

Mori, Ashley

From: [REDACTED]
Sent: Thursday, October 31, 2019 4:26 PM
To: General Plan
Subject: Draft General Plan Comments
Attachments: GP Comments .pdf

Aloha,

Per [REDACTED], please see the attached comments regarding the Draft General Plan.

Thank you,

[REDACTED]

2019 NOV 1 11 AM 3 17
PLANNING DEPARTMENT
COUNTY OF HAWAII

129011



October 31, 2019

Michael Yee
Planning Director
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo HI 96720

Dear Mr. Yee,

SUBJECT: Comments Related to 2019 General Plan - Draft

Thank you for the opportunity to provide comments on the 2019 General Plan Draft. This document is arguably one of the most important documents regarding growth patterns and policies of Hawaii County. It is critical that this plan be thoroughly vetted and thought through prior to the adoption.

The present form of the Draft is very concerning for multiple reasons. One major concern is the premise that has been presented by the Planning Department regarding the amount of existing zoned land and the statement that there is enough zoned land to meet the County's needs for the next hundred years. This premise is misleading and unrealistic as much of the existing zoned land is located in areas that are unlikely to see any type of development for decades, if ever. Realistic metrics need to be used to ensure that we can meet the needs of our growth.

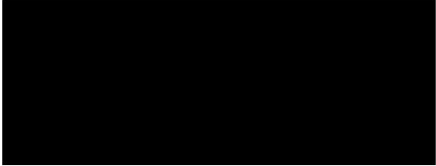
Controlling growth patterns is critical in finding a balance of needed development and preservation. In my humble opinion, the current form of the Genal Plan is overly regulatory and less policy driven. The Plan should be consistent with the intent and purpose of HRS Section 46-4 and the County Charter, which it currently is not.

HRS Section 46-4

HRS Section 46-4 provides the County the authority to adopt general plans and zoning ordinances. There is a clear distinction between the guiding policies of the General Plan and the regulatory element provided through zonings. Again, the current form of the draft General Plan is regulatory in nature and not consistent with what is outlined below.

Per HRS Section 46-4

“Zoning in all counties shall be accomplished within the framework of a long-range, comprehensive general plan prepared or being prepared to



guide the overall future development of the county. Zoning shall be one of the available tools to the county to put the general plan into effect in an orderly manner. Zoning in the counties...means the establishment of districts of such number, shape and area, and the adoption of each district to carry out the purposes of this section. The zoning power granted herein by ordinance may relate to:

- (1) The areas within which agriculture, forestry, industry, trade, and business may be conducted;*
- (2) The areas in which residential uses may be regulated or prohibited;*
- (3) The areas bordering natural watercourses, channels, and streams, in which trades or industries, filling or dumping, erection of structures, and the location of buildings may be prohibited or restricted;*
- (4) The areas in which particular uses may be subjected to special restrictions;*
- (5) The location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered;*
- (6) The location, height, bulk, number of stories, and size of buildings and other structures;*
- (7) The location of roads, schools, and recreation areas;*
- (8) Building setback lines and future street lines;*
- (9) The density and distribution of population;*
- (10) The percentage of a lot that may be occupied, size of yards, courts, and other open spaces;*
- (11) Minimum and maximum lot sizes; and*
- (12) Other regulations the boards or city council find necessary and proper to permit and encourage the orderly development of land resources within their jurisdictions."*



County Charter

The Hawaii County Charter states that the Council shall adopt a General Plan “*which shall set forth the council’s long range policy for the comprehensive physical, economic, environmental, and socio-cultural wellbeing of the County.*” The County Charter is clear that the General Plan focus on long-term objectives, standards, and principles regarding land use in the County. Once the General Plan is adopted, then the Council “*shall enact zoning, subdivision and such other ordinances which shall contain the necessary provisions to carry out the purpose of the general plan.*”

However, the 2019 Draft General Plan departs from previous General Plan Documents and the intent of the County Charter. Instead of broad policy statements and guidelines for long term development, the current Draft GP includes rigid regulatory restrictions.

Regulatory

As presented, the 2019 Draft General Plan introduces a number of regulatory restrictions where the use of the word “shall” mandates or prohibits certain actions. This can lead to a myriad of problem if the accompanying language is not precise and differing interpretations result. The policies of the GP should be implemented through clear and concise legislation and should not be strictly regulatory. The present Draft GP states that the provisions of the Draft plan “shall govern” any action taken in regard to a development application. If adopted, the Draft GP will not satisfy the stated purposes of the charter, but would rather prohibit or drastically delay the coordinated development of the County. In general, the Draft GP contains many instances where vague terms are coupled with regulatory language, inviting problems in interpretation and enforcement.

The 2019 Draft GP contains broad prohibitions and blanket statements that overreach and preempt existing regulatory frameworks which contain specific and clear language and methods for including development in the public interest or with appropriate mitigation measures. If such regulatory language were to be adopted, an applicant seeking a discretionary permit would be challenged with the argument that the permit must be denied because it is contrary to the General Plan.

The Draft GP contains a number of standards which would no longer allow agency discretion to be applied. This would have the effect of subverting the authority of agencies to promulgate rules regarding their delegated authority, also eliminating the authority to require mitigation measures to allow for reasonable uses to occur.



Land Use Pattern Allocation Guide Map

From the 2019 Draft General Plan:

These future land use designation boundaries have been refined from the 2005 General Plan Land Use Pattern Allocation Guide (LUPAG) Map with input from the CDPs and the use of neighborhood analysis areas. These neighborhood analysis areas were established using criteria such as subdivision boundaries, census block groups, place types, zoning designations, state land use designations and CDP guidance...

The 2005 General Plan used the LUPAG map to provide a broad, flexible design intended to guide the direction and quality of future developments in a coordinated and rational matter. These concepts and maps were reviewed during the development of the future land use designations and accompanying maps. Revisions to the designations were guided first with the land use goals and policies from the adopted CDPs... Further revisions were made using the following factors:

- *Accommodate projected population growth*
- *Align with infrastructure – Potable Water*
- *Align with Infrastructure – Roadway Network*
- *Align with Infrastructure – Wastewater*
- *Ensure that commercial designations are appropriate*
- *Ensure that industrial designations are appropriate and consistent*
- *Minimize new coastal development*
- *Minimize encroachment onto agricultural lands*
- *Align with State Land Use District Boundary*
- *Align with County Zoning*

The described review process is brief and vague and leads to more questions as to how particular designations were arrived at. The importance of clarity and thoroughness on these designations necessitates a more detailed discussion of what specific methods informed the revision process. As presented, the 2019 Draft changes existing or previously planned uses in unjustified and inexplicable ways.

The Land Use Pattern Allocation Guide Map (LUPAG) has been drastically changed from its present form by a massive reduction in areas currently designated for urban growth. This theme is present for LUPAG maps related to Hilo, Keaau, Kona, Waikoloa and other areas. This will make the potential for development in our urban cores more challenging and it will depend greatly on landowners of specific parcels to develop their properties in order to keep up with demand for housing and commercial services. Therefore, if landowners aren't willing to develop their properties, the available inventory of building lots, homes and commercial services will be stifled.



Lands with former Medium Density Urban designations consistent with CDPs and required for preventing sprawl have in many cases been designated in the Draft GP as Low Density Urban, limiting uses to residential, with some ancillary community and public and convenience type commercial uses. There are many areas that have been changed from Urban Expansion to Low density urban. Interestingly, these areas that are now being classified as low-density urban would be much better suited for medium or high density urban. There are areas that are designated as Transient Oriented Development nodes (TOD's) being classified as low density urban. This will never work to realistically develop the TOD's as TOD's need a mixture of various uses such as multifamily residential, single-family residential and commercial. A low-density urban designation will not allow this type of development.

The poorly defined "Natural Area" designation has been applied to wide swaths of land and is severely restrictive of permitted land use with little explanation. There are also areas where extensive planning has occurred, such as Keaau, that have now been changed in a manner that conflicts with copious amounts of Planning. I have no direct interest in Keaau at this time, but it's a good example of the inconsistencies in this particular area of the General Plan.

Additionally, there are many areas on the LUPAG Map that are identified as "Pastoral" that are not suitable for pastoral purposes as they are primarily lava rock. These areas would be much better suited for a Rural designation.

Urban Expansion is defined as the following in the current General Plan.

Urban Expansion Area: Allows for a mix of high density, medium density, low density, industrial, industrial-commercial and/or open designations in areas where new settlements may be desirable, but where the specific settlement pattern and mix of uses have not yet been determined.

The proposed land use categories eliminate the Urban Expansion designation. This is very concerning as the Urban Expansion designation is a very important planning tool. For example, the area below the Waikoloa Village on the Kailua Kona side of the Waikoloa Road is currently designated as Urban Expansion. This is a logical location of future urban growth in the area. Places like Waikoloa need room for expansion and opportunities to develop housing and commercial services. Many island residents drive to the Kohala coast on an almost daily basis for employment. The opportunity to provide workforce housing in the area will be lost in the current form of the Genal Plan.



An argument has been made to focus development patterns in areas with existing infrastructure such as water and sewer. While on the surface this makes sense, from a practical perspective growth can occur in areas without existing infrastructure as the developer will build the required infrastructure. This works well on projects that have enough economies of scale. Again, the area of Waikoloa outlined above is a prime example of this.

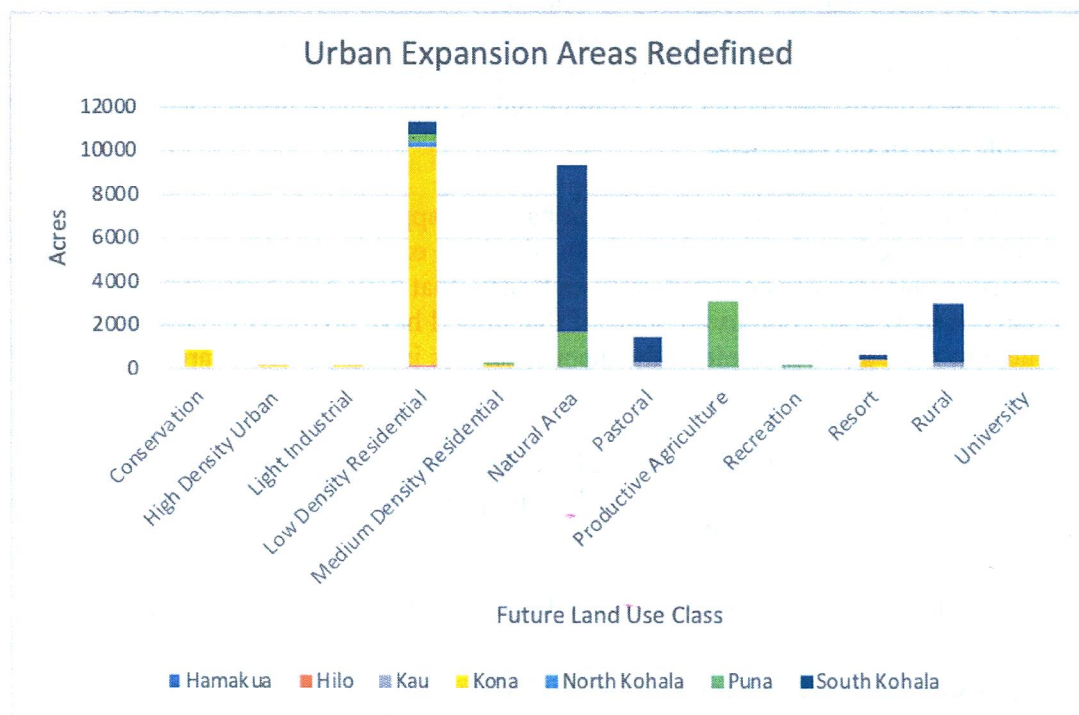


Figure 1. The area of newly classified lands from LUPAG designated urban expansion is shown for each District.

The Chart above shows the new GP classifications of formerly classified Urban Expansion lands. The vast majority of former Urban Expansion lands that retained Urban / Residential character in the Draft GP are in Kona (over 10,000 acres), while the KCDP states that *“Comparing the LUPAG and zoning maps, the amount of potential land available for rezoning far exceeds the amount of land needed to accommodate future growth projections.”* Conversely, the South Kohala and Puna Districts had the majority of formerly classified Urban Expansion lands reclassified into Natural Areas. In general, I believe the LUPAG Map element of the General Plan needs major revisions and a transparent comprehensive review to ensure the best use of these lands. Further, the Urban Expansion Areas and designation should remain in its current form.



Urban Growth Boundaries

Generally, successful Urban Growth Boundary implementation depends on regular review and redrawing of growth boundaries to maintain an adequate supply of land that can be developed. Further, great care should be taken in drawing the urban growth boundary. If the growth boundary is too small, the lack of adequate land for new development will push up the cost of new housing and other developments. Most of the CDPs the UGBs are based on are more than ten years old and problems are likely to arise if we plan for twenty years of future growth with more than ten-year-old priorities.

I suggest a system of periodic review of growth boundaries with clear criteria (as in Policy 487, but expanded) of where growth should be prioritized.

Further, there was not a consistent Urban Growth Boundary concept applied during the development of the CDPs. For instance, the **Puna CDP** defines three types of centers – regional, community, and neighborhood – which differ in size and range of uses according to their intended function... based on several specific criteria.

It appears that the community center areas outlined on maps included in the PCDP were used to almost directly draw the urban growth boundaries, a misrepresentation of the tentative lines drawn for a completely different reason. *“The maps shown in this chapter are not meant to be precise or strictly interpreted, but rather as guidelines in the preparation of rezoning requests for areas within or adjacent to regional town center, community village centers, or neighborhood centers.”*

The Hamakua Community Development Plan has a different take on designated Urban Growth Boundaries, more closely aligned with the 2019 Draft GP. As stated in Section 3.1 Land Use and Settlement Patterns – Policy 2

*Land use designation changes that would result in new State Land Use Urban or new County zoning for residential, commercial, or industrial uses outside a designated Urban Growth Boundary shall not be approved within the **Special Management Area**. (HRS 205-A; GP8.3(d))*

Further the HCDP states in Policy 5:

In the CDP Land Use Guide Map, the Urban Growth Boundary between developed areas (designated “Low/Medium Density Urban”) and lands designated as Agricultural or Rural are intended to direct growth in the Hamakua CDP planning area. Areas that are clearly beyond designated Urban Growth Boundaries shall be preserved as rural or agricultural lands to maintain open space, scenic view planes, and natural beauty areas.

The **Kona CDP** approaches urban growth the following way:



The regional land use framework, restated from the Guiding Principles (Section 3.2) is as follows:

- **Urban Area.** *Most of the future growth in Kona will be directed to an Urban Area (UA) defined in the Official Kona Land Use Map (Figure 4-7). Within this Kona Urban Area, growth would be directed to compact villages located along proposed transit routes or to infill areas within, or adjacent to, existing development...*

However, as noted in the KCDP Section **4.2.1 Existing Conditions**

Comparing the LUPAG and zoning maps, the amount of potential land available for rezoning far exceeds the amount of land needed to accommodate future growth projections. This excess could encourage a low-density sprawling growth pattern.

The KCDP then goes on to define TODs and TNDs as a means of concentrating development in compact villages, while leaving the Urban Growth Boundary larger than strictly necessary. These widely varying approaches to urban growth restrictions, or in some cases community center designations, can be effective if applied in the context in which they were developed (the CDPs). The potential for problems arises when designated development areas are taken out of context and turned into strict growth boundaries. Again, I believe the LUPAG Map element of the General Plan needs major revisions and a transparent comprehensive review to ensure the best use of County lands.

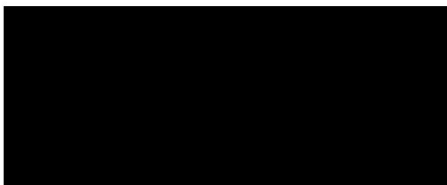
Conclusion

While it is clear considerable time and effort has gone into the preparation of the 2019 Draft General Plan, in its current state it has many serious flaws. The Draft should be revised in consideration of the purpose of the General Plan and its role in guiding future decision making and its responsibility to provide policy statements and goals instead of regulatory standards. Also, considerable work needs to be done to revise not only the land use maps themselves, but the process employed to generate the land use designations.

The proposed General Plan is being adopted for 20 years, a 20-year timeframe for this plan is too long; a 10-year timeframe would allow for more adaptability as conditions on the island change.

There are so many regulatory policies that are problematic that I have not had the time to list them all. I will be sending in an item by item list after the current draft has been revised.

I honestly believe the Draft General Plan in its current form will negatively affect our island and we will continue to struggle with housing and economics. As we have seen with Community Development Plans, while the intention may have been good, the needs of the communities have not always been met.



We are still having major issues with housing, services, infrastructure and general economic growth under the current General Plan. How does a reduction in growth patterns and more regulations help these issues?

Thank you for your time and consideration of these comments.

Sincerely,

