

PLANNING COMMISSION
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
AUGUST 3, 2007

A regularly advertised hearing on the COUNTY COUNCIL AMENDMENTS TO CHAPTER 23 (SUBDIVISION CODE) AND CHAPTER 25 (ZONING CODE) RELATING TO SUBDIVISIONS OF SEVEN OR MORE LOTS was called to order at 10:08 a.m. in the County of Hawaii, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawaii, with First Vice-Chairman C. Kimo Alameda Watanabe presiding.

PRESENT: C. Kimo Alameda
Takashi Domingo
Andrew Iwashita
Shelly Ogata
Alvin Rho
Rene' Siracusa
Rell Woodward

ABSENT & EXCUSED: William Graham
Rodney Watanabe

Ivan Torigoe, Deputy Corporation Counsel
Brad Kurokawa, Deputy Planning Director
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner

And approximately 4 people from the public in attendance.

INITIATOR: COUNTY COUNCIL

Amendments to Chapter 23, Hawaii County Code 1983 (2005 Edition), as amended, relating to Subdivisions, and Chapter 25 (Zoning Code), Hawaii County Code 1983 (2005 Edition), as amended. The proposed amendments would require subdivisions of seven or more lots to be processed in the same manner as a change of zone in accordance with Hawaii County Code Chapter 25 (Zoning Code), Sections 25-2-42 and 25-2-43.

ALAMEDA: Agenda Item No. 4, Initiator, County Council. And, Mr. Darrow, would you like to give a background report on this as well?

DARROW: Again, briefly, we'll just speak to the bill itself. This is a bill initiated by the County Council relating to subdivisions, Chapter 23, as well as the Zoning Code, Chapter 25. The proposed amendments would require subdivisions of seven or more lots to be processed in the same manner as a change of zone in accordance with Hawaii County Code, Chapter 25.

The County Council has referred a proposed amendment to Chapter 23 and Chapter 25. The Council finds that the developments proposed in a particular area should be assessed considering a number of factors including how much public infrastructure is challenged by recent and anticipated growth in the area. The Council finds that the conditions of approval should be

imposed to accommodate the impacts of development of subdivisions which consists of seven or more lots in order to manage growth and coordinate the delivery of government services in the County. As proposed, the Council would review and make recommendations on applications for new subdivisions consisting of seven or more lots.

The Planning Director, after reviewing the bill, gives an unfavorable recommendation on the bill which would create a Planning Commission and Council review and recommendation process for subdivisions of seven lots or more.

ALAMEDA: Okay.

SIRACUSA: I have a question.

ALAMEDA: All right, you've heard that, Fellow Commissioners? Commissioner Siracusa.

SIRACUSA: Jeff, in my packet, I have attached to that a whole file on the application of Hilolani Subdivision. Could you explain why all that paper from something back in 2004 was attached?

DARROW: We were trying to give an example of the subdivision process by just attaching the subdivision for Hilolani as Exhibit 2; and that's briefly explained in the background as to why we did that, just so that you can follow the process and see what it is currently.

SIRACUSA: It would have been nice if we'd been informed that that's what it was and not just some kind of a clerical error that something got stapled by mistake.

DARROW: Okay.

DOMINGO: Yeah. Mr. Chairman?

ALAMEDA: All right, Commissioner Domingo.

DOMINGO: It would have been good if they just put maybe specimen to indicate the existing processes so that we're not being confused by -. I get confused easily.

ALAMEDA: Okay. We can address that later. Any other questions regarding this County -?

SIRACUSA: Yeah, comment.

ALAMEDA: Go ahead, Commissioner Siracusa.

SIRACUSA: I have comments.

ALAMEDA: You have comments?

SIRACUSA: Yeah.

ALAMEDA: You want to save it for discussion or, you want to save your comments for discussion or you want to do it now? You have a comment go ahead, you can make your comment, sure.

SIRACUSA: I'm hot to trot, let's do it now.

ALAMEDA: Go for it.

SIRACUSA: Okay, I have here, when I saw this I said, whoopee, this is the first step. Because to my mind the Subdivision Code needs some major, major revamping. The effects of the subdivision approvals is just as crucial to our development as an island as changes of zone; and yet we don't have the flexibility to impose conditions. You know, both a change of zone and a subdivision application can result, for example, in increased density in a community. And yet a change of zone goes through a process, goes through a review, not only of the Department, but of the Commission, and ultimately the Council. So a lot of people get a chance to input into it. Certainly, a lot of the members of the public get a chance to input into it and it can get tweaked, and tweaked, until it's a more acceptable version; and any negative impacts can be addressed. Whereas with the subdivision approval that's done primarily in-house by the Department you don't have all of those follow-ups. And so what I've seen in my community is that large agricultural lots are being subdivided because they can be subdivided as long as they are five acres or more in each new lot, without any consideration for infrastructure, without any consideration for the fact that there is no infrastructure at all, never mind concurrency. And this is increasing the density to the point where it's really impacting public health and safety; and yet there is, the community has no say in the matter, and the Council has no say in the matter, the Planning Commission has no say in the matter.

I think that this, I've read what Amy Self put in here and as usual I disagree with Amy Self. I wasn't surprised. I would like to point out that on page 2 where she says, let's see, towards the bottom, (a) and (b) there, "The council shall enact zoning, subdivision, and such other ordinances which shall contain the necessary provisions to carry out the purpose of the general plan."

ALAMEDA: Commissioner Siracusa, let me just -.

SIRACUSA: And I just want to mention that -.

ALAMEDA: Real quick.

SIRACUSA: You can read the general plan -.

ALAMEDA: I heard you, just point of order. Cause Chris is not here, I'm not sure if we wanted to make some of this public yet. I want to turn it over to Mr. -.

SIRACUSA: I wanted to get it on the record.

ALAMEDA: Mr. Torigoe real quick, just on procedures, making sure we following proper protocol; and then I'll turn it back to you. Mr. Torigoe?

TORIGOE: Thank you, Mr. Chairman. I'm sorry, Commissioner Siracusa, just a -. You're reading from the letter dated April 26, 2007 that says "Privileged and Confidential Communication Attorney-Client," privileged -?

SIRACUSA: I'm sorry, I can't hear you.

TORIGOE: Okay, are you reading from the April 26, 2007 letter from Amy Self to Mr. Yuen?

SIRACUSA: Yes.

TORIGOE: Okay, as you can see on the top of that letter there's a banner that says "Privileged and Confidential Communication Attorney-Client Communication Not a Public Record."

SIRACUSA: Oh, sorry, I didn't see that.

TORIGOE: Okay, that's something that's an attorney-client privileged opinion that was given to Mr. Yuen. He deemed it appropriate to share with the Commission, obviously, because you're considering all this. I think Mr. Yuen may want to waive that privilege and I don't know if the Deputy, Mr. Kurokawa, is prepared to waive that privilege for public discussion today. If not, then maybe we should wait until Mr. Yuen is back, you know, to waive that on the record before we discuss this letter in public. But if you have some factual matter that you want to explain or put on the record, you know, apart from going into the letter, you can certainly do that.

SIRACUSA: Okay. I can do that.

ALAMEDA: Well, then, let's ask -.

SIRACUSA: Unless -.

ALAMEDA: Yeah, Mr. Kurokawa, do you think that Mr. Yuen would waive -?

KUROKAWA: I guess, you know, my sense of it is rather than the specifics of this -. Cause actually Commissioner Domingo sort of brought up that issue in terms of, you know, Charter and, you know, the executive versus legislative bodies; and so I guess if you want to keep it in that context rather than, you know, specifics of this and then relate it to, you know, the current proposal.

SIRACUSA: Okay, that's what I was planning to do anyway.

ALAMEDA: Okay, Commissioner Siracusa, go ahead, sorry to interrupt you.

SIRACUSA: Yeah, I wanted to say that, well, the General Plan is sort of like the Bible. You know what they say, the devil can quote scriptures to suit his purpose; and you can find examples in just about anything in the General Plan. I mean for a given property you can quote, if you want to develop it you can quote all the economic development part of it and how you're looking to enhance the economy as a Big Island. On the other hand, if you're looking to preserve it, you know, you talk about the natural beauty and the preservation of open space. So you can find stuff in the General Plan to pretty much support or counter any position on any issue.

The point is in my mind that the purpose of the Subdivision Code is no longer serving the General Plan, in my estimation. I believe that it has become archaic because it is now becoming more and more counter productive because we are seeing these large agricultural lots being divided up into smaller parcels, which aren't really, supposedly are meant to be still Ag but in actual practice are not Ag anymore, become a gentleman farmer kind of thing. And yet as long as the Subdivision Code is written so that it's not a discretionary matter as long as they meet the certain requirements and pay their fee, bump, they've got it; and they don't have to make any of the improvements to mitigate the problems that they might be impacting in a community. I think that that Subdivision Code needs a total revamping. And this is a band-aid, it's a first step; but I'd rather see a first step than no step at all. For example, seven or more lots, I think that's too much. I would rather see three or four lots as the point at which things have to be looked at. I would like to see the public infrastructure examined more carefully and taken into account in approval of these things. Right now the way it is if the subdivider complies with the requirements like a water variance and follow all other laws the Planning Director must approve the subdivision, even if it's not in the best interest of the community or the island. And that's why I believe that we really do need this. And I will be voting to support this, by the way, even if I do not think it's the be-all/end-all solution. But it's an important first step, and I want to show the Council that I do support that, that we really do need to look at the entire Subdivision Code and make some major, major reconstruction on it. Thank you.

ALAMEDA: Thank you, Commissioner Siracusa; and I like your tenacity in your reading and coming up with some of those ideas. Commissioner Domingo, you have something to say?

DOMINGO: Yes, Mr. Chairman. You know, the Zoning Code is not archaic, in my opinion. It's an established approached towards addressing the issues of good land use planning. Now if there are certain parts of the Code that is out of whack with today's planning process or with the philosophies of today's society, then let us look at it as an individual item and start to make changes if there needs to be changes to it. The items or the issues of the Zoning Code were put in there to address certain specific problems. And I'm not denying the fact that certainly there would be some that needs to be looked at and be considered for review, not the whole Code, not rewriting the whole Code. You know, again, I put a great deal of emphasis on the integrity of our planning process, the general plan, the community development plan, and all the rest of the studies that have been made. It all assists government to come up with something that would result for the good of our whole community. Now I'm not saying that it's perfect. But I think if there are considerations, you know, in this particular case where there's amendments to the Zoning Code, I would have wished that perhaps the Council or those who expressed strong concerns about this would have gotten together with Administration and talked about it and see

how best to approach it, rather than abruptly come up with, bang, certain amendments to the Zoning Code. You know, if we're going to be delegated the responsibility, the Planning Commission, and treat them as any rezoning issue, then all subdivision applications would come to us as a Planning Commission. You know, I would like that, I'd have a good permanent job. You know, I would get a good permanent civil service position.

ALAMEDA: Where, at the Planning Commission?

DOMINGO: Well, the Planning Commission would be given that responsibility; and if I'm going to be asked to come to work every day, certainly I would wish some kind of payment. That's right. Isn't that true? You know, that's what we're looking at. So, you know, in our decisions, let's be prudent and look at it real objectively and see what the facts will be. It's not the end of the world to see that, you know, we've come to this point, we're going to change it right away otherwise we're doomed. It's not that way. We have time to talk about it, deliberate it, and discuss it. You know, the legislatively body and the administration should get together. Because, you know what, the Planning Commission is caught between this and we've got to make recommendations. But if the battle is so intense, don't include the Planning Commission. I don't want to be involved in that. My input is just a recommendation. What I would feel better is if I say no, then it's no, period.

ALAMEDA: Commissioner Ogata?

OGATA: I agree with a lot of the points that have been brought forward thus far. However, my stand on this as of right now and, you know, I'm still waiting to hear more about this issue, but I agree that there seems to be a need to address the overall Subdivision Code and that there might be areas for reform. However, I don't think that we should, or perhaps the best route is not to do this piecemeal but to do an overall Code reform strategically, you know, rather than just say, okay, one part of this is to now do, have us review, you know, every subdivision. I think that it needs to be done strategically and it needs to be done as a whole rather piecemeal. So I would at this point not support this kind of an amendment.

ALAMEDA: Okay, that's good for the record. Let me check with Brad, Mr. Kurokawa, on some of his thoughts on this. Go ahead, Brad.

KUROKAWA: Just one more kind of final parting comment. In essence, you know, Commissioner Siracusa, I agree; and I think if you look at the recommendation from the Planning Department it basically acknowledges the gaps in the Subdivision Code. And so the recommendations, and we actually have a strategy. You know, we're working on the roadway standards which kind of addresses parts of it. And what we're doing, you know, in that effort is also recognizing that the Council has, obviously, the policy ability to change some of these Codes, and we recognize some of the changes that are in. But I guess from the larger perspective in terms of process is this appropriate, our recommendation is that, you know, to have reviews of these various applications when we're actually trying to get at the root, which is more the Subdivision Code reform. And so that's where we're coming from, and recognizing and acknowledging the need for some of the changes.

ALAMEDA: Let me check with Commissioner Iwashita and then I'll go to you, Commissioner Siracusa.

IWASHITA: I'll defer.

ALAMEDA: Okay, Commissioner Siracusa, so ahead.

SIRACUSA: Thank you, you're a gentleman and a scholar. Yeah, I, for the same reason that Commissioner Ogata said she would vote against it is the reason I would vote for it. And if it ended right here then I probably wouldn't. But I'm voting for it because I want to send a message to Council saying, and, you know, to administration as well, saying we really do need to revisit the entire Subdivision Code and look at revamping it, because so much of it no longer serves the purposes of our community. And it doesn't matter at this point if it means that the Planning Department has to hire more staff, you know, and that will cost us more money, because in the long run by allowing the current situation to continue it costs us more money in a lot of other ways. For example, increasing density in areas where there is no infrastructure then binds the County to put out money for the infrastructure, things like that. So I don't think we could look at just one expense, say the expense of hiring two more staff members for the Department, and use that as a reason not to do something. If something is the right thing to do, then we should do it because it's the right thing to do, and not because it's going to cost a little amount of money on this side of the ledger as opposed to that side of the ledger. I really do think, I'm glad that Deputy Director Kurokawa is saying that they are aware of a lot of these problems and they're looking at them. I think, as Commissioner Ogata says, we do need a total revamping. What I would really like to see, I guess, is the Council and the Commission going out to the general public in a series of public meetings all around the island, just the way the Public Works did with the roads in limbo, and getting everybody's manao; and then coming back to the drawing board and seeing what they could put together as a general rework of the plan.

ALAMEDA: Thank you, Commissioner Siracusa. I think that's a nice lead into Commission Iwashita. Commissioner Iwashita?

IWASHITA: You know, I just want to reiterate that, I mean expand upon my prior comments on the prior matter. Because this really is another example of tweaking. Okay? And, you know, the Subdivision Ordinance has been part of planning, right, since day one. And, you know, we have essentially the same kind of law that Maui has, that Oahu has, that LA has; and we're heading down the same road. So the concern about needing to do something different is there.

But I just wanted to point it out that if you look at the Subdivision Ordinance, it has some rather broad language. And I want to make it clear on the record that I really appreciate, and I want to acknowledge all of the effort and the work that the Department and the Director puts into doing their job here in implementing the Subdivision Ordinance and working with what they have. I have a suggestion though. If you look at Article 2, Division 1, Section 23-6, of the Subdivision Code, which was last amended in 1975, it says that "This chapter" referring to the Subdivision Ordinance, shall be applied, "shall be applied and administered within the framework of the County general plan which is a long range, comprehensive, general plan prepared or being prepared to guide the overall future development of the County." In the beginning of 2005 the

most recent amendments to the General Plan were passed and it included the expressed authority to use community development plans to implement the general provisions of the General Plan. Now 23-6 says that in implementing the Subdivision Code in approving subdivisions that the Department shall apply the General Plan, including implementation of the community development plans, right, to do an effective job and promote what the General Plan says supposed to happen. And the concern I think consistent across this body is that it's not happening. Right? It's not happening. So what to do? We don't have the community development plans. And the little bit that I've seen of what is being done right now in Kona it's nothing more than a mini-general plan. To me what I've seen preliminarily is not real helpful. It's not going down the right road, to be specific. And in my mind, my thinking, is that, you know, there really needs to be more involvement, it needs to be on smaller scales, and these community development plans can be implemented through the Subdivision Code.

Just looking at this now, the Department can tell subdividers, well, we're waiting for the community development plans to be done so that we can properly implement 23-6 under the, which says that we shall, the Department shall implement the Subdivision Ordinance in accordance with the General Plan. And because the General Plan is not fully implemented now with properly adopted community development plans for the island, you know, so that if there was a mind to the administration can say, we're going to wait. The law, Section 23-6, says we wait -- Until we have the necessary guidance and the proper, the adopted community development plan for your area we cannot really proceed to approve your subdivision.

As to the authority of the Council, the main authorizing section of the Charter is Section 3-15(a) which says, "The council shall enact zoning, subdivision, and such other ordinances which shall contain the necessary provisions to carry out the purpose of the general plan." Okay, the Council has the authority to change the subdivision ordinance, there's no question under that.

The argument being made is that Chapter 4, Section 6-4.2(f), which basically says that the Director shall "Render decisions on proposed subdivision plans pursuant to law," is intended to exclude the Council's authority to change of the Subdivision Ordinance. Well, it's not that clear, it's not that clear. And because it's not, you know, "Render decisions on proposed subdivision plans pursuant to law," well, what does "pursuant to law" mean? Pursuant to law means that pursuant to the ordinances that the Council passes. Okay? That argument can be made. And because (f) is not really clear, I think it's a stretch to argue that the Council does not have authority to make changes to the Subdivision Ordinance that affects how the director ends up making a decision. The Charter is not that clear on that point. So I don't think we should give developers' lawyers arguments against, you know, how this is done. But, in any event, to me that's not a real argument that the Council doesn't have authority. The Charter is clear that the Council has the authority to change the Subdivision Ordinance. And if the Council had a mind to, I could suggest the Council could make the subdivision ordinance very onerous -- Sure, Director, you can make a decision but, you know, at minimum it's going to take you three years, we require you to spend three years to review a subdivision application. I mean, Council can do that, right? Council can do a lot of things. So, and you guys send it up to us for us to comment before you make a decision, Council can do that clearly. So we need to do something.

Again, I go back to the community development plan, because the Subdivision Ordinance is just a, I agree with Commissioner Domingo, this is an administrative, should be just a ministerial

administrative thing, right? But the fact of the matter is when you get down to what's on the ground, this is where, you know, the rubber meets the road and where we're having problems. So it really needs to be addressed in the bigger picture. And 23-6 I would suggest the administration can use right now, right, to start doing things administratively in implementing the Subdivision Ordinance which gets the developers to work towards getting the community development plans done. We need developers. Nothing is going to get done, we're not going to get anything built, unless we have development money. Right? The County is not going to be building all of this housing. You know we need development money and we all need to work together. And I'm suggesting that the administration, you know, really work with the money part of how things get done here, right, to implement the community plans; and, you know what, in the big picture we all, those of us without money and those that have money, right, we all end up better if we all work together. This process that we're part of, as a Commission, never worked on Oahu, never worked in LA, didn't work on Maui, and it's not going to work here with all the good intentions that we have. So, again, this change to the Subdivision Ordinance is important. I'm suggesting that the Department maybe should ask for more money to have somebody work on implementing this part of it, you know, and that the Council should seriously consider doing that.

ALAMEDA: Thank you, Commissioner Iwashita. Please note that we will be continuing this item as well to the Kona meeting, so we'll have a chance to share our perspectives on this matter. Any other comments before we entertain public testimony? I understand there is no public testimony, so -.

WILLIAMS: Is it possible to give public testimony now?

ALAMEDA: Sure. You want to sign up, get you on record. So we will hear testimony, and then we will make a motion to continue it. Okay? And then we can discuss more at the next meeting. Sir, could you please raise your right hand. Do you swear or affirm to tell the truth now before the Hawaii County Planning Commission?

WILLIAMS: Yes, I do.

ALAMEDA: Thank you. Could you please state your name and address for the record.

WILLIAMS: My name is Robert G. Williams. My address is 101 Hualalai Street. It's my business address, Hilo.

ALAMEDA: Okay, are you going to read your testimony or are you just going from -?

WILLIAMS: Actually I don't have written testimony today. But I did want to say a few words regarding this bill.

ALAMEDA: You may.

WILLIAMS: Okay. I think one of the issues involved here is that the way the Charter is set up it basically follows the same concept of state government, which follows the concept as the Federal government. We have a separation of powers. We have a judicial, and we have a

legislative, and we have an executive branch of government. What the Council wants to do here is both write the laws and administer the laws; and I think that's where the problem is. I think Chris's analysis, Planning Director Yuen's analysis, here is very good.

I'm representing the Hawaii Island Chamber of Commerce. I am president of that group. And I want to put us on record as supporting Chris's position here. And I want to do that because of the fact that I think that while the Council has the ability to change the Subdivision Code, they are the law-making body. They shouldn't be the same body that's administering it, because that's crossing over and trying to take over two areas. Additionally, I don't think the Council has the expertise in planning to be able to administer the amount of subdivision applications that go through. The Planning Director has a background, a long background, all the planning directors have, in planning, and they have the knowledge of the laws. Whereas, the County Council has many, many different areas they have to work on. They don't have the time to be specialists just in planning. So it only makes sense to have the administration have a planning director who enforces the laws that are set up by the Council, which is the way we have it now. And that's my testimony.

ALAMEDA: Thank you, Mr. Williams. Do we have any questions for Mr. Williams? Do you have a question for Mr. Williams?

RHO: I do.

ALAMEDA: Okay, Commissioner Rho.

RHO: I'll preface it by saying that I don't really know that much about what has taken place, specifically with these amendments, and exactly who proposed them and exactly why they're being proposed. But it's my general feeling that it's being proposed, these amendments, because there is great frustration over the, what's seen as, I guess, unplanned development, especially in the West Hawaii area. And I guess people see the infrastructure and they drive daily and they experience frustration over that. So it is piecemeal. I agree with basically everything everybody said on this table. And I guess I agree with you because I would actually today vote for Chris Yuen's recommended changes or his thing to not go with this Council amendment. But it seems to me that the present system, whatever that is, and however that actually really, really runs, is not effective enough or is not doing what it's really supposed to be doing, and maybe that's just impossible to do. But it's not, and that people feel that, and then you bring pressure on the Council people who then react by proposing these amendments. That's the way I personally see it as this point. So I wanted your take on that, on my comment.

WILLIAMS: Well, I think there is a lot of frustration, particularly in West Hawaii. But I think a lot of that frustration has to do with the infrastructure problem. And I don't believe this particular bill will solve anything about the infrastructure problem. Our roads, you know, how many new roads have we built?

RHO: I agree with that. But I want to know if you have any ideas on how we can, or what we can do, or what the Council can do, or what the community can do to alleviate the problem in the future. It won't happen tomorrow. I mean is it just to continue the way we're operating with the present general plan, with the community plans that are being developed, with

the current Subdivision Code? So are we to just continue as we've been doing? Is that the Chamber's position?

WILLIAMS: I would say that we should continue the format but possibly there needs to be some changes in the Codes; and that would be up to the Council as a law-making body to propose those changes. I do believe there's room for changes to the Code. But I don't think you'd want to change the format the way that the process is done.

RHO: And I just want to make one last comment. I was in Los Angeles about two weeks ago for about 14 days; and I spent most of the time in Los Angeles, downtown Los Angeles. They have, in my estimation anyway, a wonderful bus system which I took. I didn't rent a car until the last couple of days, and I drove down to San Diego. And I'm sure some of you have driven from Los Angeles to San Diego. They have five, sometimes six-lane freeways and the speed limit for most of it is 65 miles per hour. Most of the cars are going 70 or 80, and maybe 85; and some of them on the left lane are going maybe in excess of 85. And I know that because I was driving at least 70 to 75 miles an hour, not on the left lane but on the third and fourth lane. The fifth lane is basically the turn-off lane and the incoming lane. The reason I bring that up is at one point for a good stretch of like 30 minutes to 45 minutes on that five- to six-lane freeway, we were traveling, all five or six lanes at between 25 and 35 miles per hour; and I couldn't believe it. I thought I was back in Kona driving from Kailua-Kona, I mean, driving from the airport to Costco and to Kailua town.

IWASHITA: That's five miles per hour.

RHO: I know, but I felt the same way. I mean, you're on this five- or six-lane freeway and it was not, I left LA at 11 o'clock and within 45 minutes to an hour, so now it's about 12 o'clock, I'm travelling at between 25 and 30 miles per hour on a six-lane freeway in the middle of the day. I thought the traffic jam was before 9 o'clock and after 3:30. There was no evidence anyway of an accident for the next, till I got to San Diego there was no accident. So I guess my thinking, as I read through this material and hear all this testimony or this discussion, is are we really going to solve our problem or -? I mean, I don't personally think, and that's why I asked you the question, I don't personally think that the general plan, the community development plan if Mr. Iwashita is reporting correctly his impressions, or the current Subdivision Code, even amending it with, you know, minor changes, will do the job. We're going to end up like Honolulu, we're going to end up like LA, we're going to end up like San Diego, and every part between LA and San Diego. It's terrible. We need some major, I'm not talking about tweaking, we need some major, major decisions made by some very creative people, and maybe some decisions that a lot of people will not like. But I just throw that out to you. Thank you.

ALAMEDA: All right. So that was a question that he already knew the answer to.

IWASHITA: Mr. Chair?

ALAMEDA: So let me just remind you, Commissioners, we have a testifier here that will entertain any questions that you might have, but not statements. And if you have a question, make it a genuine question. Okay? Go ahead. Commissioner Iwashita, what's your question?

IWASHITA: Thank you for your guidance, Mr. Chair. Hi, Bob. You keeping your swing slow and smooth?

WILLIAMS: Trying.

IWASHITA: This is directed to you, and at the risk of incurring the wrath of the Chair I'm just going to say this, that I really -. You heard my comments earlier, yeah? And I really want to encourage you as the president of the Hawaii Island Chamber of Commerce to use your position and to talk to all the other chambers and everybody to strongly consider the community development plan process and getting it, you know. Cause I, I fully agree obviously what Commissioner Rho just said, right, that we've got a system exactly like LA, I mean the differences are minor, exactly like San Diego. Our zonings laws are, you know, land use development, planning -. Planning is a misnomer. I think Commissioner Rho said unplanned development, there's no such thing, not in this state, not in California, not any place in this country. There's no such thing. Everything is planned. Everything on Oahu was planned. Where they put the roads, how many roads, how messed up it is, it is all planned. Same thing on Maui, Kihei, Lahaina, and same thing in Kailua. Everything was planned, everything was approved; and this is what we get. And we're going to get more, as Commissioner Rho indicated, right? There's nothing to stop us. So it is a serious matter. I really want to encourage you and the rest of the chambers to look seriously at this one. Because economically, you know, we want to thrive; and I think it can be done, if you look at it seriously and put it on your agenda for the next year or two to come up with what Commissioner Rho is asking you about. Right? It's another way. Because this way that we're all involved in now, history tells us it doesn't work. And if you can find one example of where it has worked, please let me know right away.

ALAMEDA: I guess that's a question. You were going to say yes or no to that?

IWASHITA: No, it wasn't a question. I just -.

ALAMEDA: Okay, rhetorical.

IWASHITA: He can say he will or he won't.

SIRACUSA: I have a question.

ALAMEDA: Mr. Williams, we appreciate your testimony. Fellow Commissioners, again, testifiers are not here to be ridiculed or, you know, made subject of -. They're just here to provide testimony; and I want to respect, you know, I don't want a testifier to be scared of coming. So we don't want to set a precedent here. So if you have a genuine question, please ask it. Commissioner Siracusa? Go ahead, Commissioner Siracusa.

SIRACUSA: Okay. The Subdivision Code was written and passed in 1975. I know that in my community when I moved to Pahoehoe in 1975 I could walk down the middle of the street in the middle of the day, from one end of town to the other, and not see a single car in either direction. Now I can stand and wait, and wait, and wait, and wait until there is enough let up in the traffic that I can make a dash across. To my mind there have been an awful lot of changes

since 1975 and that, and the Subdivision Code to me is now really passé on what it was trying to accomplish then, and what it does accomplish, and how well it now suits our current situation. So I would like to ask you if you think that this antique document fits our situation best and does the best job possible for our community, or if you think that it could really use some modernizing.

WILLIAMS: Well, the Subdivision Code has had modernizing. It isn't the same code of 1975. There have been changes to it. That said, I certainly would agree with you that there are things that could be done to improve it. None of us want to see unbridled development where the island just becomes paved. I too came here in 1975 and I also remember the traffic was a lot less back in those days. I also remember when you went to a store there was nothing you could purchase, everything had to be ordered. Now stores actually carry an inventory. So there's pros and cons with development. We are going to have some development. The question is is the development going to be good or bad? And that is our job, yours as Commissioners, the Council, the administration, us as citizens to try to do the best we can to make the growth be responsible, yet have a good economy. Because as the president of the Chamber of Commerce we naturally are trying to advocate business. But, again, we're not saying we want business at the expense of the community. We want business because we want a strong economy so people have jobs, so they can afford houses. That's very important. At the same time, it does have to be balanced.

SIRACUSA: Follow-up?

ALAMEDA: Commissioner Siracusa?

SIRACUSA: Yes. I think we're all on the same page. What I would like to hear from you as a member of the community is do you have any specific ideas about changes that you would like to see? If you were king of the world, what would you do?

ALAMEDA: Mr. Williams, you don't have to answer any of our questions. But if you want to, you go ahead.

WILLIAMS: That's kind of difficult on the spot to say if I was king of the world what would I do.

SIRACUSA: If you were the Mayor of the Big Island, if you were head of the Planning Department?

WILLIAMS: Well, certainly I would want to see property rights protected because I think that's an important issue too, that we have certain rights when we own pieces of property. If they're entitled properties you have a vested right to be able to do things with it. And that's the purpose of zoning. You know, maybe some of the changes to the Zoning Code and to the Subdivision Code could be made that would be beneficial. I can't off the top of my head say exactly what I would plan, cause I didn't come here today with that in mind. I guess I'll conclude with that. Thanks.

ALAMEDA: Follow-up, Commissioner Siracusa?

SIRACUSA: Yes. I would just like you, and maybe the Chamber, to start thinking about specifics so that you could come back and make some recommendations to the Commission, the Department, and the County Council. Because they need input from all sides, from all stakeholders; and everyone on this island is a stakeholder.

WILLIAMS: I will say as a follow-up to that that I have been giving testimony both in favor of some bills and opposed to some bills at the County Council level through the last two years. The last year I was president elect and head of the government affairs committee, and this year as president. And you will see me or somebody from the Chamber of Commerce. We are trying to be more proactive. Thank you.

ALAMEDA: Thank you. Commissioner Domingo, you have another question for Mr. Williams or you have a statement?

DOMINGO: Question.

ALAMEDA: Okay.

DOMINGO: You know, there's a well-known phrase that is be aware of what you ask for, yeah. And in this case when we're saying that the Zoning Code is obsolete and that we should rewrite it to suit today's situation, that phrase comes to my mind. Because whoever is chosen to sit on that committee or will do that job, the consultant who will do the job, what they're looking at is today's prevailing situation. And certainly they'll find a need to it because growth, as you put it, was unbridled; and now because of that unbridled growth, we're experiencing all these difficulties and hardships in our communities and on this island, as they do in Los Angeles. And bridled growth needs to be bridled, period, bridled. And then the question is how would you folks look at, and this word is somewhat shunned by developers and businessmen, at controlled growth, you know, controlled growth. Because as I envision all that has taken place from the early seventies up till now, there has been a phenomenal amount of growth on this island. And because of that growth today, we have so many hardships; and the quality of life has eroded to such an extent that, you know, people are just plain upset with government because we didn't take care of that kind of growth. So I think our growth has been paralleled with Los Angeles and other metropolis where the growth has come to such an extent that it has impacted on the quality of life of those who live there, as well as us on the Big Island. And I think there's nothing wrong with the Zoning Code, nothing wrong with the General Plan, or anything like that. Of course, I agree with the fact that we need to have a community development plan in all of our communities, which reflects the General Plan. And after those community development plans are adopted, then we should follow up with updating our Zoning Code to fulfill the goals of the General Plan, of the community development plans and the General Plan, you know, systematically. But I think what we need to look at and ask ourselves is how much more growth do we need on this island? You know, are we satisfied with it? Do we need more? And that's the key question that we should ask ourselves. Thank you, Mr. Chairman.

ALAMEDA: Good question. All right. Anybody else have statements and hidden questions in your statements? Seeing none, thank you so much for your testimony,

Mr. Williams. You may be seated. Any other public testimony we can take at this time? Seeing none, all right. Mr. Darrow, can you tell us what kind of action we should be taking on this agenda item today.

Darrow: This agenda item is also going to be placed on the next Kona meeting, August 31st. So if we could just get all in favor for the continuance then we can move forward to the next agenda item.

ALAMEDA: I guess I can take a same voice motion. All those in favor of continuing this agenda item to the next Kona meeting, aye?

COMMISSIONERS: Aye.

ALAMEDA: Okay, all those not in favor? Seeing no objection we will move this agenda item to continue to the Kona meeting.

The discussion ended at 11:10 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary