

Is the Hawai'i County Planning Director Disabling Community-Based Planning?

by Chuck Flaherty, Hawai'i Island Group Executive Committee Chair | Reading time: 4 minutes

On August 18, 2022, the Hawai'i County Planning Director, Zendo Kern, sent a letter to the county's six volunteer Community Development Plan Action Committees (CDP AC) that began:

"Aloha CDP Action Committee Members,
Due to recent staffing changes in the Long-Range Division within the Planning Department, it has become necessary to adjust staff time and resources. This means staff will unfortunately not have the capacity to organize or facilitate AC meetings for the foreseeable future."

This announcement caused great alarm and consternation among the members of the CDP AC, the county council and the many, many hundreds of residents who volunteered their time, energy, and expertise to develop the CDPs, as well as those who have served on and supported the Action Committees over the years. The Planning Department's withdrawal of support for the CDP AC's has coincided with several luxury developments submitting applications to build in one of the last undeveloped areas of the Hawaiian islands where the traditional culture of Hawai'i remains a way of life in the southwest part of Hawai'i Island, an area that is larger than the island of Oahu. The six CDPs were adopted as law beginning in 2008 and require the Planning Department to work with the CDP ACs to manifest the goals, objectives, and actions detailed in each. One of the biggest questions is whether the Planning Director has the legal authority to withdraw support of the CDP ACs since that undermines the ability of the CDP laws to be administered as intended by those laws. Also, there are questions as to whether the Sunshine Law was violated when at two publicly noticed CDP AC agendas did not list a discussion of changes being made, though that was an agenda item during the meetings. [The CPDs can be seen here](#).

The alarm increased when one month later, invitations were sent to "key stakeholders" that began:

"Aloha: The County of Hawai'i (COH) is embarking on an approximately 18-month process to review and update its zoning and subdivision codes (Chapters 25 and 23 of the 1983 Hawai'i County Code, respectively). COH is supported in this effort by a

consultant team including Rundell Ernstberger Associates, Orion Planning and Design, and SSFM International."

The consultant team are all mainland-based companies, which the community knows from past unfortunate experience will be inherently unable to understand and give proper consideration of Hawaiian cultural values and the environmental resources upon which these values depend. [The Zoning and Subdivision update website is here.](#)

Further complicating the situation for Hawai'i Island community-based volunteer efforts, the county Planning Department is also in the midst of a revision of the county General Plan, the comprehensive law that guides development on Hawai'i Island. The legality of the revision process is also in question because rather than truly revising the current GP with changes shown through Ramseyer formatting, the draft GP has no references to the current GP. The new GP would effectively be "gut-and-replace" legislation rather than a revision or update of existing law. [The current and draft GPs can be seen here.](#)

After being nominated and confirmed, the Planning Director was required to implement a "firewall" because his planning consulting firm had many past, current, and future clients making applications to the Planning Department. Despite numerous requests, the Planning Director has not produced a copy of an internal memo containing written procedures that would allow an independent party to determine whether or not the "firewall" is sufficient to prevent the Planning Director's conflicts of interest from having any undue influence on the employees of the Planning Department involved with any application process.

A final concern is the fact the Planning Director has reportedly invalidated all past internal memos, which would have included, for instance, one that prescribed Planning Department policy and procedure to assure adequate protection of historic and cultural resources in light of a historically "broken" State Historic Preservation Division.

The bottom line is the Hawai'i County Planning Director is taking actions without consideration of pragmatic effects on volunteer community-based planning efforts. The pandemic and the social and economic challenges it has brought into the homes and families of all residents of Hawai'i have been overwhelming for many. The Planning Director's actions over the past year have increasingly challenged the community's ability to provide constructive, effective input, while at

the same time further assisting paid, wealthy special interests which already dominate planning decision-making processes.

We urge the Planning Director to take actions, such as funding and staffing to restore the partnership the Planning Department had with the CDP ACs, and proposing a true revision of the current GP while also revising the CDPs to have uniformity of format with GP to ensure more effective and efficient administration of these laws, thereby providing for a safe and healthy future for all Hawai'i citizens.

We also strongly urge County Council to hold a public hearing, as soon as possible, on these sweeping and extremely troubling changes.