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Sent: Sunday, June 28, 2009 4:42 PM
To: Karen Eoff; keoff@co.hawaii.hi.us
Subject: Charter Commission Proposals

When the County Charter was first created, the framers obviously did not think that the County played an important role in the protection of our island's natural and cultural resources. The Hawai'i Supreme Court's decision in *Kelly v. Oceanside* (as well as the 2% land fund initiative and public vote) put that archaic notion to a rest. Unfortunately, the County Charter fails to include an article that includes sections that highlight the government's role in the protection of these resources. With that in mind, I am submitting the following specific proposals for the Commission's consideration.

1.

In rendering any decision, the county shall protect Native Hawaiian rights as well as Hawaii's surfsites, beaches, natural beauty, and other natural resources for future generations to enjoy.

2.

No one may serve on the planning commission or board of appeals who:

a) works as a developer, architect, builder, supplier of building materials, real estate broker or agent, or who generates any material income from or with respect to real estate transactions or development;

b) receives or has during the previous two years received, a significant portion of the person's income directly or indirectly from permit holders or applicants for approvals from the planning commission; provided that for the purposes of this section, no agency or board, of the State or county shall be considered a permit holder or applicant; or

c) has a fiduciary duty to an entity which has business before the planning commission or board of appeals.

3.

No land use or development application may be automatically approved by operation of law.

4.

Any decision to rezone or allow urban uses of agricultural lands shall require an affirmative vote of at least two-thirds of the entire membership of the body making the decision.

5.

Land zoned as agricultural shall not be subdivided into more than fifteen lots.

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