

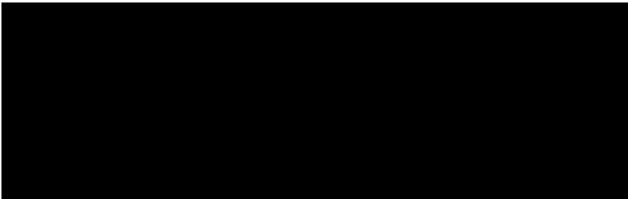
Mori, Ashley

From: [REDACTED]
Sent: Thursday, October 31, 2019 4:38 PM
To: General Plan
Cc: [REDACTED]
Subject: Kamehameha School GP2040 Comments
Attachments: KS COMMENTS Hawaii-County-GP2040_20191031.pdf; KS COMMENTS Appendix Hawaii-County-GP2040_20191031.pdf

Aloha mai,

Please see the attached COMMENTS from Kamehameha Schools, and associated appendices, on the Hawai'i County Draft General Plan 2040.

Mahalo,



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Kamehameha Schools®

October 31, 2019

Mr. Michael Yee, Director
County of Hawai'i
Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Aloha Director Yee:

Subject: Draft Hawai'i County General Plan 2040

Thank you for taking the time to meet with us on September 18, 2019 to review the Draft Hawai'i County General Plan (GP) 2040. We appreciate the opportunity to provide you with comments on the Draft and share the plans for future land use on Kamehameha Schools property. In general, there are many areas Kamehameha Schools supports in the Draft GP2040. We:

- Support the plan's intentions, its sustainability framework and objectives, the inclusion of Native Hawaiian values as foundations, and the embrace of public private collaboration;
- Agree with the high priority to protect our cultural and natural resources and acknowledgement of the importance of traditional knowledge;
- Appreciate that the plan includes partnering with various other private and public organizations;
- Agree with the emphasis on community placemaking, supporting healthy communities and the importance of emergency response and services; and
- Support the plan's increased use of the "rural" land use designation and we would like to make suggestions for additional lands to designate "rural."

However, we do have concerns about the Draft GP2040. Some are general comments about the plan, the maps and land use categories; other comments are specific concerns about the impact of the plan's recommendations that may directly impact our lands and plans.

General comments about the Draft General Plan 2040:

- The requirement that "any permit application to the County Planning Department" will require natural and cultural resource inventories and mitigation measures is overly broad. Not all permits affect these resources.

- The Draft GP2040 is too specific and recommends changes not in alignment with the various Community Development Plans (CDPs). For example, the Hāmākua CDP relocated the “Low Density Urban” classification for KS lands at Pāhoehoe (Pauka’a); however, the revised LDU classification in the approved Hāmākua CDP does not align with the LDU classification shown in the Draft GP2040.
- The Draft GP2040 directives go beyond the County government’s regulatory authority into areas under State jurisdiction, including management of nearshore water and environmental quality, and other matters currently regulated through the State’s Conservation District Use Permit Process. As an entity that deals with regulatory issues on multiple levels, any added confusion or layering of oversight would be deeply concerning.
- The Draft GP2040 directs the County to increase efforts to gain public access to cultural and natural sites on private lands through increasing requirements for public access easements during land use approvals and through more County investments in direct land acquisition (eg., Policies 26 and 30). Without managing this public access properly to protect these cultural and natural sites, the increase in public access to these sites will likely result in the degradation of these important resources and the imposition of undue burdens and risks on property owners.
- The plan recommends changes to land use classifications that are not consistent with zoning, special permits, pending State Land Use District Boundary Amendment (SLUDBA) petitions and landowner plans. Our specific comments are provided below for examples of this situation on KS lands:
 - KS lands at Honohononui (TMK 321013004) have a special permit to allow for quarrying in the Agricultural District. This quarry, operated by Glover, is an important source of blue rock for the island’s construction needs. The new “Light Industrial” LUPAG designation would not allow for quarrying activities and should be more appropriately designated as “Heavy Industrial.”
 - KS Hawai’i Campus (TMK 316003012) in Kea’au has a special permit covering the entire TMK. Under the new Land Use designation, half the campus has now been changed from “Urban Expansion” to “Productive Agriculture.” The campus will never be in full agricultural production again. Therefore, the “Urban expansion” designation (or something reasonable like Low Density Urban) should cover the entire TMK, which we plan to fully utilize for our growing campus.
 - KS lands at Kaueleau (TMK 313009005) has a Conservation District Use Permit (CDUP) to operate a quarry in the Conservation district. Currently, a SLUDBA petition is pending for this property. If the SLUDBA is awarded, the current “Conservation” designation will need to be revised.
 - KS lands in Volcano (TMK 399006006) are currently classified as “Medium Density Urban”, which was consistent with the planned golf course community. Additionally, the Draft GP2040 changes the current “Open” designation to “Rural”; the County should consider the changing the “Open” designation to “Recreation”, which would be more reflective of the existing golf course.
 - KS lands in Volcano (TMKs 399001004 and 399001035) are currently classified as “Extensive Agriculture” but are proposed to change to “Natural Area”. These properties currently have a commercial agriculture operation (Volcano Winery), an agricultural office for KS staff as well

as a bunk house. The proposed LUPAG designation should be reflective of these current agricultural activities.

- KS lands at Pākini (TMK 393001006) are currently designated as “Important Ag”; the Draft GP2040 changes that designation to “Natural Area.” The zoning remains agriculture and we intend to continue utilizing the land for cattle grazing and the wind farm, including wind farm expansion.
- As acknowledged at our meeting, KS resort lands along the coast at Ka’ūpūlehu (Including and adjacent to TMK 372010010) seem to have some misplaced “Rural” designations that are newly inserted in the Draft GP2040. There appears to be additional “Rural” misplaced along the highway there as well.

General Comments on the Future Land Use maps in the Draft GP2040

- Not all the Draft GP2040 Future Land Use maps are complete, so the full impact is uncertain.
- The Draft GP2040 Future Land Use maps are not user friendly with multiple shades of green that are hard to distinguish (i.e. Productive Agriculture, Pastoral, Natural Area, Recreation and Conservation).
- It would be useful to overlay TMK boundaries on the Draft GP2040 Future Land Use maps.

General Comments on the Land Use Categories in the Draft GP2040 Future Land Use maps:

- The new and revised land use categories are not clearly defined, including Natural Area, Pastoral, Production Agriculture. For example:
 - We would like to see the Pastoral designation not be limited to pasture use only; other forms of agricultural are currently taking place on some of those lands.
 - Natural Area are “lands not considered suitable for productive agriculture,” yet there are current agricultural operations happening on some of those lands.
- No explanation was given for removing the Urban Expansion land use category.
- The Rural designation can be very effective (especially if there are reduced infrastructure requirements) in incentivizing affordable housing if the designation is aligned along roadways between low density urban areas and adjacent agricultural lands, such as in Hāmākua.
- It is not clear what specific rationale was used to recommend specific changes to a parcel’s land use designation from the current LUPAG maps to the Draft GP2040 Future Land Use maps.

We have also provided an appendix that includes very specific comments, section by section, for your convenience. Thank you for the opportunity to comment and we look forward to future opportunities to participate.

Should you have any questions, please do not hesitate to contact me at [REDACTED]

Sincerely,

[REDACTED]

Appendix

Section-by-Section Comments

on the County of Hawai'i Draft GP2040

Comments on Section 1: Protecting Native Habitats and Wildlife

- Page 16, Policy 3: Note that as part of *any* permit application to the County, significantly more information is now required as there are many specific natural and cultural resources which shall be considered sensitive and therefore shall be inventoried with identified mitigation measures. We believe this requires more detail such as which permits this should be applicable to, what is required in an inventory, who is responsible for determining mitigation measures, etc.
- Page 16: Definitions required for: exceptional trees; habitat overlays.
- Page 18: Incentives; Would like to see more description around specific incentives described throughout the chapter.
- Page 19, Policy 22: "Explore the feasibility of adopting No Net Loss of Forest policy." Please consider the impact this might have on commercial forestry operations.
- Page 20 & 21: Clarification needed on jurisdiction--what lands are actually managed by the County and how does the County have the authority to prescribe these suggestions? For example, how do the coastal policies align with State jurisdiction over those areas?
- Page 22, Action 1.13: "Identify potential wetland restoration sites and identify high quality wetland sites for possible future acquisition by the County, State and/or non-profit conservation organizations." KS is concerned that a taking of land would occur for sites that KS and other Native Hawaiian groups are stewarding (i.e. Hale o Lono fishpond owned by KS and maintained by EKF).
- Page 27, Policy 60: Concern about how buffers and noise abatement measures could impact agriculture and the "Right to Farm".

Comments on Section 2: Infrastructure Planning:

- Page 38: General concern for how the drinking water conservation measures will be implemented in alignment with the State Commission on Water Resource Management requirements.
- Page 42, Agency Action 2.20; How will the County influence DHHL actions for their beneficiaries?
- Page 70, Policy 246: "Incentivize or require underground siting of electrical and telecommunications facilities within public rights-of-way, especially in urban centers and along designated scenic corridors." It is an appropriate policy to "encourage" but not an appropriate policy to "require".
- General Comments: there are many policies that suggest the County is going to take on DOH and EPA roles/responsibilities; how does that affect the operating budget of the County of Hawaii?

Comments on Section 3: Economic & Opportunity Planning

- Need to set priorities in this section.
- What does "economically self-sufficient" mean?
- The visitor industry thrives by exposing guests to authentic cultural representations and by providing interactive experiences with the 'āina and Hawai'i's natural wonders, while maintaining a high quality of life for residents.- Is this possible since visitor industry often employs lower wage/ lower skill positions?
- Why are some policies based on CDPs on others are not?

Comments on Section 4: Community Placemaking

- Goal 4d says public access is assured and protected for spiritual, religious, cultural, recreational and subsistence practices. We are concerned about the implications of this goal for our 'āina sites, and if there is an expectation of access to our sites.
- Goal 4e states that an island-wide trail system is developed and maintained. We are concerned about the implications of this goal for our 'āina sites, and if there is an expectation of access to our sites.

- Goal 4f states that our Hawaiian and multi-ethnic cultural values are preserved and perpetuated. We are concerned about who determines Hawaiian cultural values.
- Goal 4g says that the historical integrity and character and scenic assets and open spaces are protected, restored, treated as unique assets, and managed in perpetuity. We are concerned about the implications of this goal for our 'āina sites, and if there is an expectation of access to our sites.

Under Community Placemaking is the goal of **“Maintaining Education Facilities as Anchor Institutions.”** We appreciate the sustainability objective of increased collaboration with State and community organizations on community events at school facilities. We share this value of Kāko'o.

- Policy 344 states that the open areas that surround school facilities are “community-centered, designed for multiple uses as appropriate (aka: joint-use facilities) and serve as anchor institutions in the community.” We are concerned if there are adjacent lands to our school that may be affected.
- Policy 346 states that school sites are identified in master plans for all new town developments or major expansions to ensure coordination of infrastructure and access. We are concerned if there are any expectations or impacts on our development plans; existing water sources, and roads.
- Policy 347 seeks to establish and maintain joint use of public facilities in close proximity to each other, including schoolyards, parks, libraries, and other public facilities for community use for recreational, cultural, and other compatible uses. We are concerned if there would be an expectation that this would apply to sites like Kahalu'u ma Kai.
- Policy 353 states that the County should develop master plans and consider land use designations surrounding existing educational campuses outside of urban areas for residential and commercial support uses. We are concerned if we have any 'āina that could potentially be affected.
- Policy 358 states the County shall develop a master plan for Safe Routes to School for a 1-2-mile radius around existing and proposed schools. We are concerned if we have 'āina that may be affected within a 1-2-mile radius of schools.

Under Community Placemaking in the Section on **Fire and Emergency Services** needed to keep our communities healthy and safe, we appreciate the many policies and actions recommended. However, we are concerned that Action 4.12 to amend building codes to require fire supply catchment tanks accessible from street frontages might cause a burden on our leased lands. It also does not specify who would be required to provide this.

Under Community Placemaking within the goal of **Promoting Active Living through Recreation, Trails and Public Access**, there are several policies and actions that advocate for providing public access through acquisitions of easements or purchase of property. We are concerned about how these land acquisitions and additional easements may affect our 'Āina.

- For example, under Recreational Facilities and Programs, the Sustainability Objective is that every resident or Urban Services Areas are within a 10-minute walk to a quality park. We are concerned if the County plans to condemn land if they do not have any lands in their inventory to fit this need.

- Policy 390 speaks about acquiring properties for the intent of preserving open space, scenic areas, natural hazard areas, or cultural/historic areas from development. We are concerned if these proposed land acquisitions might affect our 'Āina; and wish to know the process used to acquire land.
- Similarly, Policy 392 states that the County would prioritize park acquisition for “under-represented open recreation and healthy living activities (outside the scope of organized sports).” We are concerned if these proposed land acquisitions might affect our 'Āina; and wish to know what the process used to acquire land.
- Policy 396 encourages the State to continue with the establishment of Kekaha Kai State, reaching into Mahai'ula, Awake'e, and Manini'ōwali Ahupua'a. We know that there have been attempts in the past to acquire Makalawena for similar purposes to connect Kekaha Kai State Park into one large area, and we are concerned that a similar attempt would be rekindled.
- Action 4.30 is to develop an island-wide network of trails connecting major parks and destinations. We are concerned that our 'āina may be affected by this, with access expected.
- Action 4.40 is to enter into partnership agreements with the State and private groups (such as Friends of the Park) to make improvements and assist in maintenance of essential but poorly maintained urban parks such as Wailoa State Park. We are concerned about the potential impacts on our lands adjacent to Wailoa State Park.
- Action 4.42 is to identify shoreline areas suitable for coastal access points, including boat launches, small boat harbors, etc. We are concerned that there may be impacts to our shoreline properties deemed suitable for access.

Under **Public Access and Trails**, the Sustainability Objective is stated: “Number of public access sites created through acquisition or easement or enhanced with assistance from CZM funding or staff.” If this objective is to *increase* the number of public access sites, this could greatly affect our natural and culturally sensitive 'āina.

- Policy 404 says that the County shall establish “public access to and along the shoreline to significant historic sites, public transit along the top of cliff, streams and other natural water courses, mauka trails, facilities, and access to sites for gathering, hunting, and other recreational purposes and in accordance with Hawai'i County Code Chapter 34.” We are concerned about how this may affect our 'āina and how this access may impact significant areas.
- Policy 405 states that “Subdividers of six or more lots, parcels, units, or interests shall be required to dedicate land for public access for pedestrian travel from a public highway or street to the land below the high-water mark on any coastal shoreline or to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti leaf sliding, and other recreational purposes, and where there are existing mountain trails.” -We are concerned that this can become a big burden for some of our future developments. We would like to know more details about the requirements the County intends to apply.

- Policy 408 states that alignment of coastal trails shall consider flexibility for realignment for sea level rise and other dynamic shoreline changes. We are concerned about how this will affect our shoreline properties.
- Policy 413 directs the County to “seek private-public partnerships to manage and maintain public access to the shoreline, public trails, hunting areas, scenic places and vistas, and significant historic sites, buildings, and objects of public interest.” We are concerned that if these partnerships are not realized, the County would seek to acquire the parcel.
- Policy 414 directs the County to “explore options and collaborate with community groups to increase access to former sugar cane roads to be used as non-motorized trails where feasible and appropriate.” We are very concerned about this because we have many cane haul roads. We are concerned about how this action will affect operations currently being undertaken by us and our lessee.
- Action 4.51 is to “identify by GPS coordinates all existing historic trail alignments that (a) have been recommended for preservation by SHPD, (b) appear on historic maps and/or are known by oral tradition; and incorporate these into the County GIS database.” We are very concerned about how this might in some way infer “public access” to these sites on our ‘āina, and how we will mitigate possible impacts.
- Action 4.52 is to actively implement the Ala Kahakai National Historic Trail Memorandum of Understanding. We are very concerned about how these conditions and requirements will affect our ‘āina.
- Policy 416 is to integrate County public access priorities in all aspects of land use decisions and permit reviews. We are concerned that this will require us to make public access concessions in ALL land use requests to the County.
- Action 4.56 directs the County to establish a Public Access and Trail Program with enough staff and resources to meet a long and comprehensive list of at least eighteen elements. We are concerned that these are a lot of additional requirements that may have significant impact on our future projects.
- Action 4.58 is to “Complete an inventory and database of significant natural resource areas with recreational and trail connectivity value.” We are concerned about this public disclosure of information and wish to know the end goal for the use of these databases.
- Action 4.59 is to “adopt an on-going program of identification, designation, and acquisition of areas with existing or potential recreational resources, such as land with sandy beaches and other prime areas for shoreline recreation in cooperation with appropriate governmental agencies.” We are very concerned about possible negative implications for our ‘āina and arbitrary and continual possible acquisition of ‘āina for the “greater good.”
- Action 4.61 and Action 4.62 directs the County to renegotiate public access agreements that were developed prior to Chapter 34. This is very concerning to us as it may result in possible negative impacts to existing agreements.

- Action 4.70 is “to facilitate greater public access to and along the shoreline and elsewhere, amend Hawai‘i Revised Statutes 520, Hawai‘i’s Recreational Use Statute (RUS), to make it less ambiguous and to discourage frivolous lawsuits.” What is the definition of “frivolous?”

Within the goal of “Preserving our Cultural and Historic Legacies” is the section on **“Native Hawaiian Values and Practices.”** We are very appreciative of the Sustainability Objective that “Native Hawaiian language, values and practices are integrated into all County processes.” This is a lot of great mana‘o. However, we are concerned about who will set standards and regulate this section.

- Policy 423 is to “ensure access for cultural practitioners in areas that may not be appropriate for public access (e.g. Burial sites, specific heiau).” Our concern is how they will define “cultural practitioner” and determine access. We are concerned about how we ensure that practitioners with appropriate kuleana are granted access.

Within the same goal of “Preserving our Cultural and Historic Legacies” is the section on **“Historic Preservation.”** The Sustainability Objective is to “achieve 100% preservation of sites identified for preservation by State Historic Preservation Division.” We are concerned whether Hawaiian cultural sites take precedence over more modern historical valued sites (eg., Pi‘opi‘o over Shinmachi).

Within the same goal of “Preserving our Cultural and Historic Legacies” in the section on **“Protecting Scenic Resources”** the Sustainability Objective is to “increase participation in scenic preservation programs (Heritage Corridors, Scenic Byways, Scenic Corridors and Exceptional Trees).” We are concerned about this objective since some things and some sites are not meant to be seen or accessed. We are concerned about how these very broad statements on view planes and scenic definitions will be implemented and how this will affect current overgrowth areas with possible view planes. Because the maintenance of view planes and scenic vistas can become quite costly, we are concerned about how the County will “encourage” the State to comply.

Comments on Section 5: Land Use Planning: Future Land Use Maps

- **Ka‘ūpūlehu**
 - Why is urban expansion changed to resort?
 - Why is lower density urban changed to resort?
 - Why is agriculture changed to open and recreation?
 - Why is there a change from low/medium density urban mauka of the highway to Resort?
 - Why is there a change from urban expansion on the south area to Resort (area currently being developed for housing)?
 - Why are there changes further mauka from Extensive Agriculture to Natural Area, then on higher elevation lands change to Pastoral and higher elevations change to Conservation?
- **Ka‘u**
 - Why is the land changed from Conservation/ag to natural area?
 - We are very concerned about the change from Extensive Agriculture to Natural Area, which covers a large area of our ‘āina
 - Pakini went from Important Ag to Natural Area. However, the zoning remains agriculture and we intend to continue grazing and the wind farm, including wind farm expansion.
 - Keauhou ranch house and Volcano winery (commercial ag tenant) is now “Natural Area”?
 - What is the mall pocket of productive ag near the Keauhou-Ka‘u reforestation area?

- **Keauhou**
 - Our initial conclusions are that the KBMP is not impacted by 2040GP
 - The green (natural area) is unclear. What is the classification for the mauka golf course?
 - At He'eia Bay, the shoreline is open, and mauka is resort
 - What does urban service area (red dot line) mean, especially when ~~then~~ there is residential development mauka of the red dot line and red line?
 - What is the rationale for low density (yellow) areas?
- **Honohononui**
 - The change to conservation is good.
 - The expansion of recreation area is good.
 - Why is there a rural designation along the shoreline?
- **Kea'au**
 - Why are the campus expansion lands changed from urban expansion to productive ag?
 - The GP2040 Future Land Use map appears to be inconsistent with the current use of the property which has over 100 acres in active development and use as a school. We request a map correction to show the Urban Growth Boundary around the campus area.
 - We are very concerned about how this reclassification impacts our ability to build out our original master plan which showed almost double current student enrollment.
 - We are very concerned about how this reclassification impacts our ability to build Dorms which is under active discussion.
 - We are very concerned about how this reclassification impacts major renovations of buildings (for example we are in the process of gutting and turning our learning center into a student activity center).
 - What about future use of the unoccupied land for 'ohana and faculty housing?
 - Kamehameha Schools Hawai'i currently operates under a State Special Use Permit Docket SP00-93. This should supersede the proposed land use designation in the draft GP2040.
 - The draft GP2040 Policy 353 specifically indicates the County should masterplan land use around existing schools. This supports our request for map correction
- **Hāmākua**
 - Hamakua plays a vital role in advancing the goals set out by the draft plan. Things like protecting natural resources, preserving community character, reducing import dependence, prioritizing agriculture and food security, preserving our cultural and historic legacies, etc, are ~~on~~ advanced and in some ways dependent upon thoughtful planning of the Hamakua coast.
 - As suggested above in the discussion of expanding the use of the "rural" designation, another good use of this designation is to incentivize rural housing around the low-density urban areas of the Hamakua coast. These rural areas can be designated adjacent to the low-density urban plantation towns along the roadways connecting the plantation towns and the surrounding agricultural areas.
 - This could be done in a way that provided affordable housing options that were in line with the character and lifestyle of the Hamakua coast, while achieving the goal of creating a buffer between Ag and Urban. This also protects agriculture by addressing the growing complaints farmers receive from gentlemen farmers.

- Rural designations would meet the goal of focusing future development around existing infrastructure. Hamakua is a more appropriate place to extend and expand housing options as it is not in an environmentally hazardous location, water is less of a concern, the development of Saddle Road provides greater capacity along existing roadways, and there is existing public infrastructure to accommodate the growth (eg, schools in the district have room, adequate recreational space and facilities, urban zones where expansion of commercial services are already entitled)
- More aggressive approaches should be considered to prevent the gentrification of the Hamakua coast. Rural designations, with the right restrictions, could assist. Other zoning considerations should also be considered.
- Urban growth boundary along the coastal boundary seems unnecessary.
- The County should consider Transfer of Development Rights options along with Rural designations to depopulate high risk areas and grow population along the Hamakua coast.
- For agriculture to thrive on the Hamakua coast, more appropriate agriculture worker housing needs to be accommodated. The removal of low density urban along the coast accelerates gentlemen farms, by limiting alternative housing options. Therefore, TMK 327003024 should not move from low density urban designation but expanded it to the parcel above. It doesn't make sense given the proximity to the highway and adjacent Hilo side property retaining its low-density urban designation.
- Here are some other notable but less concerning changes:
 - Kalalau – changed from low urban density to rural.
 - Laupahoehoe (lower gulch area) – changed from low density urban to conservation.
 - Milo Village – parcel adjacent to Kamehameha Schools land was changed to heavy and light industrial.
 - Pa'auilo and Honoka'a – low density urban areas were reduced and were removed from portions of several TMKs. (This appears to be consistent with what was approved in Hāmākua CDP but will need to have those map overlays to confirm).