

Friends of Puna's Future
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Hand Delivered

December 18, 2009

Edmund Haitsuka, Chairman
Hawaii County Charter Commission
75-5706 Hanama Place, Suite #109
Kailua-Kona, HI 96740

Dear Chairman Haitsuka and Charter Commissioners:

The following is testimony from Friends of Puna's Future (FoPF) on CA-25, the amendment that would make community development plans (CDPs) and their action committees a part of the charter. We would like to respond and offer remedies to the objections raised during your last meeting by Bobby Jean Leithead-Todd, the county planning director.

1. The planning director objected to CDPs being required for each judicial district. This objection can be remedied easily by replacing "each judicial district" in the CA-25 text with "each community planning district established by action of the county council." (Current CA-25 language and all proposed changes by FoPF are provided at the end of this letter.)
2. The planning director objected to the requirement that all applications for development of lands within a district be provided by her department for review by the action committees. She provided the charter commission with a lengthy description of all the applications coming through her department, most of which are irrelevant and of no interest to CDP action committees. We agree that providing all those documents would place an unreasonable demand both on the planning department and the action committees.

The original intent behind the CA-25 language to which the planning director objects was to ensure that action committees have available to them information on new development applications that would affect the implementation of their CDPs, and to be adequately informed so that they can keep their communities informed while helping keep their CDPs on track. Examples of applications that would assist them—amounting to relatively few documents for each community planning district—would be upzoning change requests, special use permits, new

subdivisions, and Shoreline Management Area permits.

As action committees are the link between the county planning department and their communities, we support revising the charter language to read: “The planning department will provide action committees information requested by the action committees concerning development applications which may affect implementation of their CDPs. Action committees shall forward any recommendations on applications to the planning director in a timely manner for consideration and review.”

3. The planning director objected to CDPs being put in the charter partly because she said her department would lose “flexibility.” This flexibility includes the ability to eliminate CDPs altogether, or to be able to change timelines for their future revisions and implementation.

FoPF’s view is that a statement from the planning director about “the flexibility to...decide whether you want to have them” is precisely why CDPs and their action committees need to be put in the charter, to protect them from being eliminated by future county administrations and councils.

We are recommending that CA-25 language requiring that the general plan be augmented once every ten years by CDPs be rephrased to emphasize that each ten-year cycle shall begin with council approval. This language may reassure the planning director that the CDP process remains under the control of the county council.

4. Finally, the planning director objected to the cost of CDPs, referring to the \$688,000 spent on the Kona CDP for consulting contracts, and the approximate \$3 million in contracts spent during the last three years for CDPs overall. We object as well to this excessive expenditure. The public did not encourage paying three million dollars to outside consultants to rewrite their plans. In fact, many of us in the Puna District objected to language that was added, changed or deleted in our plan, which came not from the public but from the consultant, under the direction of the planning director. If the current planning director would like to save our county money during difficult economic times, we would applaud her for taking a hard look at eliminating outside consultants or at least placing strict limitations on outside consultant fees.

Following is both the current language of CA-25 and FoPF’s proposed language. Underscored is proposed language; crossed through is language we propose eliminating.

CHARTER AMENDMENT NO. CA-25

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI'I:

Section 1. Article III, Hawai'i County Charter, is amended by adding a new section to read as follows:

Section 3-16. Community Development Plan; Community Development Plan Action Committees

(a) The general plan shall be augmented ~~once every ten years~~ in ten year cycles by a community development plan from each ~~judicial~~ community planning district established by action of the Council. Each individual ten year cycle shall begin with the initial council approval of each individual community development plan.

(1) Any existing community development plan, as modified from time to time by Council amendment, shall remain in effect until such time as a new community development plan is adopted.

(2) A community development plan ~~action~~ committee shall be appointed within one year of completion of council approval of any community development plan to advise the planning director and the council on implementation of the community development plan. The committee shall be appointed in accordance with Section 13-4 of this Charter.

(3) ~~All applications for development of lands within a district shall be reviewed by the district's action committee who shall forward recommendations to the planning director in a timely manner for consideration and review.~~ The planning department will provide action committees information requested by the action committees concerning development applications which may affect implementation of their CDPs. Action committees shall forward any recommendations on applications to the planning director in a timely manner for consideration and review.

(4) All proposed amendments to a community ~~action~~ development plan shall be referred to the community action committee for review and recommendation. The community action committee shall forward their recommendations directly to the Planning Director and to the Council.

(b) In those areas of the County that have adopted a community development plan, the council shall enact zoning, subdivision, and other such ordinances which take into consideration such community development plans.”

Section 2. Article VI, section 6-7.2, Hawai'i County Charter, is amended by amending subsection (b) as follows, with added language underscored and deleted language bracketed and stricken through:

“(b) The director shall be the chief planning officer of the county and the administrative head of the department and shall:

(1) Advise the mayor, the windward planning commission, the leeward planning commission, Community Development Plan Action Committees and the council on all planning and land use matters.

- (2) Prepare a general plan, implementation plans and any amendments thereto in accordance with [section] Sections 3-15[.] and 3-16.
- (3) Prepare proposed zoning and subdivision ordinances, zoning maps and regulations and any amendments thereto.
- (4) Review the lists of proposed capital improvements contemplated by agencies of the county and recommend the order of their priority.
- (5) Administer the subdivision and zoning ordinances and regulations adopted thereunder.
- (6) Render decisions on proposed subdivision plans pursuant to law.

Mahalo for your consideration,



The Board of Directors
Friends of Puna's Future
Bett Bidleman
Paul Campbell
Frank Commendadore
Delia Montgomery
Rob Tucker