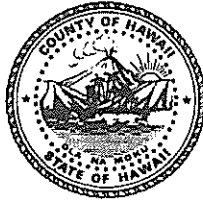


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret Masunaga
Deputy Director

**County of Hawai'i
PLANNING DEPARTMENT**

PUNA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

April 16, 2010

Bobby Jean Leithead Todd, Director
County of Hawai'i - Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Dear Director Leithead Todd,

**Subject: BILL 194 – PROPOSED AMENDMENTS TO THE PUNA CDP
RECOMMENDATIONS OF THE PUNA CDP ACTION COMMITTEE**

The Puna CDP Action Committee has reviewed the amendments to the PCDP proposed in County Council Bill 194. During its review process, the AC accepted considerable public testimony and considered comments from residents, subdivision associations and organizations in the Puna CDP project area on the amendments proposed in Bill 194 as well as those offered by other sources in the community, including, but not limited to, Friends of Puna's Future (FoPF), Hawaiian Shores Community Association, Kalapana Seaview Estates Community Association, All Landowners of Hawaiian Acres (ALOHA,) and Foster Kern, LLC, developers of Ulupono Center in Kea'au. Discussion and recommendations by the Action Committee pertaining to these additional amendment requests follow our comments and recommendations on the amendments proposed in Bill 194.

AMENDMENTS PROPOSED BY COUNTY COUNCIL IN BILL #194

The Action Committee finds many of the proposed amendments appropriate without substantially affecting the tone and intent of the PCDP, and as such should be adopted. These include numerous editorial corrections, some additions, some omissions, and some deletions.

We find, however, a number of topic areas in Bill 194 that we consider inimical to the context and spirit of the PCDP, and recommend modification or withdrawal of these from the Bill . These are, as follows:

1. Diminish the substance of action items. Appearing mostly in the action sections of the PCDP, we see a disturbing pattern that would substitute original action words with conditional words. For example "Initiate," is substituted with "Propose;" "Amend," is

substituted with "Propose amendments to..." "Re-zone" is substituted with "Propose re-zoning," "Establish..." is substituted with "Propose the establishment of..." etc.

The PCDP intends to promote action in numerous areas. A development plan is an action document that promotes educated and worthy decisions about roads and other infrastructure, settlement patterns, conservation of natural and cultural resources, landscape design, land use zoning, town and village center design, and others. The amendments proposed in Bill 194 suggest there may be some confusion or misunderstanding as to the role of the Action Committee, whose purpose it is to "recommend," "propose," "advise," and otherwise provide guidance to planning officials. It is Council's purpose to enable implementation of items by allocating funds and otherwise write supporting legislation. It is the Mayor's purpose, through the Planning Director, to enact the Plan. Therefore, the action words that appear in the original PCDP are appropriate and necessary to support the Planning Director's responsibility to implement.

The Action Committee recommends maintaining the original action-word syntax in the PCDP. The Action Committee urges that the Planning Director not support any proposed words and phrases that would de-emphasize implementation of the PCDP.

2. Deleting establishment of a County historic preservation commission. [Ref. Ch.2, Sec. 2.1.3.a & d.] We recognize that the Ordinance 08-42 establishes a Hawai'i County Cultural Resource Commission. However, due to budget constraints, the appointment of commission members and providing staffing support appears to be on indefinite hold. The residents of Puna expressed substantial concern over the frequent loss and destruction of historical and culturally significant features, artifacts and trails because of frequently ineffective oversight of development activities at the state level and a general failure to educate landowners and developers on how to identify cultural and historical artifacts and features.

The adoption of Ordinance 08-42 is an important first step in fulfilling the goals and objectives of the PCDP related to the creation of a county entity for adopting a process for identifying historic and cultural sites and advocating for their preservation and/or restoration. Retaining the related implementation actions provided in the PCDP is important to support the actual implementation of Hawai'i County Cultural Resources Commission and to provide additional guidance on its purpose.

The Action Committee recommends retaining all of Sec. 2.1.3.a. & d. as originally provided in the PCDP.

3. Failure to protect the quality of the entire aquifer between Kea'au and Kapoho. [Ref: Ch. 2, Sec. 2.3.3.d.] The original language in the PCDP mentions the abundance and high quality of underground water in Puna, and refers to measures that can be taken to reduce the impact of human settlement on water quality. However, the PCDP selects only a two-mile wide corridor for extra protection, that being the aquifer stretching from Wao Kele O Puna Forest Reserve to the sea, between Maku'u and Keonepoko. Bill 194 proposes to diminish the area by eliminating from this protection the area between Hwy. 130 and the sea.

The Action Committee finds recognition among most residents that water quality in lowland settlements might be diminished by sewage and industrial contamination as

settlement density increases. There are no municipal sewage treatment facilities in Puna, so residents dispose of sewage in cesspools, septic tanks, or other local catchment. We contend that there must be a limit to the amount of contaminants the aquifer can absorb before the continued release of untreated sewage pollutes domestic wells and sea water in near-shore areas. It is inevitable that settlement density will continue to increase due to the extensive number of available building sites throughout the district, and we believe it would be prudent for local, state, and federal governments to undertake the studies needed to accurately understand aquifer dynamics and to begin the very expensive job of building proper sewage collection and treatment and water delivery systems. There are numerous methods available. Aquifer studies should reveal best appropriate technology for disposal and delivery systems. Such studies might also reveal the wisdom to extend extra protection for the entire aquifer.

The Action Committee recognizes that the DHHL developments in the Maku'u area are already in existence or have State Department of Health approvals for private waste water disposal systems and, therefore, are not subject to the requirements proposed in Sec. 2.3.3.d of the original PCDP. It is further understood that follow-up studies to determine what additional actions are needed to ensure that the Puna aquifer is adequately protected from contamination due to continued development.

The Action Committee recommends extra protection of the aquifer makai of Hwy. 130, as in lands mauka. Therefore, retain original PCDP wording in Ch. 2, Sec. 2.3.3.d.

4. Remove flexible planning strategies in development of town and village centers. [Ref: Ch. 3, Sec. 3.1.2.a. & f.; Sec 3.1.3.a, b, e, & I.; and Ch. 5, Sec. 5.2.1] Appearing mostly in Chapter 3, Managing Growth, we notice the proposal to remove references to "Transfer of Development Rights" (TDR) and "Floating Zone." We notice, as well, proposals to delete these terms in other Chapters wherever they are mentioned.

Transfer of Development Rights –The transfer of allowable dwelling units or other development unit from one parcel of land to another, in exchange for open space.

--Puna Community Development Plan (glossary)

Floating Zone. – An indeterminate zone designation that is affixed to a qualifying parcel of land, either upon the application of the parcel's owner or upon the initiative of the local legislature. Upon approval, the parcel is rezoned to reflect the new use and becomes a small zoning district; its development is governed by the use, dimensions, and other provisions of the floating zone.

--J.R. Nolan: Well Grounded: Using Local Land Use Authority to Achieve Smart Growth, Environmental Law Institute, 2001.

TDR and Floating Zone are nothing more than strategies that intend to provide flexibility in the development of town and village centers. These would be especially useful for areas that may not yet be ready for commercial development, present unique in-fill or redevelopment opportunities, have a history and/or sense of place that should be preserved, or where long range planning has not yet occurred.

Pursuant to §46-163, Hawaii Revised Statutes (HRS) counties are authorized to transfer and regulate the transfer of development rights for three specified purposes:

- Protect the natural, scenic, and agricultural qualities of open lands
- Enhance sites and areas of special character or special historical, cultural, aesthetic, or economic interest or value,
- Enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource

We believe the County should adopt appropriate legislation that would enable TDR programs in Hawai'i County. In addition to preserving open space and concentrating development into smaller areas that might more easily be serviced with appropriate infrastructure, a TDR tool could also provide a means for transferring development rights from unsuitable areas, such as subdivisions in high hazard risk areas, that are not suitable for urban uses.

While it has been suggested that the discussion, goals, objectives and actions in the adopted PCDP regarding the use of TDR as a potential tool for creating village centers could be interpreted as a requirement, the plan's language (Sec. 5.2.1, pg. 5-3 & 4) clearly states that the use of TDR "may be allowed" and nowhere states that TDR shall be required.

A "Floating Zone" strategy enables an area designated for development into a town or village center to manage growth that is compatible with the vision and needs of the local community. This strategy varies only slightly from conventional zoning, in that its outcome is not designated on a zoning map until a parcel is proposed for development and a change of zone ordinance is adopted. Typically, the ordinance would incorporate a required master development plan that specifies conditions, design standards, and guidelines unique to each village center.

The Floating Zone concept is also useful for development in communities that have special needs or prefer to restrict certain types of land uses. For example, site planning for a commercial area in subdivisions where the precise location of a village center might not yet be determined. Another example, where the precise location and size of a village center remains undefined and where infrastructure development requires investments that might not have matured. In these cases, planners need flexibility, along with time, to arrange land uses and determine functions.

The Action Committee recommends maintaining TDR and Floating Zone as optional concepts in the PCDP.

5. Weaken proposed agricultural zoning classification that would keep large land parcels intact. [Ref: Ch. 3, p. 3-1, par. 4; Sec. 3.2.2.k; and Sec. 3.2.3.a, b & c.] Some of the amending language proposed in Bill 194 appears to go beyond the tempering of "action" oriented wording and proposes to remove specific actions and guidelines designed to address problematic policies and practices that have continued to contribute to the increasing inventory of lots in Puna that are not serviced with water and roadway infrastructure meeting minimum standards. For example, in Sec. 3.2.2.a, the removal of the sentence stating that "no further variances to permit re-subdivision of lots created by" water or road standard variances leaves the door open to the continued urbanization of

Puna agricultural lands without providing the appropriate infrastructure necessary to support an urban environment. Also, in Sec. 3.2.3.b, "Downzone all Agricultural-zoned parcels in the State Agricultural District in Puna, as follows..." becomes, "Recommend reviewing the rezoning of all Agricultural-zoned parcels...to a zoning that would be consistent with the goals and policies of the PCDP." The original text includes a formula for enabling larger parcels to be subdivided only into lots of 20 acres, 15 acres, or 2 acres, and to not allow subdividing parcels smaller than 5 ac. The proposed amendments strike out the formula with: "...reviewing the rezoning of all Agricultural-zoned parcels to a zoning...consistent with PCDP."

We believe it is important to remember that retaining the rural character of Puna and protecting natural and cultural resources has consistently been a paramount concern for Puna residents. The corrective actions and guidelines provided in Sec. 3.2 are critical to addressing continued loss of open space, availability of potentially productive agricultural lands and uncontrolled urban sprawl throughout the Puna district.

The Action Committee recommends the following for Sec. 3.2.3:

- **Sec. 3.2.3.a: Retain the following original second sentence:**

"There shall be no further variances to permit re-subdivision of lots created by such variances."

- **Sec. 3.2.3.b: Replace the original text with the following:**

"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."

- **Sec. 3.2.3.c: Amend the original text as follows:**

"Rescind the Urban Expansion Area designations in the County of Hawai'i General Plan LUPAG, except where they correspond to the recommended Preliminary Regional Town Center boundaries and existing urban type zoning for Kea'au and Pāhoā as illustrated in Chapter 5."

6. **Relocate the Kea'au and Pāhoā Transfer Stations.** [Ref. Ch. 3, Sec. 3.4.3.g] Concern over existing and anticipated traffic issues as a by-product of the current locations for the Kea'au and Pāhoā Transfer Stations has been clarified to be the primary reason for the action calling for their relocation. Some residents of Pāhoā Town and other areas south of the village appear to use the Ka'ōhe Homestead Road that passes through the Pāhoā public school campus to access the Pāhoā Transfer Station. The only other means of access is from Apana Road off of Pāhoā Village Road, which is also the access road for a number of residences along its south side. Also, the driveway access off Hwy. 130 to the Kea'au Transfer Station has become increasingly dangerous and without significant intersection safety improvements, it is likely to become even more dangerous.

easily implementable, and probably much less costly, can effectively address the traffic issues and safety concerns that prompted this action.

The Action Committee recommends replacing the text in Sec. 3.4.3.g with the following:

“Future development plans, including any roadway creation or improvement projects, within the vicinity of the Kea‘au and Pāhoa Transfer Stations shall include modification to access routes and intersections as may be reasonable and necessary to minimize transfer station traffic on streets adjacent to any school or residential uses and to maximize access and egress safety at intersections with connecting roadways.”

7. Convert Pāhoa Regional Park’s existing fire station to a one-stop community center... [Ref: Ch. 3, Sec. 3.5.3.c.] Two separate amendments to this section were initially proposed at the time the PCDP was being considered by the Council for adoption. According to written testimony submitted to the Planning Commission by the members of the Social Services Working Group during the PCDP adoption process, the recommendation for use of the old fire station focused on establishing a “one-stop” services center that did not include a senior center with certified kitchen. However, the inclusion of facilities for senior services within the old fire station may be worth serious consideration provided broad consensus within the P.hoa community can be reached in support of such use.

The Action Committee recommends amending the text in Sec. 3.5.3.c. 2nd bullet item with the following:

“(1) Convert the existing fire station into a senior center with certified kitchen for congregate meals program and activities/dining room as well as a one-stop center providing other services such as, support and advocacy for affordable housing, employment, home bound access, child care, teen pregnancy, substance abuse and domestic violence intervention;”

8. Identification of traffic calming features. [Ref. Ch. 4, Sec. 4.4.3.a. 3rd bullet item] While highway widening might be considered in the proposed study to have some potential as a traffic calming feature, it is generally a feature designed to improve roadway capacity (generally through higher speeds) and safety.

The Action Committee notices there is no reference to roundabouts in this section. We consider this to be an important alternative, and that roundabouts should be specifically referred to in the text as a consideration for traffic calming measures.

The Action Committee recommends amending the text in Sec. 4.4.3.a. 3rd bullet item as follows:

“Conduct a study to determine the most efficacious way to create greater highway safety for all travel modes, including a cost benefit analysis for each studied method, and consideration of a wide range of traffic calming features, the use of frontage roads, roundabouts, and various types of intersection controls;”

9. Proposed amendments related to Village/Town Center Formation. [Ref: Ch. 5, Sec. 5.2.1: Zoning Designations & 5.2.3: Use and Design Standards] The revised language offered in Bill 194 combined with the proposed amendments to the Regional Town and Village Center maps (Fig. 5-1 through 5-11), where the word “preliminary” is removed from the legend identifying village center boundaries, appears to be an attempt to absolutely fix these boundaries within the PCDP. This would add an unnecessary obstacle to the potential development of any village center by requiring an amendment to the Puna CDP to include any lands outside the fixed boundaries. It might also be interpreted to restrict development in accordance with existing zoning or to even downzone some existing urban type zoning designations within the boundaries. Having village center “floating zone” designations adopted into the Zoning Code allows for the flexibility needed to expedite development of village centers as the local need, opportunities, resources, and community consensus mature. The ideas expressed in the revised language in this section are generally consistent with some of the provisions that should be incorporated in each “floating zone” designation.

Additionally, Bill 194 proposes the deletion of entire sections from the four-column matrix (Table 5-1) that describes General Use and Design Guidelines for regional, community, and neighborhood village centers. This would remove specific criteria intended to define size and appearance guidelines in a generalized matrix that allows appropriate flexibility for each village center to reflect the individual character and vision of their respective communities.

For example, vernacular architecture is a term used to categorize methods of construction which use locally available resources to address local needs. Vernacular architecture tends to evolve over time to reflect the environmental, cultural and historical context in which it exists. It has often been dismissed as crude and unrefined, but also has proponents who highlight its importance in current design.

--Holm, Ivar (2006). *Ideas and Beliefs in Architecture and Industrial design: How attitudes, orientations, and underlying assumptions shape the built environment.* Oslo School of Architecture and Design. ISBN 8254701741.

Previous objections to the content in Table 5-1 appear to have been primarily focused on the limitations imposed on commercial space square footage pertaining to the Regional Town Center criteria, specifically Kea‘au Regional Town Center. We suggest that further study may be necessary to identify appropriate limitations on the combined total and individual commercial floor space area that may be necessary to determine an appropriate balance that facilitates economic viability for implementing the village plan concept without compromising the economic viability of their development. This could be accomplished, and the findings incorporated, in the drafting and adoption of the “floating zone” designations.

However, it is important to understand what is contemplated when talking about a “regional service area.” The three Regional Town Centers proposed in the PCDP are identified not only by the logical locations of the existing Kea‘au and Pāhoā commercial centers, but also by the likely increases in population due to the existing availability of relatively inexpensive lots and historical growth patterns since these lots were created. No one of the proposed Regional Town Centers can effectively serve as the primary

objectives of the PCDP. It is also important to remember that no provision of the PCDP prohibits or restricts the residential, commercial or industrial development of any lands in Puna under those existing zoning designations. While areas of WH Shipman, Ltd. (WHS) lands mauka of Hwy. 11 are preliminarily designated for development as the Kea'au Regional Town Center, the PCDP does not obligate WHS to include the existing MCX and MG zoned areas in the Town Center. Only requests for zoning changes for commercial or light industrial uses not within designated village/town centers would require conformance with the general use and design criteria provided in Table 5-1 as they may be adopted in a "floating zone" designation.

Of separate concern is the possible emergence of very large, "super-size" commercial outlets in a Regional Town Center. Although these are popular in the major urban areas of Hilo and Kailua-Kona, many residents oppose the possibility that such stores will appear in Kea'au or P.hoa. There are legitimate concerns about traffic congestion, loss of open space in the commercial zone, general deterioration of the rural/urban landscape, and especially the economic impact such stores might have on local merchants that might be located in the smaller village and neighborhood centers throughout Puna. Ironically, many people have no objection travelling long distances to Hilo or Kailua-Kona in order to visit the several "super-size" stores that have developed there.

The Kea'au Town Conceptual Master Plan (KTCMP) clearly embraces many of the Principles of Smart Growth that actually lie at the heart of the village center concept. This is especially so for the Kea'au Waena, or "Old Town", planning area makai of Hwy. 11 where significant opportunities for in-fill and redevelopment exist. With possible refinements through a more broad-based community process and a clearer level of consensus within the Kea'au Village community, the KTCMP could serve well as the master plan in an application for assigning the "floating zone" to proposed project areas.

Bill 194 further proposes to amend the Preliminary Village Center Boundaries for Kea'au Regional Town Center and the Volcano Community Village Center as depicted in Figures 5-1 and 5-4 respectively. The proposed boundary revision for Kea'au expands the boundary to include the undeveloped industrial zoned lands immediately adjacent to Shipman Industrial Park. For the reasons discussed above, it does not appear that this proposed boundary adjustment is of any particular consequence unless WHS or a subsequent landowner seeks to change the zoning on these lands. However, the boundary revision proposed for the Volcano Community Village Center expands the preliminary village center area for the existing Volcano Village portion to include the A-20a zoned parcels between Old Volcano Road and Hwy. 11 and Wright Road and Hale 'O'hia Road. Out of deference to the Volcano Long-Range Plan (Revision 2007), which specifically amended its predecessor Volcano Vision 2020 Plan by removing lands makai of Old Volcano Road from the village commercial zone, the PCDP also excluded these lands from the Preliminary Community Village Center.

The Action Committee recommends:

- **Retaining Table 5-1 as originally adopted.**
- **Amending Sec. 5.2.3, 1st par., 2nd sentence as follows:**

“Table 5-1 suggests guidance on the scale, uses, and general site and design characteristics for three types of town/village centers that may be defined in the town/village center “floating zone” designations to be adopted.”

- **Retaining the original wording of Ch. 5, Sec. 5.2.1, 5.2.2 and 5.2.3, except as otherwise noted in these recommendations.**
 - **Retain the original Preliminary Village Center Boundary for each Village Center map as shown in Figures 5-1 through 5-7, and 5-9. Also retain use of the word “Preliminary” in the legend of all village center maps indicating the village center boundaries, and the text for each Regional Town Center, Community Village Center and Neighborhood Village Center, except as otherwise noted in these recommendations.**
10. Proposed amendment to add a new Section 5.2.4 Industrial Zoning. The Action Committee supports this amendment as presented in Bill 194.

The Action Committee recommends that in the event this amendment is adopted Fig. 5-3 should be amended to add a Preliminary Village Center Boundary for the additional industrial area along 33rd Ave. on the Kea‘au side of Maku‘u Dr.

11. **The Action Committee has no objections to all other amendment proposals in Bill 194.**

We commend Council for its thorough and thoughtful review of the PCDP, and thank Council for the opportunity to comment.

ADDITIONAL NON-SUBSTANTIVE & FORMATTING AMENDMENTS

Puna CDP Community Planning Assistant, Rachelle Ley, submitted a table (Exhibit A) of additional non-substantive amendments to the Puna CDP that are not addressed in Bill 194. These amendments consist primarily of spelling and punctuation corrections, a few grammatical changes to improve clarity, and formatting changes that replace dash bullet listings with item numbering throughout the plan.

The Action Committee recommends approving all of the amendments listed in Exhibit A.

AMENDMENT PROPOSED BY FRIENDS OF PUNA’S FUTURE

The Friends of Puna’s Future (FoPF) amendment proposes the addition of a new Action item (l) to Sec. 3.1.3 as follows with corresponding additions to the appropriate sections of the Implementation Table:

1. Create Village/Town Center Steering Committees to serve as conduits of community-based input with responsibilities that will include:

- Interfacing directly with residents and other stakeholders in the community, the Planning Department and the PCDP Action Committee on Village/Town Center planning and zoning proposals.
- Determining community residents' general desire or lack of desire concerning proposed Village/Town Center designation in their community.
- Refining proposed boundaries of the Village/Town Center to reflect community input and revising map(s) accordingly for submittal to the Action Committee and inclusion into the PCDP.
- Reviewing site specific land use and design control proposals for Village/Town Centers and making recommendations in support of community input.

The purpose of the proposed Village Center Steering Committees (VCSC) is to ensure local community participation in the development of master plans for their respective town and village center. It is presumed that local management of town and village centers would engage the residents who are most affected by such developments. Such empowerment of local communities is certainly consistent with the spirit and design of the PCDP, and might do much to neutralize a perception that county government does not properly serve their interests

The Action Committee recommends approval of the FoPF proposed amendment regarding the creation of Village/Town Center Steering Committees.

AMENDMENT PROPOSED BY HAWAIIAN SHORES COMMUNITY ASSOCIATION

The Board of Directors of Hawaiian Shores Community Association (HSCA) has requested that their 12-acre "Stables" parcel not be designated as the potential site of a Neighborhood Village Center in their community. [Ref: Ch. 5, p. 5-14] HSCA objects to a presumption by PCDP planners that such a center might be located at the site where they intend to carry out major improvements to their private centralized water delivery system. Furthermore, they consider that they were not properly consulted when the decision was made to indicate a village center there. They believe their commercial and social needs are adequately met in Pāhoa Town, an additional 4 miles distant.

Additionally, we believe a more proper name for any village center within the vicinity of the Hawaiian Beaches, Hawaiian Shores and Hawaiian Parks subdivision should be called the Hawaiian Beaches and Shores Neighborhood Village Center until such time as the local affected communities agree on a more permanent name[Ref: Ch. 5, p. 5-14]

The Action Committee recommends deleting the "Hawaiian Beaches Neighborhood Village Center portion, including Figure 5-8, of Section 5.2.3 and amending Figure 3-2 by replacing the Neighborhood Village Center symbol at the Hawaiian Beaches, Parks and Shores location with a Future Location Subject to Community Review symbol.

AMENDMENT PROPOSED BY KALAPANA SEAVIEW ESTATES COMMUNITY ASSOCIATION

[Ref: Ch. 4, p. 4-10, Sec. 4.5.3.f, 9th bullet] The Kalapana Seaview Estates Community Association (KSECA) oppose the suggestion for placing a restroom and public telephone “below Seaview before Kehena Beach.” They suggest an alternative site for these facilities: Kehena Beach or the bluff in front of Puna Palisades.

The Action Committee recommends the following replacement language for Sec. 4.5.3.f, 9th bullet:

“Develop at least one scenic turnout near Kehena Beach that includes restroom facilities and an emergency phone”

AMENDMENTS PROPOSED BY HAWAIIAN PARADISE PARK HOMEOWNERS ASSOCIATION

The Hawaiian Paradise Park Homeowners Association (HPPOA) requested the following amendments to the Puna CDP.

- 1) Amend the first sentence on Pg. 5-10 by replacing the figure “8,804” with “8,835” which the HPPOA states is the total number of lots in the subdivision.
- 2) Include reference to the fact that HPP contains 137 miles of private roads that are open to the public.

The 8,804 parcels referenced in the PCDP represents the total number of Tax Map Key parcels according to Real Property Tax Office records at the time the PCDP was adopted. The 8,835 figure represents the total number of lots that were originally created by the various subdivision increments creating Hawaiian Paradise Park. Over the years a number of the original lots have been consolidated, thus reducing the total number of parcels and building sites, thus accounting for the discrepancy.

While there is no dispute about the number of miles of private roads within HPP, or the fact that the public is allowed unrestricted access over these roads, this condition exists among the many subdivisions in Puna serviced by private roadways and is not unique to HPP.

The Action Committee recommends retaining the original text on Pg. 5-10 in the Puna CDP.

AMENDMENTS PROPOSED BY ALL LAND OWNERS OF HAWAIIAN ACRES (ALOHA)

The subcommittee understands this group represents only a fraction of the land owners in Hawaiian Acres. However, they have been persistent and attentive to Action Committee activities, in the absence of more formal representation from HACA. This group proposes three resolutions:

- 1) Maintain present zoning in order to prevent establishing Community Parks where they are proposed in PCDP [3.5.3.c.]
- 2) Delete reference to Hawaiian Acres in PCDP 4.3.3.a, which proposes connectivity among Fern Acres, Nanawale, and Orchidland, and hence to most other subdivision in the District.
- 3) Establish a protected forest within the Community.

The ALOHA request cites several concerns over Community Parks and connector roads, such as redundancy of Park area, harm to native plants and animals from road construction, disturbance of affected land owners, harmful topographic consequences of road construction or improvement, and failure of county and state officials to properly evaluate environmental and social impacts.

In addition to concerns over community parks and connector roads, ALOHA proposes to delineate an area of protected forest within the community, presumably between C and D Roads, 1-11 streets. Ownership and status of this area is not noted, nor is any reference to the biological or cultural values of the proposed forest.

The location of this subdivision among many in the center of the Puna District requires road connectivity, at the very least in order to provide alternative routings into, out of, and among all subdivisions. It should be noted that the PCDP is deliberately vague about the exact locations for inter-subdivision points of connectivity as it was considered by the Steering Committee a detail that should be worked out with all appropriate stakeholders, especially local residents and homeowner/community associations.

The Action Committee recommends:

- **Amending Sec. 3.5.3.c, 1st bullet item, 1st sub-bullet item as follows:**
“Hawaiian Acres subdivision at three sites to be determined later through a community involvement process.”
- **Retaining reference to Hawaiian Acres in Ch. 4, Sec. 4.3.3.a.**
- **Deferring support for a protected forest in Hawaiian Acres until the community produces a credible biological survey, along with accurate maps, assessment of property ownership in the subject area, and a certifiable statement that the area is worthy of special protection. At that time, HACA might apply for proper re-zoning of the proposed area.**

AMENDMENT PROPOSED BY FOSTER KERN, LLC

Foster Kern, LLC, owner and developer of the proposed Ulupono commercial center, seeks to enlarge the Kea‘au Regional Town Center preliminary boundary to include 28 additional acres. This area would be south of the Kea‘au By-pass (Hwy 130) in the area of Milo St, the old Kea‘au sugar mill, and other developing commercial sites nearby. Some parcels in the MCX zoned initial phase have already been sold and Foster Kern

Ms. Bobby Jean Leithead Todd
Planning Director
Page 13
April 16, 2010

wants to secure similar zoning for their adjacent parcels totaling approximately an additional 17 acres.

The Action Committee feels that the existing industrial and mixed commercial-industrial zoning in the Ulupono area, combined with the existing similar zoning mauka of Hwy. 11 already provides adequate commercial and industrial zoning to serve the Kea'au regional population. It is also noted that the Ulupono area is particularly less suitable for preferred town center mixed use type development due to its physical separation from the heart of the existing Kea'au Village by the Kea'au By-pass and its close proximity to the existing General Industrial zoning and HELCO's Kea'au power plant.

The Action Committee recommends rejecting this request to amend the preliminary boundary of Kea'au Regional Town Center as shown in Figure 5-1 at this time. A proposal to include additional areas outside the preliminary boundary should be addressed in the Kea'au Regional Master Planning effort.

AMENDMENT PROPOSED BY TOBY HAZEL TO EXPAND HELE-ON BUS SERVICE

The Hele-On transit system currently does not provide bus service to either of the two major airports in Hawai'i County.

The Action Committee recommends adding the new Action item "I" to Sec. 4.2.3 and to the corresponding section of the Implementation Table as follows:

"Expand Hele-On transit service to include regular service to both the Hilo and Keahole International Airports from all existing and future service routes."

Implementation Table: Add

"Expand MTA to provide bus service to Hilo and Keahole Airports."

The Puna CDP Action Committee wishes to express its thanks and appreciation to the Planning Director and County Council for providing the residents of Puna with this opportunity to comment on the amendments proposed in Bill 194 and to provide our considered recommendations to those amendments as well as those offered by various interests within the Puna community. We remain available to respond to any questions or concerns that you, the Planning Commission or the County Council may have regarding the content of this report.

Sincerely,



Frank Commendador, Vice-Chair
Puna CDP Action Committee

Encl: Exhibit A