

PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
FEBRUARY 20, 2004

The Planning Commission met in regular session at 9:00 a.m. in the King Kamehameha's Kona Beach Hotel, Kamakahonu Ballroom, 75-5660 Palani Road, Kailua-Kona, Hawai'i, with Chairman Fred Galdones presiding.

PRESENT: Fred Galdones ABSENT & EXCUSED: Aurelio C. Mina, Jr.
Earl Fujikawa
Bill Graham
Florence Kubota
Jeffrey McCall
Hannah Springer
Francis Smith
Bill P. Thibadeau

Patricia O'Toole, Deputy Corporation Counsel
Chris Yuen, Planning Director
Norman Hayashi, Staff Planner
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner
Kiran Emler and Ronald Thiel representing the
Department of Public Works

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

All those testifying were duly sworn in.

REZ 03-031 The Commission took this item up at 9:03 a.m. with
RICHARD AND approximately 12 people from the public in attendance.
CHRISTIN GROVER
KALOKO,
NORTH KONA

APPLICANT: RICHARD AND CHRISTIN GROVER (REZ 03-031)

Change of Zone for 23.208 acres from an Agricultural 20-acre (A-20a) to an Agricultural 5-acre (A-5a) district. The property is located along the south side of Hao Street and approximately 1,600 feet from the Hao Street – Kaloko Drive makai intersection, Kaloko Mauka Subdivision, Kaloko, North Kona, Hawaii, TMK: 7-3-25:8.

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 approval of the application with conditions. He

corrected the background report, page 6, Item 37, as comments have been received from the departments of Public Works and Water Supply, which are reflected as Exhibits B and D in the information submitted to the Commission.

The applicant's representative, Gregory Mooers, stated he did receive a copy of the Department's background report and recommendation and agreed with the proposed conditions.

In response to Commissioner Kubota's inquiry, Mr. Mooers said the applicant intends to build a home on a portion of the property and retain the remaining area in forest, which is incorporated as part of the conditions and were consistent with the County Council's resolution to preserve as much of the native forest as possible.

Commissioner Graham noted it seemed fairly clear that the applicants were willing to have the impact fees designated for improving the intersection of the road; however, the wording in the ordinance seems like the fees are not direct only toward road improvements, questioning how this has been handled in other rezonings.

Mr. Mooers said his understanding is that impact fees have been collected at the time of subdivision and not at the rezoning stage; and that there seems to be some disparity in change of zone applications, as some seem to direct all of the impact related fees to the intersection where others, such as this one, seem to disburse those fees over the range of County services. He felt this impact fee disbursement was a valid question and the Council needed to decide whether they want to dedicate all of those funds for that intersection or just a portion of those funds.

Commissioner Kubota pointed out the problem of the State and the County both saying it was the other governmental agency's jurisdiction, noting the State is saying these improvements will be implemented by the County at no cost to the State. Mr. Yuen said he thought the State DOT has always said that they were not going to put anything into the intersection and that it was a County issue, noting the situation of a State Highway with a County road coming into it. He said his understanding is that there is approximately \$150,000 collected for road improvements to the intersection, adding there was a rezoning where the applicant was required to do a study of what could be implemented at the intersection.

In response to Mr. Yuen's inquiry and after the staff's checking previous rezonings, Mr. Hayashi said the last two rezonings did not specify that the impact fee funds collected from the developer were earmarked for the road intersection improvements. Mr. Hayashi then proposed a new condition be inserted as Condition K and the remaining conditions relaphabetized accordingly. He also made a correction to Condition J regarding a solid waste management plan meeting with the approval of the Department of Environmental Management instead of the Department of Public Works.

Mr. Mooers had no objections to the new Condition K as he felt the funds should be going to intersection improvements.

It was moved by Commissioner Kubota and seconded by Commissioner Fujikawa that the public hearing be closed. There was no discussion on the motion. Motion was unanimously carried by a voice vote of all Commissioners in attendance.

In response to Commissioner Kubota's inquiry, Mr. Yuen said the NRCS (Soil and Water Conservation District) is working on a standardized model forest management plan for the Kaloko area.

It was moved by Commissioner Kubota, and seconded by Commissioner Fujikawa, to send a favorable recommendation to the County Council as recommended by the Planning Director, with an amendment to Condition J, changing Department of Public Works to Department of Environmental Management. There was a proposal for a new Condition K regarding a fair share contribution for road improvements to the intersection with Mamalahoa Highway, and realphabetizing the remaining conditions. Commissioner McCall stated he wanted to be sure that the Commission is saying that the entire amount of the applicant's fair share contribution would be directed towards the intersection improvements, noting perhaps the new proposed Condition K should replace the existing Condition K. Commissioner Kubota stated her intent was not to negate Condition K, it was in addition to it to clarify the primary use of it. Commission Springer said she would imagine the condition would be consistent with and reflect the intention of the narrative on pages 2 and 3 of the recommendation, taking into consideration the Department of Transportation's memorandum. Commissioner Graham pointed out that the two Conditions K seem to be conflicting wherein the last paragraph in one Condition K says "in lieu of paying the fair share contribution, the applicant may," which is what Commission McCall is really sensing; and he then suggested just adopting the new Condition K. Upon the Chair's inquiry, Mr. Hayashi requested a short recess to check on the wording of previous rezonings in the area, noting the need for consistency.

RECESSED

The Chair called a short recess at 9:25 a.m. to check the wording on previous rezonings in the area.

RECONVENED

The meeting reconvened at 9:35 a.m.

At this time, Mr. Hayashi read into the record the proposed wording to Condition K, "The applicant shall make its fair share contribution to mitigate potential regional impacts of the subject parcel with respect to roads. The amount of the fair share contribution shall be the sum which is the product of multiplying the number of lots proposed to be subdivided by the amounts allocated for each such lot, and shall become due and payable prior to Final Subdivision Approval for any portion of the subject property. The fair share contribution shall be allocated to road impacts and be in the form of cash and/or in kind services approved by the Planning Director and shall be applied to improving the Kaloko Drive/Hawaii Belt Road intersection. The fair share contribution shall be adjusted annually beginning three years after the effective date of the change of zone, based on the percentage change in the Honolulu Price Index (HPI). For purposes of administering this condition, the fair market value of land contributed or the cost of any

improvements required or made in lieu of the fair share contribution shall be subject to the review and approval of the director, upon consultation with the appropriate agencies. Upon approval of the fair share contribution, the director shall submit a final report to the Council for its information that identifies the specific approved fair share contribution, as allocated, and further implementation requirements.” In response to Commissioner Kubota’s inquiry, Mr. Hayashi stated the conditions imposed on future rezonings will be consistent with the revised Condition K.

It was moved by Commissioner Kubota and seconded by Commissioner Fujikawa that the amendments will be incorporated into the motion. Mr. Mooers stated the applicant agrees with the amendments. There was no further discussion on the motion. A roll call vote was taken and motion carried with eight ayes (Kubota, Fukawa, Graham, McCall, Smith, Springer, Thibadeau and Galdones) and one absent and excused (Mina).

REZ 03-029/ The Commission took this item up at 9:36 a.m. with
SMA 03-017 approximately 12 people from the public in attendance.
KEITH F. UNGER
PUAPUAA 2ND ,
NORTH KONA

APPLICANT: KEITH F. UNGER (REZ 03-029/SMA 03-017)Change of Zone for 10.0009 acres from an Agricultural 5-acre (A-5a) to a Multiple Family Residential - 4,000 square foot (RM-4) district. Special Management Area Use Permit to allow the development of a 100-unit condominium project and related improvements. The project will consist of 13 two- and three-story townhouse structures. Twelve of the structures will contain 8 units and the other will have 4 units. The property is located along the east (mauka) side of Alii Drive, between Alii Drive and Kahakai Elementary School, and south of the Alii Gardens Marketplace, Puapuaa 2nd, North Kona, Hawaii, TMK: 7-5-20:68 and 69.

(SEE EXHIBIT A)

RECESSED The Chair called a short recess at 10:59 a.m.

RECONVENED The meeting reconvened at 11:06 a.m.

MINUTES The Commission took up the following minutes at this time,
11:06 a.m.

January 30, 2004 – It was moved by Commissioner Fujikawa and seconded by Commissioner Springer that the minutes be approved as circulated. Motion was unanimously carried by a voice vote of all Commissioners in attendance.

ADJOURNMENT Their being no further business, the Chair declared the meeting adjourned at 11:07 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary

A T T E S T:

Fred Galdones, Chairman
Planning Commission