

**DRAFT**  
**Meeting of Steering Committee**  
**South Kohala Community Development Plan**  
**June 11, 2008      Waimea Senior Center**

**Committee Members Present:** Billy Bergin, Bob Hunter, Tom Kelly, Pohai Kirkland, Olani Lilly, Robby Robertson, Riley Smith, Ruth Smith, Sherman Warner. **Absent:** Jacqui Hoover, Margaret Wille

**Staff:** Christian Kay, County Planning Department; Andrew Choy of Townscape; Giovanna Gherardi, facilitator; Judith Graham, recorder

**Public:** Anne Field-Gomes, Leslie Hall, Joleen Quitugua, Nancy and Mike Rose

**Opening:** The meeting began at 4:37 pm. Because Allen Salavea was ill, Christian Kay represented the Planning Department. Assisting him, Giovanna Gherardi facilitated much of the meeting.

- From Townscape: Comments by the Planning Director on revised concurrency policy (purple sheet)  
 SC comments on revised concurrency policy (light blue sheets)  
 New version of policy with final edits (yellow sheet)  
 Most recent public comments on CDP (5 pages)  
 Memo concerning priority issues to resolve (pink sheet)
- From Waimea Ad Hoc Committee: Individual policies that could be district-wide (goldenrod sheets)
- From Kawaihae Ad Hoc Committee: Response to public and focus group comments (green sheets)
- From Bob Hunter: Draft of Park Space Policy
- From Mike Fischer: Email requesting Action Committee to have broad representation in the district

## STATEMENTS FROM THE PUBLIC

There were none.

## NEW BUSINESS

### **1. Review Planning Director Comments on Revised Concurrency Policy**

Christian Kay asked committee members to read Chris Yuen's response to a revised concurrency policy. In his memo, the Planning Director did not object to this policy and expressed that the difficult task would be to write the ordinance called for by the policy.

Giovanna Gherardi requested Steering Committee comments. Bob Hunter said it was not true, as the Planning Director had written, that to impose new regulations would delay development of zoned property. That is, he differed from Chris Yuen on the meaning of concurrency. Sherman Warner also felt this way. Bob said that the policy sought a complex balance that recognizes property rights and charges the parties involved to get on with constructing public facilities.

Tom Kelly noted that he had asked the Planning Department for details concerning entitlements generally. He also noted the comment of the Waikoloa Mauka LLC representative on the CDP's strategy that development should first occur on already zoned properties. Mr. Lee Pappernow had said his project was being shut down to avoid suburban sprawl.

Robby Robertson saw no need to change the language of the policy further; it only requested the Planning Director to draft a bill. Ruth Smith thought the policy gave the Planning Director more leeway to require infrastructure to be built. Billy Bergin, while discomfited to impose requirements on those who already had zoning, stressed the six different avenues in the policy by which landowners/developers could seek adjustments.

Riley Smith said that if the Planning Director drafts a bill and the County Council approves, it will give the Planning Director an opportunity to try to change the timing of improvements. If the landowner disagrees, he can fight the Planning Director. It is the same today when landowners look out for their own rights. Nothing in the policy changes the status of what exists today.

**Decision:** Billy Bergin moved to accept this policy; Sherman Warner seconded, and all were in favor of using this language in the CDP.

## 2. Ad Hoc Committees Report Back

For each community, an ad hoc committee had been formed to review the latest input from the public and Focus Groups, and respond to it with recommendations. Steering Committee members had received a thick packet of such input at the June 4 meeting.

### WAIKOLOA (Ruth Smith, Tom Kelly, Pohai Kirkland)

Ruth presented most recommendations for Waikoloa, supported by Tom.

- The current draft is acceptable as far as schools are concerned.
- On page 100, section 4.5: Add the word *north* to the strategy that speaks of keeping Ag-zoned lands west and south of Waikoloa at the current zoning until residential zoning granted elsewhere in Waikoloa has been fully developed. Tie this strategy to tables on pages 86-87. Define somewhat the phase *fully developed*.

- Include a reference about the presence of the US military in the district as being of community concern. This can appear in the profile section. Riley Smith noted that the Waikoloa Military Area included all four communities and encompassed 90,000 acres. Pohai Kirkland has submitted language on the history of Waikoloa.
- There was objection to the idea that Waikoloa would *always* be a bedroom community, although that is the case at present [page 98].
- Mauna Kea Property's Ouli II development can be included as a planned development. A Belt Collins Hawaii Ltd letter requested this.
- On pages 92, 98, concerning affordable housing policy: Rephrase this so that the language is positive instead of negative. On page 92, it deserves placement as a bulleted item.
- On page 92, include under Environmental Stewardship, language regarding "sense of place" and "open space" (Policy 2). On page 92, use a heading versus a subheading. The stewardship policy is also mentioned on pages 96 and 98.
- Require leach fields per County standards to accompany septic systems, a district-wide matter.
- Endorse wildfire mitigation as a district-wide policy.
- Although the Steering Committee never discussed this point farther, a recommendation to alter the existing ordinance regarding park land requirements. Instead of calling for five acres of park land for every 1,000 people in the district, make it five acres per 1,000 people in a community map.

**Discussion:** Riley Smith noted that in the land entitlement process, the County does not have jurisdiction over schools and wastewater. The walkways portrayed in the public review draft don't necessarily conform to the Department of Public Works' requirements for walkways. Leach fields are a State Department of Health jurisdiction; perhaps include a caveat to that effect.

Bob Hunter observed that County Public Works was reviewing road standards, with input from bike and pedestrian advocates. It would be good to have such matters in the CDP when the rules were redone. Sherman Warner commented that many areas are not County areas, but fit into the process of overall planning represented by the CDP.

### WAIMEA (Billy Bergin, Bob Hunter, Sherman Warner)

Bob Hunter narrated comments and responses that were listed on a three-page table. Public comments that did not seem feasible are not referenced in these minutes.

- In response to the concern of a *pu'u* landowner: Use the tree line shown in a 1986 Waimea Urban Design Plan as the boundary for development; and center efforts to save the *pu'u* around keeping the land in agriculture or grazing.
- Show the Kawaihae bypass south of Pu'upa.
- Strongly endorse continued water conservation practices while acknowledging data from public and private hydrology experts that groundwater shortage is not of immediate concern. There is a gap between the resource and affordable distribution.
- Corrections concerning Waimea Trails and Greenways; and historic sites on pages 16, 29 and 50.
- Consider extensive editing suggestions from Lalamilo Farm Lots Association, including historical observations
- In various tables, if data is available, present water demand with and without agriculture options
- On page 61, as strategy 1.7, incorporate by reference the *paniolo* architectural guidelines of the 1986 Waimea Urban Design Plan.
- Encourage the development of elderly housing and assisted living facilities in South Kohala
- Regarding wildfire mitigation, encourage the use of extensive cattle grazing as a practical means of controlling fire fuel while maintaining landscape.

**Discussion:** Regarding the topic of water, Riley Smith said that during the entitlement phase of development the Department of Water Supply requires an adequate supply. If a landowner doesn't have water, he would go look. A groundwater Commission of Water Resource Management would determine if it is all right to grant a permit for a well. There are adequate checks and balances within the State and County regulations; [some CDP material] in these areas would be redundant.

Billy Bergin recalled that water expert Steve Bowles, at the June 4 meeting, had provided data for Townscape. Bowles's guidance was vital. Billy recommended including some of the information in an appendix. Allen Salavea should send this information to Townscape. Sherman Warner mentioned some 400-odd pages of studies and said research on the water resource and the process of managing it is very comprehensive.

### PUAKO (Robby Robertson, Sherman Warner)

Robby believes the Puako community section will be in top shape after inclusion of recommendations that had been sent to Allen Salavea and Townscape. Focus Group input was included; Rob Shallenberger [president of the Puako Community Association] did

much revamping. Robby Robertson did not describe these extensive revisions at the meeting, except specifically:

- Conform Puako's Policy 3 to the Environmental Stewardship format for other communities

### **KAWAIHAE (Sherman Warner, Robby Robertson)**

Sherman Warner provided a handout that responded to written comments and Focus Group comments. Those not recommended for action appear on the handout but not in these minutes. As one specific omitted item, Superferry traffic circulation plans are up to the State Department of Transportation and Superferry; therefore no action is recommended.

- Include the impact of bulldozers on water runoff and surface impermeability as a district-wide sub policy.
- Mention light pollution as an ongoing concern
- Add stakeholder National Park Service to strategy 3.1 on page 118, concerning improved marine water quality
- Consider adding LEED standards/certification to district-wide policies

**Discussion:** Olani Lilly thought that while the committee might not want to do LEED requirements, there is language associated with LEED that could help address some CDP issues. Riley Smith said that considering LEED is appropriate but there is a cost associated with it. When more rules are put on a project, more cost is added. If at the same time you seek affordable housing, you need to find a balance. However, Sherman believed solar energy, for example, could have a positive effect on affordability.

Olani explained that LEED stands for Leadership in Energy and Environmental Design. There are standards or certifications for many things, including schools, site development, energy, water, air quality and efficiency. There are certifications for new or existing building, and neighborhoods.

Riley Smith explained that the County has an ordinance about exterior lights; the problem is enforcement. If you fly over the area at night, you can clearly see areas that reflect upward. Exterior lights are regulated and should be low-pressure sodium, reflecting down. Billy Bergin acknowledged the expertise of both Olani and Riley.

*DINNER BREAK*

### 3. Discussion of District-Wide Policies in the SKCDP

#### A. Dedication of Land for Parks

In a handout distributed to the committee and public, Bob Hunter proposed a new district-wide sub-policy that might be added to the CDP's page 44. It proposes to adjust Chapter 8, Hawaii County Code, which requires subdividers to dedicate land for parks. Basically, the County's guideline is that each district have five acres of park land per 1,000 people. As population increases, park dedications may be required. However, land other than developed parks has often been counted in determining the ratio, so that the requirement on subdividers is waived. By letter to the committee members, the Planning Director suggested that if they wished to standardize an expectation that major developments provide park space, Chapter 8 could be revised to only count more developed park space, such as athletic fields.

Bob Hunter's proposal stated that the Planning Director, in consultation with the Director of the Department of Parks and Recreation, shall submit a draft bill to the County Council that would amend Chapter 8 to do just this. Bob's proposal then listed sub-clauses that call for: definition of parks and playgrounds; definition of "provide land in perpetuity"; a requirement that in-lieu fees be spent in the affected district; irrigation requirements; and so forth. He said his objective is to actually require functioning parks.

Tom Kelly stated that Waikoloa has less than five acres of park land for 7,000 to 8,000 people. Riley Smith, noting the specificity of the proposal, observed that the more specific the text is, the more everyone will pick it apart. There is more likelihood of passage if the language is more vague. When the improvement or in-lieu fee is collected, if requirements are very specific, the park may become smaller.

Ruth Smith added that when computing five acres per 1,000 people, state parks should definitely not be counted. She concurred with Riley that it was better to be less specific.

Billy Bergin had attended a meeting at which the Director of the County Department of Parks and Recreation spoke of the extremely high cost of irrigating Old Kona Airport Park. Nevertheless he wished to leave the new draft as is; if implemented it would be a great favor for the youth. Tom Kelly noted that the children need *neighborhood* parks.

Robby Robertson believed input received from Puako was related. People are concerned that with all the development going in, there will be huge pressure put on the coastline, Puako and beaches. The people of Puako want the County to recognize that at some point we run out of room for people to lie on the beach. Tom Kelly added to this thought the notion of *carrying capacity* established for parks such as Yellowstone.

Ruth Smith agreed the CDP does need a district-wide policy on this subject, but would like more time to incubate the proposal. Facilitator Gherardi recommended that the topic be on the agenda of the next meeting, which was agreed.

## B. Other Recommendations for District-Wide Policies

Giovanna Gherardi, and Andrew Choy of Townscape, led a decision-making process to determine which of the many recommendations brought forth at the meeting were appropriate as district-wide policies. The recommendations are:

1. Require leach fields per County standards to accompany septic systems. Include a caveat that the State Department of Health has jurisdiction.
2. Show Kawaihae Road Bypass south of Pu‘u Pa.
3. Adopt a policy requiring truck runaway lanes for Kawaihae Road as well as Waikoloa. Riley Smith noted that federally funded roads are required to have runaway truck lanes.
4. Wildfire mitigation—Include as policy 5: “Adopt development standards and community plans that mitigate wildfire risk, to prevent many of the problems that set the stage for loss during fires and greatly assist in suppression efforts and maximizing responder safety.” This phrasing came from The Hawaii Wildfire Management Organization. Include as a sub-policy: “Encourage the use of extensive cattle grazing as a practical means of controlling fire fuel while maintaining the landscape.”

Robby Robertson would like more language from the Wildfire Management Organization, but understands that a district-wide policy should be concise. Billy Bergin likes the brief formulation, and would put other materials in an appendix. After discussion, the committee decided to **include other wildfire materials in an appendix but soften the organization’s language. Avoid the words *shall* or *should*; substitute *suggest*, *recommend*, *consider*.**

5. Endorse elderly housing and living facilities.
6. Endorse water conservation.
7. Endorse bikeways.
8. As part of General Policy 2, add: Plan now for island-wide, high-speed fixed rail. This was introduced at this stage by Robby Robertson and supported by others.
9. Add language on LEED standards/certification to district-wide policies.
10. Include under General Policy 4: Research the effects of bulldozers on water runoff and surface impermeability.
11. Prohibit injection wells in the Special Management Area for wastewater that is not treated to an R-1 level of water quality. That is, move injection-well language

- from the CDP's Puako community section [page 136] and make it a district-wide policy.
12. On page 45, 4.1, concerning emergency routes: add Puako and Waialea Bay after the mention of Waikoloa Village. Require a secondary exit from Puako and state that, where feasible, new subdivisions shall provide for multiple exit routes.
  13. When presenting district-wide policies in the text that relate to sustainability, group them together. Olani Lilly made this request.

**Deletions:**

Delete section 1.3 on page 44 with reference to the General Plan's urban expansion designations. However, include urban expansion in a precautionary principle format so that thought is given to where urban expansion designations should be. Delete section 2.1 on page 44 concerning critical road areas because this is now included in the concurrency provision.

**Not Included:**

Specifics about a proposed district high school – This is not the County's *kuleana*. Allowing more *ohanas*—briefly discussed as a way to deal with affordable housing. Riley Smith noted that the Planning Director had tightened *ohana* rules to avoid some landowners' attempts to subvert zoning. If more are allowed, impact fees are needed.

## NEXT AGENDA

- Review Townscape's most recent draft dated June 19
- Approval of minutes from May 28 and June 4 meetings
- Revisit parks dedication proposal

## STATEMENTS FROM THE PUBLIC

**Joleen Quitugua** spoke on *ohanas* and asked that more be allowed, and allowed as rentals. There could be an amnesty for existing [unpermitted] *ohanas*. At some point, ensure that the owners contribute to support infrastructure along the lines of the concurrency concept.

## ANNOUNCEMENTS: NEXT MEETING

After discussion the next meeting was rescheduled to Friday, June 20, at 4:30 pm. A previously planned June 18 meeting will not be held. A quorum will be assured. Townscape will complete a latest draft on June 19.

This meeting ended at 8:45 pm.