

Mitchell D. Roth
Mayor



Marisa Bankson, Vice Chair
Charles Young
David Huerta
Gary Jaster
Heather Korotie
John Pelletier
Nancy Piscichio
Roselyn Molina
Zarine Dorabji

County of Hawai'i

KONA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
(808) 961-8288 • Fax (808) 961-8742

AGENDA

NOTICE IS HEREBY GIVEN of the following matters to be considered by the Kona Action Committee in accordance with the provisions of Section 92-7, Hawai'i Revised Statutes (HRS). This meeting will be held in-person at the location listed in this notice and by Interactive Conference Technology (ICT) through Zoom.

DATE: Monday, January 8, 2024
TIME: 2:00 P.M.
IN PERSON LOCATION: West Hawai'i Civic Center, Building G
74-5044 Ane Keohokālole Hwy
Kailua-Kona, HI 96740

ONLINE/ZOOM:

<https://www.zoomgov.com/meeting/register/vJlsc6vpjlpEx4p-NPpeFTv-odfVEzeQig>

COUNTY CLERK
COUNTY OF HAWAII
2023 DEC 29 PM 1:52

NOTICE REGARDING PUBLIC TESTIMONY: The public may provide oral testimony at the meeting by joining Zoom or attending in-person at the physical location listed above. Although not required, to register in advance for oral testimony please contact staff at cdp@hawaiicounty.gov or (808) 961-8288. Pursuant to § 92-3, HRS, interested persons who want to provide oral testimony may do so either at the time the committee takes public statements on the agenda, or at the time the specific agenda item is called. Please note that public testimony may be limited to three (3) minutes in length per agenda item. In addition, although not required, to ensure timely delivery of written testimony to committee members, it is requested that written testimony be submitted by 4:30 p.m. at least two business days prior to the meeting via email to cdp@hawaiicounty.gov. When submitting written testimony, please specify for which agenda item written testimony is being submitted. All written testimony will be a part of the public record.

NOTICE REGARDING INTERACTIVE CONFERENCE TECHNOLOGY (ICT): A meeting held by ICT shall be automatically recessed for up to 30 minutes to restore communication when audiovisual communication cannot be maintained with all members participating in the meeting or with the in-person location identified in this notice. The meeting may reconvene when either audiovisual communication is restored, or audio-only communication is established after an unsuccessful attempt to restore audiovisual communication. If it is not possible to reconvene the meeting as provided in this subsection within 30 minutes after an interruption to communication, the meeting will be automatically terminated.

I. CALL TO ORDER & ROLL CALL

II. CHAIRPERSON ANNOUNCEMENTS

- General Plan Update

III. APPROVAL OF THE MINUTES: The Action Committee will consider approving the draft minutes for the Kona Action Committee Meeting on September 12, 2023.

IV. PUBLIC TESTIMONY ON AGENDA ITEMS: The public may provide verbal testimony at the meeting by joining the Zoom meeting or attending in-person. Please register to testify by contacting cdp@hawaiicounty.gov. Comments may be made either during the public comment portion of the agenda or just prior to the relevant business item. With discretion of the Chair of the CDP Action Committee, comments may be limited to three (3) minutes in length per agenda item. Written testimony may be submitted via email at cdp@hawaiicounty.gov or in person at the Hilo or Kona Planning Department, up to two (2) business days prior to this meeting (see the Notice Section below).

V. BUSINESS:

1. Training on Permitted Interaction Groups and the Duties and Responsibilities of the Community Development Plan Action Committees: Presentation by Deputy Corporation Counsel Suzanna Tiapula

Note: This agenda item may necessitate convening an executive meeting, pursuant to §92-5(a)(4), HRS, for the purpose of consulting with the committee's attorney on questions and issues pertaining to the committee's powers, duties, privileges, immunities, and liabilities. A 2/3 vote pursuant to § 92-4 is necessary to hold an executive meeting.

- Revisit the need for a PIG for Community Outreach
- Revisit the need for a PIG for Kealakehe Regional Park
- Revisit the need for a PIG for Kona Open Space Network (KOSN)
- Revisit the need for a PIG for Public Access, Open Space, Natural Resources (PONC)

2. Annual Nomination and Election of Committee Chairperson for 2024

VI. COMMUNICATIONS:

- Communication No. 2024-01 Who Board Members Can Talk to and When Pt1
- Communication No. 2024-02 Who Board Members Can Talk to and When Pt2
- Communication No. 2024-03 Who Board Members Can Talk to and When Pt3

VII. AGENDA FOR NEXT MEETING: Action Committee members will discuss potential agenda items for the next meeting.

VIII. ADJOURNMENT

This agenda and all related documents are available in the Planning Department's Kona Community Development Plan Action Committee folder via the County of Hawai'i Public Documents Repository: <https://records.hawaiicounty.gov/Weblink/1/fol/9059/Row1.aspx>. These documents may also be requested from the Planning Department by calling (808) 961-8288 or emailing cdp@hawaiicounty.gov.

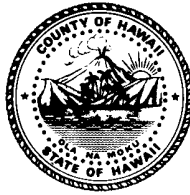
NOTICE: The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the above items. A person desiring to submit oral or written testimony shall indicate their name and whether the testimony is on their behalf or as a representative of an organization or individual.

Written testimony can be submitted via email or hard copy. Hard copies should include an original and nine copies and be submitted no later than 4:30pm two business days prior to the meeting.

Anyone who requires an auxiliary aid or service, other reasonable modification, or language interpretation to access this meeting please contact the Planning Department at (808) 961-8288 or cdp@hawaiicounty.gov as soon as possible, but no later than five business days prior to the meeting date, to arrange for accommodations. If a response is received after the five-business days deadline, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. "Other reasonable modification" refers to communication methods or devices for people with disabilities who are mentally and/or physically challenged. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist. (Article 15, Section 2-91.3(b), Hawai'i County Code). A lobbyist means, "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." (Article 15, Section 2-91.3(a)(6), Hawai'i County Code). Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 25 Aupuni Street, Hilo, Hawai'i 96720.

KONA CDP ACTION COMMITTEE



County of Hawai'i PLANNING DEPARTMENT

KONA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720

Phone (808) 961-8288 • Fax (808) 961-8742

Tuesday, September 12, 2023 DRAFT Meeting Minutes

CALL TO ORDER

Committee Member Charles Young facilitated the Kona Community Development Plan (KCDP) Action Committee (AC) meeting. The meeting was called to order at 5:06 P.M. This meeting was held online via Zoom, and in person at the West Hawai'i Civic Center Planning Department Conference Room.

The YouTube video of this meeting can be found here:
https://www.youtube.com/watch?v=j_1iCCxtivc

ROLL CALL

AC Members Present: Charles Young (via Zoom), Nancy Pischchio, John D. Pelletier, Gary Jaster, Zarine Dorabji, David Huerta (via Zoom), and Heather Korotie

AC Members Absent-Excused: Marisa Bankston, Roselyn Molina

County Staff: Planners – Bethany Morrison, Maryam Palma, Janice Hata

County Officials: Deputy Corporation Counsel, Suzanna Tiapula

Members of the public: 8

ANNOUNCEMENTS:

1. Kona CDP Action Committee Welcome New Members
2. The Action Committee is seeking a volunteer Secretary to take meeting notes and collaborate with the Planning Department accordingly. Any interested parties should email cdp@hawaiicounty.gov. AC Member Nancy Pischchio offered to use a Microsoft 365 program to transcribe the recorded file of the meeting into a text document and create a summary of the minutes of the meeting. AC Member David Huerta commented that Zoom has a transcription program that is part of the software, therefore eliminating the need to export a file. Charles Young pointed out that the minutes do not have to be verbatim, but they really do have to capture the spirit of the content of the discussion and to be accurate in terms of who makes motions, who seconds the motion, and the final vote. Corp. Council agreed but

she added that speakers need to identify themselves for the record. This includes members of the public not sitting at the table. In addition, Corp. Council pointed out that she can only hear the people who are at the table, the people farther away cannot be heard through the speakers.

3. General Plan Update: Bethany Morrison, Long Range Planner with the County of Hawaii provided a brief update on where we are on the General Plan comprehensive review. Recently a press release has come out that details the various things that we're doing to reach out into the community and make sure that the Action Committee has an opportunity to participate in this update. The Planning Department hosted a recorded video series on the planning YouTube channel. The PD will also be doing public informational workshops. One is scheduled for September 30th. It will be here at West Hawaii Civic Center from 2:00 to 4:00. Other opportunities for sharing the new GP draft with the public include roadshow presentations where community groups can invite staff to their already regular meetings. There will also be informational booths at various planned Community events. Workshops, which are similar to the public informational workshops for those that cannot attend in person, there will be a Zoom webinar option there. The General Plan is our comprehensive long-range document for our county. It guides infrastructure decisions and land use decisions. Everything we do has to be consistent with that plan.

APPROVAL OF MINUTES:

Committee Member Nancy Pisicchio moved to approve the July 25, 2023 minutes. Motion seconded by Committee Member John Pelletier. Motion passed with 6 votes aye, 0 votes nay.

BUSINESS:

1. Chapter 5.3 Implementation Matrix:

Discussion to initiate a status update of the items within the matrix. Consider top priority community actions the AC may want to move forward and the potential creation of respective permitted interaction groups. The matrix can be found on pages 163 - 172 of the Kona CDP. This agenda item was suggested by Committee member Zarine Dorabji. Zarine was questioning the current status of action items that appear in the Matrix. She asked, for example, whether the Kona Mauka Watershed Partnership has been formed yet. Committee members suggested there is a need to go through the Matrix and identify things we want to work on, and what has been done so we can get a sense of where the AC could have the most impact. It was suggested that the previous Meeting Minutes be reviewed to identify priorities that have been identified by the Committee in the past and not to "reinvent the wheel". A five-year look back through the Minutes was suggested. The Minutes would also include letters from the AC Members to the Planning Director that identified priorities. The Committee members discussed the need to go through the Matrix and identify things we want to work on, just what has been done and what so we can get a sense of what, where we could have the most impact.

Charles Young also suggested that the new County Climate Change Plan also be reviewed in the process of reviewing the Kona CDP Matrix. It was suggested that the possibility of forming a Permitted Interaction Group to look at the Climate Change Plan could be added to

the next meeting's Agenda. Heather Korotie expressed an interest in the idea. The new Permitted Interaction Group could make recommendations with respect to implementation of the matrix and any additional needs that any additional needs might be related to the Climate Change Plan.

2. Kealakehe Regional Park:

Discussion and potential creation of a permitted interaction group to follow and support this project. This agenda item was suggested by Committee member John Pelletier. The Kealakehe Regional Park is identified in the KCDP Implementation Matrix as Policy PUB-6.2 (a). John explained that the West Hawaii Parks and Athletic Corporation has been trying to move this park project forward. He explained a desire to determine what we can do to help. He would like to create a Permitted Interaction Group to investigate where we're at and try to move this project forward. The park is mapped out, but currently, there is nothing there.

The AC voted to form a Kealakehe Regional Park Subcommittee with John Pelletier representing the AC on the new Subcommittee. The motion was made by Committee member Nancy Pischio, seconded by Heather Korotie. Motion passed with 6 votes aye, 0 votes nay.

3. Permitted Interaction Groups (PIG):

The existing groups will provide updates, reports, or discussions and may vote to close any PIGs as needed.

o Community Outreach:

Open nominations: Corp. Council explained that the AC needs to establish who's going to be on the committee in this meeting or in a public meeting. She reminded the AC members that there is a limitation of four AC members and that those four need to be articulated in the meeting. After that, other members of the public may join the Permitted Interaction Group. It was agreed that Nancy Pischio, John D. Pelletier, Zarine Dorabji, and Heather Korotie will be members of the new Community Outreach Subcommittee.

A member of the public raised the issue that the Commission he serves on with the county, Department has Staff serves to generate Community Outreach. He stated that the Police Department has a Community Outreach officer. He recommended that the Planning Department should have a community outreach person.

o Flood Mitigation and Erosion Control:

The AC Committee currently has no members on the Flood Mitigation and Erosion Control Subcommittee. It was recommended that it be closed out. Charles Young stated that he doesn't think the subcommittee actually met so there is nothing on the record. It officially doesn't exist. The AC can re-agendize it later if the committee decides to bring it back for later discussion. In that case, as new Subcommittee would have to reform with a new purpose and new members.

o Kona Open Space Network (KOSN):

of the Subcommittee, Kari Kimura summarized the written report that was submitted to the AC. The lead consultant under contract with the County is Jacob Engineering. The

project leader is Christian Nishimura. The Planning Department is the lead agency. County Planning Department Staff Natasha Soriano is the project leader. About 80 to 100 people came to the Old Kona Airport Pavilion for the KOSN Kick Off open house.

Subcommittee Janice Palma suggested that we need to have those concepts of smart growth that are in the Plan such as TOD's and somehow have them a part of the open space network are the green belts.

Kari Kimura stated that the Subcommittee will come back to the AC periodically just to keep everyone updated.

Charlie Young commended Kari, Janice, and Shirley for their commitment to getting this project to where it is.

AC Member Nancy Pischio had been nominated to represent the KOSN Subcommittee. Kari Kimura suggested that three AC Members serve on the KOSN Subcommittee as had been the case when Kari, Shirley David, and Janice Palma had served on the KOSN Subcommittee before stepping down as AC Members.

A question was raised regarding how new community members are able to join a Subcommittee. The recommendation was that this should be decided by the Subcommittee members.

Nomination of new AC members to KOSN Subcommittee.

Committee Member John Pelletier moved to add Nancy Pischio, John Pelletier, and Gary Jaster to the KOSN Subcommittee. The motion was seconded by Committee member Gary Jaster. Motion passed with 6 votes aye, 0 votes nay.

o Public Access, Open Space, Natural Resources (PONC):

There currently is no Public Access, Open Space, Natural Resources (PONC) Subcommittee.

4. Action Committee Meeting Strategy:

The Action Committee will discuss the meeting cadence schedule, logistics, and format of future meetings such as if they should be all in-person or hybrid Zoom/in-person.

It was pointed out that Staff needs to participate in order to provide the option for Zoom participation. For the in-person meeting format, AC members can run the meetings themselves and keep meeting Minutes. The draft Minutes are sent to Staff to complete. A number of individuals also pointed out that the use of Zoom increases the chances that people are unable to hear the discussions.

AC Members raised the point that in-person meetings are preferable, but that providing the opportunity to participate via Zoom was practical. Members stated that they can commit to attending meetings if Zoom participation is an option. Without providing for Zoom participation, it may be difficult to get a quorum. It was agreed to continue running hybrid Zoom/in-person meetings.

Regarding the schedule for future meetings, Staff pointed out that to provide the opportunity for Zoom, the room should be reserved a month in advance. The AC Members discussed whether to schedule monthly meetings or to continue holding meetings every other month. These meetings would be held on the third Tuesday of the month, from 5:00 pm until 7:00 pm.

PROPOSED AGENDA ITEMS FOR NEXT MEETING:

1. Nancy Pisciocchio requested that Community Outreach be included on the agenda.
2. John Pelletier requested that Kealahou Regional Park be included on the agenda.
3. A discussion of Kona CDP Action Priorities was suggested to be included on the agenda
4. Gary Jaster suggested that KOSN be included.
5. Charlie Young asked that a General Plan Update be included in the Community Outreach report.

The next meeting was set for November 28, 2023.

ADJOURNMENT:

Without objection, Committee Member Young adjourned the meeting at 6:38 P.M.

These minutes and all related documents are available in the Planning Department's Kona 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.

Quick Review: Who Board Members Can Talk To and When (Part 1) (Revised July 2018)

OIP often is asked whether board members can talk to the board's staff, members of the public, or one another in various situations when not in a meeting. To help board members understand what they can talk about outside a meeting, and with whom, OIP has put together a three-part Quick Review.

1. Topics that Are Not 'Board Business'

The Sunshine Law applies whenever board members are discussing board business, i.e., specific matters within the board's authority that are on a board's upcoming agenda or reasonably likely to appear on an agenda in the foreseeable future. When board members are discussing matters that are **not board business**, the **Sunshine Law does not apply** to restrict the discussion. Thus, board members could discuss with one another, or with anyone else:

- Matters **unrelated** to what the board does, such as the weather, sports teams, personal news, vacation plans, world events, or similar topics beyond the scope of the board's responsibilities;
- Matters related to what the board does, but that are **not being considered by the board** as a whole or a committee of the board at a meeting because they are ministerial (i.e., handled by staff) or within the Chair's sole purview, such as scheduling of meetings, including which items will appear on which meeting's agenda, members' travel arrangements, logistical arrangements for an award ceremony, or similar topics; or
- Matters that the board considered in the past but **does not expect to reconsider** in the foreseeable future because the **matter has concluded**, such as dedication of a completed baseball field that the board gave approval to at an earlier stage, or a report that the board was required to and did submit to a legislative body by a now-past date.

These sorts of matters can be discussed by board members in any number, and need not be discussed in a meeting, because they are **not board business** at the time they are being discussed and, thus, the discussion is not controlled by the Sunshine Law.

Board members may also attend lunches, social and ceremonial events, or board retreats, without violating the Sunshine Law, **so long as board business is not discussed, deliberated, or decided upon.**

2. Staff, Lobbyists, and the General Public

The Sunshine Law only applies to boards and their discussions, deliberations, decisions, and actions. Because the Sunshine Law does not apply to a board member's communications with people who are not members of the covered board, **a member may discuss board business with people who are not board members** outside of a meeting, without needing to fall into one of the permitted interactions. Board members, therefore, can freely talk or otherwise communicate with:

- Citizens concerned about a particular issue
- Reporters
- Lobbyists
- Board or agency staff
- Other government officials, and
- The general public.

It is possible that in some of those cases, the information from one board member will be transmitted to other board members. For instance, a lobbyist may be going from one county council member's office to the next to talk about a piece of board business and may carry information over, as in, "Councilmember A said she'd be willing to support us on this if the bill is amended to cover frogs as well. Could you support that?" However, this would not be considered a discussion directly between the council members. Similarly, a reporter might speak to multiple council members and say something like, "Member B told me that the Board expects to reconsider the motion next month. Can you confirm that?" Again, even though information was passed on, **because the actual communication was through a third party, it would not be considered a discussion between the board members.**

Note: If board members would like to discuss board business with individuals who are not board members, **members should be mindful not to improperly disclose information that was part of an executive meeting closed to the public**, and may wish to consult with the board's attorney in such situations.

Information and materials provided by members to the staff may be incorporated into the staff's own analysis or report on a board matter and may be distributed by staff to the board members in advance of a meeting. The staff's report should not identify individual board members' positions on an issue, but can recognize and discuss the various viewpoints in general and provide recommendations for actions.

Board members should also refrain from using staffers as mere go-betweens to carry messages between board members, as that could be found to be a discussion directly between board members, depending on the circumstances. Telling a staffer, "I have concerns about the direction we're taking on this issue and I'd like you to do some research on this aspect of it," is fine, even if the staffer tells other members, "Member C asked me to research this topic because of her concerns about the way the board is handling the issue." But telling a staffer, "Please go tell Members D and E that I have

concerns about the way we're handling this issue," would be inadvisable, as it could be construed as a serial communication with members D and E.

3. Other Board Members

As discussed above, the Sunshine Law applies whenever board members are discussing board business. **When board members communicate to one another about board business, they need to do so either in (1) a properly noticed meeting, or (2) in circumstances where the discussion is specifically permitted by one of the Sunshine Law's exceptions.** When board members are prohibited by the Sunshine Law from discussing or communicating about board business face to face, they also cannot do so by telephone, e-mail, letters or memoranda, social media such as Facebook and Twitter, or any other means of communication.

Before communicating with other board members outside a meeting, a board member should check whether one of the Sunshine Law's permitted interactions applies. **Permitted interactions are specific circumstances in which the law permits board members to discuss board business outside a meeting, so long as the statutory requirements are met.**

The most frequently used permitted interaction, section 92-2.5(a), HRS, allows **two board members to discuss any board business, without limitation, so long as they do not make or seek a commitment to vote and do not constitute a quorum of their board.** This limitation on making a commitment to vote does allow discussion of the two board members' views and inclinations on an issue, but prohibits, for example, horse-trading of votes such as, "If you'll agree to vote my way on this issue, I'll give you my vote on your pet project next month."

The two-person permitted interaction does not require any prior arrangement on the part of the two members using it; they can run into each other on the street, e-mail each other, or telephone each other, so long as only two members are part of the discussion. Other people who are not members of the board can be present, as their discussions with board members are not regulated by the Sunshine Law.

Permitted interactions cannot be used to circumvent the requirements or the spirit of the law to make a decision or to deliberate towards a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power. Specifically, where two members have discussed an issue using the two-person permitted interaction, they cannot then extend the discussion out to other board members through **serial use** of the permitted interaction. If Member X called Member Y to talk about the feral cat issue on the upcoming agenda, Member Y cannot then stop in the hallway to talk to Member Z about it, as there would then be three members who were privy to the discussion. Both Member X and Member Y must refrain from discussing the feral cat issue with other members until after the board has next discussed it at a meeting, which essentially clears the slate as to members' previous discussions.

The other permitted interactions listed in section 92-2.5, HRS, generally require prior planning, or apply only in certain circumstances, or both. OIP will discuss them in the forthcoming Parts 2 and 3 of this Quick Review series.

Quick Review: Who Board Members Can Talk To and When (Part 2) (Revised August 2022)

Hawaii's Sunshine Law, Part I of chapter 92, Hawaii Revised Statutes (HRS), generally requires board members to discuss all board business in open meetings that have been properly noticed to allow for public participation. OIP often is asked whether board members can talk to one another in various situations when not in a meeting. To help board members understand when they can talk to each other outside a meeting, OIP put together a three-part Quick Review. This Quick Review is the second in the series. Part 1 concerned discussions of matters that are not board business, and Part 3 will follow and explain "permitted interaction groups" ("PIGs"). The entire series, along with other educational materials, is posted on the [training page](https://oip.hawaii.gov/training-page) of OIP's website at oip.hawaii.gov.

What constitutes board business was discussed in Part I. There are, however, a number of exceptions and "permitted interactions" that allow board members to have discussions outside of a meeting, even on matters that constitute board business. A few of these exceptions and permitted interactions are described below.

Members should note that the **Sunshine Law expressly states that no permitted interaction shall be used to circumvent the spirit or requirements of the Sunshine Law** to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power. For this reason, permitted interactions generally may not be mixed and matched or used serially, as doing so can result in a discussion of board business outside a meeting that does not fit within the limits of any one of the permitted interactions and thus is not authorized under the Sunshine Law.

1. Selection of Board Officers (HRS § 92-2.5(c))

The selection of the board's officers may be discussed between two or more board members, but less than a quorum, in private without limitation or subsequent reporting.

2. Members May Continue to Accept Testimony When a Multi-site Meeting Must be Cancelled or Terminated (HRS §§ 92-2.5(d) and 92-3.5(c))

The Sunshine Law defines a "meeting" at HRS § 92-2 as the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power. When a meeting must be **cancelled for lack of quorum or terminated when quorum is lost** during the meeting, the board members present may

nevertheless receive testimony and presentations on agenda items and may question testifiers or presenters under HRS § 92-2.5(d).

Under HRS § 92-3.5(c), when a board is holding a **multi-site meeting by interactive conference technology (ICT) and an audio connection to all meeting locations is interrupted for more than 30 minutes, the meeting must be terminated**, even if a quorum of the board is physically present in one location. However, under HRS § 92-2.5(d), members present at one location may continue to receive testimony and presentations on agenda items and may question testifiers or presenters, but cannot discuss, deliberate, or decide such matters. **Note that the permitted interaction under HRS § 92-2.5(d) specifically applies to HRS § 92-3.5(c) regarding multi-site meetings, and not when remote meetings held by ICT under HRS § 92-3.7 lose their audio or video connection.** Also note that this permitted interaction does not address Sunshine Law requirements to **continue** a meeting, instead of terminating it, which are addressed in a different training document posted on OIP's website at oip.hawaii.gov/training, "[Quick Review: Continuance of a Meeting Under the Sunshine Law.](#)"

For both cancelled and terminated meetings, HRS § 92-2.5(d) requires that board members' discussion, deliberation and decision-making on agenda items for which testimony or presentations are received must occur only at a subsequent, properly noticed meeting held after the cancelled or terminated meeting at which the testimony and presentations were received.

And, members who received the testimony at a cancelled or terminated meeting are required to create a record of the oral testimony or presentations in the same manner as would be required for testimony or presentations heard during a meeting of the board. In other words, the members must keep notes of the receipt of testimony and presentations in the same manner that the board would keep minutes of testimony and presentations received at a meeting.

Before deliberation or decision-making at a subsequent meeting, the board must provide copies of the testimony and presentations received at the cancelled meeting to all members. The members who were present at the cancelled or terminated meeting must also report about the testimony and presentations received.

3. Informational Meetings (HRS § 92-2.5(e))

Two or more members of a board, but less than a quorum, may attend an **informational meeting or presentation** on matters relating to official board business, **including a meeting of another entity, legislative hearing, convention, seminar, or community meeting**; provided that the meeting or presentation is **not specifically and exclusively organized for or directed toward members** of the board.

The board members in attendance may participate in discussions, including discussions among themselves, provided that the discussions occur during and as part of the informational meeting or presentation and that no commitment relating to a vote on the matter is made or sought.

At the next board meeting, the members who attended the informational meeting are required to report their attendance and the matters presented and discussed that related to official board business at the informational meeting.

4. Circulation of Proposed Legislative Testimony (HRS § 92-2.5(h))

A board that has previously adopted a position on a legislative measure may circulate its proposed testimony among board members for review and written comment when it does not have enough time to notice a meeting before a legislative deadline, so long as all proposed testimony drafts and board member communications about the testimony are publicly posted online within 48 hours of the testimony's circulation to the board. This permitted interaction is best used for proposed testimony drafted by board staff or a single member, rather than by multiple board members using another permitted interaction to confer, in order to avoid conflicts with other permitted interactions as discussed in OIP's Quick Review on Sunshine Law Options to Address State Legislative Issues and Measures, which is posted on the [Training page at oip.hawaii.gov](https://oip.hawaii.gov).

5. Discussions with the Governor (HRS § 92-2.5(f))

Discussions between the Governor and one or more board members may be conducted in private without limitation or subsequent reporting; provided that the discussion does not relate to a matter over which a board is exercising its adjudicatory function.

Some boards that have adjudicatory powers include the: Hawaii Labor Relations Board; Labor and Industrial Relations Board; Hawaii Paroling Authority; Civil Service Commission; Employees' Retirement System Board of Trustees; Crime Victim Compensation; and State Ethics Commission.

6. Discussions with Department Head (HRS § 92-2.5(g))

Discussions between two or more members of a board and the head of a department to which the board is administratively attached may be conducted in private without limitation; provided that the discussion is limited to matters specified in section 26-35, HRS.

Section 26-35, HRS, provides that:

- department heads shall represent attached boards in communications with the Governor and the Legislature, unless otherwise requested by the Legislature;
- a board's financial requirements from state funds shall be submitted through the department head and included in the department's budget;
- rules adopted by the board are subject to approval of the Governor;
- employment, appointment, promotion, transfer, demotion, discharge, and job descriptions of officers and employees of or under a board must be determined by the board subject to approval of the department head, and subject to applicable personnel laws;
- purchases of supplies, equipment, or furniture by a board are subject to approval by the department head;
- the department head has the power to allocate the spaces available for the board to occupy;
- quasi-judicial functions of a board are not be subject to the approval, review, or control of the department head; and
- the department head shall not have the power to supervise or control the board in the exercise of its functions, duties, and powers.

Quick Review: Who Board Members Can Talk To and When (Part 3) (Revised December 2022)

OIP often is asked whether board members can talk to one another in various situations when not in a meeting. To help board members understand what they can talk about when they are not in a meeting, OIP put together a three-part Quick Review. The entire series can be found online on [OIP's Sunshine Law training webpage at oip.hawaii.gov](https://oip.hawaii.gov).

Boards subject to the Sunshine Law, Part I of Chapter 92, Hawaii Revised Statutes (HRS), are generally required to conduct all business in open meetings that have been properly noticed to allow for public participation. This Quick Review discusses an exception to the open meeting requirement for “permitted interaction groups” or “PIGs,” as set forth in section 92-2.5(b), HRS. While other types of permitted interactions were previously discussed in Part 2 of this Quick Review series, this article explains how members of a board may form a PIG to investigate or to negotiate a matter.

PIGs Established to Investigate

Two or more members of a board, but less than the number of members which would constitute a quorum, may be assigned to investigate a matter relating to the official business of their board.

In order for a board to take action on a matter investigated by a PIG, **three separate board meetings must occur** in the order described below. At the **FIRST** meeting of the full board, the investigative PIG is formed and the scope of the investigation and the scope of each member's authority are defined. No new members or issues can be added to the PIG after the first board meeting. The PIG may then conduct its investigation outside of open meetings, which may take months to complete.

At a **SECOND** meeting of the full board, the findings and recommendations of the PIG are presented to the board, **but the board cannot discuss or act on the report at this meeting**.

- A PIG may present its findings to the full board in an executive session *if* the reason for entering into the executive meeting is one of those set forth in section 92-5(a), HRS, or other law. For example, if a PIG was created to investigate whether to take certain disciplinary action against an employee, it may present its findings to the full board in accordance with section 92-5(a)(2), HRS, which allows boards to enter executive meetings to consider the discipline of an employee. In such a situation, OIP generally recommends

that the PIG also present a “sanitized” report during the public session that omits the confidential information but informs the public of the general nature of the PIG’s findings and recommendations, so the public is at least generally informed of the PIG’s work and has something upon which to base testimony at the subsequent meeting where the board will discuss and perhaps act on the report.

After the PIG makes its report to the board at the second meeting, the PIG is automatically dissolved and should not continue working. The Sunshine Law does not allow a PIG to make more than one report or to continue working on its assignment after its report, so a PIG should not be providing “updates” on its work or more than one report. See [OIP Op. Ltr. No. F23-01](#) on OIP’s [Opinions page](#) for an in-depth discussion on investigative PIGs.

The board cannot discuss, deliberate, or make any decisions regarding the PIG’s report until a **THIRD meeting** held separately and after the meeting at which the findings and recommendations of the investigation were presented by the PIG.

Waiting until a subsequent board meeting to discuss and act on the PIG’s report gives the public the opportunity to present informed testimony at the meeting where the board will discuss and act on the report.

Some Practical Considerations for Investigative PIGs

- A PIG is fundamentally a permitted interaction with detailed reporting requirements, not a special type of committee.
- Because they are a permitted interaction rather than a type of committee, PIGs are not subject to the Sunshine Law’s requirements for giving notice, holding open meetings, or keeping minutes.
- PIG members may communicate by interactive technology (Skype, teleconference, etc.), and by email, telephone, etc., on matters within the scope of the PIG’s authority without violating the Sunshine Law.
- Although a PIG is not required to hold public meetings, it can choose to do so if it wishes.
- PIGs may solicit input from the public as part of an investigation without the need of filing a meeting agenda in accordance with the Sunshine Law.

- A PIG may include among its members people who are not members of the board that created the PIG. A PIG may also consult with others (i.e., staff, members of the public, individuals with expertise in a field, stakeholders, etc.) in furtherance of its investigation, but should NOT consult with other members of its parent board.
- Members of a board who are not part of the PIG may NOT attend PIG meetings or be included in PIG communications.
- Before the PIG reports to the board, PIG members should not discuss the status of their investigation with other board members who are not part of the PIG.
- A standing committee of a board may create a PIG, and such PIGs must follow all the requirements of section 92-2.5(b), HRS, including reporting back to the committee that created them.
- Sometimes, it may be better for a board to establish a temporary committee instead of a PIG, or to delegate authority to one member to perform a task and report back to the board. See OIP Op. Ltr. No. F23-01 at 15-16 for more information.
- A PIG may continue its work after the loss of a PIG member. For example, if a PIG's member's term on the board ends, that member also ceases to be a PIG member, but the PIG can continue working with the remaining original members. The board should not substitute another board member into that vacant PIG position. The PIG's membership was previously established at the initial meeting that created the PIG and new members cannot be added. The PIG can continue without the now-departed member, but if a board wants to change the PIG's membership, it should first allow the current PIG to report back and automatically dissolve. After hearing the investigative PIG's report and waiting until a subsequent board meeting to discuss and act on the report, the board can then create a new PIG to carry on the now-dissolved PIG's work.
- Similarly, once a PIG is formed, the board may not add new assigned tasks to an existing PIG.

PIGs Established to Negotiate

Another less common type of PIG can be formed when two or more members of a board, but less than a quorum, are assigned to present, discuss, or negotiate any position adopted by the board at a meeting. The assignment of members to a PIG for the purpose of negotiation, and the scope of each member's authority, must be defined at a board meeting prior to the presentation, discussion, or negotiation. The three-meeting requirement for investigative PIGs does not apply to PIGs established to negotiate.

As a final note, boards should keep in mind that they may be subject to other laws or rules in addition to the Sunshine Law, which could affect members' ability to discuss pending matters. This may be particularly relevant for boards that exercise adjudicatory functions (which are not subject to the Sunshine Law), as they must generally avoid *ex parte* communications. Similarly, some boards are subject to confidentiality provisions outside the Sunshine Law, and if a board is involved in a procurement, it must follow procurement laws. Boards should consult with their own attorneys on the application of such laws and rules.

Written Testimony: Kona Community Development Plan Action Committee meeting
January 8, 2024

I have recently offered, via email, my perspective on the obligation of Action Committees to comment with recommendations toward amendment of the Hawaii County General Plan. This “Duty and Responsibility” of the Action Committee is specified in Hawaii County Code. I have recently served as Chair of the Hamakua Action Committee and am continuing on as ‘member’.

I have been concerned that the several Action Committees have failed to focus on this process of submitting comments and recommendations toward the revision of the General Plan, and that this reformulation of the Plan may take place without our careful observation. I feel that the Planning Department perhaps should have been channeling our attention toward that responsibility, however, until the last month, their staffing has been severely limited.

Nonetheless, I have been told that the Action Committee Comments will need to adhere to the March 1, 2024 deadline for Public Comment on the Draft Plan. In observing the recent meetings of the several Action Committees I see that most are in a very early stage of developing comment or recommendation. In fact it appears that this deadline will not allow Comment and Recommendation to be developed, discussed and ratified by some of the Committees. The Hamakua Committee has had the advantage of having monthly meetings over the past year. We assigned members various chapters for examination and Comment at our December meeting. We will discuss the 100 or so comments/recommendations/questions that were submitted at our upcoming meeting with (I suppose) voting on each comment at our January and February meetings. This of course means that these Comments will have needed to be studied by the AC members prior to the meetings.

However, it is also the case that Bethany Morrison, Planning Officer in charge of formulation of the Draft GP stated to our Committee that the Action Committees would be able to submit comments and recommendations after the Final Draft GP is formulated and released to the public. Those comments and recommendations would be submitted to the Planning Commission prior to their review of the document and then submitted to the County Council prior to their ratification of the General Plan. Therefore, it would be my judgment that those committees which are not able to develop comments prior to the March 1 deadline should nonetheless continue attention to the General Plan and, particularly after the Final Draft is presented, formulate comments for direction to the Planning Commission and County Council. Thus, I think, the Committees will have opportunity to satisfy the prescribed ‘duty and responsibility’ to offer comments and recommendations on amendment to the General Plan. However, much more efficient and effective if comments were available for submission prior to March 1.

Below are the collected comments and questions and recommendations from the several members of our Hamakua Committee which are on the Agenda for discussion at the Wednesday, January 10 meeting. Some of these comments will be contentious, and most likely a number will be modified or eliminated in our submission to the Planning Department. But at least, those contentious comments and proposals will have had consideration and discussion.

One suggestion that will be added as proposal which is not included in the below commentary would be: “All submissions for subdivision or zoning changes of properties which are received by the Planning Department will have a summary or copy of the submission presented to the Chair of the District Community Development Plan Action Committee in which that property lies, for consideration of placement on the Agenda of a subsequent Committee meeting.” This follows from the County Code 16-6 designation of the Duties and Responsibilities of the Action Committee as:

“(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.” If there is no notification of submissions then there is no likelihood of these applications coming to the attention of the Action Committee.

Comments and Questions collected from the Hamakua CDP Action Committee members regarding Draft General Plan 2045 to be included on the Agenda of the Jan. 10 Hamakua Action Committee meeting as a Communication for discussion and consideration with anticipation of decision making at the February Action Committee meeting.

GENERAL PLAN COMMENTS AND QUESTIONS - HAMAKUA CDP ACTION COMMITTEE

INITIAL CONCEPTUAL COMMENTS REGARDING THE GENERAL PLAN

1. The basic concept underlying the notion of General Plan is desirable. However this current Draft General Plan 2045 raises questions about practical application of that notion. It is found, in survey of the proposals here that the Draft General Plan is laden with contentious ideas which are likely to represent the thinking on one administration but may well be rejected by a subsequent administration, or, more importantly by the general public. If the General Plan is to be posited as a guideline or aspirational document that spans a period of 20+ years then contentious proposals, or proposals that have a shifting or limited source of support or are poorly understood by the public or the administration, should not be a part of the document.
2. Regardless of whether the apologists of placement of contentious proposals in the Draft General Plan attempt to justify this document as a 'Living Document', they may also posit it as foundational to the development of ordinances and administrative rules that may subsequently arise.
3. Where there would be significant opposition, even if the document framers should feel themselves in a majority position, the General Plan should be avoided as residence of that directive
4. If a General Plan directive may expect even modest opposition, then that proposal should be accompanied by a full explanation of the reasoning behind its position, as inclusion in the General Plan may become rationale for proposal as ordinance or administrative rule.
5. Does the State of Hawaii or the United States have a 'General Plan' that it creates periodically. No, they have constitutions. However these 'constitutions' are not given to contentious proposals which arise with the shifting of societal circumstance or environment. They are fundamental guidelines which are truly foundational and not subject to whim of administration. And it is from that document that legal applications arise. There is no intermediate 'General Plan', formulated as aspiration by one administration after another, not subject to public debate and discussion
6. If a General Plan is posited by an administration as description of intention of where its aspirations lie, and especially if that Plan contains contentious or poorly understood proposals then that document should be retired at the conclusion of each administration rather than posited as a guidepost for a 20+ year period.
7. And if such a document is of such fundamental importance to construction of societal rules, then its evolution should take place by amendment of the underlying document rather than reconstruction of a new document which allows only incomplete or limited understanding of how that document has transformed from what has proceeded it.
8. If the document is reformulated as transformation rather than edited as transition from currently existing structure, then a full explanation of the rationale for each proposal should be available to the public. Even in the model of transition, an explanation of changes should be available to the public.
9. The above considerations conclude that: A) The General Plan should not contain proposals where agreement will be subject to significant contention. Rather, such proposals or directives must first be considered and endorsed in their individuality. B) A General Plan should have clarity of transition from its predecessor. C) The timeframe of application of the document should be shortened, perhaps as much as to the term of the

administration which has generated the document. This shortened timeframe in itself will encourage transition rather than transformation.

PUBLIC UTILITIES - COMMENTS

10. P. 91. Be a net power producer with Hydrogen and Waste Management.

This directive should not be included in the General Plan. It is understood by the administration and much of the Public that the intent to use Hydrogen pervasively as energy storage mechanism, and various waste to energy strategies, whether by burning or a pyrolysis mechanism, are controversial and thus are of questionable propriety in such a 'foundational level' policy document as the General Plan.

In evidence of this controversy I cite a recent Tribune Herald headline, "National Expert Questions County Energy Policy". The expert's comments were directed toward countering proposals for extensive use of hydrogen for energy storage and waste to energy proposals. The County has presented no response of which I am aware to the issues raised in that presentation. Until clarity is given as to how Hydrogen will add to our net power production or storage, and what technology will be embraced in converting waste to energy, placing hydrogen energy paradigms and waste management into County energy policy direction for the 20+ year interval until 2045 is inappropriate.

There is no question that controversy exists over these energy strategies. It is not inappropriate that the current administration would take initiative toward careful examination and even endorsement of a perspective on these strategies. However, before enshrining their perspective as foundation for County policy over a 20 year period, a pedestal that the General Plan offers, that administration must undertake explanation and education of the Public of the desirability of their endorsement. None of this has taken place.

The administration has not explained to the public how Hydrogen will be used in a 'net power' strategy. The inefficiency of Hydrogen fuel cell for vehicular power is well known and is approximated at one-half to one-third the number of vehicular miles traveled per life-cycle energy consumed when compared to battery electric vehicles. A vehicular hydrogen infrastructure would be exceptionally expensive and a commitment which the 2000 Hydrogen vehicles as opposed to over 900,000 electric vehicles (and rapidly becoming less) cannot justify. The inefficiency and infrastructure demands have led to abandonment of the vehicular hydrogen model. Whether Hydrogen should be visualized as back up grid storage, with longer capacity than current battery technology, is questionable and the subject of significant debate, particularly with the advance in battery storage capability. Any 'Green Energy' produced on this island should be applied directly to the grid with battery back up before diverting it to 'storage' in the form of Hydrogen production at a significant loss of efficiency for grid purposes. Producing Hydrogen from, for instance, virtually unlimited geothermal might make sense as an export product, but for grid back up on this island converting 'firm' geothermal energy to Hydrogen would be superfluous as well as inefficient. And geothermal may become a realistic energy resource on all islands. Hydrogen may have certain acknowledged applications in replacement of fossil fuel power such as maritime shipping, fertilizer production, possibly mass transit or trucking, and high heat applications such as foundry or steel production. These applications are in contention also. However, before Hydrogen is advocated as a basis for societal 'net power production' at the level of directives of the General Plan, the administration should be transparent and vigorous in its explanation to the Public of how this application of Hydrogen's potential will take place, well before its endorsement in the General Plan.

Waste to energy strategies need clarity for the Public also. Perhaps the administration has been convinced of the desirability of a waste conversion strategy involving a pyrolysis process. This has been opaque to the public consequent to a non-disclosure agreement made by the County. However that opacity should preclude this process as being foundation for Waste to Energy commitment enshrined in the General Plan, which should be available to the assent of the Public. If the Waste to Energy commitment in the Draft Plan (I use the term commitment because the General Plan should not be a document of Advocacy) is the more traditional burning of trash (most likely at the Pepeekeo Hu Honua facility) then this needs to be clarified. It is my limited second hand understanding that the Hawaii County Council has twice considered and rejected endorsing proposals of a waste to energy strategy, once in the Kim administration and once in the Keno'i administration. It would not be appropriate to place this in the General Plan if such controversy exists. Its presence there without explanation and justification should lead again to rejection of the Draft Plan by the County Council.

11. P. 91. Pursue financial modifications to provide creative funding for significant expansion of water systems to reach new customers in non-service areas.

Comment: Please describe the financial modifications and creative funding options being suggested here. Unless these are novel ideas there are probably reasons that such ideas have not gained traction.

12. P. 98. Collaborate with government, private and nonprofit agencies, and other stakeholders to remove regulatory barriers and seek funding to complete and improve the islands fiberoptic loop in an environmentally and economically appropriate manner.

Comment: Please describe what regulatory barriers are being suggested for removal.

13. P. 102. Explore the feasibility of incentive methods such as property tax dedications, conservation easements, or transfer of development rights to protect the defined zone of influence of existing or proposed public and private wells.

Comment: Please clarify the meaning of 'zone of influence' of wells. Please give examples of where and how this might be applied. How is the defined zone of influence of existing wells currently protected.

Suggest: Ensure water distribution systems supply community perimeters with water availability to support intensive grazing for the purpose of firebreak and fuel break, or support of agriculture, or evens supporting community gardens for purpose of fire break and fuel break for retarding potential wildfire. Ensure the hardening of those systems against collapse from engulfing wildfire.

14. P.105. The County operates municipal sewerage

Comment: Add Honokaa to the list of county operated municipal sewerage.

15. P. 109. Amend HCC, Section 21-26-1(a) requiring "all sewer extensions shall be approved by resolution f the County Council" to read "all sewer extensions outside of Urban Growth Areas shall be approved by resolution of the County Council"

Comment: Please explain the motivation for removing from the Council's authority the examination and ratification by Resolution the extension of sewer extensions within the Urban Growth Areas. Please submit this proposal to County Council for ratification before placing it in the Draft General Plan.

Comment: Please show a mapping of any changes in Urban Growth Areas on the present Draft General Plan 2045 Land Use Maps from the previous 2005 Land Use Maps

HOUSING

16. P. 146. With an estimated population increase from 202,000 to approximately 273,000 in 2045, a 35% increase, there will be a demand for an additional 17,000 resident housing units over the next 25 years.

Comment: Please describe the County's views of the upsides and the downsides of an increase of 70,000 residents in the next 20 years. Is the only control opportunity of this number the availability of suitable housing?

17. P. 24. About 90% of growth is through immigration.

Comment: The Office of Housing has regulations which favor current residents in opportunity for purchase of 'affordable housing stock' or rental of units which have been constructed or developed using 'affordable housing guidelines'. With 15,000 of the needed 17,000 housing units likely to be resided in by immigrants, and with lack of affordable housing being recorded as a pervasive cause of out-migration of current residents, please include the following proposal in the Draft General Plan in the section 'Housing'.

" Any application for Building Division permitting pertaining to a project which qualifies as "Affordable Housing" according to Office of Housing criteria, whether multi-unit project or individual house or house-site, will be prioritized to be considered and examined by the Building Division ahead of any pending permit applications which would not have designation or fulfill Office of Housing criteria as "affordable housing".

18. P.146. 44% of the population will be over the age of 65 by 2045.

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Q: Does the Planning Department evaluate this for desirability? Again, would this not be an important reason for supporting the limitation of influx of immigrants through available mechanisms such as the proposal above.

19. P. 149 Remove barriers to reduce cost for new construction and rehabilitation of the current housing through changes to tax, zoning and building standard requirements.

Comment: 1) Please give examples of how changes in taxation will reduce the cost of new construction and rehabilitation. 2) Give examples of how changes to zoning will reduce the cost on new construction and rehabilitation. 3) Give examples of how relaxation of building standards will reduce cost of new construction and rehabilitation.

Comment: It is stated above that 90% of growth till 2045 will be through immigration. Does it make sense to reduce taxation, which will benefit the general public, in order to accommodate immigration. Much of the cost of immigrant ownership of housing will be distributed among the current resident population (though some of the cost will be in purchase of offshore materials). Where is the advantage in reducing building costs for this immigrant population of homebuyers. Removal of barriers should only be for the 'affordable housing' component.

20. P. 149. Create subsidies like LIHTC for the missing middle of affordable housing (80% -140% AMI)

Comment: Please Describe the subsidies of LIHTC. Do individuals or families currently making 120% AMI qualify for housing subsidies? Please describe the thinking that an individual or family making 140% of Area Median Income should be able to qualify for Affordable Housing Subsidies. It seems clear that affordable housing projects must become the rule rather than the exception. Housing subsidies up to 140% seems like one method toward this proposal. But then this could be paid for by increased taxation on the total of new housing which would in effect redistribute funding to support affordable housing or perhaps a progressive tax of some kind.

21. P. 149. Encourage resort communities to include onsite workforce housing options.

Q. Why has workforce housing onsite not been a stipulation of Resort Communities up until now. What are the downsides of making this a requirement rather than an encouragement? What is the encouragement which is being proposed here. If it is a requirement, or even if it is just encouragement, will it lead to importation of workforce. Can residency requirement be included? Can public/private incentivization lead to the County building affordable workforce housing on or adjacent to resort property?

22. P. 151. Amend building regulations to allow for as-built permits and new renovation permits for less than 50% of an existing structure to conform with the building code of the year the main structure was permitted, excluding electrical and other critical life safety codes.

Comment: Please explain the meaning of this and the practical impact which it will have.

23. P. 153. Revise financial mechanisms and property tax provisions to allow for creative finance solutions to incentivize new construction and rehabilitation of affordable housing.

Comment: This sounds like it was lifted from a 2007 textbook for Real Estate Lobbyists. Please describe some of the financial mechanism adjustments and property tax provisions that would allow the creative finance solutions referred to.

24. P153. Adopt a County affordable housing program, similar to HRS 201H that encourages development, reduces cost and simplifies permitting.

Comment: HRS 201H is an undisguised blow to the intent of Regulation. The main purpose of planning and a Planning Department is to impose regulation. The County Council should have jurisdiction to weigh the advisability of waiving regulation in the appropriate circumstance regarding Affordable Housing development. Please describe in detail the regulations which have been most commonly superseded by invocation of 201H. In what way would a County 201H similar proposal provide opportunities that HRS 201H itself does not. This proposal appears to be counter to the idea of safeguards to the common good for the benefit of development, and should be abandoned.

Question: Recently two 20 unit housing subdivisions in Honokaa, one affordable and one not affordable, have been passed by Commission and Council and survey begun. When the developer made presentation in Honokaa he indicated that the affordable lots without structures would be priced somewhere around \$300K. By what mechanism does a vacant lot without a structure qualify as 'affordable'.

VISITOR INDUSTRY

25. P. 177 By adopting regenerative practices, our island can not only mitigate the negative effects of tourism but also ensure the long-term wellbeing and resilience of its communities and ecosystems.

General Comments:

1. The emphasis on Regenerative Tourism came as a result to the mounting criticism of the numbers of visitors and intrusion into the social fabric that the numbers of visitors was creating. The numbers of visitors is the basic problem - not that the visitors are disrespectful of the historic and current cultures. The catchphrase of 'Regenerative Tourism' is an effort to divert attention from the real problem of numbers. It is likely that for 90+ % of visitors there has been no change of plans or behavior from before the term 'regenerative tourism' was fabricated. There has been no diminishing of numbers of visitors.
2. By far, the most 'negative effect of tourism' is the associated Greenhouse Gas emissions from air transport of visitors. As we see more and more the social effects of rising temperatures such as climate migration, civil unrest and food shortages and the climate disasters such as fire, flood, hurricanes, sea level rise etc. the more clear it will be that leisure travel must be eliminated. Hawaii tourism, as leisure travel, is perhaps the worst offender on the planet, Hawaii being the most distant archipelago from any inhabited continental land mass.
3. In 2021 I presented a paper to the Honolulu Climate Change Commission indicating that Greenhouse Gas Emissions from air transport of Visitors to Hawaii accounted for 1-1/2x Hawaii's total domestic GHG emissions. The Honolulu Commission requested that I present the paper to the State Climate Commission. Dr. Makena Coffman, UHERO researcher, presented a critique of the paper a year later indicating that the correct figure would be equal to all Hawaii's domestic emissions. However her analysis did not count any connecting flight emissions, but only the two Hawaii legs of an itinerary. This is resultant from her use of the Hawaii State Greenhouse Gas Inventory, of which she was an author, for visitor data. My findings were based on the Hawaii Tourism Authority's eight 'Global Regions of Origin' visitor data and thus counted 'connecting flights' in the itinerary (which has its own problems).
4. Also subsequent to Dr. Coffman's presentation, the IPCC designated as 'best science' on Aviation emissions a method which calculates the global warming potential of 'non-CO2 emissions' as twice that of CO2 emissions themselves. Whereas myself and Dr. Coffman had calculated these 'non-CO2 emissions' as equal to the warming potential of CO2 itself, using the IPCC endorsed method would bring her calculation of visitor air transport GHG emissions to 1-1/2x the state's total domestic emissions, and my calculation, including the multiple legs of any visitor itinerary, to 2x the state's total net domestic emissions.

CLIMATE CHANGE

26. P. 11 “Although Hawaii Island alone will not reverse global GHG emissions, we can lead by example and set a precedent for other island states to become more sustainable.

Comment: By far, the most important example that we can set would be to set a yearly adjustable tax or fee on visitation to our islands. This fee should begin modestly but progressively increase to bring the number of visitors down dramatically over a several year period. The only practical source of such a fee is a Visitor Accommodations Tax. The current State administration has suggested a \$50/visitor fee (voluntary). This is insufficient to reduce visitation here. Whereas the appropriate placement of revenues from a Visitor’s fee should be toward resilience to the challenges of Climate Change and sea level rise, in that visitor air transport emissions are greater than Hawaii’s domestic emissions, the current proposal before legislature places the modest voluntary revenues received toward renovations of parks and trails and beaches.

27. P. 12. Airline transportation also contributes significantly to greenhouse gas emissions, as the only transportation to and from the island is by air.

Comment: The State Greenhouse Gas Inventory places the greenhouse gas emissions from domestic aviation at 3.2 million tons CO₂(e). 86% of passengers are visitors. This is with total domestic emissions about 13 million tons. All ground transportation accounts for 3.8MMT and stationary combustion (electricity generation) at 8MMT. However this 3.2MMT is departures only (one way) and does not include connecting flights on the itinerary but only the leg leaving Hawaii. It does not count any international flights. It accounts for minimal NO_x emissions but otherwise only CO₂ emissions. An averaging of results of eight aviation greenhouse gas calculators found online places the ‘non-CO₂’ emissions warming potential at equal to the CO₂ emissions and thus the total global warming GHG emissions from aviation at 2x the easily calculable CO₂ emissions. Using this method Makena Coffman PhD., UHERO faculty & an author of the Hawaii State GHG Inventory, concluded that emissions from visitor aviation equaled the total of Hawaii’s domestic emissions in 2019. Her method also did not include any connecting legs of an itinerary other than the Hawaii legs. Using her method but adding connecting flights brings the total global warming in CO₂ equivalents to approximately 1-1/2x the State’s total greenhouse gas emission. Using the IPCC endorsed factors for Non-CO₂ emissions in calculating warming from aviation brings the total CO₂(e) from air transport of visitors to 2x Hawaii’s total domestic GHG emissions.

28. P.13. “The County will need to preserve open spaces and forested lands to maintain carbon sinks.

Comment: The county needs to dramatically increase its open spaces and forested lands but preservation is a foundational part of that. Funds for tree planting and restoration of forested lands should become available via a fee on visitors here due to visitors heavy GHG footprint from air travel.

29. P.15. Pursue innovative solutions that help achieve various goals such as waste to energy and micronuclear.

Comment: The traditional approach to ‘Waste to Energy’, the burning of waste, creates more greenhouse gas per KWh of electricity produced than does burning coal. The elimination of landfills diminishes Methane release to varying degrees depending on landfill technique, which may compensate for the combustion emissions.

30. P. 15. Fire risk reduction around communities potentially limits fire spreading into upland areas, reducing fire driven forest loss.

Comment: The firebreak/fuel break perimeter management around communities works both ways for the good of community and environment. Water supply to these perimeter lands must be ensured to support grazing or agriculture or community gardens and, in case of fire, the assurance of firefighting potential.

31. P. 17. Support the achievement of 70 percent renewable energy for the electricity sector by 2030, with 40 percent from renewables and 30 percent from efficiency, and 100 percent by 2045.

Comment: The language here is misleading. If one is advocating for 70% of electricity generation from renewable energy, that is contrary to 40% of generation is from renewables and there has been a 30% gain in efficiency. Please explain the meaning of this directive. Is this merely a rationalization for failure to meet a 70% renewables goal by 2030.

32. P. 20. Adopt a land acquisition program with potential leaseback options for the purchase of hazard-prone locations or those with beneficial attributes for climate adaptation or mitigation.

Comment: This is not something that the public will bear. This feels like collusion between corporate or wealthy land owners and Administration. This is a directive which must be taken to the public in the form of a referendum before it is placed in the General Plan. This certainly would be reason for the County Council to defer ratification of the Draft General Plan. Proposals with this level of controversy should not be placed in the General Plan until they are taken to the people by referendum or, at least, the County Council.

SUSTAINABLE GROWTH AND RESILIENT COMMUNITIES

33. P24. Over the next 25 years, the population growth rate is expected to decline from an average of 2.3% per annum to about 0.9% per annum. In 2045 the resident population is forecast to be approximately 273,000 which is a 35% increase over 2018.

Comment: Please explain the reason for this decline in population growth rate..

34. P. 24. About 90% of growth on average is through immigration.

Comment: Many people have concern that 90% of growth is from immigration. That concern rises to the level that many people feel that growth is not a good thing but in fact is damaging to the environment and our social structure. The proposal that Affordable housing permits and inspection should always be placed at the head of the queue of projects in the Building Division might help somewhat. Growth in housing development other than affordable housing or housing for heritage residents should be discouraged, and domestic agriculture should be emphasized for the purpose of resiliency.

35. P. 24. In 2018, 67,000 Hawaii State residents moved to the mainland; they were partially replaced by 54,000 mainlanders who moved to the State for a net out migration from Hawaii of 13,000.

Comment: This problem might be improved by improving the attractiveness to the Developers of building Affordable Housing with modest discouragement toward building upscale homes. This might be accomplished by moving all Affordable projects to the head of the queue for permit review and building inspection.

36. P. 24. The population over age 65 is expected to grow to 44% by the year 2045. In 2020, the largest cohort of the population was between the ages of 60 to 69.

Comment: All of the above statistics need illumination. The domination of this population age cohort seems unworkable. The influx of retirement age immigrants is a challenge to our societal structure.

37. P24 The number of transient accommodation rental units is beginning to trend higher than hotel units that once dominated the visitor accommodation industry. There is also a shift in the type of visitors away from the major resort areas, which may put stress on the environment of other areas.

Comment: All efforts to limit the proliferation of STVRs should be supported. Visitor Accommodations Tax needs to be applied to all STVR rentals. Visitor Accommodations Tax needs to be dramatically increased.

38. P. 26. Remove barriers to residential development in the appropriate districts to reduce development timelines, increase housing stock availability and increase affordability.

Comment: Yes, this is one approach, assuming that one is trying to accelerate residential development. Perhaps one needs to start by making the case for accelerating residential development. This is not a 'given'. It is a 'given' that we need more housing for our heritage residents, but it seems that a preponderance of development housing actually goes to immigrants. The County, for probably excellent reasons, seems unable to solve this problem, and so, as much as we build, build, build... there are still the same number of heritage residents who seem to have to move to the mainland to find work and housing that are more practical. Consequently I don't think that the assumption should be made that we need to remove barriers to residential development.

Second, how is it determined which are the appropriate 'districts' for development. Changes in Urban Growth Boundaries must be clearly delineated for the public. One must respect expertise in determining where growth is appropriate, but the expression of the will of the public in and near those targeted areas is of importance to understand. It should be required that referendum or polling of residents in and near the targeted growth areas, or at least a 'targeted' presentation to those residents would be made in the process of determining the desirability of growth in that area. After all, are we talking about the Planning Department's desire, or the desire of the residents of that area? Undoubtedly, the ultimate application will be a reflection of both. But a mailer to each post office box or address in the affected area, with a careful inquiry into the desires of the area residents, should be a part of the process. The General Plan Land Use Map should not be completed until such an inquiry with the public has been completed.

39. P. 26. Review and update the Building and Zoning Codes to allow for more flexibility

Comment: Please give examples of where more flexibility would be desirable. Please indicate the basic problem that is being approached by increasing flexibility, and explain how that flexibility will yield improvement in that problem.

40. P. 26 Collaborate across State and County agencies to facilitate efficient and effective land use processes

Comment: Collaboration is always desirable. Please describe what is currently the impediment to collaboration.

41. P. 26. Advocate allowing for County initiated State Land Use Commission District Boundary Amendments to meet the preferred land use pattern.

Comment: I will infer from this proposal that currently Land Use District Boundary Amendments are a function prescribed to the State. This makes sense since the natural tendency toward urban expansion meets interface with Lands subject to Department of Agriculture and DLNR oversight. I would be surprised if there is not capability of urban planners and the County to make their wishes known and advocate for those designs within the current State Authority. However it seems entirely appropriate that, consequent to communication and collaboration between the State Commission and the County that the State Commission would take responsibility for initiating District Boundary Amendments to be considered by their Commission. It seems that this procedural proposal runs counter to reasonable administrative divisions.

42. P 26 Program the initiation of rezoning in targeted growth areas.

Comment: This of course demands identification of the targeted growth areas to begin with. And, of course, that targeted growth area needs to be identified to residents living within and nearby its boundaries. Please specify with map identification where these targeted growth areas are at. Programming the rezoning in these areas might well be a proposal which should be preceded by referendum or public study of sentiment or reaction to this proposal. Media identification of these areas with open discussion should be encouraged before programming the initiation of rezoning.

43. P 28. Develop a process for County initiated State Land Use boundary reclassification.

Comment: This, I believe is a State Commission responsibility. If it is County's impression that the State Commission is failing its responsibility then please point out where those failures have occurred.

44. P 28 Amend the Zoning Code and Subdivision Code to allow Cluster Plan Developments to be applied to all zoning districts with appropriate building site standards.

Comment: Please explain in detail the meaning of this directive. Explain what is a Cluster Plan Development. Explain why such a development cannot now be applied to all zoning districts with appropriate building site standards. Please explain what is special about Cluster Plan Developments that would argue that they should be allowed in any zoning district whereas a run-of-the-mill development might not be allowed in some zoning districts.

45. P29 Amend the Zoning Code to allow for Planned Unit Development to become administrative permits and subject to the approval of the Planning Director

Comment: There might be a reaction to this Draft General Plan that the thrust is toward acceleration of the process of development. With that perspective, and less than unanimity in endorsement by the public of this perspective, it would be most desirable that there would be County Council oversight applied to the enthusiasm of the Planning Department for all significant development, whether Planned Unit Developments or any other category of Development. If it is felt that the public would be supportive of this proposal then it should be subject to referendum rather than placed in the General Plan.

46. P 59. Support the development of small scale visitor accommodations with heritage, agriculture, wellness or similar themes in rural areas and near points of interest.

Comment: All public support for short term visitor rental accommodation should be removed other than in designated resort areas.

47. P. 59. Provide flexibility in discretionary permit applications to maintain health and safety for rural small scale visitor accommodations not serviced by public infrastructure.

Comment: All public support for short term visitor rental accommodations outside of resort areas should be removed.

48. P. 59. Amend the Zoning Code definition and requirements for Lodges and reconcile similarities and inconsistencies with the special permit provision for Retreats. Clearly articulate in the Code the zoning districts appropriate for Lodges.

Comment: Please specify the referred to definitions and differences between Lodges and Retreats

49. P. 59. Amend the zoning district's currently listed as Family Agricultural District and Residential and Agricultural District to be consistent with the Rural designation and to allow for home occupations that do not negatively impact the rural character.

Comment: Please explain how the Zoning district currently listed as Family Agricultural District and Residential & Agricultural District are currently inconsistent with Rural designation. Please explain the impacts of such proposed amendment on the living, building and occupational patterns in those various agricultural districts. If no impact, please state as such.

50. P59. Amend the Zoning Code and Subdivision Code to establish Clustered Rural Subdivision PUD

Comment: Please define Clustered Rural Subdivision PUD. Please explain how it would be treated differently than any other subdivision in the Zoning and Subdivision Code.

ROADWAYS

51. P. 79. Allow for private, non-dedicated cul-de-sac and alley designs that are in accordance with national road standards.

Comment: The County should enact ordinances or policies that discourage the building of gated community roadways, even if the gated roadways are privately constructed. Such gated roadways only increase the sense of division in society at a time when blending those divisions has taken on much importance.

52. Removal from the Highways section of the 2005 General Plan the following:

13.2.5.4.2 Courses of Action

(C) Encourage the State to construct a scenic highway from the Waipio Valley look-out extending Mauka to connect to Mud Lane at the entrance of Waimea.

53. Removal from the Recreation section of the 2005 General Plan the following:

12.5.4.2 Courses of Action

(D) Encourage the State to develop a scenic park on the Kohala side of Hiilawe Falls in conjunction with the development of the scenic highway.

Comment: Please explain the rationale for removing the above two directives of the 2005 General Plan from inclusion in the Draft General Plan 2045.

54. P. 103 SHALL indeed!

55. P. 118. Unable to find reference

Comment: "Because in many of our rural communities with less residents public facilities are often neglected and deferred or no maintenance is typical. Examples are the gyms in Ookala, Hakalau and Papaaloa. The gyms in Ookala and Hakalau are now condemned and closed. Recreational and elderly programs there no longer exist. In the case of Papaaloa, the community rallied and got the county to restore at least the community hall. With adequate maintenance these legacy facilities could have been retained and allowed to serve their communities."

56. P. 113 Unable to find reference

Comment: There is a fine balance that good design finds between these measures and multimodal elements.

57. P. 19 Unable to find reference

Comment: A great place to start would be with County employees.

58. P. 27. Unable to find reference

Comment: While the State law and our GP specifically call for preserving scenic beauty and protecting scenic resources, we do not have any analysis and data bases for what those critical scenic resources i.e. viewshed, etc. are, specifically from the public domain i.e. state and county major highway rights of ways, public parks, etc. Instead we rely on after the scenic quality is compromised and it is too late. Do not rely on viewshed mitigation as protection of scenic resources as it is a band aid. Initiate scenic resource inventory identifying critical scenic viewsheds and corridors for protection/preservation. Then put in place scenic quality overlays within GP and CDPs with related regulatory measures to preserve and protect these resources.

59. P. 28 Unable to find reference

Comment: "Agreed. Much of our zoning and subdivision code, including our land use maps are what got us to where we are now. Mechanisms like variances and PUDs are used as exceptions to the current status quo. Suggest overhaul of current system to mandate what is desired i.e. performance based; form based code which specifically show what is desired - integrated development that is environmentally sound, protects open space, higher density/affordable, street networks with multi-modality and connectivity, etc. Basic smart growth principles in both urban and rural contexts that are appropriate to our island."

60. P. 49. Unable to find reference.

Comment"Agreed. Policies like this one is indicative of a framework that has created the many challenges we currently face. Stick to the proven principles of ""smart growth"" starting with the locational siting, network connectivity and on down to finer grain. Many of our plantation towns around the island reflect ""smart growth"" principles."

61. P. 80 Unable to find reference

Comment: Roadway network connectivity especially when provided with appropriately applied Complete Streets standards is a must and should be part of the subdivision code. Connectivity of roadways is a main component of Traditional Neighborhood design. We don't wish to repeat the lessons learned from the cul-de-sac subdivisions of the past with the high daily vehicle trip count and VMTs

62. P. 138 Unable to find reference

Comment: "Besides parks, we can start with our urban centers' streets. Most of our parks are mostly devoid of trees because of Park department culture and their focus on lowest maintenance. Of course having trees in our streets would require appropriate funding and responsibility for maintenance of this "green infrastructure" and as importantly, a cultural shift at Dept of Public Works who have jurisdiction of our County roads."

63. P.184 Unable to find reference

Comment: "Thus the need for leadership that recognizes and demands an integrated approach amongst the cast of players, agencies, etc."

64. P. 28. Discretionary permit applications for uses that may impact view planes to and along the coastline, and areas of natural beauty should take into consideration visual impact assessments and propose conditions to mitigate scenic impacts where appropriate.

Comment: "While the State law and our GP specifically call for preserving scenic beauty and protecting scenic resources, we do not have any analysis and data bases for what those critical scenic resources i.e. viewshed, etc. are, specifically from the public domain i.e. state and county major highway rights of ways, public parks, etc. Instead we rely on after the scenic quality is compromised and it is too late. Do not rely on viewshed mitigation as protection of scenic resources as it is a band aid. Initiate scenic resource inventory identifying critical scenic viewsheds and corridors for protection/preservation. Then put in place scenic quality overlays within GP and CDPs with related regulatory measures to preserve and protect these resources."

65. P. 29 Create "Village Plans" for unique urban areas that include considerations for urban design, aesthetic quality, and the protection of amenities in adjacent areas through landscaping, open space, and buffer areas.

Comment: Should be part of the CDP implementation actions. Need to get funded in County budget across relevant departments as an INTEGRATED effort not the current siloed modus operandi. Increase in house capacity.

66. P. 29 During discretionary permit applications, the Planning Director may require a pedestrian, equestrian, and/or bicycle path when it is possible and safe to connect to existing or future drainage or active living corridors

Comment: "Rather than waiting for applicants to apply for permit and rely on Planning Director discretion, opt instead for integrated regional overlays that identify environmentally/culturally sensitive corridors i.e. drainage, wildlife, riparian/coastal, scenic for designation as protected zones in which limited improvements like trails, pedestrian, recreational and interpretive amenities would be desired. Partnerships between public and private sector could implement these desired corridors improvements."

67. P. 31. Amend the Zoning Code to establish building setbacks for inland cliffs.

Comment: "Are we assuming that there already is or will be zoning code for setbacks for coastal cliffs/palis?"

Besides safety of adequate setbacks along cliffs, also consider scenic view impacts. Scenic quality is continually being degraded as more development is sited on the edge of cliffs along the coast and other inland palis. Ensure protections against these incursions. NOTE: Waipio and other valleys."

68. P. 34. Lands to be kept in a largely natural state with minimal facilities consistent with open space uses along with agricultural land uses. Includes areas vulnerable to natural hazards, steep slopes, lava fields, and areas set aside for cultural and/or natural resource preservation purposes that are not necessarily under active management.

Comment: "Per Priority Actions 5a, 7b, 7c, create Land Use designation(s) for "Sensitive Lands" (Environmental, Cultural, Hazard) that are protected by restrictions. "

69. P. 50 Coastal resort developments shall provide public access to and parking for beach and shoreline areas.

Comment: Need to define equitable public access facilities. Currently resort design public access facilities to deter easy public access. Limited parking regulated by guards and distantly located from the shoreline or recreational amenity without adequate facilities are the current norm. Ensure the standards for public access are improved accordingly.

70. P. 50 Industrial-commercial mixed-use districts should serve as transitional areas.

Comment: "It should be noted that industrial areas around the island such as north of Kailua town and in Hilo became defacto "mixed" industrial/commercial areas because of it is cheaper to build commercial retail space in industrial warehouse type buildings in industrial zones bypassing the other requirements such as parking, landscaping, etc. At both Hilo and Kona these defacto hybrid areas due to the proximity to harbors and airports and adjacent urban centers they have become the "gateway" first impressions of our tourist visitors. "

71. P. 51 Provide for the establishment of new Retreat Resort areas in appropriate locations.

Comment: Too vague. Define appropriate.,

P. 52 Transit Oriented Development Character Guidelines: Character: Vernacular architecture that respects the historic context and scale of the community, usually subject to design criteria

- Urban Grid Street Network
- Limited driveway access
- On-street parking
- Public off-street parking
- Landscaping (including street trees where appropriate) commensurate with environment/water availability.
- Sidewalks and/or walking or bike paths
-

- Comment: "Why the qualifier ""appropriate""? Street tree/landscape codes need to be updated along with appropriate county agency/department capability as street trees and landscaping is part of good design from a holistic planning perspective - environmental, social/cultural/psychological. It is a quality of life issue that Hawaii County has long neglected."

Note this Comment above applies in multiple locations in the tables of 1.3 from Table 11 through Table 17 describing 'Character guidelines.

72. P. 78 In November 2020, the County of Hawai'i adopted by resolution a Street Design Manual to set standards for how County streets should support all modes of traffic. For each street type found in the County, this manual illustrates how the right-of-way should allocate space for multimodal activities following active transportation priorities. These standards are essential for new development and infrastructure rejuvenation projects to design and achieve active transportation solutions in each step of modernizing the County's transportation system properly and adequately.

Comment: "Besides active transportation and multimodal aspects of Complete Streets, consider adding mention of environmental benefits of green strategies roadway design as this is also a key component of Complete Streets. Roads make up a large component of the public infrastructure and their environmental impacts are immense. Best practices like incorporating vegetated swales and basins for infiltration and water quality treatment; and street trees for shade, visual quality and community character, carbon sequestration and air quality are part of sustainable development/resilient community design principles."

73. P. 79 Continue to adopt the County of Hawai'i Street design manual as the county's complete street design program/policy.

Comment: Why hasn't the Street Design Manual been adopted as the County's road standards and incorporated into the Hawaii County Code?

74. P. 80 Encourage flexibility in applying the County of Hawai'i Street Design Manual when necessary to preserve the rural character of an area while maintaining a pedestrianfriendly design and desired landscaping solutions.

Comment: Amend the Street Design Manual to include rural road standards that are appropriate to our typology of rural village roads. Also amend the manual to include alley design if not already adopted as part of the manual for rural and urban neighborhoods.

75. P. 81 Develop green infrastructure standards including right-of-way (ROW) landscaping, low impact development (LID), and drainage.

Comment: Provide funding and County capacity and responsibility to maintain green infrastructure in the County Right-of-Ways.

76. P. 92 Prioritize sewer for sensitive urban areas.

Comment: "Not just sensitive urban areas. We have sensitive areas in rural and residential areas that are no longer appropriate to rely on cesspools and even IWSs. Also need to ensure directing upgrades and new wastewater infrastructure to those desired areas as identified in the GP and CDPS."

77. P. 92 Encourage groundwater recharge through on-site practices.

Comment: "Not just through on-site practices. Encourage groundwater recharge PERIOD. If you want to define how, then include all scales from sound regional scale master planning down through site specific best management practices such as Low Impact Development strategies."

78. P. 93 Public Utilities section on Stormwater:

- Prioritize resiliency measures that support climate change impact scenarios.
- Regularly amend County codes to be as current and innovative as possible.
-
- Comment: "suggest adding a priority action item that identifies specific County Codes need to be updated. Much of our current codes as it relates to stormwater are woefully outdated. For example our roadway and landscape standards and building code site planning standards need to be revised to reflect current best practices such as Low Impact Development (LID), green/sustainable standards, Smart Growth principles, etc as appropriate to our island environment."

79. P. 94 Encourage the clustering of developments to reduce the cost of providing utilities.

Comment: and higher density,

80. P. 95 The Hawai'i Electric Light Company, Inc. (HELCO) supplies electricity for Hawai'i Island and operates major switching stations (used to transfer the flow of power between different transmission circuits) at critical locations around the island. These transmission switching stations provide greater system flexibility and increase system reliability in supplying power to the various distribution substations and eventually, to customers. Distribution substations, which transform voltages to distribution voltages, are also located island-wide in proximity to communities and other developments.

Comment: Wouldn't more localized/smart grids reduce the loss of power inherent in distributing electricity over long distances?

81. P. 103. Maintain the water master plan to consider water yield, present and future demand, alternative sources of water, guidelines, and policies for the issuing of water commitments. [project | DWS | ongoing]

Comment: Need to ensure that the Water master plan is in sync with the GP and CDPS and other community plans so DWS actions are coordinated with the County's plans instead of the

status quo of meeting their existing customers' needs and/or those who can afford to develop and pay for new water infrastructure.

82. P. 106 As communities generate wastewater through various sources such as residential, commercial, and industrial activities, effective treatment is necessary to remove harmful pollutants and contaminants before the water is discharged back into the environment. Improperly treated wastewater can have detrimental effects on marine ecosystems, coastal waters, and freshwater resources, jeopardizing both human and ecological health.

Comment: "Recognize that the fact that combining waste with water and then having to separate, treat and convey the wastewater is a very inefficient and expensive process. At least consider at appropriate scale other alternative systems that avoid combining waste with potable water.

As with recycling, instead look to view waste as resource with beneficial use.

83. P. 108 Plans for wastewater reclamation and reuse for irrigation and biosolids composting (remaining solids from the treatment of wastewater are processed into a reusable organic material) shall be utilized where topographically feasible and needed for landscaping purposes.

Comment: "While it is less expensive to use gravity flow to distribute reclaimed wastewater, we perhaps should not limit reuse to "topographically" appropriate areas. We have the technology to use sustainable energy sources such as wind, solar to pump reclaimed wastewater for reuse. All the more critical to ensure proper location of development and the associated waste/wastewater treatment facilities as part of an integrated plan, not just for urban areas but rural villages and our agricultural lands."

84. P. 109 Encourage on-site water reuse solutions for large developments.

Comment: "Require,

85. P. 112 Green infrastructure is crucial for stormwater management, as it captures and absorbs runoff, reducing the volume and rate of runoff.

Comment: And provides water quality treatment i.e. filtration of sediment and bioremediation of toxic pollutants.

86. P. 113 Encourage grassed shoulder and swale roadway design where climate and grade are conducive.

Comment: Suggestion, Vegetated shoulder rather than grassed. Grass/lawn is not the only option. Important to note that these policies need to be accompanied by capacity to properly maintain to ensure ecosystem service benefit.

87. P. 113 The “Drainage Master Plan for the County of Hawai‘i” should be updated every 20 years for urban centers to incorporate new studies and reflect newly identified priorities.

Comment: “Not just urban centers. Need to look at regional scale context and identify areas that provide flooding buffers, natural water quality treatment i.e. wetlands, riparian edges, muliwai, etc. for these areas provide valuable ecosystem services way more effective than engineered solutions. Consider utilizing these areas as open space, recreation zones with trails that serve not only environmental function but cultural/community benefit.”

88. P. 114 Maintain the Department of Public Works Storm Drainage Standards to reflect current data and to incorporate strategies and standards of green infrastructure and low-impact development.

Comment: “”Add “and upgrade””

89. P. 114 Develop a monitoring and evaluation program for impervious surface coverage.

Comment: “Add “and configuration.””

Low Impact development principles also call for the shapes and location of impervious and pervious areas to be discontinuous so that storm runoff from impervious areas can be received by appropriate sized adjacent pervious area. This minimizes generation of storm runoff and erosion and provides for better infiltration and groundwater recharge.”

90. P. 115 Identify County Parks and Recreation sites for green infrastructure demonstration projects.

Comment: Also utilize road rights of ways for demonstration pilot programs.

91. P. 117 The County provides police and fire protection and solid waste disposal

Comment: Also waste water treatment,

92. P. 118 Under Public Facilities and Services Challenges: Sewage, industrial waste, and other pollutants have penetrated some swimming, surfing, fishing, and boating areas, reducing the availability and/or quality of these areas for recreation.

Comment: “”contaminated”” instead of penetrated?”

93. P. 134 Parks and recreation areas play a key role in climate resilience efforts and overall environmental sustainability. They may provide green spaces that help mitigate the urban heat island effect in our urban growth areas, improve air quality, and support biodiversity by providing habitats for native plant and animal species.

Comment: “Can also serve as disaster mitigation. For example open space, appropriately contoured and vegetated can serve to reduce the force of tsunamis. Also parks and open space areas can serve as buffer zones to receive and store flood waters.

94. P. 136 Recreational facilities shall reflect the natural, historic, and cultural character of the area.

Comment: "A needed change is the Park's department's approach to facilities design and maintenance. Design and maintenance of parks facilities should improve the quality of life of our residents and be a source of community pride. While facilities need to be sturdy and durable, they should not be designed with vandalism resistance and minimal maintenance as the primary focus. Parks including parking lots and open space should be properly landscaped with trees and other plantings for shade, beauty and function. For too long the County's Park department park design and maintenance culture has been dominated by a lowest common denominator of vandal resistant and lowest maintenance design resulting in fortress-like structures and parks with minimal shade trees, shrubs and groundcover with the exception of lawn. This needs to change. Hawaii County deserves better. ".,136

95. P. 137 Implement a proactive maintenance program to ensure that park facilities and trails are safely maintained for optimum usage.

Comment: "Add ""appropriately"" maintained... See general comment under heading above for Recreational Facilities Siting and Planning."

96. P. 139 Analyze under-represented open recreation and healthy living activities to be included in Park Standards.

Comment: "One of these under-represented recreational facilities is trails for walking/hiking/ biking. As part of a strategy for climate change transition and sea level rise, identify coastal areas and routes for these trails.

97. P. 139 Amend the HCC to better address park and recreation issues in the following ways: Note:

Edit to reflect future code updates.

- i. Amend subdivision code (Ch. 23) to be consistent with Dedication of Land code (Ch. 8) in providing land area for park and recreational use or pay a fee in lieu thereof.
- ii. Develop and adopt an Impact Fees Ordinance

Comment: Paying fee in lieu of has never been an workable solution for even partially funding projected recreational needs.

98. P. 154 Under Affordable Housing Character Guidelines:

Comment: "Suggest adding that these affordable housing developments shall ideally be located in proximity to and integrated into existing and proposed urban and rural centers so that there is easy access to necessary services and goods, recreation and other quality of life amenities."

99. P. 164 Under Economic Challenges of the Visitor Industry Add: "better planning/design and management,"

100. P. 180 Implement interpretive programs and stewardship at wahi pana.

Comment: Need more specifics: Develop community based program to codify wahi pana status along with specific stewardship organization and processes.

101. P. 181 Integrate 'āina based and place-based values into Hawai'i Island's identity.

Comment: "Aina based generally covers place-based. Maybe ""aina and community based"" instead of "" aina based and place-based.""

102. P. 184. The county has not developed a scenic resources protection program, including view impact procedures, criteria, and standards.

Comment: "add ""scenic resource inventory""

103. P. 184 The waters surrounding Hawaii Island are affected by increasing waste products such as marine debris, plastic pollution from land and ocean sources as well as effluents, pollutants and toxins generated and released from land-based sources such as cesspools and septic systems.

Comment: "add ""injection wells""

104. P. 186 Encourage the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, or aquifer recharge areas that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change.

Comment: "and, not or"

105. P. 188 Develop buffer policies to protect native forests, wildlife, and habitat.

Comment: "add ""rivers, streams, coastal waters including but not limited to anchialine ponds""

106. P. 190 Restore wetlands and riparian corridors to decrease erosion, increase sediment management, groundwater infiltration, nutrient/pollutant uptake, soil moisture retention, stormwater abatement, and cultural/community connections.

Comment: Protect and...,

107. P. 194 Develop and establish view plane criteria, rankings, and regulations to preserve and enhance views of scenic or prominent landscapes from specific locations, and coastal aesthetic values.

Comment: "Add ""and/or corridors""

Collaborative Bicultural Stewardship chapter

The plan urges the County to increase interagency and intergovernmental collaboration. The 'āhupua'a (mauka-makai) perspective by island communities is essential to face the (not so distant) threat of adverse climate disaster. I would encourage the plan to recognize the role of estuaries to our forest/coastal resources health. Hawaiian estuaries, albeit small, is the gatekeeper of our mauka-makai and makai-mauka connectivity. Hawaiian streams are two-lane highways.

My suggested changes are listed;

- 108. p.184; Watershed
 - +**There** watershed...(Three?)
 - Stewardship
 - Intergovernmental?
- 109. p.185 Policies 45.2
 - +remove coral from coral reefs-not all reefs are coral. Hamakua coast, for example
 - Policies 45.3
 - +include riparian buffer zone
- 110. p.187 Priority Action 45.i
 - +include 'streams'
 - Priority Action 45.o
 - +include 'estuary'
 - Priority Action 45.q
 - +include 'estuaries'
- 111. p.189 Policies
 - 46.6.f
 - +remove word (volume). The character (flashiness) of stream flow is as significant as its volume to native biota and stream ecological processes.
 - 46.6.j
 - +add '...develop partnerships to mitigate sediment and nutrient loads.' (ie. oysters planting to decrease nutrient load in Hilo Bay)

Submitted to Planning on Dec. 27 by,
Tawn Keeney, Chair, Hamakua CDP Action Committee