

PLANNING COMMISSION  
COUNTY OF HAWAII

MINUTES  
DECEMBER 12, 2007

The Planning Commission met in regular session at 9:18 a.m. at the Waikoloa Beach Marriott Hotel, Alii I, 69-275 Waikoloa Beach Drive, Waikoloa, Hawaii, with Chairman William Graham presiding.

PRESENT: William Graham  
C. Kimo Alameda  
Takashi Domingo  
Shelly Ogata  
Alvin Rho  
Rene' Siracusa  
Rodney Watanabe  
Rell Woodward

ABSENT & EXCUSED: Andrew Iwashita

Ivan Torigoe, Deputy Corporation Counsel (Left at 3:25 p.m.)  
Christopher Yuen, Planning Director  
Norman Hayashi, Planning Program Manager  
Phyllis Fujimoto, Staff Planner (Left at 4:00 p.m.)  
Jeff Darrow, Staff Planner

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

KOHALA LLC  
KAHUA 1<sup>ST</sup>,  
NORTH KOHALA

The Commission took up the following two items simultaneously at 9:20 a.m. with approximately 11 people from the public in attendance.

**INITIATOR: PLANNING DIRECTOR**

- a. Continued hearing on the Planning Director's initiation of a Change of Zone (REZ 07-000067) for 37.88 acres of land from a Single-Family Residential 15,000-square foot (RS-15) to a Residential and Agricultural 5-acre (RA-5a) district.
- b. Continued hearing on the repeal of Ordinance No. 97-102 which rezoned 37.88 acres of land from an Agricultural 5-acre (A-5a) to a Single-Family Residential 15,000-square foot (RS-15) district.
- c. Continued hearing on the revocation of Special Management Area (SMA) Use Permit No. 379, which allowed the development of a 50-lot single-family residential subdivision.

The property involved, owned by Kohala LLC, is located along the southwest (makai) side of Akoni Pule Highway and the Kohala Ranch Subdivision, Kahua 1<sup>st</sup>, North Kohala, Hawaii, TMK: 5-9-1:8.

**APPLICANT: KOHALA LLC (REZ 866/SMA 379)**

- a. Continued hearing on an amendment to Condition C (time to secure final subdivision approval) of Change of Zone Ordinance No. 97-102, which rezoned 37.88 acres of land

from an Agricultural 5-acre (A-5a) to a Single-Family Residential 15,000-square foot (RS-15) district.

- b. Continued hearing on an amendment to Condition 4 (time to secure final subdivision approval) Special Management Area Use Permit No. 379, which allowed the development of a 50-lot single-family residential subdivision.

The property involved is located along the southwest (makai) side of Akoni Pule Highway and the Kohala Ranch Subdivision, Kahua 1<sup>st</sup>, North Kohala, Hawaii, TMK: 5-9-1:8.

(SEE EXHIBIT A)

USE 07-000009

HAWI JODO MISSION

HAWI,

NORTH KOHALA

The Commission took this item up at 11:11 a.m. with approximately 12 people from the public in attendance.

**APPLICANT: HAWI JODO MISSION (USE 07-000009)**

Use Permit to allow the establishment of an elementary school (K-6) on 0.95 acre of land within the County's Single-Family Residential 15,000-square foot (RS-15) district. The property is located along the south side of the Akoni Pule Highway (Highway 270), adjacent to and east of the existing Hawi Jodo Mission Church, Hawi, North Kohala, Hawaii, TMK: 5-5-11:39.

Mr. Darrow oriented the Commission and public of the subject and surrounding properties on the location map and site plan, summarized the request, and noted that two letters in support from Laura Moorehead and William Cote have been distributed to the Commissioners. He stated that the Planning Director is recommending the Commission approve the request.

In response to Commissioner Siracusa's inquiry about recommended Condition Nos. 2, 5, 7 and 8, which don't seem applicable to this case since no construction is proposed, Mr. Darrow said that those conditions are included based on comments received from various agencies.

The applicant's representatives, Gregory Mooers, Kether Hollabaugh and Minister-Sensei Miyasaki, were in attendance.

In response to Commissioner Siracusa's earlier inquiry, Mr. Mooers stated that those conditions will come into play, if the school should grow and require additional structures in the future; and he affirmed that the applicant has no objections to those conditions. He also mentioned that the staff's report on the history and uses of the property is accurate.

There was no one from the public wishing to testify on this agenda item.

Director Yuen inquired about the applicant's plan for meeting fire flow requirements as mentioned in the Department of Water Supply comment letter. In response, Mr. Mooers stated that the applicant realizes they will have to meet a number of conditions once this Use Permit is approved, and those issues will be addressed during the Plan Approval process. Director Yuen suggested that Condition No. 7 be amended to more specifically word the Fire Department's condition as follows: The applicant shall provide fire protection measures, including fire flow requirements, meeting with the approval of the Fire Department and the Department of Water Supply. However, Mr. Mooers said that since the Fire Department in some cases allows you to



**INITIATOR: PLANNING DIRECTOR**

Amendment to Section 25-2-45, Chapter 25 (Zoning), Hawaii County Code 1983 (2005 Edition, as amended) with respect to Nonsignificant Zoning Changes.

(SEE EXHIBIT C)

SPP 05-000015  
DANIEL IBBETSON  
KAOHE 5<sup>TH</sup>,  
SOUTH KONA

The Commission took this item up at 2:05 p.m. with 4 people from the public in attendance.

**APPLICANT: DANIEL IBBETSON (SPP 05-000015)**

Action on the application for a Special Permit to operate a 2-unit bed and breakfast establishment on 0.722 acre of land situated within the State Land Use Agricultural district. The property is located along the west (makai) side of the Mamalahoa Highway (Highway 11), approximately 120 feet south of the Kaohe Road-Mamalahoa Highway intersection, Kaohe 5<sup>th</sup>, South Kona, Hawaii, TMK: 8-7-9: 14.

(SEE EXHIBIT D)

SMA 07-000020  
MATTHEW KILGORE  
HOLUALOA 1<sup>ST</sup> AND 2<sup>ND</sup>,  
NORTH KONA

The Commission took this item up at 2:36 p.m. with 2 people from the public in attendance.

**APPLICANT: MATTHEW KILGORE (SMA 07-000020)**

Continued hearing on a Special Management Area (SMA) Use Permit to allow the construction of a 5-story, 11-unit condominium project on 14,450 square feet of land. The property is located along the makai side of Alii Drive, adjacent to and south of the Kona Banyan Tree Condominium, Holualoa 1<sup>st</sup> and 2<sup>nd</sup>, North Kona, Hawaii, TMK: 7-6-14:13.

(SEE EXHIBIT E)

RECESSED

The Chair called a recess at 3:15 p.m.

RECONVENED

The meeting reconvened at 3:25 p.m. Mr. Torigoe left the meeting at this time.

The Chair suggested the Commission proceed with the workshop and take up the election of officers afterward.

WORKSHOP FOR  
PLANNING  
COMMISSIONERS

The Commission took this item up at 3:25 p.m. with no one from the public in attendance.

- Update of Planning Department activities, including status of the on-going community development plans.

Allen Salavea from the Planning Department, who is the project manager for the North Kohala Community Development Plan (NKCDP) and the South Kohala Community Development Plan (SKCDP), gave an update regarding the process (SEE EXHIBIT F). He mentioned that the project began in June 2007, and the progress is on track toward the completion date of November 2008. He said that two Steering Committees were separately formed for the NKCDP and SKCDP, and they have been meeting regularly since July and prioritized community issues. He added that the SKCDP chose to break down the task by geographical location, and separately prioritized issues for Waimea, Waikoloa, Puako and Kawaihae. He mentioned that Focus Groups have been formed around each of those issues, such as affordable housing, growth management, mountain/ocean access and infrastructure in the case of the NKCDP, and that their primary goal is to gather knowledgeable individuals in the community, work with technical experts and develop a plan on how to address those certain issues.

In response to Commissioner Siracusa's question about community turnouts for meetings, Mr. Salavea said that there are between 8 and 15 people in Focus Group meetings and between 15 and 30 people in Steering Committee meetings; and also approximately between 60 and 80 people attended the first large community meetings held in August in North Kohala, Waimea and Waikoloa.

Mr. Salavea said working papers outlining what have come out of the Focus Groups, which will be the foundation for creating the Community Development Plans (CDP), should be ready by the end of December; and in late January or early February the first draft CDP will go out to the communities for input. He said, however, all the information is available to the general public, without having to wait for the drafts, through a website and newspapers. He said that they will appear before the County Council in February to present the working papers, the draft CDP and the results from the next community meetings, which are scheduled in January and February. As an example of first products by the Focus Groups, Mr. Salavea presented a conceptual map of Waimea (SEE EXHIBIT G); he said that they are in process of putting this type of information into a written format.

In response to Commissioner Alameda's inquiry about the degree of the CDP's applicability to the Commission's decision making, Mr. Salavea said that it depends on what type of application is before the Commission, but they want to make sure the document is useful to decision makers who ultimately use it to guide their decisions. He mentioned, as an example, one of the strategies for Waimea is to promote infill development rather than stretch out and expand the community by rezoning Ag lands.

In response to Commissioner Domingo's inquiries, Mr. Salavea said that the Steering Committee feels that the 2020 Plan for Waimea leaves out some of the areas the community is interested in and doesn't provide development strategies for an overall community plan. Commissioner Domingo asked whether the community has ever expressed their desire to get their plan adopted as an ordinance; Mr. Salavea said that they are beginning to understand the difference between a resolution and an ordinance, and that a lot of education and learning is happening along the process. In response to Commissioner Domingo's question about the type of attendance, Mr. Salavea said that it is a good cross section of the community, and that they are also trying to outreach the population who are mostly working parents and unable to attend meetings by utilizing schools and PTAs. He mentioned that the information also goes out in some community-based newsletters such as Kohala Mountain News.

Commissioner Woodward congratulated Mr. Salavea on the job well done; however, he expressed his concern that they are probably dealing with less than 5 percent of the population to create a policy which is going to be codified into law. Mr. Salavea said that they are aware of the fact, that he feels they have to rebuild community capacity to participate in the governmental affairs and civic engagement type of activities.

Commissioner Siracusa mentioned that in Puna the major issues that came up during the CDP process are transportation, natural resources, public facilities, infrastructure, land use and housing, and asked if there are any patterns or consistencies across the districts. In response Mr. Salavea said that the CDP process provides people with easier access to involvement than the Commission or the County Council process does, and in that regard, local rule and empowerment is a big theme; he mentioned the issues of transportation and affordable housing are common to all districts.

Chair Graham mentioned that, in response to Commissioner Woodward's earlier comment, in North Kohala there had been a group of people who went out with a questionnaire on community issues and got 12.5 percent of the community to respond, which gave the NKCDP a good start; and when the Focus Groups finish up their process, he feels more people will come out again and give their input. Commissioner Alameda named some community organizations, and pointed out some of the attendees might be from those groups who also represent another population.

Mr. Salavea also noted that people have a network of their own that they expand out to, and words get around easily in a small community like North Kohala, and they are confident that if the information is provided early enough to the primary groups, more people will have a general idea of what is going on by the time the plan becomes available.

Commissioner Domingo observed that there will have to be some changes in the planning process when the CDP is done and adopted by ordinance, which then becomes law and definitive with little flexibility. Director Yuen stated that, with respect to the question of law and mandatory, a lot would depend on how things are worded within the CDP; things can be worded so that they must be carried out precisely, however, for the bulk of things, the CDP would primarily provide a decision making framework and guidance, and it would still require some judgment in the end. He said that the Planning Commission will hopefully have much clearer guidance as to what the overall attitude to a typical issue is; the CDP doesn't provide the exact answer to each situation, but it should tell the Commissioners, as well as the County Council in some cases, to have either a positive attitude toward something or to start off with a negative attitude.

In response to Commissioner Domingo's question, Mr. Salavea said that he has not yet encountered the situation where the community wants something that is contrary to the General Plan and therefore they want the General Plan amended, and he noted that the CDP is in line with what the General Plan provides. He added that a variety of information on the CDP is available at [www.hcrc.info](http://www.hcrc.info).

ELECTION OF  
2008 OFFICERS

The Commission took this item up at 4:12 p.m. with no one from the public in attendance.

Chair Graham opened the nominations for the 2008 Officers.

It was moved by Commissioner Woodward and seconded by Commissioner Domingo that Commissioner Watanabe be Chairman, Commissioner Siracusa for First Vice Chairman and Commissioner Rho for Second Vice Chairman. The motion was carried by voice vote of all Commissioners in attendance.

MINUTES

The Commission took up the following minutes at this time, 4:20 p.m., with no one from the public in attendance:

November 16, 2007 – It was moved by Commissioner Siracusa and seconded by Commissioner Alameda that the minutes be approved. Motion was unanimously carried by a voice vote of all Commissioners in attendance.

ADMINISTRATIVE  
MATTERS

There was no discussion under administrative matters.

ANNOUNCEMENTS

The following announcement was made at this time, 4:25 p.m., with no one from the public in attendance.

Mr. Hayashi announced that Mayor Kim has nominated Lani Bowman from North Kohala to replace Commissioner Graham whose term ends as of December 31<sup>st</sup>; as well as Shelly Ogata, who took former Commissioner Allen Salavea's unexpired term, for her current position.

Mr. Hayashi also announced that there is no meeting in January in Hilo, and the next meeting is scheduled for January 11<sup>th</sup> in Kona.

ADJOURNMENT

There being no further business, the Chair declared the meeting adjourned at 4:30 p.m.

Respectfully submitted,

Noriko Sauer  
West Hawaii Secretary

A T T E S T:

William Graham, Chairman  
Planning Commission