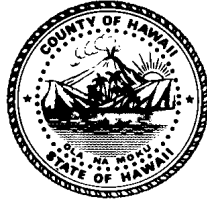


William P. Kenoi
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County of Hawai'i PLANNING DEPARTMENT

PUNA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

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MEMORANDUM

Date: September 20, 2010

To: Mr. J Yoshimoto, Chair, Hawai'i County Council
and Members of the Hawai'i County Council

Via: Ms. Bobby Jean Leithead Todd, Director, Planning Department

From: Barbara Bell, Chair 
Puna Community Development Plan (CDP) Action Committee

Subject: Testimony on Selected Items in Bill 194

Thank you Chairman Yoshimoto for meeting with us at our Action Committee meetings last month and last week. We now provide the following comments, which we hope will clarify certain issues contained in Council Bill #194.

- 1. Town and village centers.** The Action Committee recognizes the advanced state of the plan under preparation by W.H. Shipman, Co. for a Town Center to be located in Kea'au. Work on this plan began before the Puna Community Development Plan Action Committee (PCDP and AC) was in place. We have no intention to impose standards and constraints that might appear in the PCDP with progress that has been made, despite some uncertainty we have over the extent of community participation in the process.

We advocate local community participation in the preparation of town and village centers for other parts of Puna, and would prefer to see the application of PCDP guidelines to these centers. Furthermore, we prefer to enable local communities to utilize strategies that would provide flexibility in land use zone and site planning, namely Transfer of Development Rights (TDR) and a concept of "floating zone." We recognize these strategies are unusual, and in fact may not be permitted under present legislative rules. However, we think it would be prudent to retain the option to use these strategies, in case they eventually become authorized. At the very least, we believe it would be wise to retain the terminology in a generic manner, in the event strategies of a similar kind are found to be available. We would prefer to see that

TDR and Floating Zone concepts remain in the plan in order to enable flexibility in town and village center planning.

2. **Implementing terminology.** Much has been made of proposed amendments that would reduce action words to conditional words in PCDP implementing statements. We believe concern over this might be caused by uncertainty about the expectation of implementation of activities. In our meetings with community members, we often encountered questions regarding which official or which section of government would be ultimately responsible for putting proposals into action. There is fear that without firm implementing language, action plans might be shunted among clerks and bureaus and eventually neutralized by procedure. For this reason, we recommend retaining the original implementing language.

We understand that a “disclaimer” at the beginning of the document may put perspective to expectations arising from the use of action, rather than prompting, verbs. We suggest something along these lines:

“The Puna Community development plan was developed with an emphasis on action. Citizens were energized in the vision of the ideas expressed in this plan becoming reality resulting in many people spending countless volunteer hours shepherding this plan to completion. Please do not be confused that a sentence stating something will happen, and the fact that this plan is adopted by County Ordinance, means that the action will necessarily happen as shown by timelines in the plan, or at all. In all cases, implementation of any activity requires many steps, especially funding. Many more actions, government as well as community, are required for full implementation. This plan is a statement of community vision, with broad support.”

A partial solution to the uncertainty over implementation has been resolved by Planner, Mr. Brown. He designed a simple work plan protocol that describes project actions, relates them to a master list matrix of project proposals in the PCDP (Section 5), indicates cost and time estimates, indicates the entities that are responsible for implementation, and arranges them in priority order. It would be desirable to identify an entity responsible for keeping projects in muster and seeing them through to implementation. We suggest assigning this responsibility to the PCDP Action Committee.

3. **Water quality of the Puna Aquifer.** It is well known that the underground water which flows mauka – makai under the surface is of very high quality. We also know that discharge of waste water from surface sources will eventually contaminate this aquifer. We don’t know how much surface contamination the aquifer can absorb before the water deteriorates to the point of impacting human health or causing harm to near-shore marine resources. Waste water disposal systems throughout Puna are crude, consisting mostly of cesspools, which discharge human and industrial waste directly into the porous substrate, where it is quickly mixed with the natural aquifer. We fear it is only a matter of time before human health effects will be documented, and State and local officials will have to react, possibly by answering law suits or imposing mandates.

The Action Committee believes it is prudent to anticipate problems caused by improper disposal of waste water. We think a preventive measure is an essential first step: protect the

quality of the Puna Aquifer by preventing the release of human waste and industrial effluent from entering the aquifer. We believe that it is smart to maintain the two-mile wide corridor makai of Hwy 130 from special protection, as indicated in PCDP 2.3.3 d. Indeed, the Action Committee recommends expanding the area of special protection to the entire aquifer. We believe this could be done gradually by initially banning any new cesspools, then incremental upgrades cesspools to either on-site systems or collection and processing systems.

We recognize the Kapoho shoreline area as an urgent and critical situation, but do not believe it would be prudent to construct a waste-water treatment plant there. Rather, we believe a special solution would be appropriate for Kapoho, which might provide a model for other near-shore settlements in Puna.

4. **Large, undeveloped parcels.** The fragmentation of native forest and agricultural lands has been the pattern for land development in Puna. With few large agricultural parcels remaining, we prefer to see a halt to dividing agriculturally zoned large parcels into smaller and smaller units. Without specifying a formula for achieving this, the Action Committee recommends the Council look more closely at standards for land use zoning that would serve to encourage owners of large and intact parcels to retain them. This would be in lieu of encouraging the fragmentation of parcels.

Since these four items are the only ones of substance that the Action Committee has noted from proposed amendments in Bill 194, Council might find it simpler to pass all other elements of the Bill, and consider the items above separately. We would be at Council's service to provide guidance and to communicate community feelings about these, in the course of deliberation.

We the members of the Puna Community Development Action Committee remain your partners in promoting sustainability and growth in Puna.

cc: Amy Self, Deputy Corporation Counsel