

COUNTY OF HAWAII PLANNING DEPARTMENT BACKGROUND AND RECOMMENDATION

INITIATOR: PLANNING DIRECTOR PUNA COMMUNITY DEVELOPMENT PLAN (PCDP)

BACKGROUND

The current General Plan for the County of Hawaii, adopted by the County Council in February 2005 and as amended on December 7, 2006, sets forth broad goals, objectives and policies. According to Chapter 15, implementation requires the translation of these broad statements to specific actions, a systematic evaluation of progress, and active community participation. The Community Development Planning program is intended to provide a forum for community input on growth management and the coordination of the delivery of government services to the community. As such, drafting and adopting a development plan is the first phase in an ongoing process intended to create a collaborative environment where community and government share responsibility for creating, implementing and updating community specific plans.

A Community Development Plan should direct physical development and public improvements within a specific area. The Community Development Plan may contain detailed land use and zoning guide maps, plans for roadways, drainage, parks, and other infrastructure and public facilities, architectural design guidelines, planning for watersheds and other natural features, and any other matters relating to the planning area.

The Puna CDP began with the selection of PlanPacific, Inc. as the primary planning consultant on June 14, 2005. The contract between the County of Hawaii and PlanPacific called for a Community Development Plan that is true to the Puna community by:

- reflecting and embracing existing community values,
- identifying and assessing key issues and concerns,
- articulating a clear direction or vision for the future of Puna, and
- providing an implementation process for achieving that vision.

In early 2006 the Planning Department began accepting applications from Puna residents for appointment to the Puna CDP Steering Committee and on June 6, 2006 the County Council confirmed the 11 citizens appointed by Mayor Kim to the Steering Committee.

The Planning Department, in collaboration with the Department of Research and Development, recognized that broad-based public participation in the planning process is critical to the development of a plan that could be supported by a sufficient number of residents to ensure implementation of Plan. During the spring and early summer of 2006, over 130 small group meetings, engaging 1,062 residents and producing 3,394 individual comments and observations, were held throughout the Puna district. These meetings were held in people's homes, at community centers, neighborhood gathering places and other local venues. Trained volunteer facilitators invited participants to give their mana'o on how to make Puna's future the best it can be. Besides the 130 small group meetings and the several district-wide and local public meetings and work shops, citizens could weigh in on the Plan's development through written and oral public testimony at all Steering Committee meetings, an open-subscription email listserv network, participation in Working Group meetings, and email and written comments and suggestions submitted to the Planning Department and planning consultant. The public could also keep abreast of the latest developments in the PCDP process by visiting the Hawaii County Resource Center's *hcrc.info* web site.

The first district wide public workshop was held on July 22, 2006 at Kamehameha Schools' Keaau campus. Over the course of the next 18 months several additional district-wide and local public meetings and work shops were held throughout Puna to form citizen working groups and to further solicit public comment and suggestions on primary issues and concerns.

Working Groups made up of citizen volunteers were authorized by the Steering Committee and formed in late September and early October 2006. The Working Groups, although self-regulated, were tasked with generating reports on ten major topics that generally encompassed the thirteen elements of the General Plan. Their reports, which were submitted to the Steering Committee and planning consultant in February 2007, provided valuable local insight for the innovative and practical solutions in the PCDP that address the issues and concerns expressed by Puna residents.

Between July 2006 and March 2008 the Steering Committee met on more than 30

occasions taking public input, reviewing and commenting on the Working Group Reports and consultant recommendations, and refining the final content of the Draft Puna CDP, which they approved on March 6, 2008 by a unanimous vote of the Members present.

The PCDP is organized into three overarching themes that correspond to the three top issues that face the Puna district, as identified in the public involvement process. The three themes include:

1. **Mālama I Ka `Aina** establishes how the contextual natural, historic and cultural features of Puna should be preserved and respected. The goals, objectives and implementing actions under this theme address cultural and historic sites and districts; forest lands and unique geological features; scenic resources; and drainage, aquifers and coastal water quality.

Significant implementing actions proposed under this theme include:

- Creating Special Design Districts for Volcano Village, Pahoa Town, Kea`au Town and the Mountain View-to-Kurtistown area with detailed design standards that define their unique sense of place.
- Enact a Biosphere Reserve Buffer Zone (BRBZ) for the greater Volcano area that includes specific standards and supporting measures to ensure that perpetual connections between intact native forests in Volcanoes National Park and the nearby State forest preserves and natural area preserves are maintained and to abate the destruction of native forest and spread of invasive species.
- Amending the grubbing and grading ordinance and/or the zoning code as necessary to protect native species and the geological and historic features outside the BRBZ.
- Establishing an Office of County Ecologist within the Planning Department to administer the new grubbing and grading and/or zoning code provisions and foster partnerships to provide public education and technical support for forest conservation.
- The development and adoption of special zoning and development regulations for the greater Kapoho area to take into account the problems associated with

ongoing and catastrophic subsidence and property loss, pressure to develop lots for residential and commercial use, and increasing demand for access to the shoreline area for recreational use.

2. **Growth Management** addresses how the future pattern of human settlement and land use should be shaped to respect the natural, historical and cultural context and support the desired quality of life for Puna’s residents. The goals, objectives and implementing actions under this theme address the land use pattern, agricultural and economic development, public services, social services and housing, parks and recreation and renewable energy and energy efficiency.

Significant implementing actions proposed under this theme include:

- County support for land use entitlements and land assembly to facilitate village center formation and voluntary land pooling projects by creating a “floating zone” in the County zoning code and initiating Special Permit or SLU district boundary amendments as needed.
- Establishing general classifications of village centers (Regional Town Centers, Community Village Centers and Neighborhood Village Centers) that coincide with the needs and characteristics of specific locations.
- Facilitating land use entitlements and other tools for the development of existing and future village/town centers and special design districts by:
 - Approving commercial zoning or use permits for existing commercial uses in designated village/town centers that do not presently have appropriate entitlements;
 - Denying zone changes for commercial or light industrial uses on sites that are not within designated village/town centers; and
 - Providing loan guarantees or making grants to community associations or partnerships for the development of necessary infrastructure for the village/town centers
- Prohibit variances that allow subdivisions that rely on water catchment or roads that do not meet subdivision road standards to a maximum of six lots, unless the

subdivision results in lots averaging at least twenty acres in size, and averaging at least four times the minimum lot size allowed by zoning, up to an absolute limit of twenty lots.

- Downzone all Puna Agricultural (A) zoned parcels in the SLU Agricultural district according to a specific schedule that would significantly reduce the potential number of new lots.
 - Develop a centrally-located, 24-hour, full-service medical facility, with trauma care, in Puna.
 - Develop permanent fire stations with emergency paramedical services at Hawaiian Beaches/Shores, Hawaiian Paradise Park, lower Volcano, and Mountain View.
 - Create, improve and expand *Coastal Activity Areas, Community Parks, Linear Parks* and *Preserves* at listed locations throughout Puna.
3. **Transportation** focuses on sustainable approaches to transportation to support the goals of the Mālama I Ka `Aina and Growth Management themes. The goals, objectives and implementing actions under this theme address mass transit and alternative travel modes, travel demand management and roadway connectivity and safety.

Significant implementing actions proposed under this theme include:

- More active promotion of van pool and ride-sharing alternatives with major employers and institutions such as UH Hilo and HCC.
- Facilitation of telecommuting by developing a wireless communications network that enables most Puna residents to gain free access to the Internet.
- Prepare a County-wide Transit Master Plan to provide an overall framework for transit improvements while incorporating user input from each district.
- Provide park and ride lots at key regional site to promote commuter ridership on Hele-On.
- Before 2012, plan and design the Puna Makai Alternate Road (PMAR) through an environmental impact statement.
- Before 2017, construct a two-lane PMAR that connects Kaloli Drive in Hawaiian

Paradise Park to either Highway 11 or Highway 130 in the vicinity of Kea`au.

- Before 2012, DOT to make interim intersection improvements on Highways 11 and 130.
- Construct the Highway 130 Shoulder Lane conversion project as a reversible lane to accommodate AM and PM peak periods.

The Puna CDP includes an Implementation Table listing 107 primary actions and numerous sub-actions approved by the Steering Committee to achieve the stated goals and objectives in the CDP. The Implementation Table identifies lead and supporting implementation entities, a timetable for completing or initiating each action and, where applicable or available, estimated costs for each action. Most of the actions called for in the CDP require further action to take legal effect. All actions that call for further ordinances, such as the establishment of a BRBZ, revisions to the grading and grubbing ordinances, or future downzoning, for example, are in this category.

RECOMMENDATION

For the reasons cited above, as required by Chapter 15 of the General Plan for the County of Hawaii, the Planning Director recommends that the Planning Commission send a favorable recommendation to the Hawaii County Council for adoption by ordinance for the Puna Community Development Plans. The accompanying draft bill is provided for your favorable consideration. However, the Planning Director recommends several changes to the Plan, which the Planning Director requests that the Planning Commission send on to the Council as recommended amendments, which are explained in the following paragraphs:

1. Section 2.3.3.d calls for a centralized sewage treatment plant and/or self-contained pumped septic systems for any development within a two (2) mile-wide corridor between the Wao Kele O Puna forest preserve and the ocean. This would impact the existing Department of Hawaiian Home Lands (DHHL) Maku`u Farm Lots of approximately 868 acres containing 127 five-acre agricultural lots immediately makai of Highway 130, the proposed 640-acre DHHL Maku`u Residential subdivision planned for a total of about 758 lots mostly 20,000 square feet or less in size immediately mauka of

Highway 130, the DHHL Maku`u Makai parcels consisting of approximately 500 acres primarily mauka of Beach Road and SE of Hawaiian Paradise Park, and the DHHL 100-acre Keonepoko Nui parcel makai of Hwy 130. This restriction would also impact the State's Keonepoko Farm Lots north of Kahakai Blvd. This proposal in the CDP would significantly increase the cost of building a home in these areas because the owner could not use a cesspool or a typical septic system, which has a holding tank and a leach field. The owner would need some type of self-contained mini treatment plant. It is very unlikely that a centralized wastewater treatment system will be developed in this area, and this type of system is also very costly.

The necessity of such requirements to protect drinking water is questionable. Current DOH rules do not allow new cesspools and septic systems within a 1000' radius of wells used for public drinking water. DWS has several wells, however, dating from before these DOH rules, which are surrounded by homes on cesspools, such as a well near Gilbert Carvalho Park in Hilo. The water in these wells is regularly tested and has not shown any microbial contamination.

It is possible to create a similar aquifer protection area that would protect the source of water for the current DWS wells between the Ainaloa subdivision and Pahoa, and more wells that might be drilled in this general area, without causing problems for homebuilders on DHHL land. The DWS wells are located just mauka of Hwy. 130. Immediately mauka of these wells is a 5,127-acre State parcel that is part of the Puna Forest Reserve, and Wao Kele O Puna, owned by OHA. Under current plans, both would remain as natural areas. The Planning Director therefore recommends amending §2.3.3.d. to read as follows:

By agency agreements and control of zoning and building permits, ensure that a corridor of the Puna watershed at least two miles wide ~~between~~ including the Wao Kele O Puna forest area and the ocean to the northeast State lands mauka of Highway 130 between the Ainaloa subdivision and Pahoa is protected from uses that might contaminate groundwater. ~~No wastewater discharge from~~

~~cesspools, septic systems, or sewage treatment plants would be allowed within this corridor, nor would disposal of surface runoff. All additional development within the corridor through Maku'u and Keonepoko (Nui and Iki ahupua'a) would be required to utilize centralized sewage treatment plants and/or self-contained pumped septic systems in order to preserve the purity of the groundwater.~~

2. Section 2.1.3.d should be deleted as an action item since review of grading and grubbing permit applications by the State Historic Preservation Division is already required and additional review by the recently approved County of Hawaii Cultural Resource Commission will result in excessive delays in granting grading and grubbing permit approvals. This is likely to be viewed as over-regulation by a significant number of people resulting in a decline in voluntary compliance.
3. There is a significant potential problem in Puna because of large acreages that are zoned in a way that can allow further subdivision. There are, for example, more than 6,000 acres within large parcels of more than 50 acres that are currently zoned A-1a. Potentially, these A-1a zoned areas could result in 6,000 more lots being created in a region that will face severe challenges with the build-out of the existing lots. This is an issue that should be addressed by a comprehensive reduction in the potential zoned density. This means a follow-up rezoning action: the proposal in the CDP would not do the rezoning by itself.

However, the proposal in the CDP would be too restrictive on property owners. For example, the owner of a 49-acre property would be limited to creating one additional lot and the owner of a parcel of less than five acres could not subdivide at all. This would make it impossible in many cases for subdivisions to allow conveyances to family members, which may be the hope and expectation of many property owners. The Planning Director recommends amending §3.2.3.b, which allows small-scale subdivisions and is more favorable to the owners of smaller properties as follows:

Downzone all Agricultural (A) zoned parcels in the State Agricultural District in

Puna to a zoning that would allow subdivision to no more than nine additional lots per lot of record. Existing lots greater than 100 acres in size shall be down-zoned to A-10a. This does not apply to property already zoned to allow fewer lots, as follows:

~~—Lots of 100 acres or more to A-20a;~~

~~—Lots of 50 acres or more but less than 100 acres to A-15a;~~

~~—Lots of 5 acres or more but less than 50 acres to a designation that would allow no more than a two-lot subdivision; and~~

~~—Lots of less than 5 acres to A-5a.~~

4. Correction to first sentence in the second paragraph on page 5-11:

The second, and smaller, portion of the village center would be at a presently undeveloped site on the other side of Highway 11 between the Maunaloa Royal Hawaiian Estates and Ohia Estates subdivisions.