, the more difficult it will be to address the housing market they are looking at, noting they realize this is an urban infill in the middle of Hilo that is going to be addressing a certain group, which is probably in the affordable category.

For Mr. Graham's information, Mr. Yamashiro said he thought Sandra Schutte meant, in her statement at the Council meeting, a project district was to allow for a comprehensive project like a planned community, which Mauna Lani was; and that this project is intended to be a planned community that integrates the commercial, residential, and both multi-family and single-family, and to best use the site in the most efficient way without having to keep coming back to the Commission and the Council for rezoning.

Commissioner Graham said he would not support the project without a buffer area between the existing project and surrounding homes as the project district has to meet the criteria that the request will not result in a substantial adverse impact upon the surrounding area, community or region. He also expressed his concern on the location of the park.

Ms. Goldstein added that the kinds of things that would go on in a neighborhood park would not necessarily be allowed in an open area for the purposes of the flood.

Commissioner Graham said the flood problems would also be a substantial adverse impact, but the Planning Director did say he was confident that the flood problem could be solved and that Mr. Yamashiro was pretty clear about R. M. Towill will ensure that there will be no water runoff from the project as they will be contained within the project area, to which Mr. Yamashiro stated this was a Public Works requirement.

For the public's benefit, Mr. Yuen said the Department is recommending against the access proposed from Puu Honu Way as it was not a very good intersection, and the proposed general plan does not change this from the current medium density urban. He said they are also recommending a height limit of 45 feet.

Regarding the flooding, Mr. Yuen said the Department is proposing a condition that the landowner be required to maintain the flood channel as many of the flooding problems experienced happens when culverts get clogged by debris, oftentimes by trees uprooted during storms growing in the middle of the channels. He said the development cannot increase the runoff into the channels and must handle the increase in water into the ground on the subject property, which is the job of the private civil engineers hired by the developer. He said because of experience from past flooding, the Department is very conscientious about making sure that they keep construction out of natural floodways and about incorporating an open space buffer along the banks of the stream to avoid spending tens of millions of dollars, such as was spent on the Alenaio Stream project, to protect houses that were built where the flood wants to go.

Mr. Yuen pointed out that left in its current zoning, the property could be developed into one-acre lots which the end result would be a project geared to a relatively high-end market for Hilo and not do much for the middle income housing needs for the community. He added that as far as the project district, he felt it can be a useful tool as they can see what the potentials are and what would not be good if things were moved around. He noted that from the standpoint of development and marketing it is almost certain that the commercial and office areas would be where the applicant indicates on the plans, which is along the Komohana and Ponohawai Street Extension, as it is by far the easiest place for motorists to access.

Mr. Yuen stated if the Commission has other ideas as to what are important elements to have in the site plan, those could be put into the project district ordinance without setting specific metes and bounds at this point.

Commissioner McCall expressed his concerns on the flood issue and said he would like to see a detailed flood plan, referring to the Alenaio Stream situation where flood control experts are continuing to revise their plans.

Mr. Yamashiro said the applicant is required to show how they will mitigate the flood situation, noting they are attempting to stay away from an ugly lined concrete channel as they did not feel it was appropriate for the area. He said one alternative is to do as the ISF golf course did wherein they catch the water at the top just below Kaumana Drive, drive it to the south end of the property line, and then put it into a concrete channel into the present Mohouli, so they would free up that whole middle area where that channel is located. He added that if the area of flooding is going to take all of the property, they can propose something to the Corp. of Engineers, such as allowing a certain slope and velocity of water, and perhaps lining the channel if it is absolutely necessary.

Commissioner McCall noted a lined channel is going to mean more velocity of water, perhaps less permeability, etc., to which Mr. Yamashiro noted that the velocity has to stay within a certain criteria and they can level off certain areas of the stream in certain areas, put baffles in it, etc., noting the question is really what do they want to do and does it makes sense with regard to the whole project. Mr. Yamashiro stated what should be done is to have a master plan to control the water for every single project in Hilo that fronts or will be dumping water in the Alenaio Stream all the way up past Chong Street, up past Waipahoehoe Stream, and make it so that properties can be developed up there in a way that will not affect everybody downstream, noting if it is done on a comprehensive basis the relative per unit cost would not be as great.

Mr. Yamashiro reiterated that their engineers have said it is not their water that is going to be generated off their project and the question is how do they pass the water through that is being generated above their property in a way that no more problems would be created below their project, noting they are addressing a 100-year storm and the Komohana system is actually designed for a 500-year storm, 7,000 cubic feet per second.

Mr. Ahuna, at this time, proposed an amendment to Condition I, a new Condition J, and renumbering of the remaining conditions. He clarified for the applicant that the water commitment deposit to securing the water commitment is \$150 per unit; and the reason why they cut the term down from a year to 90 days is that availability can change and it would behoove the applicant to pay for the water commitment as soon as possible.

Mr. Yuen, at this time, suggested the following sentence be inserted after the 2<sup>nd</sup> sentence to realphabetized Condition AA, previously Condition Z, “The drainage study shall address the difference between the Corps of Engineers and FEMA mapping of the Alenaio Stream flood plain. The applicant shall propose any changes to the FEMA Maps that are shown as warranted by the detailed drainage study.” Mr. Yamashiro suggested adding, “This condition shall be null and void should the County comply with the requirement to file a LOMAR for the Mohouli flood project,” inasmuch a LOMAR was to be filed as part of the Mohouli project. Mr. Yuen then suggested, instead, adding at the end of the sentence, “unless a letter of map revision has already been approved.”

Mr. Yuen had no objections to Commissioner Graham’s suggestion of changing the words on realphabetized Condition S, previously Condition R, from “No lots shall have direct access from Komohana Street and Mohouli Street,” to “No lots shall have direct access from either Komohana Street or Mohouli Street.”

In response to Commissioner Graham’s and Springer’s inquiries regarding realphabetized Condition KK, previously Condition JJ, “Pu’u Honu shall be preserved as a natural feature,” Mr. Yuen said the intent is that the slope of the cinder cone not be bulldozed down or cut into, and the cinder cone would count as part of the 49 acres mentioned, noting there is another cinder cone rising right at the end of the street. He clarified that the hill begins where the rise starts.

For Commissioner Thibadeau’s information regarding realphabetized Condition K, previously Condition J, Mr. Yuen explained that “may” in that condition is correct as the applicant can finish building the road or assure its completion by posting a bond.

Commissioner Graham said even though he would not like to see open space disappear, nice trees come down and quiet residential neighborhoods become busier, the General Plan designates the area for urban uses, noting the Commission’s responsibility is to implement the General Plan. However, he said he could not support the project until the Planning Director, the applicant and the community have come up with an adequate buffer on the north side of the property as, otherwise, there would be a substantial adverse impact.

In response to Commissioner Springer’s request for comments from the Director, Mr. Yuen said a condition that says “The final approved site plan shall incorporate open space buffers on the north and south boundaries of the property,” should address Commissioner Graham’s concern. He later added that the details of this condition can be worked out at a later stage.

In response to Director’s proposed condition on the buffers and Commissioner Fujikawa’s inquiry, Mr. Yamashiro commented that their concern has always been who is going to end up

owning and how do you manage the buffers, also questioning whether they should deed it to the County and have the County maintain it. He noted his added concern of having on-going maintenance costs transferred into on-going homeowners' fees and costs to the existing residents of the community, noting they are considering a master community association for their development. He added these questions are being considered right now and they would like to have this buffer question worked out as they are going to be part of the community and did not want to get into a hostile situation at the very beginning of their development.

Commissioner Thibadeau pointed out that it was not unusual for community associations to have the requirement in their charter that they maintain common areas or, as in this case, the buffer area. Mr. Yamashiro pointed out that a lot of people want the buffers to be a buffer of trees and things that block the view from the neighboring property, but then somebody is going to have to be responsible when the limbs fall; and if it was just an open space buffer, with just cutting grass, there would be no problem.

Mr. Yamashiro added that they could also offer planting easements to individual property owners, so they would have control over that piece of property directly behind their house, and it would be up to those individuals to maintain it. Mr. Thibadeau said this would impact property values and a lot of a lot of people do not want to buy a property that's covered by an association for that reason.

In response to Commissioner Springer's inquiry about the level of specificity in conditions, Mr. Yuen said it was possible to have this issue worked out after the rezoning process.

Commissioner Springer said she appreciated today's discussion as she arrived at a conclusion that the project district was an appropriate designation and pointed out that the discussion included that notion of mixed uses and the comprehensive nature of that sort of application as compared to acres of residential or acres of commercial use. She noted that the project district does differ drastically from those areas in Kona which have been awarded the project district previously where basically they are the pioneers of residential or commercial activity in that region.

Commissioner Graham said his sense of the buffer is that the surrounding folks should have a lot of say in how they want that buffer to be and his presumption is that it would not be just an open space mowed area but would contain trees to make a visual block; therefore, he would say there should be a condition that the Planning Director would meet with the area residents on the north side of the property and develop a reasonable buffer plan, and that that should be done before the Council approves the ordinance.

Mr. Yuen noted that the Planning Commission can put in any recommendations that they want to send on up to the Council.

Commissioner McCall said the condition was unclear on whether there would be a concrete lined ditch or a grassed swale, will it be deeded to the County, and who will take care of the maintenance. Mr. Yamashiro stated they would be more than happy to give the drainageway,

along with the proposed park, to the County; however, the County has been reluctant to accepting these features at the present time. Mr. Yuen said that proposed Condition Z requires the applicant to maintain the two major floodways, noting the applicant is not planning a concrete channel but to retain and maintain the natural floodway. Mr. Yuen added that he was not sure whether the County has to accept the applicant's flood channel it or not.

In response to Commissioner Springer's inquiry, Mr. Yuen suggested the buffer condition be placed in Condition H. Commissioner McCall said the words "site buffers developed in accordance with neighboring property," would address some of the concerns expressed.

In response to Commissioner Thibadeau's inquiry, Commissioner Graham and Mr. Anderson noted that Section 25-6-41 of the Zoning Code refers to addressing the impact of neighbors, and Mr. Thibadeau noted the buzz word is "substantial."

Commissioner Springer commented that given that according to the General Plan Use Pattern Allocation Guide a medium density urban is a designation for the majority of the property and urban expansion area is designated along the makai side of the Mohouli Street extension, it seems inevitable that some sort of change will come to this landscape.

It was moved by Commissioner Mina and seconded by Commissioner Smith to send a favorable recommendation to the County Council as recommended by the Planning Director, with the following changes:

- H. A detailed Master Plan of the Project District, which includes the location and number of residential lots and units, commercial uses, open space and recreational areas, pedestrian and bikeways, landscaping, parking, and other related improvements on the property, shall be submitted to the Planning Director within one year from the effective date of the Project District Ordinance or prior to submission of plans for plan approval or subdivision approval, whichever occurs first. A landscaped buffer shall be established along the north boundary of the project which conforms to specifics determined by the Planning Director, in consultation with the neighboring residents and the applicant.
  
- New I. The applicant shall comply with the Department of Water Supply's rules and regulations that shall include entering into a water development agreement. The applicant shall also construct all water system improvements as required by the Department of Water Supply through its standards. These improvements may include but not be limited to additional source, transmission, storage and booster pump facilities.
  
- New J. The applicant shall pay applicable water commitment deposits in accordance with the water commitment guideline policy to the Department of Water Supply within ninety (90) days from the effective date of the project district ordinance.

New S. No lots shall have direct access from either Komohana Street or Mohouli Street. Further, no single family residential lots shall have direct access from the Ponahawai Street Extension and other proposed arterial streets.

New AA. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. A drainage study certified by a licensed engineer, shall be prepared and submitted to the Department of Public Works prior to issuance of Final Plan Approval or Final Subdivision Approval, whichever occurs first. The drainage study shall address the difference between the Corps of Engineers and FEMA mapping of the Alenaio Stream flood plain. The applicant shall propose any changes to the FEMA Maps that are shown as warranted by the detailed drainage study, unless a letter of map revision has already been approved. Drainage improvements shall be constructed, meeting with the approval of the Department of Public Works. The applicant shall maintain the two major floodways free of debris and obstructions, including trees that could be uprooted and clog the culverts during storms.

In response to Mr. Yuen's inquiry on regarding Condition H, suggested whether the landscaped buffer implied new plantings or existing vegetation, Commissioner Graham agreed that the landscaped buffer eliminated the possibility of having a bulldozed cleared area and could consist of new and existing vegetation. Commissioner Springer noted that she was still grappling with the thought that this proposed community while perhaps being user and walker friendly in the introspective fashion she did not see its linkages through that means of transportation to the outer community, noting her concern with the comment that suburban slum was in the making as compared to devalued lands in the city area that has some historic value. A roll call vote was taken and motion carried with four ayes (Mina, Smith, Graham, McCall and Fujikawa) and two noes (Springer and Thibadeau).

USE PERMIT 85                      The Commission took this item up at 12:01 p.m. with  
WESTERN UNITED LIFE      approximately 15 people from the public in attendance.  
ASSURANCE COMPANY  
PONAHAWAI,  
SOUTH HILO

**APPLICANT: WESTERN UNITED LIFE ASSURANCE COMPANY  
(UP NO. 85)**

Continued hearing on the request to nullify Use Permit No. 85 (permit previously issued to KTA Consulting Group), which allowed the development of an 18-hole golf course on lands zoned Agricultural (A-1a) and Open (O). The property is located on the west (mauka) side of the Komohana Street-Ponahawai Street intersection, Ponahawai, South Hilo, Hawaii, TMK: 2-3-44:9 and 19.

Mr. Hayashi noted this project is related to the prior one just taken up and the applicant and Planning Department is recommending that the permit be nullified.

