

From: [REDACTED]
To: [Planning CDP](#)
Subject: Testimony for upcoming Tuesday meeting
Date: Saturday, February 18, 2023 4:49:27 PM

My name is Bill McClellan this New Year's Eve will be my 40th year I live in Hawaiian acres in puna and something happened to the rain plants and grass are complaining at certain times of the year by turning brown and wilting I'm particularly talking about Fern acres which periodically the sides of the roads start turning brown and dying and Hawaiian acres is being similar. My bigger concern is if I'm experiencing that where I am at somewhere around 200 in of rain a year and most of the island is far dryer than that if the plants are complaining now the water table is going to complain later and there's a lot more people than live here back in 83 when Hawaiian acres in Fern acres had a fire significant enough to bring in the national guard to evacuate people from their homes at gunpoint and there were maybe a tenth the number of people that are here now there is a fire code but 95% of people don't know there's a fire code for how close vegetation should be to a house in many the locks aren't big enough to separate the vegetation that might catch fire from the house or vice versa there have been other significant fires and puna my concern is there's a lot more people here now and they all think the son nice sunny days is normal anyhow I said my piece stay safe with anybody wants to contact me the county knows how.

PS

From: [REDACTED]
To: [Planning CDP](#)
Subject: Kona Community Actions Plan meeting on Feb. 21st
Date: Monday, February 20, 2023 7:27:31 AM

Island-Wide Development needs to stop and reports need to be done first to understand the safety of the island's infrastructure and its population growth.

The population is growing fast and I ask you to please provide affordable homes to Hawaiians and locals first before you allow newcomers to apply because the people who have been here for years deserve the first opportunity and the island's infrastructure is very small and needs to stay safe for everyone.

There is only a two-lane road all the way from Kona to Hilo going south and in some areas cars can not pull over to let an ambulance by, have you done any reports on traffic safety for this one and only Hwy?

Before the island gets seriously overpopulated here is a petition that is trying to help keep the Big Island in a safe infrastructure by making locals a priority for homes first. Will you read this petition and keep to a safe infrastructure?

<https://www.change.org/p/help-locals-be-able-to-buy-affordable-homes>

There are 289 signatures so far that are asking to be heard. Will you please read this petition and the comments below and listen to what the people are saying before you keep approving more developments on the Big Island?

Will you start doing reports and having meetings to truly see how safe the Big Island's infrastructure is before continuing to seriously increase the island's population?

Will you please do reports on traffic safety, and ambulance safety due to small roads, sewer issues, water issues...because of population growth, how the one and only hospital can handle more growth in population, and parking issues...

I hope you can see my point and truly start looking at what is happening to this island and start trying to keep everyone safe in the small infrastructure that this island has, instead of increasing more development before these reports are understood for the safety of the island and its people.

Thank you,

Sincerely,

Rebecca Melendez

Help Prioritize Big Island Homes to Keep Safe Infrastructure



Rebecca Melendez started this petition to Rebecca Villegas and **6 others**

We stand to keep the population on the Big Island in a place where the Big Island's small infrastructure and resources are safe and comfortable for the entire population, as well as locals are able to come first for affordable housing and buy affordable homes on the island before newcomers.

Please go to BigIslandSupport.com to learn how to support the island.

Can the Hawaii Planning Department put in a stipulation in all

development applications that to build on The Big Island they must sell a high percentage of their homes to locals at an affordable rate first before selling to newcomers? This could help the local homes shortage as well as slow the increase in population.

For example, a stipulation to be able to build and sell homes on The Big Island would be they must sell 50% of their homes to Hawaiian locals who have lived on the island for 10 years or more, 25% to regular locals who have lived on the island for 10 years or more and all at an affordable rate that is under \$400,000, and sell 25% to newcomers at whatever rate they want.

That is 75% of homes that developers build must be made for or sold to locals in order to be approved to build on the island because this is an island, not the mainland and there needs to be a way to help keep the island's infrastructure safe for everyone.

This would help the locals who have lived here for years be able to purchase a home before big investors, as well as help, slow down homes from becoming vacation rentals instead of family homes, and will help decrease the fast increase in population until the Planning Department can know for sure that the island's infrastructure, as well as resources, can handle a serious increase in population.

We also ask for an Environment Population Impact Report to be done on what would be a safe population for the Big Island due to the infrastructure of the island's roads, landfill, water, sewer...

There are mostly only 2 lanes throughout the entire Big Island and some places where cars cannot pull over if an ambulance needs to get by. If the island's population keeps increasing there will be constant serious traffic and how will ambulances get by in emergencies?

What if there is a tsunami and people need to get to higher ground? Will they be able to get to higher ground in time with increased traffic? The island's small road infrastructure isn't made for a high population.

What is a safe population for the Big Island? The Environment population Impact Report can tell us. We ask this to be done.

We ask for another hospital to be built, as well as a trauma center and dive chamber to be put on the island to accommodate all types of injuries before you allow more development to be approved. Unless you put in the stipulation in the application that developers must sell 75% of their homes to locals at an affordable rate.

Alii Drive is only two lanes and right now there are two big developments in progress and at least three more applications to build more subdivisions on this one road. Can we see how this road handles all the new homes that are already in progress before we start building hundreds more on this road?

We stand to stop more development on Alii Drive until the Environment Population Impact Report has been completed and then only if the stipulation that they must sell 75% of their homes to locals at an affordable rate is included in order to be approved to develop.

What about parking? All of the Big Island towns have parking issues, especially during high tourist seasons and Ironman. With more subdivisions comes more cars and the island towns are already overcrowded with parking issues. How will parking Improve with more houses? Is the Hawaii Planning Department considering the parking issues?

We ask for you to improve the parking issues before approving more development unless you put in the 75% homes to locals stipulation in the application.

From what I've read there are 50,000 cesspools on The Big Island. Are these all upgraded to ensure they will not pollute the land and ocean?

We ask that all cesspools be upgraded to ensure safety for the ocean around the island.

If you agree with this info, please sign this petition.

There are hundreds of new homes that have been approved and are currently being built right now. This petition states that we strongly OPPOSE approving more New Proposed Subdivisions Applications UNLESS Hawaii Planning puts in the stipulation that they must sell 75% of their homes to locals at an affordable rate that is under \$400,000. This can slow down the increase in population so we can look at the island's resources and infrastructure to keep the Big Island safe for the people who already live here and give homes to locals.

We Oppose these MK's below unless they sell 75% of their homes to locals at under \$400,000 a home. Stipulations to build on the island are possible!

Tax Map Key 7-8-004: 059 & 060 size of property 1.3 Acres

Tax Map Key: (3) 7-3-065:044 approx. 3.418 Acres

Tax Map Key 7-8-010:077 size of property 74 Acres Keauhou area

Tax Map Key 7-5-003:023 size of property 129 Acres Queen K Hwy area

Tax Map Key 7-7-008:121 size of property 11 Acres Alii Drive area

Tax Map Key 7-7-004:063 size of property 8 Acres Alii Drive area

Tax Map Key 8-1-007:013 size 1.74 Acres

Tax Map Key 8-1-008: 004 size 6.875 Acres

Tax Map Key 7-9-007: 055 size 2 Acres

Tax Map Key 7-5-017:040

Tax Map Key 7-5-019:049, 050,054 size 47.389 Acres

Tax Map Key (3) 8-1-036: 001 & 002 size 54 Acres

Tax Map Key 3-709-5-79 size 94 Acres

Tax Map Key (3) 7-5-020:066 9.9 sq. ft

Tax Map Key (3) 7-5-018:071 size 3 Acres

Tax Map Key 7-6-021:016 & 017 size 68 Acres

Tax Map Key 7-6-008: 012 size 10 Acres

Tax Map Key (3) 7-5-018: 095

Please let me know if you find more applications on the streets. They are big black and white signs on vacant lands that have Application Info and Tax Map Key numbers. Please email me the Tax Map Key numbers and I will add them to this petition. You can email me at savebigisland@gmail.com, thank you!

Please go to bigislandsupport.com to learn how you can support more of the island.

Please go to <https://www.planning.hawaiicounty.gov/> and click on General Plan & Community Planning then click on Stay Informed which is to the left. Get on their email list to know when their meetings are so you can attend and give your voice on developing the island.

Reasons for signing the above petition

See why other supporters are signing, why this petition is important to them, and share your reason for signing (this will mean a lot to the starter of the petition).

[Joanne A Martinez](#)

[Jan 1, 2023](#)

Big Island residents are impacted by all the high end development promoted by real estate business, the planning department and Mayor driving the high cost to live on the island beyond affordability. Native Hawaiians r forced to leave their homeland replaced by wealthy

mainlanders changing Native Hawaiian & local culture to include political views not favorable to long-established residents on Big Island. Hawaii County is becoming not much different than stateside culture. We are losing our uniqueness & delicate ecostructure is being damaged.

- 0

Report



[Lauren Kamaau](#)

[Dec 15, 2022](#)

We need to be able to live here too! We shouldn't be priced out of our homes

- 0

Report



[Susan Collins](#)

[Dec 15, 2022](#)

Local families are priced out of housing market.

- 0

Report

[Annette Reyes](#)

[Dec 14, 2022](#)

The laws should be that any residential property that is sold in Hawaii, must be sold to other residents that have lived here as full time residents for 5 consecutive years or more, immediately before the actual buying of the residence. Proof must be submitted including 5 years or more of their income taxes filed in Hawaii as full time residents.

- 1

Report

[Pam Shultise](#)

[Dec 14, 2022](#)

We need affordable housing!

- 1

Report



[Jana Serion](#)

[Dec 14, 2022](#)

Jana Serion

- 0

Report



[Kurt Faut](#)

[Oct 2, 2022](#)

Simply put, the traffic on Kamehameha III Road, should this project be completed, will be similar to that fronting Hulihe'e Palace and the pier. Tourists clamoring to swim and recreate on the bay, ride on the snorkel and fishing boats, and passing through to the Outrigger Keauhou Bay Hotel will irreversibly and negatively affect the peaceful nature of this gem of an ocean masterpiece. I am firmly against the construction of the through road from Ali'i Drive to the Hotel.

- 0

Report



[Ana Chervenak](#)

[Jul 30, 2022](#)

My home is becoming over populated

- 0

Report



[CM Simon](#)

[Jul 20, 2022](#)

I care.

• 0

Report

[Tracy Gonsalves](#)

[Jul 20, 2022](#)

We are already overpopulated, our ecosystem is altered each time portions of this land is cleared to make way for another structure or roadway, this invites the outsiders of wealth to buy and continues to suppress locals and natives from living a basic or simple affordable life. This depletes and disrupts our beautiful historical hawai'i nei.

• 0

Report



[Frank Rom](#)

[Jul 19, 2022](#)

Seems population growth is out pacing infrastructure development by too big a margin.

• 0

Report



[Ann Eshabarr](#)

[Jul 14, 2022](#)

We need to build smart and affordable. We need to take great care with the important decisions being made. Infrastructure, roads, culturally significant land, and traffic are just a few of the things to consider. We need to move forward carefully. We must stop corruption. All money should go to where it's intended not someone's pocket. We need more auditing. Mahalo.

- 0

Report

[Peter Matlock](#)[Jul 14, 2022](#)

If all existing homes that are supposed to be hooked up to our sewer system were connected overnight, we'd already be over the capacity of the Kealahou sewage treatment plant. We know the danger of getting into local waters with an open cut--infections take impossibly long to heal. Coral reefs and marine wildlife are suffering. Why are we making this problem worse?

- 0

Report

[Protect 'Opinihale Ohana](#)[Jul 13, 2022](#)

Ua mau ke 'ea o ka 'āina i ka pono.

- 0

Report

[Heidi Lee](#)[Jul 4, 2022](#)

We don't need more housing unless we have enough natural resources .. and we need affordable housing not more second homes for people

- 0

Report

[Ethan Olins](#)[Jun 28, 2022](#)

As it is there's not nearly enough infrastructure or decent shoreline access in Kona and BI in general. Aole.

• 0

Report



[Duane Nakano](#)

[Jun 27, 2022](#)

We need more affordable housing for locals..I'm in the construction industry & all I see is lots being cleared to build for outsiders.

• 0

Report



[Carolyn Witcover](#)

[Jun 26, 2022](#)

There is too much housing here owned by people who only live here for a few months each year! Meanwhile the locals suffer.

• 0

Report

[Karen Foster](#)

[Jun 26, 2022](#)

We already need infrastructure improvements.

• 0

Report



[Hanna Casagrande](#)

[Jun 26, 2022](#)

I'm signing because lots of locals family's as well as local family business are being kicked

out of there long time generation or just starting businesses, and family can't afford to live in there own home in which they were planing on staying in forever to raise there kid let there kids raise there kids etc.. almost everyone is moving out to ocean view because it's the only thing we can afford due to lots being underpaid as an employee, so when can we ever win honestly, it's like we get this but you gotta do this how is that fair? I get we're the biggest island but not every haole has to live here vacationing is enough to make our system run, so please keep in mind to those who want to build and kick all current residents out who have been there for YEARS keep in mind that they have a family to care for and sometimes there's only ONE person who is able to work and provide for the whole entire house... be thoughtful don't ruin our lives and make us all homeless

- 0

Report

[Mark Axelson](#)[Jun 26, 2022](#)

Markaxelson

- 0

Report

[T Vazquez](#)[Jun 25, 2022](#)

I would like Hawaii Island to NOT become like the island of OAHU!

- 1

Report

[Denise Smith](#)[Jun 25, 2022](#)

The big island can not handle MORE VEHICLES MORE PEOPLE.. WITHOUT PROPER INFRASTRUCTURE!!!!!!

- 1

Report

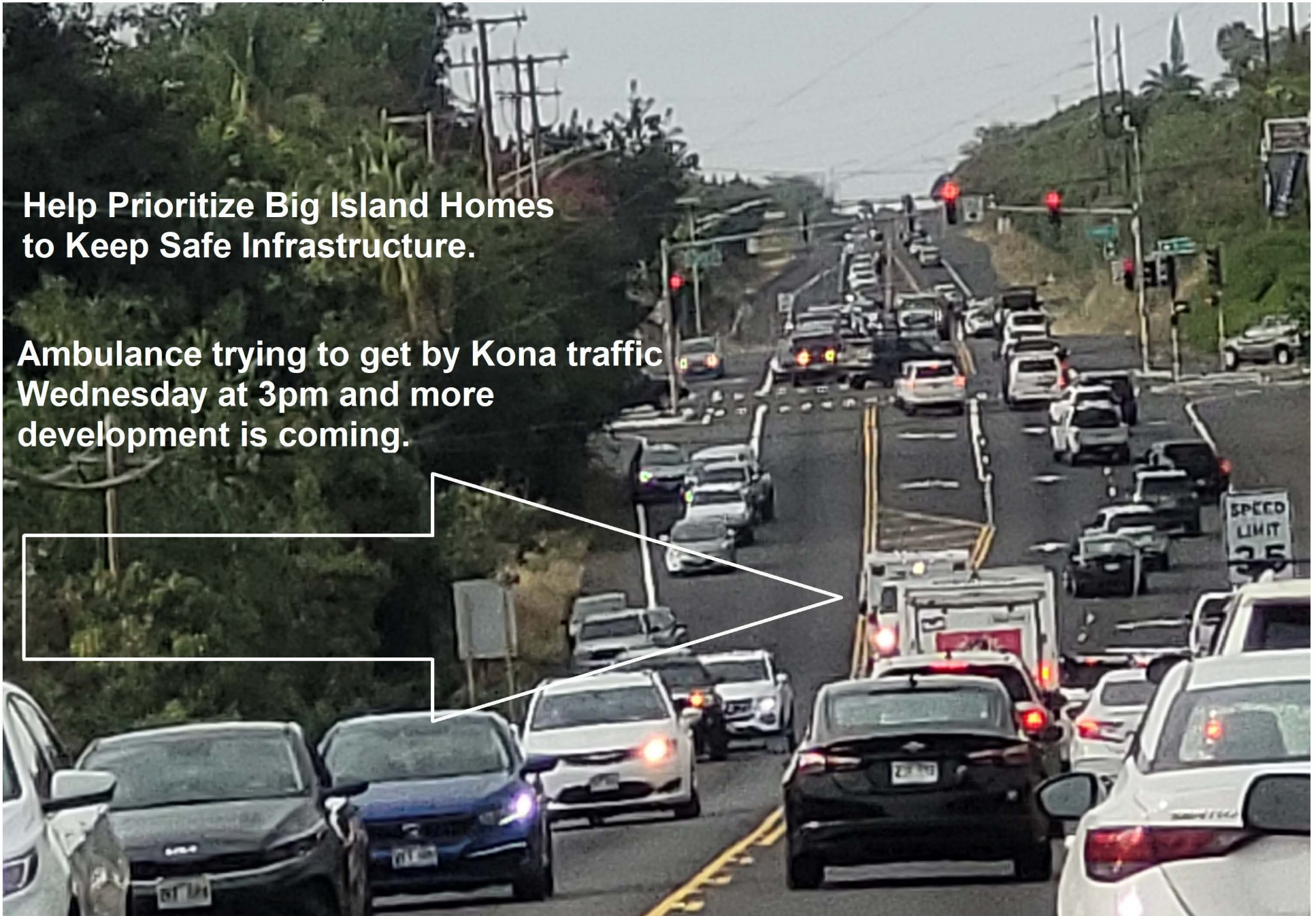
[Aleksie Keske](#)

[Jun 25, 2022](#)

Hawaii belongs to Hawaiians NOT real estate agents.

**Help Prioritize Big Island Homes
to Keep Safe Infrastructure.**

**Ambulance trying to get by Kona traffic
Wednesday at 3pm and more
development is coming.**









North Kohala Presentation for Joint CDP Zoom Meeting

The NKCDP Action Committee dissolved during the summer of 2021

- Poor recruiting.
- Frustrations over monthly → bimonthly → quarterly meetings
- “Formalized” proceedings- public input written in advance. 3-minutes to speak. Only at beginning.
- Sunshine Law restrictions on how AC members communicate and how many can attend other Kohala meetings. AC members are active in the community and Sunshine limits them.
- New agenda items typically require 3 months before final discussion and vote/decision.
- Our “SubGroups” are designed to do the real work of implementation – each assigned to a Strategy. AC provided guidance, communication with the public, support.
- Some local opinion that their input was not welcome and that the AC was ineffectual (“Inaction Committee”).

Few of us were aware of the situation for several months (quarterly, pandemic)

When we learned, we took action to recover, but decided on a different approach that addresses the issues above.

We were sympathetic over Planning’s staffing challenges to adequately administer all CDP ACs.

- Less formal Advisory Group that assumes all of the responsibilities of the past AC.
- Kohala selects (9) members, not the Mayor.
- 2-year terms, renewable once.
- Not subject to Sunshine restrictions, although do publish agendas, reports of meetings
- Plan to establish our own web page that posts Agendas, Minutes, SubGroup Reports etc. if Planning will not do so.
- We can communicate between meetings on routine administrative issues, but cannot discuss issues involved with NKCDP implementation or collude on how to vote. State OIP asked to interpret what could and could not be discussed, finally deciding to prohibit communication on “anything that may come up in future meetings” (= *anything*).
- We serve our community and people who come to AG meetings should be able to speak up at any time on any issue under discussion.
- We are not restricted to addressing only NKCDP Strategies.
- New items from the audience can receive a preliminary discussion evaluation to set for next agenda.

Separate **Kohala Community Plan** group is presently addressing the need to update and expand the NKCDP.

Now in the process of forming Focus Groups- hope to revive community participation. 12% of Kohala residents turned out for over 60 small group meetings in 2005-2006.

Create a “Living Document” that can be continually updated and revised.

Issues we see as we proceed:

- How do we handle membership to best serve the entire community?
- How will the NKCDP-AG and Planning develop a working relationship without tripping Sunshine?
- How will the NKCDP-AG and the KCP develop? Separate? Merge? Some of the expanded array of issues will need continuous AC-type implementation whereas others may simply require a local group to address outside a CDP-like structure.



SIERRA CLUB

HAWAI'I ISLAND GROUP

February 21, 2023

County of Hawai'i Community Development Plan Action Committees
c/o County of Hawai'i Planning Department
25 Aupuni St
Hilo HI 96720

Re: February 21, 2023 Joint Action Committee Meeting, Agenda Item #1 - Planning and Action Committee Program Update

Welina mai members of the six Hawai'i island Community Development Plan Action Committees (CDP ACs),

Communication 2023-01, Action Committee Engagement Survey Report, from the Planning Director contains the opinions of 148 individuals, including 32 current or former Action Committee members. Meanwhile, thousands of Hawai'i island residents were involved in hundreds of meetings in developing the CDPs. With its small sample size and no information on participants in it, this survey has no statistical validity. It is ridiculous for anyone to attempt to make any inferences or assumptions about the island communities' opinions, especially when potential conflicts of interests that could have a significant influence over the results are unknown.

In addition, the survey occurred after the Planning Director had removed prior levels of CDP AC support, ceased CDP AC meetings support, terminated new CDP AC member nominations, and had only recently restarted CDP AC meetings. It is an understatement to say that, at the very least, the CDP ACs and those supporting CDP ACs were severely disenfranchised when this survey was conducted.

Meanwhile, thousands of Hawai'i island residents were involved in hundreds of meetings in developing the CDPs, including numerous county council meetings.

The six county CDPs and their ACs are not a "program". As will be partially described in the following testimony, they are legal entities mandated and empowered by and in county and state laws.

Currently, the CDP ACs are in a state of confusion because of actions by Planning Director Zenda Kem undermining the requirements of county laws related to the CDPs and their ACs.

The Problem

On August 18, 2022, the Hawai'i County Planning Director, Zendo Kem, 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 has caused a great deal of consternation with and confusion with 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 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.

Article 16, Section 3 of the Hawai'i County Code is the law authorizing and empowering the Community Development Plan Action Committees.

It states the "purpose of the CDP action committees is to be a proactive, community-based steward of the plan's implementation and update." The definition of "steward" is "one who administers anything as the agent of another or others." Therefore, the CDP ACs are acting as agents of the Planning Department.

It also states the "planning department shall administer the CDP action committees and be responsible developing a selection process for committee members and establishing rules of procedure, as needed." The definition of "administer" is": to manage or supervise the execution, use, or conduct of."

This language is not clear as to roles and responsibilities. As a result, the interpretation of the roles and responsibilities of the Planning Department and the CDP ACs has changed as county administrations and Planning Directors have changed since these laws were passed. These differing interpretations over the years have caused frustration and confusion for CDP AC members and has disenfranchised community volunteer support for the CDP and the ACs. It has also frustrated those well-intended county employees tasked with administrative support of the CDP and the ACs.. This has now resulted in a wholesale exodus of staff and critical institutional memory, a tragic result for all concerned.

Because the Planning Department and consultants hired to work with each CDP steering committee was not given a template to follow, each of the CDPs has a different organizational structure. There is also differing language that contributes to the confusion as to roles and

responsibilities of the CDP ACs and the Planning Department. This a problem that must be solved in order for the CDPs and their ACs to move forward with the actions contained within the CDPs.

There is more clarification and guidance as to roles and responsibilities within the Kona CDP, the first CDP to be developed and signed into law.

"5.2.1 Organizational Structure and Membership

The recommended structure is to establish an appointed committee to be administered and staffed by the Planning Department. This Implementation Committee (IC) [Action Committee (AC)] would consist of nine members with at least three members being residents of South Kona. In addition to the nine members, one representative each from the Design Center, the Kona Housing Non-Profit, the Kona Treasures Fund, and the Kona Cultural Resources Committee shall serve as ex-officio members of the Implementation Committee."

This first thing to note is that, despite the fact the Kona CDP was subjected to a major revision initiated by the county administration and passed by the county council several years ago in order to remove many of the requirements contained within the CDP law, no one took the time to correct "Implementation Committee" with "Action Committee". Clearly the administration was more concerned about undermining the requirements first set forth in the CDP, than making this simple correction.

Regardless, Section 5.2.1 clearly states the committee is "to be administered and staffed by the Planning Department." Not providing staffing for the CDP ACs is a violation of law.

"5.2.2 Duties

The Implementation Committee (IC) shall serve as the official advocate for the Kona CDP. In addition to partnering with County government, the IC shall strive to stimulate and provide guidance for community-based participation in the implementation of the Kona CDP goals, objectives, policies and actions. The timeline specified in the Implementation Matrix shall guide the establishment of the IC's priorities. The IC shall adopt rules of procedure."

What is key under duties is the reference to the Implementation Matrix which is intended to guide the AC's priorities. The Implementation Matrix, which contains a comprehensive list of actions, timelines, and implementers, will be further discussed in Section 5.3 below. The Implementation Matrix contained with the Puna CDP lists county, state, and other government agencies and organizations-primarily the Planning Department as being having "lead" and "supporting" responsibility, but nowhere in the Implementation Matrix is the Puna CDP AC listed.

"C. Regulatory Updates

- i. The Planning Commission(s) has the responsibility for regulatory decision-making, which is very time-consuming. The role of the IC should be to focus on proactive implementation of the Kona CDP, and not to be consumed by reacting to every permit application. Nevertheless, it is important for the IC to be aware of pending and approved

applications. For this purpose, the Planning Department should provide a report to the IC at intervals desired by the IC of all pending and approved permits processed by the Planning Department located within the Kona CDP planning area."

The important point of emphasis in Section 5.2.2.C.i. is that "the Planning Department should provide to the [AC] at intervals desired by the [AC] of all pending and approved permits processed by the Planning Department". The clear intent is that the Planning Department would be reporting applications to the AC for their consideration. This procedure has not been followed.

"5.2.3 Annual and Comprehensive Review

With support from the Planning Department, the IC shall prepare an annual report to the community outlining the progress and obstacles in implementing the Kona CDP. The Report shall cover, at a minimum, the following:

- A. Summary report card based on the Kona CDP Implementation Matrix and the Indicators identified in Chapters 5 and 6;
- B. Accomplishments_, for the year and cumulative;
- C. Major issues or challenges, for the year and cumulative;
- D. Recommended amendments to the plan with a determination on whether an amending ordinance should be processed immediately or should be accumulated with other pending recommendations to be addressed in the next comprehensive update."

The Planning Department has not assisted the CDP ACs in performing these tasks. Rather it has been the Planning Department and successive county administrations which have driven amendments to the Kona CDP ordinance.

"5.3 IMPLEMENTATION MATRIX

The Implementation Matrix provides a list of the actions needed to implement the Kona CDP, by element. The matrix indicates the type of actions that will be required to implement the policies, and the completion time of the actions to be initiated. The IC shall have the authority to approve updates to the matrix on an annual basis, or as otherwise necessary, to keep the responsibilities and actions current and effective.

County implementation of the actions will be dependent upon available funding.

Acronyms/Abbreviations [for implementer(s) listed in the Implementation Matrix]

App. Applicant

BUS. Businesses

CD Civil Defense

COE US Army Corps of Engineers

COMM Community-based Organization

DATA County Data Systems

DBEDT State Department of Business, Economic Development, and Tourism

DEM County Department of Environmental Management

DC Design Center

DOA State Department of Agriculture

DOE State Department of Education
DOH Department of Health
DOT State Department of Transportation
DHHL State Department of Hawaiian Home Lands
DLNR State Department of Land & Natural Resources
DPW County Department of Public Works
DWS County Department of Water Supply
Fin. County Finance Department
HCCRC Hawai'i County Cultural Resources Commission
HELCO Hawai'i Electric and Light Company
HHFDC Hawai'i Housing Finance and Development Corporation
KCC Kona Chamber of Commerce
KCRC Kona Cultural Resources Committee
KVBID Kailua Village Business Improvement District
KVDC Kailua Village Design Commission
Mayor's County Mayor's Office
MT County Mass Transit Agency
NELHA Natural Energy Laboratory of Hawai'i
NPS National Park Service
OA County Office of Aging
OHCD County Office of Housing and Community Development
OSC County Open Space Commission
OSP Office of State Planning
PATH People's Advocacy for Trails Hawai'i
PC County Planning Commission
PD County Planning Department
PR County Department of Parks & Recreation
QLT Queen Lili'uokalani Trust
R&D County Research & Development
SHPD State Historic Preservation Division
State State agency
SWCD Soil Water Conservation District
INC The Nature Conservancy
UH University of Hawai'i"

Here is where the challenges facing the ACs are clear. The Implementation Matrix in the Kona and Puna CDPs alone are large, complex spreadsheets containing lists of "implementer(s)" for each action. As you can see, the list of implementers is extensive, covering county, state, and federal agencies, non-profit organizations, businesses, etc.

Without Planning Department staffing and support, it is impossible for the ACs to perform their intended duties on a strictly volunteer basis and it is completely unreasonable for anyone to expect community volunteers to take on such as massive kuluana without staffing and partnerships with the Planning Department and other agencies, businesses, organizations, etc., as appropriate, who are willing to allow their staff to contribute time, energy, and expertise to accomplish the actions listed in the CDPs.

Possible Solutions

1. Amend the CDPs to coincide as much as possible with organizational structure of the General Plan's "elements":
 - a. Economic
 - b. Energy
 - c. Environmental Quality
 - d. Flooding and Other Natural Hazards
 - e. Historic Sites
 - f. Natural Beauty
 - g. Natural Resources and Shoreline
 - h. Housing
 - i. Public Facilities
 - J. Public Utilities
 - k. Recreation
 - l. Transportation
 - m. Land Use
2. Amend the county code to clarify the roles and responsibilities of the ACs, the Planning Department, and other county agencies necessary to implement the actions contained within each CDP. Such amendments should identify and provide specific relationships to enable a true partnership between the ACs, the Planning Department, other county administrative agencies, businesses, and organizations.
3. Draft and pass a law requiring sufficient funding and administrative expertise, similar to the Design Center which was created after the initial CDPs were enacted in 2008, in order for the Planning Department to have dedicated staff to implement the CDPs and the provide sufficient, effective support for the ACs.

Further complicating the situation for Big 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 the Big 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

<https://www.planning.hawaii.gov/general-plan-c01munit/planning/gp>

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.

The Hawai'i Island Group of the Sierra Club of Hawai'i urges 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.

Mahalo,

&-.P -
Charles; :r6'7

County Code Chapter 16, Planning:

Article 3. CDP Action Committees.

Section 16-4. CDP action committees.

... (b) The purpose of the CDP action committee is to be a proactive, community-based steward of the plan's implementation and update.

(c) The planning department shall administer the CDP action committees and be responsible for developing a selection process for committee members and establishing rules of procedure, as needed.

Section 16-6. Duties and responsibilities of the CDP action committees.

The duties and responsibilities of the committee are:

- (1) Provide ongoing guidance and advocacy to advance implementation of the CDP goals, objectives, policies, and actions;
- (2) Broaden community awareness of the CDP and build partnerships, as appropriate, with governmental and community-based organizations to implement CDP policies and actions;
- (3) Take into consideration statewide objectives and legislation for long-term and sustainable plans for the island as a whole;
- (4) Provide timely recommendations to the County on priorities relating to the County operational budget and the CIP budget and program;
- (5) Receive briefings, as requested, from the planning department on pending and approved permit applications involving property located within the planning area, and on other issues related to the CDP;
- (6) Receive briefings from other County agencies, as requested, on priority actions identified in the CDP, which briefings may be integrated and consolidated by the mayor's office or the planning department into a plan of action for the forthcoming year and a status report on the current year's plan of action;
- (7) Monitor the progress and effectiveness of the CDP including the need for CDP revisions based on

emerging statewide plans, new technologies, innovative ideas, or changing conditions;

(8) Review and make recommendations on interim amendments to the CDP;

(9) Serve as the steering committee, as set forth in the general plan, in any comprehensive update of the CDP;

(10) Provide recommendations to amend the general plan; and

(11) Carry out other duties specified in the CDP and/or in agreement with the planning department.

Other County and State Laws Referencing the CDPs:

Hawaii Revised Statutes §205-17 Land use commission decision-making criteria. In its review of any petition for reclassification of district boundaries pursuant to this chapter, the commission shall specifically consider the following: (5) The county general plan and all community, development, or community development plans adopted pursuant to the county general plan, as they relate to the land that is the subject of the reclassification petition;

CHAPTER 226 HAWAII STATE PLANNING ACT HRS §226-52 "County general plans and development plans shall be taken into consideration in the formulation and revision of state functional plans"

SECTION 25-2-45. NONSIGNIFICANT ZONING CHANGES.

(a) The director may administratively grant any nonsignificant zoning change. A nonsignificant zoning change must comply with the designations for the property set forth in the general plan and development plan adopted by ordinance ...

SECTION 25-6-3. APPLICATION FOR P.U.D. PERMIT; REQUIREMENTS.

An application for a P.U.D. permit... shall be accompanied by...

(2) A written description of the proposed project, including the following information ...

(E) An analysis of the relationship of the proposed development to the general plan, any adopted community development plan, other adopted master plan, and if applicable, any other adopted design guidelines and/or standards affecting the project area.

SECTION 25-6-10. CRITERIA FOR GRANTING A P.U.D. PERMIT.

A P.U.D. permit may be granted by the commission upon finding that...

(b) The proposed development substantially conforms to the general plan, any adopted community development plan, other adopted master plan, and if applicable, any adopted design guidelines and/or standards affecting the project area ...

SECTION 25-7-42. PAHOA DESIGN REVIEW COMMITTEE ...

(b) Upon request from the director, the Puna Community Development Plan Action Committee (PCDP AC) shall identify and recommend one or more appropriate Pahoia based community organizations that will be responsible for establishing the committee and providing any necessary administrative support that may be required.

SECTION 25-7-42. PAHOA DESIGN REVIEW COMMITTEE

(c) 4) Committee recommendations to the director shall be consistent with the provisions of the County Charter, general plan, Puna community development plan, Pahoia Village Design Guidelines, zoning and other related ordinances and any master plan adopted for the PVD district.

The 1984 Kona Community Development Plan is no longer appropriate for Hawai'i.

Reflecting upon the 2 TMKs near me, once zoned Ag, that are presently targeted for a dense development, I see that so many parts of the development puzzle have been inadequately addressed for these (and other) parcels under the 1984 KCDP.

Reasons to oppose the outmoded 1984 KCDP:

- The Action Committee review of the 1984 Kona Community Development Plan must be successful in identifying the areas of the County infrastructure and the available County resources which need upgrades or supplementation.
- Next, the County of Hawaii must commit to completing these upgrades before the County of Hawaii Planning Commission can approve ANY additional developments.
- Otherwise, the quality of life for the residents of the County of Hawaii will be further degraded.

As former Mayor Harry Kim noted in his response to the Kona Three LLC Environmental Assessment in 2021, this extensive review of the 4 decade-old KCDP would need to be completed

- Before the County could approve a 450 unit multi-family residential housing project that
- Would dump a minimum of (2 vehicles x 450 units) 900 vehicles twice a day into the Queen K/ Kuakini Highway interchange via Lako Street

- Or a yet to be created ingress/egress on Northbound Queen K, just yards from the Lako intersection and the Pualani Estates ingress/egress.
- In this specific case, without extensive improvements to our roadways, it would be the narrow, Kona Vistas' neighborhood streets, without sidewalks or curbs, that would be used for
- Construction machinery, cement trucks, gravel haulers, and all materials needed, making blind left turns downhill onto a steeply graded roadway, especially at the outset of this development, before new interchanges are created. School buses have stops along these roads, picking-up and dropping-off K-12 students throughout these neighborhoods.
- Lako Street intersects the primary parking and access to the Walua Trail.
- Meanwhile, Queen K and Kuakini will now need to absorb all this additional traffic, for the developer's request for a decade of construction-related vehicles,
- Vehicles would add to traffic on roadways already beyond capacity,
- DOT has graded this intersection and connecting roadways below acceptable.
- At 4PM on Tuesday, January 17th, southbound traffic on Kuakini was bumper to bumper from the light at Lako Street as far as the eye could see north, likely as far as Henry. What's unacceptable? This!!

Traffic Impact - Neighborhood

- Kona Three LLC has used low traffic periods for the timing of each new traffic study.
 - There will be at minimum, an additional 900 vehicles making a minimum of 2 trips per day from Royal Vistas that will add to the already congested intersection of Lako with Kuakina/Queen K multiple times daily
- Following the months/years of construction machinery daily passing in front of houses on Keau Street, Leilani, Sunset and Lako Street,
- Streets which surround the property will suffer huge increases in traffic flow.

- Despite what the developer's consultant from Stantec suggested, the available public transportation with its route on Alii is an unlikely and un-workable alternative to private vehicle use.
- Destruction of walkability/safety of Kona Vistas streets. People of all ages currently walk, push strollers, run, exercise pets, play ball and socialize here as well as do those who park on Lako to utilize the Walua Trail on a daily basis.
- This lower section of Lako is also a school-bus stop.

Traffic Impact - Community

- Cumulative traffic impact of yet another subdivision in the local area is unbearable.
- Multiple high-end housing projects along Ali'i Drive are both proposed and in development, and a 150+ room boutique luxury hotel is proposed at Keauhou Bay.
- Traffic study of Ali'i Drive was done during COVID-19 restrictions, when Ironman was canceled, schools were remote, and tourism was limited. The numbers are meaningless.

Rainwater/Drainage Issues Exist Already

- Because of the siting of Royal Vistas on the leeward flank of Hualalai's "shield" configuration, well-defined drainage features are lacking, as noted under the **FLOOD HAZARD** section on p3-1 of the **Grey Infrastructure Report** in the **Kona Community Development Plan**. , will cause additional episodes of flooding and road wash-out as noted in the runoff and pollution, harming coral reefs and damaging the ocean.
- Horseshoe Bend and the Holualoa Stream on the parcels are listed in the second paragraph of 3.1.1, (under the heading **North Kona Flood Hazard Analysis**), as two of the seven intermittent drainage ways studied by the North Kona Flood Plain Management Study (1984) by the US Soil Conservation Service (presently Natural

Resources Conservation Service. (The developer has already diverted a portion of these.)

- **The Study proposed these among the 6 non-structural and 4 structural alternatives for flood zone management:**

- **Non-Structural Measures:**
- #2. Establish and maintain appropriate vegetative cover,
- #3 Enforce county grading ordinance to reduce erosion and sedimentation.
- #4, Enforce land use zoning to restrict future development within flood plain areas.
- #5 Initiate state/county tax incentives for keeping flood plain areas in recreational and/or open space use.
- **Structural:** #1. Require all new developments to dispose of their runoff on site.
- #3. Improve road culverts and bridges to carry larger discharge and provide additional ones where needed.
- We, who neighbor the prospective development, are distressed by the already proven issues these 2 undeveloped TMKs currently have with run-off,
- 2 of the Big Island's 7 major water drain ways merge within the 2 TMKs.
- How many episodes of wash-over must the Kuakini section leading to Queen K experience before the County declares a moratorium on mauka land disruption?
- The most recent flooding event occurred on a day when no rain fell in Kona but the drainage coming off Hualalai was so great that Kuakini was flooded.

Water Pressure Issues and Shortages

- Leeward side, we have had issues periodically with water shortages and low water pressure.

- Do developers pay a “per hook-up” rate commensurate with the actual costs of the increase in water service customers or are short-falls just passed along to existing customers?

Drought

- Kona and all Hawai'i faces current and predicted increasing drought conditions; climate change causes greater weather uncertainty, increasing drought risk.

Waste Water Treatment and Sewage

Capacity issues at the Kealakehe Sewage Treatment plan must be resolved before the population expands further.

- The Developer had expressed his plan to connect to the Pualani Estates sewer system, however the Kealakehe sewage treatment plant is already OVER capacity if all Kona's current homes were hooked up, as required by law.
- Therefore, the only reason there is capacity today is because all current homes are not yet connected.

Are we respecting raw land with Archaeological and Cultural Importance? :

- Multiple and significant archaeological sites and burials are located on the parcels, plus 3 Historic trails.
- Archeological sites are spread across multiple adjacent parcels. Developments such as this obliterate archaeological and cultural heritage one project at a time.
- Plan will destroy stone walls that appear to be a continuation of the Holualoa Slide descending from the Holualoa Inn property.
- Land has historical significance*, evidenced by its location in line with both the Holualoa heiau and the Kealakowa'a heiau in the Holualoa 1&2

ahupua'a. Historical research indicates the land between the two heiau was used in the transport of huge trees from Pihopono (the Holualoa Forest Preserve) by use of a holua extending from heiau to heiau, hence the name Holua loa "The long slide"

Preservation Council Support*

The Palama Ii Kona Heritage Preservation Council supports saving these parcels from development.

PONC Accepted the 2 TMKs as parcels to preserve from development in 2022

- The Archaeologist testifying for the developer at the LUC meeting in December of '22, informed the Committee that no overlay had been done of the project to define areas that need to be changed in order to preserve all of the Culturally-significant material on the 2 TMKs.
- The LUC voted to defer acceptance of the developer's proposal until it has been reviewed by the Cultural Resources Commission.
- To date the developer has resisted requests to allow the County to purchase the parcels at market value.

Agricultural Zoning

- Wildlife
 - Birds and animals do not limit their territory to human map lines. Conservation must be considered on a regional, not individual parcel, basis.
 - Only "native" plants are considered important in the developer plans, but all flora in the area are essential to valued local birds and animals.

Further Information:

- Original developer had procured extensions through 2011, though zoning should have reverted to Ag.
- Kona Three LLC became the next owner in 2015, submitting incomplete and inaccurate environmental assessments.
- Developer has exceeded time extensions multiple times while still not fully addressing 4 lane ingress and egress through Lako/Kuakini/Queen K installation, among other issues.
- Developer has not procured funding
- Developer has not commissioned the required "Market Rate Survey" to validate categorizing part of the Project as "Market Rate". He testified before the LUC that he did not have the \$40K to pay for that survey.
- Developer has requested approval for a 10 year build-out

- **Impact of Multi-Year Construction on Remote Working**
- Kona Vistas, Iolani, and Pualani Estates residents working from home will be significantly and adversely impacted in their provision of higher education, mental health, housing, sustainable energy, architecture design, fine arts, and other services to the community.

- **Impact of Multi-Year Construction on Quiet Neighborhoods will be daily and dangerous**
 - Build-out of a new subdivision will be a 10-year undertaking, including ongoing transport and use of pile drivers, bulldozers, graders, and other heavy equipment.
 - Resultant noise pollution, dust, vibration, and consequent mental and emotional stress to the neighborhood residents, including kupuna and keiki, cannot be overstated.
 - Kona Vistas, Iolani, and Pualani Estates homes were not built to withstand years of adjacent construction, especially not the "shield"- transmitted vibrations of a decade-long process.

- Impact on our already at or above-capacity schools as these are 3 and 4 bedroom units.
- Proposed Housing is Inappropriate for Local Needs
- Current "Market Price" is beyond the reach of the "target market"
- "Short-term" Vacation Rentals are forbidden by CC&Rs in the connected neighborhood Kona Vistas
- Proposed Housing style not in keeping with abutting Community
- **Housing Inappropriate for Local Needs**
 - While we do **not** agree that this property is appropriate for development, what is needed in Kona is low- and moderate-income housing for local families (teachers, for example).
 - The price point of this project would exclude this demographic.
 - Rental units are not appropriate for this established community.
 - The proposed housing density is inappropriate for this island.

Conflict of Interest

- Current Planning Director Kern was previously the spokesperson/consultant for the then named "Kona Village" (now referenced as "Royal Vistas Housing Project") working for and in concert with Kona Three LLC.
- He presented the Kona Three LLCs plan for "Kona Village" to an assembly of Kona Vistas homeowners.
- The "Kona Village" Environmental Assessment for "Kona Village", submitted in 2018, was produced by Zendo Kern.
- It's only appropriate that Mr Kern should recuse himself from all discussions and decisions regarding the development because of his obvious relationship with Kona Three LLC.
- Mr Kern's consulting firm is now directed by a family member

In Summation:

Kona Three LLC has cited the Kona Community Development Plan (KDCP) for presumptive justification. The KDCP was a development-oriented aspirational County document created in 1984, which is currently under extensive review because of Community concerns regarding its outdated "urban expansion" plan for most of Kailua Kona, from Palamanui to Keauhou. Do we really want Kona to become another Honolulu?