DATE: April 5, 2011 (Tuesday)

PLACE: Council Chambers
Hawai‘i County Building
25 Aupuni St.
Hilo, Hawai‘i

TIME: 1:30 p.m.

(Note: Please turn cell phones, pagers and other mobile communication devices on silent mode.)

CALL TO ORDER

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

REFERRALS

Comm. 136: AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – THREE ACRES (A-3a) TO SINGLE-FAMILY RESIDENTIAL – 40,000 SQUARE FEET (RS-40) AT WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY 2-4-070:PORTION 001 (Applicant: Michael and Marcia Frenz) (Area: one acre)


Comm. 137: AN ORDINANCE AMENDING THE PUNA COMMUNITY DEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE NO. 08-116 AND AMENDED BY ORDINANCE NO. 10-104, RELATING MASS TRANSIT HELE-ON SERVICE TO THE HILO AND KEAHOLE INTERNATIONAL AIRPORTS; and

(Note: Bills 36 and 37, also related to Comm. 137, continue on the following page.)
(Bill 36) AN ORDINANCE AMENDING THE PUNA COMMUNITY DEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE NO. 08-116 AND AMENDED BY ORDINANCE NO. 10-104, RELATING TO TRANSPORTATION; and

(Bill 37) AN ORDINANCE AMENDING THE PUNA COMMUNITY DEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE NO. 08-116 AND AMENDED BY ORDINANCE NO. 10-104, RELATING TO COMMUNITY PARKS


UNFINISHED BUSINESS:

Comm. 40.3: (Bill 304, Dr. 2) AN ORDINANCE AMENDING THE HAWAI’I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), BY ADDING A NEW CHAPTER RELATING TO IMPACT FEES

From Councilmember Pete Hoffmann, dated March 2, 2011, transmitting the above bill. This new chapter would impose impact fees on new developments and construction to provide infrastructure for roads, parks, fire/EMS, police, solid waste, and wastewater. The following fees would be established, calculated by land use type, and would be paid at the time of issuance of a building permit, or, for subdivisions, upon final subdivision approval: Single-Family (per dwelling), $6,387; Duplex or Multi-Family (per dwelling), $4,734; Hotel/Motel (per room), $4,210. The following land uses, fees are calculated per 1,000 square feet of gross floor area: Retail/Commercial, $4,968; Office, $3,607; Industrial, $2,275; Warehouse, $1,350; Church/Synagogue, $2,074; School/College, $1,080; Hospital, $5,451; Nursing Home, $1,903; Other Institutional, $3,607.

Postponed: October 19, 2010
Postponed: January 4, 2011
Postponed: March 3, 2011

(Note: There is a pending motion made by Mr. Hoffmann and duly seconded by Ms. Ford to recommend passage of Bill 304, as amended, on first reading.)

ADJOURNMENT

The meeting place is accessible for persons with disabilities. Persons who need special accommodations for this meeting should call 961-8245 by March 30, 2011. Relay users please call 711-961-8245 to contact our office.

Copies of this agenda and items listed on the agenda are available on the County Council-Clerk web page at http://co.hawaii.hi.us/council/agendas_and_actions.htm. For further information, please call 961-8245.
Public Attendance Via Videoconference is available at the following locations until 4:30 p.m., or later in the event public witness testimony has not been completed:

- Kona Council Office, at the West Hawai‘i Civic Center, 74-5044 Ane Keohokalole Highway, Building A;
- Waimea Council Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5.

If for technical or other unanticipated circumstances the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

Submitting Testimony: Those submitting written testimony at the meeting should bring fourteen (14) copies for distribution. Public testimony may also be submitted before 12:00 noon on the business day prior to the meeting (1) by mail to the County Clerk’s Office in Hilo at 25 Aupuni St., Hilo, Hawai‘i, 96720; (2) by facsimile to (808) 961-8912; or (3) by e-mail to counciltestimony@co.hawaii.hi.us. Please submit separate testimony for each item.

Viewing of Meetings on Government Access Television - Channel 52:
Human Services, Social Services and Public Safety; and Planning Committee meetings - Tuesdays, April 12 and 19, 2011 at 7:00 a.m. and 6:30 p.m. Public Works and Parks and Recreation; and Finance Committee meetings - Thursdays, April 14 and 21, 2011 at 7:00 a.m. and 8:30 p.m. All four Committee meetings - Saturday, April 16, 2011 at 8:00 a.m. and 5:00 p.m. These airtimes are subject to preemption by broadcasts from the State Legislature.
March 3, 2011

Honorable Dominic Yagong, Chairman
and Members of the County Council
County of Hawai‘i
25 Aupuni Street
Hilo, HI 96720

Dear Chairman Yagong and Members:

Change of Zone Application (REZ 10-000134)
Applicant: Michael and Marcia Frenz
Request: A-3a to RS-40
Tax Map Key: 2-4-70:portion 1

✓ Initiator: Planning Director
Amendments to Puna Community Development Plan (CDP)

As required by Chapter 4, Sec. 6-4.3(C), Hawai‘i County Charter, transmitted herewith for the County Council’s consideration and action are the Windward Planning Commission’s letters and enclosures regarding the above-referenced requests.

Sincerely,

William P. Kenoi
Mayor

Enclosures
cc: Planning Department

(Bills 35, 36 + 37)
The Honorable Dominic Yagong, Chairman
and Members of the County Council
County of Hawai‘i
25 Aupuni Street
Hilo, HI 96720

Dear Chairman Yagong and Council Members:

Initiator: Planning Director
Amendments to Puna Community Development Plan (CDP)

The Windward Planning Commission at its duly held public hearing on February 3, 2011, considered the Planning Director’s request for amendments to the Puna CDP, as adopted by Ordinance No. 08-116 and amended by Ordinance No. 10-104, relating to (1) mass transmit Hele-On service to the Hilo and Keahole International Airports, (2) transportation, and (3) community parks. The amendment request relating to the Hawaiian Beaches Neighborhood Village Center was withdrawn by the Planning Director at the hearing.

The Commission voted to forward favorable recommendations to the County Council on the requests.

The draft bills are attached for your favorable consideration. We have also enclosed a copy of the Planning Director’s letter to the Windward Planning Commission dated January 11, 2011, as well as a transcript of the hearing for your information.

Sincerely,

Zendo Kern, Chairman
Windward Planning Commission

Initiated-amendments to Puna CDP
Enclosures
cc: Amy Self, Esq.

Hawai‘i County is an Equal Opportunity Provider and Employer
January 11, 2011

Mr. Zendo Kern, Chairman
Windward Planning Commission
101 Pauahi Street, Suite 3
Hilo, Hawai‘i 96720

Dear Chairman Kern and Commissioners:

Subject: Proposed Amendments to the Puna CDP
Planning Director’s Recommendations

Background

Bill 194 was introduced by the County Council to initiate amendments to the Puna Community Development Plan (“CDP”) and was adopted by Ordinance No. 10-104 by the County Council in September 2010. At the time Bill 194 was being considered, the Puna CDP Action Committee (PCDP AC) recommended several additional amendments, some of which agreed with and noted in my May 11, 2010 recommendations letter to the Windward Planning Commission would be introduced after Bill 194 had either been adopted or rejected.

Of the six (6) additional amendments recommended by the PCDP AC, five (5) were substantive amendments that could not be considered within the context of Bill 194. The sixth amendment recommended by the PCDP AC proposed some additional non-substantive formatting and clerical amendments to those included in Bill 194. These additional formatting and clerical amendments were not adopted by the County Council due some confusion with respect to the non-substantive amendments provided in Bill 194.

The Windward Planning Commission voted on a motion to send a favorable recommendation on Bill 194 to the County Council its June 4, 2010 public hearing, with two votes in favor and two votes against. By Rule 2-28.1 (Community Development
Mr. Zendo Kern, Chairman  
Windward Planning Commission  
January 20, 2011  
Page 2

Plan), Hawai‘i County Code, the Windward Planning Commission’s non-action constituted an unfavorable recommendation on the Bill 194.

PLANNING DIRECTOR’S RECOMMENDATIONS ON ADDITIONAL AMENDMENTS RECOMMENDED BY THE PUNA CDP ACTION COMMITTEE

By letter dated April 16, 2010, the Director received the recommendations of the Puna Action Committee. Of the six additional amendments recommended by the PCDP AC that I agreed to introduce for adoption, four are substantive and being presented by this petition as follows:

1. **Amendment proposed by Hawaiian Shores Community Association (HSCA)** to remove the text and map (Figure 5-9: Hawaiian Beaches Neighborhood Village Center) from Section 5.2.3. The president of the HSCA provided written and oral testimony to the PCDP AC objecting to the suggestion in the subject text and map that the lands owned by the HSCA be considered as a logical location for a Neighborhood Village Center.

   In order to preserve the opportunity for developing a village center within or adjacent to the Hawaiian Shores, Hawaiian Beaches and Hawaiian Parks subdivisions, the village center designation on Figure 3-2: Proposed Town and Village Center Locations for the Hawaiian Beaches, Parks and Shores symbol is amended to a small brown square representing a “Future Location Subject to Community Review.”

   The Planning Director agrees with the proposed amendment labeled Exhibit 1 attached hereto.

2. **Amendment proposed by Kalapana Seaview Estates Community Association (KSECA)** to amend the language in Section 4.5.3f calling for the installation of restroom facilities and an emergency telephone “below Seaview before Kehena Beach.” The KSECA submitted written and oral testimony to the PCDP AC objecting to any proposal to site such facilities in the immediate proximity to their community park grounds along Highway 137. They suggested that siting of such facilities nearer to the pali trail down to Kehena Beach was more logical and appropriate for the public visiting the beach.
The Planning Director agrees with the proposed amendment labeled Exhibit 2 attached hereto.

3. Amendment proposed by All Landowners of Hawaiian Acres (ALOHA), an affiliation of individual landowners in Hawaiian Acres independent of the Hawaiian Acres Community Association, to “remove the planned Hawaiian Acres Community Parks” as designated in Section 3.5.3 c.

While Section 3.5.3 c of the PCDP identifies three approximate Community Park Sites to be sited in the vicinity of specific locations in Hawaiian Acres, leaving room for adjustment to the ultimate siting of such parks, the removal of specific site location language and inserting new language specifying that a community involvement process shall determine any future park locations in Hawaiian Acres is a reasonable compromise.

The Planning Director agrees with the Action Committee recommended amendment labeled Exhibit 3 attached hereto.

4. Amendment Proposed by Toby Hazel to expand Hele-on Bus Service to include regular service to both the Hilo and Keahole International Airports from all existing and future Hele-On service routes.

The Planning Director agrees in concept with the Action Committee recommended amendment labeled Exhibit 4 attached hereto.

Sincerely,

BJ LEITHEAD TODD
Planning Director

Attachments: Exhibits 1 through 4

cc: Mr. Larry Brown, Long Range Planning
COUNTY OF HAWAI'I STATE OF HAWAI'I

BILL NO. __________

ORDINANCE NO. __________

AN ORDINANCE AMENDING THE PUNA COMMUNITY DEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE NO. 08-116 AND AMENDED BY ORDINANCE NO. 10-104, RELATING TO THE HAWAIIAN BEACHES NEIGHBORHOOD VILLAGE CENTER.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Chapter 3, section 3.1 (Land Use Pattern), of the Puna Community Development Plan (as amended), is amended by replacing Figure 3-2: Proposed Town and Village Center Locations with the revised Figure 3-2 as shown in Exhibit A attached hereto. The revised Figure 3-2 changes the village center designation for Hawaiian Beaches, Parks and Shores subdivisions from “Neighborhood” to “Future Location Subject to Community Review.”

SECTION 2. Chapter 5, section 5.2 (Village Center Formation), subsection 5.2.3 (Use and Design Standards), Figure 5-9: Hawaiian Beaches Neighborhood Village Center, of the Puna Community Development Plan (as amended), is amended by deleting the map and corresponding text as shown in Exhibit B attached hereto, and Figure 5-10 (Orchidland Neighborhood Village Center) and Figure 5-11 (Nānāwale Neighborhood Village Center) shall be renumbered accordingly as shown in Exhibits C and D respectively and attached hereto.

SECTION 3. Material to be repealed is bracketed and stricken. In re-printing this ordinance or the Puna Community Development Plan (as amended), the brackets and bracketed and stricken material need not be included. As necessary, the table of contents, header/footer, and page numbers of the Puna Community Development Plan (as amended) shall be revised to correspond with the amendments provided in this ordinance.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are to be severable.
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI’I

_____, Hawai‘i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:
EXHIBIT A

Figure 3-2: Proposed Town and Village Center Locations
Amending Chapter 5, Section 5.2.3, by deleting Figure 5-9 and the text description for the Hawaiian Beaches Neighborhood Village Center, and renumbering the remaining Figures as shown in Exhibits C and D.

[Hawaiian Beaches Neighborhood Village Center]

The Hawaiian Shores Community Association owns nearly 12 acres at the entrance to the subdivision across the street from the Keonepoko Elementary School. The largest of the association's parcels already contains a 2,304 square foot building, presumably used as a community center. The combined area is suitably sized and situated for a village center. Access to the center would be provided along A'ama Street, Kahakai Boulevard, and Naha Wele. Four vacant parcels across A'ama Street totaling 2.19 acres could be acquired for expansion of the village center. The entire site is within the State Urban District.

Figure 5-9: Hawaiian Beaches Neighborhood Village Center
EXHIBIT C

Figure [5-10] 5-9: Orchidland Neighborhood Village Center
EXHIBIT D

Figure [5-14] 5-10: Nānāwale Neighborhood Village Center
COUNTY OF HAWAI‘I   STATE OF HAWAI‘I

BILL NO. __________

ORDINANCE NO. __________

Exhibit 2

AN ORDINANCE AMENDING THE PUNA COMMUNITY DEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE NO. 08-116 AND AMENDED BY ORDINANCE NO. 10-104, RELATING TO TRANSPORTATION.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I:

SECTION 1. Chapter 4, section 4.5 (Non-Motorized Travel and Scenic Byways), subsection 4.5.3 (Actions), of the Puna Community Development Plan (as amended), is amended by amending paragraph (f) to read as follows:

“f. Improve Highway 137 (Red Road) as a scenic corridor by:
   – Requiring a 15-foot easement along the frontage of private properties along the corridor within which native and mature trees of non-invasive species must be retained, unless they are in poor health due to natural conditions, not due to malicious acts, and/or pose a threat to public health and safety;
   – Preserving Mango, Kamani, and Monkeypod groves and tree tunnels;
   – Providing property tax relief to owners who maintain the easement in the manner intended and State tax credits to those who replant easements with non-invasive plant material approved by the County;
   – Adding interpretive markers and small visitor parking areas at historical sites, such as the two Kehena sites listed in the General Plan;
   – Providing pullouts along the highway at intervals so that travelers can stop to enjoy the scenery without conflict with traffic in travel lanes;
   – Delineating and maintaining physical access to the shoreline at appropriate locations on the makai side of the road;
   – Minimizing tree pruning by using special, shielded cable for overhead utility lines or by undergrounding sections of the line;
   – Minimizing excessive lighting by limiting street lights to major intersections and informing residents along the corridor about how to reduce illumination of driveways;
   – [Adding a restroom and emergency phone below Seaview before Kehena Beach]
   – Develop at least one scenic turnout near Kehena Beach that includes restroom facilities and an emergency phone;
   – Creating a simple walking trail on the lava and new parking area with restrooms on the State owned accretion land at the new Kaimū Beach;
   – Posting warning signs, where appropriate, in newly realigned sections; and
   – Covering old section of road with cinder soil to allow Naupaka to reclaim the land.”
SECTION 2. Material to be repealed is bracketed and stricken. Material to be added is underscored. In re-printing this ordinance or the Puna Community Development Plan (as amended), the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are to be severable.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI‘I

, Hawai‘i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:
ORDINANCE NO. __________

Exhibit 3

AN ORDINANCE AMENDING THE PUNA COMMUNITY DEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE NO. 08-116 AND AMENDED BY ORDINANCE NO. 10-104, RELATING TO COMMUNITY PARKS.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I:

SECTION 1. Chapter 3, section 3.5 (Parks and Recreation), subsection 3.5.3 (Actions), of the Puna Community Development Plan (as amended), is amended by amending paragraph (c) to read as follows:

“c. Improve and expand Community Parks as follows:

- Develop new Community Parks in:
  - Hawaiian Acres subdivision at three sites [approximately 1] near the mauka terminus of Orchidland Drive, 2) between 6th and 7th Roads and D and F Roads; and 3) near Fern Acres at the mauka end of E Road; to be determined later through a community involvement process;
  - The North Kulani Road area, between Ihope and Huina Roads;
  - Glenwood, on makai side of South Glenwood Road;
  - Nānāwale Estates subdivision;
  - Leilani Estates subdivision;
  - Orchidland Estates subdivision;
  - The mauka portion of Hawaiian Beaches subdivision.

- Pāhoa Regional Park: (1) Convert the existing fire station into a one-stop community center providing, but not limited to, a senior center with certified kitchen for congregate meals program and activities/dining room, linkages, support and advocacy for affordable housing, employment, home bound access, child care, teen pregnancy, substance abuse and domestic violence intervention; (2) Repair pump and provide solar heating system and heat-retaining cover for swimming pool; (3) Provide art center and covered performance stage; (4) Provide children’s museum and playground; (5) Develop skateboard park; (6) Provide sheltered picnic areas; (7) Build loop access road to lessen traffic on Pāhoa main street; and (8) Provide lighted parking areas and walking paths linked to Pāhoa village center.

- Shipman (Kea‘au) Regional Park: (1) Interior fencing and rearrange the parking layout to reduce safety hazard to children chasing balls; (2) More shade, seating, and picnic tables for attendees at games and events; (3) Large pavilion for team and family activities; (4) Additional fields for football and baseball; and (5) Additional lighting and restrooms. Develop a new gym at Shipman Regional Park or acquire the National Guard Armory for this use.
-- Develop a new District Park on a 20-acre parcel owned by Hawaiian Paradise Park Owners' Association at 16th Avenue and Maku‘u Drive. Improvements would include a swimming pool, a gym, field complex and community center.

-- Develop recreational programs to complement use of Cooper Center and Volcano Community Park in partnership with the Volcano Community Association.

-- Provide accessibility, playground and other improvements at Mountain View Community Park and A. J. Watt Gym.

-- Expand hours of operation and night lighting for some outdoor activities at regional and larger community parks to serve working adults and young retirees.

-- Develop a new senior center in Mountain View with a certified kitchen for a congregate meals program, room for activities and dining, restrooms, and van vehicle and staff.

-- Provide in each village center a recreational park and village green that is scaled and designed to fit the needs of the community that the village center serves.

-- To supplement Community Parks, make recreation facilities and meeting rooms at public schools available for community use after school hours, whether through direct requests from a community representative to a school principal or a formal standing agreement between the County and the Department of Education.

-- Create small parks as part of right-of-way acquisition for new connecting road segments between subdivisions (see Section 4.3). This may consist of lot remnants that are not needed for the right-of-way.”

SECTION 2. Material to be repealed is bracketed and stricken. Material to be added is underscored. In re-printing this ordinance or the Puna Community Development Plan (as amended), the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are to be severable.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI‘I

Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:
# PUNA COMMUNITY DEVELOPMENT PLAN

## Action Committee Meeting
January 20, 2011 - Kea'au Community Center, Kea'au
County of Hawaii Planning Department

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AN ORDINANCE AMENDING THE PUNA COMMUNITY DEVELOPMENT PLAN, AS ADOPTED BY ORDINANCE NO. 08-116 AND AMENDED BY ORDINANCE NO. 10-104, RELATING MASS TRANSIT HELE-ON SERVICE TO THE HILO AND KEAHOLE INTERNATIONAL AIRPORTS.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I:

SECTION 1. Chapter 4, section 4.2 (Mass Transit), subsection 4.2.3 (Actions), of the Puna Community Development Plan (as amended), is amended by adding a new paragraph (l) to read as follows:

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

SECTION 2. Chapter 5, section 5.3 (Implementation Table), subsection 4.2.3 of the Implementation Table of the Puna Community Development Plan (as amended), is amended to read as follows:

<table>
<thead>
<tr>
<th>4.2.3</th>
<th>Mass Transit</th>
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<tbody>
<tr>
<td>(A)</td>
<td>Prepare a county-wide Transit Master Plan</td>
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<tr>
<td></td>
<td>MTA FED X TBD</td>
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<td>(B)</td>
<td>Improve transit service operations by:</td>
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<td></td>
<td>- Increasing transit service to a minimum of two additional runs during peak</td>
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<td>hours</td>
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<td></td>
<td>- Establish demand responsive transit in subdivisions</td>
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<td></td>
<td>- Provide commuter express bus service from Pāhoa to Hilo and Volcano to</td>
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<tr>
<td></td>
<td>Hilo</td>
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<td></td>
<td>- Establish a hub-and-spoke transit system</td>
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<td>MTA FED X TBD</td>
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<td>(C)</td>
<td>Develop transit hubs at the following locations:</td>
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<td>- Kea'au (Primary Hub)</td>
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<td></td>
<td>- Pāhoa (Secondary Hub)</td>
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<td>- Volcano (Secondary Hub)</td>
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<td></td>
<td>- Mountain View (Secondary Hub)</td>
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<td>MTA FED X TBD</td>
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<tr>
<td>(D)</td>
<td>Provide park-and-ride lots at transit hubs and HPP</td>
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<td></td>
<td>MTA FED X X</td>
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<tr>
<td>(E)</td>
<td>Provide express bus service for commuters from Pāhoa to Hilo and Volcano</td>
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<td></td>
<td>to Hilo</td>
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<td></td>
<td>MTA FED X</td>
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<tr>
<td>(F)</td>
<td>Develop a cooperative program with public and private schools to provide</td>
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<td>student passes for the Hele-On Bus</td>
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<td>MTA DOE,LEG,NGOs X</td>
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<td>(G)</td>
<td>Launch public education campaign promoting transit services</td>
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<td></td>
<td>MTA NGOs X X X</td>
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<td>(H)</td>
<td>Cultivate public/private partnerships, such as employer-sponsored bus</td>
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<td>passes</td>
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<td>MTA NGOs, EML X X X</td>
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<td>(I)</td>
<td>Expand MTA staff to provide greater support for</td>
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<td>transit operations</td>
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<td>COU FIN,MTA X X</td>
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<td>Investigate other fare/ticketing incentives to increase ridership</td>
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<td></td>
<td>Work with DOT in creating safe pedestrian conditions for using mass transit</td>
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<tr>
<td></td>
<td>Expand Hele-On service to include regular service to the Hilo and Keahole International Airports</td>
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</tbody>
</table>

SECTION 3. Material to be repealed is bracketed and stricken. Material to be added is underscored. In re-printing this ordinance or the Puna Community Development Plan (as amended), the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are to be severable.

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI‘I

Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:
A regularly advertised hearing on the applications of the **PLANNING DIRECTOR RELATING TO THE PUNA COMMUNITY DEVELOPMENT PLAN**, was called to order at 11:59 a.m. in the County of Hawai‘i, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai‘i, with Chairman Zendo Kern presiding.

**COMMISSIONERS PRESENT:** Zendo Kern, Dean Au, Takashi Domingo, Wallace Ishibashi, and Stephen Ono

**STAFF PRESENT:** Julie Mecklenburg (Deputy Corporation Counsel), Phyllis Fujimoto (Staff Planner), Maija Cottle (Staff Planner), and Jeff Darrow (Staff Planner).

And 9 people from the public in attendance.

**ABSENT AND EXCUSED:** Rell Woodward

**APPLICANT: PLANNING DIRECTOR INITIATED**

Ordinance amending the Puna Community Development Plan, as adopted by Ordinance No. 08-116 and amended by Ordinance No. 10-104, relating to mass transit Hele-On service to the Hilo and Keahole International Airports.

**APPLICANT: PLANNING DIRECTOR INITIATED**

Ordinance amending the Puna Community Development Plan, as adopted by Ordinance No. 08-116 and amended by Ordinance No. 10-104, relating to Transportation.

**APPLICANT: PLANNING DIRECTOR INITIATED**

Ordinance amending the Puna Community Development Plan, as adopted by Ordinance No. 08-116 and amended by Ordinance No. 10-104, relating to Community Parks.

**APPLICANT: PLANNING DIRECTOR INITIATED**

Ordinance amending the Puna Community Development Plan, as adopted by Ordinance No. 08-116 and amended by Ordinance No. 10-104, relating to the Hawaiian Beaches Neighborhood Village Center.

KERN: Okay, we’re going to be doing all of these at the same time so we can get public testimony and have everybody do what they need to do so they can go home about their business. So one of them is amendment to Puna CDP’s mass transit, amendment to Puna CDP’s transportation, which neither of those we have public testimony signed up for, and amendment to the Puna CDP’s community parks, and the big one which everyone signed up for, the amendment to the Hawaiian Beaches NVC. So we’re going to ahead and start. I’d like to just have the public be able to do their testimony. We’ll get that so they can go; and then we’ll get the applicant to come up and do her testimony; and then we can move forward.

So we’re going to do three minutes on the testimony. You’ll be notified, then quick summary. And I’m going to call everyone up four at a time. We’re going to go with Charlene Hart, Pat Ketcham, Mary Anne De Mey, and Wallace Patch. You all come have a seat up here. If I can
get you, will you all please raise your right hand. Do you affirm or swear to tell the truth today before the Windward Planning Commission?

TESTIFIERS: Yes. I do.

KERN: Okay, very good. And as you recall that’s how it will start. And if you can start with your name and address, and then you may begin.

HART: Hi. I’m Charlene Hart, 15-2797 Popaa Street in Pahoa. And just as a matter of declaration, I sit on the Planning Appeals Board and I also have known Mr. Ishibashi for 15, 20 years.

As a resident of Hawaiian Shores Recreational Estates, I request that the Windward Planning Commission leave in place the text and map (Figure 5-9: Hawaiian Beaches Neighborhood Village Center) from Section 5.2.3 of the Puna CDP.

First, the prior testimony that was given by the Association against that part of the CDP was given without ratification by the membership. An undated memo to Rachelle Ley of the Action Committee, states that, “The Board of Directors for Hawaiian Shores Community Association resolved, though a motion, to submit a proposed amendment for consideration.” According to Rule 1 (General Rules) of the Planning Commission, “If testimony is being submitted on behalf of an organization, documentation showing membership ratification should accompany the testimony.” As a member of that Community Association, I was never offered an opportunity to ratify any recommendation for or against a village center on the property commonly referred to as “the stables.”

The second thing I want to comment on is Hawaiian Shores Community Association is a 501(c) (4) organization. And, as such, the IRS requires that we “must permit the general public to have access to any common areas it maintains.” In actuality, the use of our recreational facilities is “limited to Hawaiian Shores Community Association Members in good standing.” And that’s on our website. So it’s actually run like a private club. So my feeling is that a neighborhood village center serving Beaches, Shores and Shores Rec. Estates on “the stables” property would be good for our association in that it complies with the IRS requirements regarding general public access to common areas, and it could help us retain our nonprofit status.

So my appeal is please leave as is the text and map (Figure 5-9: Hawaiian Beaches Neighborhood Village Center) from Section 5.2.3 of the Puna Community Development Plan.

I haven’t read the entire plan myself but I think it’s a good working document; and I commend the people for all the work they put into it. Of course, it’s not a perfect plan, but I’m sure we’ll revisit it from time to time. Thank you.

KERN: Thank you. Any questions? Seeing none, Ma’am, name and address, and you may begin.

KETCHAM: Hi. My name is Pat Ketcham. I live at 15-2790 South Mano Street in Pahoa. I’m a resident, a member in good standing, and a former board member of Hawaiian Shores Community Association.

I would like to see the Puna Planning Commission leave the Hawaiian Beaches Village Center and the parcel as it was passed, or alternatively change it to be subject to community input.

First, the members of HSCA were not given the opportunity to vote on this request that was given to you by the Board of Directors.
Second, the 2006 Board proposed, and members ratified, a community center on that very parcel. That community center would have served the entire community.

Third, as a senior citizen I can foresee the need for supportive services, closer than Malama Market Center or Pahoa Town.

Fourth, in a democratic society it is only right to allow the membership of HSCA as a whole to have a say in the future use of this property. And a village center should be left as an option as none of us can say what the future would hold.

In conclusion I would like to see the Planning Commission retain the option for a village center on the parcel. Thank you.

KERN: Any questions? Seeing none -.

DE MEY: My name is Mary Ann De Mey. I live at 15-2778 Popaa Street, Pahoa. I also am a member in good standing of Hawaiian Shores Recreational Estates. I also am a former Board Member and I was the chair of the 2006 Board. And I brought to submit the annual membership meeting minutes that show that we did in fact approve a community center at that time. The vote was 211 yes votes, 94 no votes.

The proposal that was submitted to the Windward Planning Commission from the Hawaiian Shores Board of Directors was, as the two former ladies spoke, not shown to the membership. We didn’t have a right to have input on that. The 2006 (sic) Board of Director envisioned a community center to serve everything from baby showers to senior activities; and we felt that not only would it provide a gathering place but it would also, as Ms. Hart said, serve to reinforce our tax status; and at this point, again, they’re running it like a private club. And the Hawaiian Beaches, Hawaiian Parks, Hawaiian Shores are not included in our recreational facilities. If we had the community center our Board felt that all of the community should use that. One of the things that was in the testimony from this Board was that the traffic, we felt that the communities, if they stayed in their own community there wouldn’t be traffic out that critical curve on Kahakai Boulevard.

So I feel that this area is suitable for a village center. It would benefit the entire community. And I ask you to leave in place the CDP just as it’s written. Thank you very much.

KERN: Thank you. Any questions? Seeing none, you may begin - name and address.

PATCH: My name is Wallace Patch. I live at 15-2778 Papio Street in Hawaiian Shores Rec. I’ve lived there for over 30 years. I’m a semi-retired realtor; and I’ve been on the Board twice over the years. And we have such problems with the immediate board. It’s splitting the community. It’s sad to go to a meeting and listen to what’s happening. And to make this short, since nothing can be done with the stable anyway without HCA’s approval, why change the designation? So I say pass this proposed motion with a negative recommendation. Thank you.

KERN: Thank you. Any questions? Seeing none, you all may have a seat. Thank you very much. All right, calling forward Liz Kellogg, Erica Johnson, and Eileen O’Hara. Is there a Mrs. McDonald?

MCDONALD: Yes.

KERN: And you’d like to testify?
MCDONALD: On a different amendment.

KERN: That’s okay. Yeah, we’re putting them all together right now for their sake. So you’re welcome to come up. Please do. Okay, you may begin. Name and address, and go for it.

KELLOG: Okay. My name is Liz Kellogg and I live at 15-117 Papio Street. I’m a member in good standing of Hawaiian Shores; and I oppose removing the village center designation.

In our Articles of Incorporation, our 4th section, it states that no activities of the corporation shall consist of propaganda or attempting to influence legislation, which I feel they’re doing.

The dysfunction of our board, in what the judge called a frivolous lawsuit, has diminished our funds by $165,000. And only two of our eight board members right now have been elected. Every time somebody leaves, they put somebody of their own in there.

This request from our board doesn’t show the opinion of our wider community who didn’t get a chance to vote on it.

Nothing can occur on the property without the members approving it. So there’s no negativity by leaving the designation village commercial center there. We don’t want to foreclose our future options, which we would be doing if you voted for that.

And as a resident, I would like the Commission to give a negative recommendation to our board to remove the village center designation. Thank you.

KERN: Any questions? Seeing none, Ma’am.

JOHNSON: My name is Erica Johnson. I live at 15-119 Kuna Street. I’m an HSCA Member in good standing.

I don’t want you to change the designation of the village center because it’s not in -. I was on the planning committee, on the Village Center Committee. And when those designations were made they were primarily as placeholders so that the community as a whole could decide where a commercial area could be. And without, that was the only 10-acre spot in the development that wasn’t encumbered. So it was chosen primarily because it didn’t affect a specific landowner. You know, the community association is a number of landowners. So the community needs to have commercial area and by moving it, the amendment doesn’t put it some place else. So without having some place to have a commercial area in our neighborhood, it goes against the principals of the community plan. Thank you.

KERN: Thank you. Any questions? Seeing none, Ma’am, name and address and you may begin.

O’HARA: Aloha Commissioners. I am Eileen O’Hara. I live at 15-2782 Papio Street, Pahoa, a member of the Hawaiian Shores Community Association, as HSCA. I have lived in the community for 30 years and have been a resident of Hawaiian Shores since 2003. I am familiar with the community based planning process having served as a VisionKeeper for the Envision Downtown Hilo 2025 Plan. I am opposed to this amendment to remove the Hawaiian Beaches Village Center designation from the Puna CDP.

I also submitted through Sharon written testimony by another HSCA Member, Dick Munday, architect. Mr. Munday is unable to attend today’s meeting and he asked me to submit his written testimony.
The designated area already supports non-residential development. Under an old special permit, there was a commercial horse stable built on the HSCA property decades ago. The Stable is now rotted and due to be removed. Da Store has been operating within 1000 feet of the area for decades. Keonepoko Elementary School was built at this location, I think, about 20 years ago. The access road, Kahakai Boulevard, is hazardous with a dead man’s curve just before Keonepoko School and another blind curve at the Stables that have invited many fatal accidents thru the years. If the area is developed, it will not only bring more services to the community, it will force improvements to this roadway.

Objections raised by the HSCA board do not justify changing the village center designation. Any development will be permitted by the County. The Planning and Public Works Departments will require access along Kahakai be improved for public safety. The HSCA water well and the commercial well serving Hawaiian Beaches are located mauka of the site. They can be protected by requiring appropriate waste water systems. Under code, an anaerobic septic system is required within 1000 feet of a potable well. These development requirements would actually improve the long-term benefit to the community.

The Hawaiian Beaches Village Center concept is based on wide community input. The HSCA Board’s March 2010 amendment was not ratified by the membership which is nearly 1200 members. HSCA is not a lobbying organization by charter. Plus, the subdivision Hawaiian Shores Recreational Estates is only one of the four subdivisions in the area that is often referred to as Hawaiian Beaches. I urge the Commission to listen to the greater community voice that spoke thru the planning process that resulted in the Puna CDP as adopted. We need to listen to the community’s voice on the matter of designating Village Centers.

This area is suitable for a Village Center and could provide much needed services to the community. Leaving this designation in the CDP does not negatively impact HSCA and allows for consideration of future options that will be of benefit to the overall community.

Thank you for allowing me to testify and I urge the Commission to pass this proposed motion with a negative commendations. Thank you.

KERN: Thank you. Any questions? I have a quick question. If you wouldn’t mind telling me the four different associations within that area.

O’HARA: There are no other associations -.

KERN: It’s broken up into four different subdivisions.

O’HARA: It was. It was four different subdivisions originally – Hawaiian Shores, Hawaiian Recreational Estates, Hawaiian Shores Recreational Estates.

DE MEY: No, no, no.

HARA: Is that right?

DE MEY: Hawaiian Beaches and Hawaiian Parks.

O’HARA: Hawaiian Parks, Hawaiian Parks, okay.

KERN: And HSCA represents just the Hawaiian Shores?

O’HARA: Hawaiian Shores Recreational Estates.
KERN: Recreational Estates, okay.

O’HARA: And then there’s a Hawaiian Shores without the Recreation, I think.

KERN: Very confusing.

O’HARA: Very confusing, I agree.

KERN: Yeah, it’s even more confusing when you drive there and see a white sign.

O’HARA: You see the private, private road, yeah. I’m sorry.

KERN: Yeah, it’s like weird. Okay, thank you so much.

O’HARA: Yeah, sure.

KERN: Just for point of record, all the last testifiers that we had were for the Puna CDP amendment to the Hawaiian Beaches NVC. Now this testifier, Patrice MacDonald, is testifying on the community parks. Name and address, and you may begin.

MACDONALD: My name is Patrice MacDonald. My primary residence is 16-1800 O‘o’a’a Street, Hawaiian Acres. I’m sorry, you guys, I just was in the hospital this morning and got called to come to this meeting as no one else could make it.

The amended amendment is actually on my phone because we have no Wi-Fi access in Hawaiian Acres. I would like to be able to get some addresses to mail you a better version of what we have. I’ve been on the boards in Hawaiian Acres and a number of communities over the last 30 years. I have lived on this island for over 50 years.

So our resolution, Aloha’s Board of Directors moved to submit an amendment for a proposal to the Puna Community Development Plan via the Action Committee.

The proposed amendments are: A), to remove the planned Hawaiian Acres Community Parks, (See pages 3-17:Action 3.5.3.c), and that is amended to community parks and roads.

Rationale:
Hawaiian Acres already has three designated community lots, on Road B and C, and two parks near the highway donated on Road B. These designated areas by the PDCP are all on the same road, and they make no sense for connectivity. They’re all in area, 1, Area 3. They are all connected to F Road; and they were voted against by 2,010 residents or 90 percent of the residents living there now. This is the oldest subdivision in Puna and the largest. We actually had written the original grants for the Waiokele Forest Reserve, which is half of Hawaiian Acres. This is the oldest native forest reserve, I can’t understand his writing, has grants written -- I lost it, my apologies. It’s really hard to do on an i-phone. -- to designate this area as a protected area, see the PDCP Chapter 5, Section 5.1.1.

Resolution: We ask that our current zoning and roads remain unchanged.

B, to remove all proposed connector roads and highways in Hawaiian Acres from the PDCP. Delete the words Hawaiian Acres from Chapter 4, Section 4.3.3a.

Rationale: The proposed takeover of F and 1 road does nothing for our residents. Hawaiian Acres is designed perfectly for only our number of residents. It is not conducive to propose to
take our best roads and leave landowners to deal with the flooding and deforestation of our remaining roads.

There have been no surveys indicating that any more roads would be eminent domain by the county for connectors or highways. (We have not been paid the proposed 2 million per mile for 8 Road since 1998). All other subdivisions opted out for connectivity and so do we. See traffic counts, accidents and deaths on Moho Road. I have submitted this 400 times to the County Council and the -.

KERN: Would you please summarize.

MACDONALD: The original working transportation group has submitted the traffic counts by the Honu Club: The traffic counts cutting through from Ainaloa, to 8 Road and out Kua'uli. This is not local traffic but heavy equipment, trucks, tourists and others trying to circumvent Highway 11 to Highway 130. I'll make it short.

The first eminent domain road, Moho Road, has cost our subdivision over $150,000 a year. We pay the intersections, the road signs, all the accidents. It's an agreement according to Corporation Counsel for an easement only.

So basically we would like it removed from the original CDP as no one was ever notified that any of this was going in there; and put it in the subdivisions that asked for it. Fern Acres, Ainaloa, Orchidland, they all use our roads as their emergency access. They're more crowded, they have no forest, put the roads through their subdivisions. Thank you.

KERN: Thank you. Any questions? Seeing none, you all may have a seat. Thank you very much.

My Fellow Commissioners, two of us have some obligations later here today and I'm wondering if it would be possible if we could take maybe a quick recess and then try and push through this and wrap up this last item on the agenda -?

DOMINGO: Yeah.

KERN: To the best of our ability. Is there any, is that okay with everybody pretty much?

DOMINGO: I call for a recess.

KERN: Yeah, let's do a ten-minute recess. Ten-minute recess.

RECESS - The Chair called a recess at 12:25 a.m.

RECONVENED - The Chair reconvened the meeting at 12:35 a.m.

KERN: Let's call the meeting back to order. Calling the meeting back to order cause we have time constraints. And, okay, here we are. So the way that this was on the agenda, we got them as separate initiated amendments to the CDP. But what we received was basically a package with all these in here so we, as far as I'm, on the understanding that we either vote on them all together or we can bifurcate, and do them separately. I would like to hear what the Planning Director has to say.

LEITHEAD TODD: I was going to say, what you could do is you could pull one out separately, vote on the other three, if you folks are thinking you're inclined to go the same way on them. And then the one that had the testimony which was the, which is listed as Item No. 6 on yours,
the Hawaiian Beaches Neighborhood Village Center, you could pull that one out and vote on 3, 4 and 5 together if you wanted to.

KERN: Okay.

LEITHEAD TODD: Or you could vote on them individually.

KERN: Right. I personally would like what the Planning Director has said. Do I have a motion to bifurcate that one, if we want to?

DOMINGO: A motion to bifurcate this or take it all -?

KERN: Well, we can, we either do them all together, or we can bifurcate each one. Or since the one had a lot more public testimony and might need a little more attention, we could just bifurcate that one, and then vote on the rest of them as a package.

DOMINGO: I would agree with you, Mr. Chairman.

KERN: Okay, is that a motion?

DOMINGO: Yes.

KERN: So to be clear, that is a motion to bifurcate Agenda Item No. 6 and leave the rest of them as a package, right?

DOMINGO: Right.

KERN: Great. Second?

ONO: Second.

KERN: Seconded by Commissioner Ono. All in favor aye?

COMMISSIONERS: Aye.

KERN: Any opposed? Seeing none, okay. So let’s go ahead and do the other three as a package, and go ahead and have the applicant -.

LEITHEAD TODD: Well, I’m the applicant.

KERN: Hey, applicant.

LEITHEAD TODD: And basically these were proposed amendments to the Puna CDP that were suggested by the Puna CDP Action Committee. And I had a choice of initiating them and then having them go through the process of going up to County Council, or I could, if I didn’t agree with their recommendations then I don’t do anything cause they cannot of themselves initiate. You can either have the Council initiate or the Director. And because I thought at the time that these were reasonable, I let them know that I would initiate them.

But because some of the language in Bill 194, which had all of those other changes, would change some of the language in the proposed amendments, we held them back. We waited for Bill 194 to go forward, and then we initiated these. And these came at the request of the community and the request of the Action Committee.
KERN: Okay, thank you, Madam Director. We’ve had public testimony; and I guess we can make a motion on this. Is that right, yeah?

LEITHEAD TODD: Yes.

KERN: So I’m willing to entertain a motion.

LEITHEAD TODD: Mr. Chair, I guess somebody would need to make a motion to approve Items 3, 4 and 5 on the agenda.

KERN: I’d be willing to entertain a motion to approve the Items 3, 4 and 5 on the agenda. Thank you.

DOMINGO: Mr. Chairman?

KERN: Yes, Commissioner Domingo.

DOMINGO: I move that we approve Items 3, 4 and 5 on the agenda and recommend approval for adoption to the Council.

KERN: Any second?

ONO: Second.

KERN: Seconded by Commissioner Ono. Any discussion? Seeing none, Jeff? Oh, excuse me. Were you going to say something, Commissioner Domingo, or you’re just holding your microphone? Taka, are you going to say something or you’re just holding the mike?

DOMINGO: No, no, No. I just -

KERN: Just ready. Thank you. Go ahead, Jeff.

DARROW: Thank you, Mr. Chairman. The motion before us is to send a favorable recommendation to the Hawai‘i County Council for Items 3, 4 and 5 on the agenda. With that I’ll take the roll. Commissioner Domingo?

DOMINGO: Aye.

DARROW: Commissioner Ono?

ONO: Aye.

DARROW: Commissioner Au?

AU: Aye.

DARROW: Commissioner Ishibashi?

ISHIBASHI: Aye.

DARROW: And Mr. Chairman?

KERN: Aye.
DARROW: The motion passed five to zero.

KERN: You’ll be notified in writing. Okay, next item would Item No. 6, Planning Director initiated ordinance amending the Puna Community Development Plan, as adopted by Ordinance No. 08-116, relating to the Hawaiian Beaches Neighborhood Village Center.

LEITHEAD TODD: Mr. Chair?

KERN: Yes, Planning Director.

LEITHEAD TODD: In light of the testimony of the community, I would like to withdraw Item No. 6.

KERN: Withdraw?

LEITHEAD TODD: Yeah.

KERN: Very good.

LEITHEAD TODD: Yeah, you know if the Commission is willing to let me withdraw it, I’ll just withdraw it.

KERN: Okay. All those in favor of the Director’s withdrawal on Item No. 6 aye?

COMMISSIONERS: Aye.

KERN: All those opposed? Seeing none, Item No. 6 has been withdrawn. Okay.

The discussion ended at 12:42 p.m.

Respectfully submitted,

Sharon M. Nomura, Secretary
Windward Planning Commission