



## County of Hawai'i PLANNING DEPARTMENT

### PUNA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

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**Wednesday, January 19, 2022**

### Meeting Minutes

#### CALL TO ORDER

This meeting was attended by members of all Community Development Plan (CDP) Action Committees (AC) in the County of Hawai'i. Long-Range Planner, Keiko Mercado serving as a non-voting Chairperson for the island-wide convening of CDP ACs, called the Puna Community Development Plan (CDP) Action Committee (AC) meeting to order at 5:11 P.M. Due to restrictions related to the COVID-19 pandemic, this meeting was held via the Zoom interactive video platform.

Kona AC Chair Charles Young shared an 'Ōlelo No'eau:

*E kanu mea 'ai o nana keiki i ka ha'i*

*Plant edible food plants lest your children look with longing at someone else's.*

#### ROLL CALL

Action Committee Members Present: Franny Brewer (Vice-Chair), Kanoe Wilson, Leilani DeMello, Leila Kealoha, Susan Osborne.

Planning Department Staff: Zendo Kern (Planning Director); Grant Nagata (Admin Services Officer); Keiko Mercado, Heather Bartlett, and Jaslyn Nathaniel (Long Range Div. Planners); Courtney Costa (Long Range Div. Staff).

Members of the public: 9 members of the public attended the meeting via Zoom. Members of the public also observed the meeting via the Livestream on YouTube. The Livestream is available at <https://youtu.be/eEv32s28l4g>

#### STATE SUNSHINE LAW UPDATE BY CORPORATION COUNSEL

Deputy Corporation Counsel Jean Campbell presented the basic tenents of the State Sunshine Law and its new changes.

Click here for the presentation slides (Communication No 2022-01):

<http://records.hawaiicounty.gov/Weblink/1/doc/113992/Page1.aspx>

Hāmākua Committee Member Keeney asked for clarification from Ms. Campbell on Sunshine Law restrictions for contacting members of other Action Committees. Ms. Campbell responded that discussing business with members of your own Action Committee is a breach of Sunshine

30 Law and that caution should be taken when discussing business with other AC members,  
31 especially if there is potential for applicability across multiple Action Committees.  
32 Kona Committee Chair Young questioned amending an agenda and whether rearranging items  
33 would be applicable. Ms. Campbell clarified that agenda items may be re-ordered or postponed.  
34 She added that boards are generally discouraged from adding agenda items during a meeting as  
35 it does not give the public advanced notice.

36 Hāmākua Committee Member Kua asked if there were any plans to switch to in-person meetings  
37 and, if so, how much notice would the Planning Department provide. Ms. Campbell responded  
38 that the Governor’s current Emergency Proclamation lifts the requirement of in-person meetings  
39 until the end of February and that the proclamation could be extended/canceled depending on  
40 the COVID-19 emergency. Remote meetings may resume after the proclamation is lifted but will  
41 require at least one in-person site (usually at a County facility).

42 Hāmākua Committee Member Keeney inquired further on communication with other members  
43 through email on recommendations for agenda items. Ms. Campbell responded with a  
44 suggestion that communications outside of meetings should generally be discouraged and  
45 recommended that Action Committee members share their agenda item suggestions with staff.

46 Ms. Mercado reminded Committee Member Keeney that staff contacts AC members about three  
47 weeks before each meeting to request input for the upcoming agenda. She requested that any  
48 additional questions and/or feedback be included in the post-meeting feedback form.

49 **PUBLIC COMMENT ON AGENDA ITEMS:**

50 Two (2) members of the public and one (1) Action Committee member (representing  
51 themselves) provided testimony.

52 1. Community member Cory Harden provided testimony on the Planning Director’s message  
53 and on item (3) 2022 RoadMap. She contended that the North Kohala Action Committee “fell  
54 apart” a while back due to what the Kohala Mountain News quoted as “Tight rules [that]  
55 made it impossible to respond to issues in a timely manner and to allow discussions on items  
56 that are not in the agenda.” Ms. Harden expressed concern with the AC meetings moving  
57 from once a month to once every three months. She also described long delays in filling  
58 vacant Action Committee and Kailua Village Design Commission seats. She mentioned that  
59 the multi-meeting process for taking action combined with the limited number of meetings  
60 severely slows progress. She also conveyed frustration with Planning Staff that an agenda  
61 item request to discuss a large 201H housing development on agricultural land, was not  
62 honored. Ms. Harden shared her concern that Action Committees were changing from being  
63 place-based to issue-based. Lastly, she expressed concern that the draft General Plan is  
64 formatted so differently from previous General Plans that it is too difficult to differentiate the  
65 changes.

66 2. South Kohala Committee Chair Smith, representing herself, testified on the Planning  
67 Director’s message. She read her written testimony to Director Kern regarding incoming  
68 Federal infrastructure funding. She asked the Director to advocate for the CDP  
69 Infrastructure/ Emergency preparedness priorities. Ms. Smith expressed that each Action

Committee has worked thoroughly, investing time to research and find the infrastructure needs for each community to meet favorable selection criteria.

Ruth Smith's written testimony (Communication No 2022-04) can be found at the following link: [Communication No. 2022-04 -R. Smith Testimony to PD Dir. Kern](#)

3. Community Member Meizhu Lui, representing herself, testified on the State Sunshine Law Update. She expressed agreement with the previous testifiers, adding that CDPs are products of a democratic process and that she hoped the administration would honor that. Ms. Lui explained that the Sunshine Law premise would mean nothing if there were no meetings. She shared that infrequent meetings are a hindrance particularly given the significance of the incoming Federal funds and the pandemic. She expressed support for place-based AC initiatives given how different each district is. Ms. Lui echoed concern about the 100-acre 201H housing development Ms. Harden mentioned. She talked about the disadvantages of bypassing zoning regulations through the 201H and how it could potentially harm the community. Community Member Lui voiced the need for affordable housing, however, not at the expense of agricultural land.

#### **MESSAGE FROM PLANNING DIRECTOR, ZENDO KERN:**

Planning Director Zendo Kern introduced himself and shared his appreciation to Action Committee members for their service to the community. Mr. Kern described the heavy workload in the Planning Department explaining that it is not meant to be an excuse but an insight on staff experiences. He mentioned Mayor Roth's priority of sustainability and how the Planning Department plays a central role in that function. In describing his strategic approach; Director Kern utilized the Japanese term *Kaizen*. He defined it as continuous improvement and an approach to improve the multifaceted processes of the department through improving communication and addressing ongoing challenges. Director Kern shared the benefits of the County's EPIC system that would increase transparency, improve customer service, and streamline processes.

He summarized some primary project goals to improve the EPIC system, increase digitization of department files, and ongoing work with the Research and Development Department on a Climate Action Plan to be a "living document" attached to the General Plan. He explained that the Department is now back to "full throttle" on the General Plan comprehensive review although it still has an extensive process to go through. He also shared plans for a comprehensive update of the Zoning Code and Subdivision code to include a framework for green infrastructure and transit-oriented developments (TODs) among other initiatives. He shared that the Puna Eruption Recovery work continues to be a big priority for the Department which includes the property buyout program, working with FEMA on infrastructure needs, and designing a resiliency framework that can be applied island-wide. Director Kern also explained the work he's done to connect with Senators and the State DOT to understand and plug into the process of dispersing Federal infrastructure funds. He said the County is still waiting on information but that he would advocate for CDP Action Committee priorities as the process moves forward. Lastly, he expressed that the Roth administration cares deeply about the CDP Action Committees and shared regret that previous statements had been misconstrued to imply

otherwise. Moving forward, he encouraged AC members to contact the CDP team so that further feedback could be shared with him.

## **BUSINESS:**

### **1. Presentation by Susan Kuntz from the Office of Housing and Community Development:**

Housing Administrator Susan Kuntz presented an overview of the 201H process and provided information on its use and applicability. In her presentation, she covered the housing needs in Hawai'i County by outlining how they used Area Median Income (AMI) figures of 5 years to estimate the need for 10,796 affordable housing units. Ms. Kuntz identified the challenges developers face as affordable housing is not as profitable as developing market-rate housing and may not always be financially feasible. She spoke about different mechanisms available to assist qualifying housing projects, including federal funding assistance and the State's 201H law. This law allows for exemptions from various permitting constraints relative to affordable housing developments. Administrator Kuntz also shared 201H projects that were proposed in 2021. She explained the agency's Strategic Roadmap which included regulatory reform of the inclusionary zoning code (Hawai'i County Code (HCC) Chapter 11), as well as working with the Planning Department on amendments to the subdivision (HCC Chapter 23) and zoning codes (HCC Chapter 25). Ms. Kuntz also included the creation of an affordable housing program that identifies potential or existing State and County properties that could be used for affordable housing developments.

Based on questions posed in the Zoom chat, Ms. Bartlett summarized a general question around the qualifications for 201H. Ms. Kuntz replied by stating that both private and non-profit developers could apply with the stipulation of a 50% plus 1 criterion of affordable units. Ms. Bartlett assured participants that other questions or comments would be followed up on after the meeting.

Click here for the OHCD presentation slides (Communication No. 2022-02):

<http://records.hawaiicounty.gov/Weblink/1/doc/114215/Page1.aspx>

Click here for the 2019 Hawai'i Housing Study mentioned in the presentation:

[https://dbedt.hawaii.gov/hhfdc/files/2020/01/FINAL-State\\_Hawaii-Housing-Planning-Study.pdf](https://dbedt.hawaii.gov/hhfdc/files/2020/01/FINAL-State_Hawaii-Housing-Planning-Study.pdf)

### **2. Presentation by Executive Director Kristine Kubat from Recycle Hawai'i:**

Recycle Hawai'i Executive Director, Kristine Kubat shared information on strategic methods to reduce solid waste, available resources, and their mission as a non-profit organization. She stressed the importance of recycling and the general goals and objectives that the non-profit organization would like to see communities accomplish. Ms. Kubat phrased Zero Waste as "The conservation of all resources through responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health". She provided examples of self-sufficient community successes and current waste management practices that could be expanded. Recycle Hawai'i would like to be further involved with Action Committee work and invites the community to get involved in the mission.

Click here for the 2021 Zero Waste Plan:

<https://www.hawaiiicounty.gov/home/showdocument?id=304313&t=637812904261834301>

Click here for the 2019 Integrated Solid Waste Management Plan:

<https://records.hawaiiicounty.gov/weblink/ElectronicFile.aspx?openfile=true&dbid=1&docid=110921>

Click here for the 2009 Zero Waste Plan: [http://hawaiiizerowaste.org/site-content/uploads/3-14-09-Hawaii\\_Zero\\_Waste\\_Plan.doc.pdf](http://hawaiiizerowaste.org/site-content/uploads/3-14-09-Hawaii_Zero_Waste_Plan.doc.pdf)

### 3. 2022 Roadmap Discussion:

Long-Range Planner, Heather Bartlett presented on the 2022 Action Committee Roadmap and provided the Action Committees and community with updates, foreseeable events, and upcoming discussion topics. Ms. Bartlett explained that the slideshow was a brief skeletal overview to be discussed in greater detail at individual AC meetings. Ms. Bartlett covered a collection of thoughts, ideas, and feedback from one-on-one meetings with AC members and encouraged more AC members to share their thoughts with the CDP Team. She highlighted progress for the Puna AC who gained two new members to satisfy quorum requirements along with their progressive recovery efforts. Ms. Bartlett highlighted ongoing work to engage the North Kohala community as they work to formalize an AC. She shared that the Mayor's office had received numerous applications for the Ka'ū CDP Action Committee and the CDP Teams aspires to have members appointed by mid-2022. Suggested upcoming AC discussion topics include chair and vice-chair elections in March, sharing of the draft Capital Improvement Projects (CIP) budget, project prioritization/road-mapping, Chapter 16 review and guidelines, and the hosting of mixed Zoom and in-person (hybrid) meetings.

The 2022 Roadmap Presentation slides (Communication No 2022-03) may be accessed at the following link: <http://records.hawaiiicounty.gov/Weblink/1/doc/114216/Page1.aspx>

### **ANNOUNCEMENTS:**

The February Action Committee meetings have been moved to March. The next Puna Action Committee meeting will be on March 3, 2022.

### **ADJOURNMENT:**

The meeting was adjourned at 7:13 pm.

These minutes and all related documents are available in the Planning Department's Puna Community Development Plan Action Committee folder via the [County of Hawai'i Public Documents Repository](#). These documents may also be requested from the Planning Department by calling (808) 961-8288 or emailing [cdp@hawaiiicounty.gov](mailto:cdp@hawaiiicounty.gov).