

Mitchell D. Roth
Mayor



John Pelletier
Gary Jaster
Heather Korotie
Vacant
Charles Young, Chair
Nancy Piscichio, Vice Chair
Marisa Bankston
David Huerta
Roselyn Molina

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

NOTICE OF PUBLIC MEETING AND 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: February 6, 2024
TIME: 12:00 P.M.
IN PERSON LOCATION: West Hawai'i Civic Center, B2 Conference Room
74-5044 Ane Keohokālole Hwy
Kailua-Kona, HI 96740

ONLINE/ZOOM:

<https://www.zoomgov.com/meeting/register/vJlsd-Chpj0oHOPQgYUZmc3O6jGWlhsix1c>

NOTICE REGARDING PUBLIC TESTINOMY: 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@hawaiiicounty.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@hawaiiicounty.gov or in person at the Hilo or Kona Planning Department. 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.

COUNTY CLERK
COUNTY OF HAWAII
2024 JAN 30 AM 8:44

AGENDA

- I. CALL TO ORDER & ROLL CALL**
 - II. CHAIRPERSON ANNOUNCEMENTS**
 - Resignation of Zarine Dorabji from the Kona CDP Action Committee
 - III. APPROVAL OF THE MINUTES:** The Kona CDP Action Committee will consider approving the draft minutes for its meeting on January 8, 2023.
 - IV. PUBLIC TESTIMONY ON AGENDA ITEMS:** Public comments via oral testimony may be made either at this time or just prior to the relevant agenda item. With discretion of the Chair of the Kona CDP Action Committee, oral comments may be limited to three (3) minutes in length per agenda item.
- BUSINESS:**
- 1. Scheduling of Future Kona CDP Action Committee meetings** – Discussion and decision making regarding the scheduling, logistics, and format of future meetings.
 - 2. S.B. No. 2058 Relating to Neighborhood Boards** – Discussion regarding SB2058, introduced on January 17, 2024 by Senator Dru Kanuha.
https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2058&year=2024
 - 3. General Plan Comments Discussion** – Discussion regarding comments the Kona CDP Action Committee may convey to the Planning Department regarding the County of Hawaii's General Plan 2045.
- V. AGENDA FOR NEXT MEETING:** The Kona CDP Action Committee members will discuss potential agenda items for the next meeting.
 - VI. 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 is requested to 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

**KONA CDP ACTION COMMITTEE
COUNTY OF HAWAII**

**MINUTES
January 8, 2024**

CALL TO ORDER

Committee Member Charles Young called the meeting of the Kona Community Development Plan (KCDP) Action Committee (AC) to order at 2:05 P.M. This meeting was held online via Zoom, and in-person at the West Hawai'i Civic Center, Building G. A quorum was established with five members in attendance. [SEE YOUTUBE TIME STAMP 2:11]

The YouTube video of this meeting can be found here:
<https://www.youtube.com/watch?v=YrywDQTuQG0>

ROLL CALL

AC Members Present (in-person): Charles Young (Chair), Nancy Pisicchio, and John Pelletier

AC Members Present (on Zoom): Heather Korotie and David Huerta

AC Members Absent: Roselyn Molina, Marisa Bankston (Vice Chair), Gary Jaster

County Staff/Officials: From the Planning Department – Janice Hata, Jessica Lahip, Maryam Palma, Kawelo Kalili, Tiara Cobile and Bethany Morrison. From the Office of the Corporation Counsel – Deputy Corporation Counsel, Suzanna Tiapula

Members of the public: 3 in person, also on Zoom

ANNOUNCEMENTS:

General Plan Update from Bethany Morrison [SEE YOUTUBE TIME STAMP 5:09]

Bethany gave an update on the General Plan, explained that the public comment period will be open until March 1, 2024. General Plan comments are welcome online through the Konveio platform as well as through email to the Planning Department. Bethany answered questions from the Action Committee members as well as the public.

APPROVAL OF MINUTES:

Committee Member Pelletier made a motion to approve the September 12, 2023 minutes. Motion seconded by Committee Member Huerta. Motion passed with 5 votes aye, 0 votes nay. [SEE YOUTUBE TIME STAMP 24:50]

PUBLIC TESTIMONY ON AGENDA ITEMS:

Sue Aronson [SEE YOUTUBE TIME STAMP 26:42]

Janice Palma- Glennie [SEE YOUTUBE TIME STAMP 29:41]

35 **BUSINESS:**

- 36 1. **Training on Permitted Interaction Groups and the Duties and Responsibilities of the**
37 **Community Development Plan Action Committees:** Presentation by Deputy Corporation
38 Counsel, Suzanna Tiapula [SEE YOUTUBE TIME STAMP 32:02]
39 Deputy Corporation Counsel Tiapula explains that the intention of a Permitted Interaction
40 Group (PIG) is to allow 2 or more members but less than quorum, to meet outside of the AC
41 Forum. A PIG is established to investigate a specific purpose. For the committee to take
42 action on a matter investigated by a PIG, three separate meetings must occur. At the first
43 meeting, a PIG is formed and the scope of the investigation and the members who will
44 participate (up to quorum) are defined. At a second or subsequent meeting, the PIG reports
45 its findings. The committee cannot discuss or act on the report at this meeting. Once a PIG
46 gives their report, PIG dissolves. At the third meeting, the committee can discuss and act on
47 the findings of the PIG.
- 48 2. **Annual Nomination and Election of Committee Chairperson for 2024:** [SEE YOUTUBE TIME
49 STAMP 1:07:30]
50 Committee Member Nancy Pisicchio nominated Committee Member Charles Young for
51 Chair, Seconded by Committee Member John Pelletier. Motion passed with 5 votes aye, 0
52 votes nay.
- 53 Chair Young nominated Committee Member Pisicchio for the Vice-Chair position, seconded
54 by Committee Member Pelletier. Motion passed with 5 votes aye, 0 votes nay.

55 **PROPOSED AGENDA ITEMS FOR NEXT MEETING:** [SEE YOUTUBE TIME STAMP 1:15:45]

- 56 1. Presentation by Sue Aronson regarding Kealakehe Watershed
57 2. Letter from Tawn Keeney regarding the General Plan
58 3. General Plan discussion and group comments on the General Plan

59 **ADJOURNMENT:**

60 *Chair Young made a motion to adjourn meeting, seconded by Committee Member Nancy*
61 *Pisicchio. Meeting adjourned at 3:39 P.M. [SEE YOUTUBE TIME STAMP 1:34:34]*

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

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

THE SENATE
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

JAN 17 2024

S.B. NO. 2058

A BILL FOR AN ACT

RELATING TO NEIGHBORHOOD BOARDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that county neighborhood
2 and advisory boards provide local communities with opportunities
3 to participate in government. Likewise, community outreach
4 boards serve as an intermediary between residents and government
5 leaders to understand local concerns, gather and disseminate
6 information, and create solutions in a collaborative
7 environment. As community outreach boards serve as a grassroots
8 tool, ensuring open access to board activities is essential to
9 thriving communities statewide.

10 Therefore, the purpose of this Act is to:

- 11 (1) Define "community outreach board"; and
12 (2) Include community outreach boards in existing
13 provisions of the sunshine law that relate to
14 neighborhood boards.

15 SECTION 2. Section 92-2, Hawaii Revised Statutes, is
16 amended by adding a new definition to be appropriately inserted
17 and to read as follows:



1 "Community outreach board" means a board established to
2 serve in a community advisory capacity under a county commission
3 or a county department."

4 SECTION 3. Section 92-81, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending its title and subsections (a) and (b) to
7 read:

8 "[~~f~~]§92-81[~~f~~] Neighborhood board; community outreach
9 board; notice and agenda; public input; quorum. (a) [~~Any~~
10 ~~contrary provision in this chapter notwithstanding,~~]
11 Notwithstanding any provision in this chapter to the contrary,
12 the provisions of this part shall apply to neighborhood boards
13 and community outreach boards overseen by a neighborhood
14 commission of the city and county of Honolulu, and [~~such~~] other
15 neighborhood boards and community outreach boards as may be
16 created in other counties and overseen by a county-based
17 commission[~~-~~] or county-based department.

18 (b) The agenda required to be included in written public
19 notice of a [~~neighborhood~~] board meeting may include an
20 opportunity for the board to receive public input on issues not



1 specifically noticed for consideration at the forthcoming
2 meeting."

3 2. By amending subsection (d) to read:

4 "(d) A quorum for a meeting of a neighborhood board or
5 community outreach board shall be required for:

6 (1) Conducting official board business;

7 (2) Discussions prior to and related to voting; and

8 (3) Voting required to validate an act of the board as
9 part of official board business.

10 A neighborhood board or community outreach board may receive
11 information or testimony on a matter of official board business
12 without a quorum; provided that the board shall not make a
13 decision on the issue. The board members, at the next meeting
14 of the neighborhood board, shall report the matters presented as
15 information or testimony."

16 SECTION 4. Section 92-82, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§92-82 Permitted interactions of neighborhood board and
19 community outreach board members. (a) Neighborhood board and
20 community outreach board members may attend or organize meetings
21 or presentations [~~located on Oahu~~] on matters relating to



1 official board business; provided that the meeting or
2 presentation is open to the public, does not charge a fee or
3 require registration, and is not specifically and exclusively
4 organized for or directed toward members of the board; and
5 provided further that no member makes a commitment to vote on
6 any of the issues discussed.

7 (b) Neighborhood board and community outreach board
8 members who attend meetings or presentations allowed by
9 subsection (a) may ask questions relating to official board
10 business of persons other than fellow board members."

11 SECTION 5. Section 92-83, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[~~§~~92-83~~]~~ Neighborhood board meeting; community
14 outreach board meeting; unanticipated events; public interest.

15 An unanticipated event that occurs after public notice of a
16 neighborhood board or community outreach board meeting has been
17 issued, but before the scheduled meeting, may be the subject of
18 discussion at the scheduled meeting if timely action on the
19 matter is necessary for public health, welfare, and safety. At
20 a duly noticed meeting, a board may take action on an
21 unanticipated event in the public interest that is not on the



1 agenda in the same manner as if the board had held an emergency
2 meeting to take action on the issue, pursuant to section 92-8."

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect upon its approval.

6

INTRODUCED BY:





S.B. NO. 2058

Report Title:

Neighborhood Boards; Community Outreach Boards; Sunshine Law;
Public Meetings; Permitted Interactions

Description:

Defines community outreach board to mean a board established to serve in a community advisory capacity under a county commission or a county department. Includes community outreach boards under existing provisions of the Sunshine Law regarding neighborhood boards. Authorizes neighborhood board or community outreach board members to organize meetings or presentations related to official board business statewide.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Suggested deletions are bracketed [], and additions are underlined.

Since the adoption of the County's first General Plan in 1971, the primary advancements in planning at the County level have provided a "spot zoning" system that addresses improved onsite construction and development standards required through the Zoning Code, Subdivision Code, and Functional Plans. There is a concern that the General Plan and the Community Development Plans lack the authority to actually implement well-meaning sustainable community planning strategies and therefore the County will continue to approve development that is not in the best interest of Hawai'i Island, the residents, the environment, or the economy. Hopefully, there can be some more productive means of implementing the GP's proposed policy changes and code amendments can be carried out to achieve identified outcomes.

We have only just begun to acknowledge the government's responsibility in planning for and providing for the most basic public infrastructure including interconnected systems for multi-modal transportation, public water delivery, sewage treatment, and green infrastructure. Unfortunately, we are still a long way from the implementation. Until we have first caught up with our deficiency in providing services and infrastructure within our Urban and Rural Centers, no major development should be approved outside of these population centers.

Objective 1

Why does Objective 1 focus upon “climate actions are equitable and uplift historically marginalized and disadvantaged communities”?

In addressing Climate mitigation, it was stated on page 12 that “Transportation is the primary source of emissions on Hawai‘i Island. Due to the rural geography of the island and the distance between urban socioeconomic hubs and residential areas, many residents have long commutes.” However, this Chapter does not seem to include policies that reflect a determination to reduce long commutes in order to reduce

emissions. Therefore, a primary objective of the General Plan needs to focus on adopting Priority Actions for land use that serve to reduce urban sprawl into low-density rural areas and to improve urban planning policies that serve to increase density, with appropriate infrastructure, and provide workforce housing opportunities near places of employment. Reducing sprawl will also protect the existing forest canopy in currently undeveloped regions.

Comment: Consider configuring goals to be consistent actions with the County of Hawai'i Integrated Climate Action Plan.

Objective 2

Achieve net carbon neutrality by 2045.

Policies

Proposed Amendment:

2.11 Develop and adopt an urban forestry program for the County. Integrate urban forestry into all scales of planning. Draft GP Pg. 17

2.17 Develop and adopt a plan to increase forested lands and replant deforested lands outside of the urban boundaries. GP Pg. 18

Priority Actions

2.e Prioritize urban tree inventories for primary urban areas such as Downtown Hilo, Waimea, and Kailua-Kona. PROJECT

2.f Develop procedures to include street trees as part of public capital improvement projects. PROJECT GP Pg. 18

2.l Incentivize the expansion of forested and replanting of deforested lands in rural, agricultural and conservation lands. PROJECT GP Pg. 18

SUSTAINABLE DEVELOPMENT AND RESILIENT COMMUNITIES GP Pg. 23

Table 5: Land Use Opportunities, Pg. 26

Infrastructure

- Increase housing density by utilizing additional dwelling units (ADU) in existing residential districts served by adequate utilities as well as approve code amendments to encourage increased residential densities within mixed-use medium and high-density urban districts.

Regulations

- Remove barriers to affordable, workforce, and elderly residential development in the appropriate districts to reduce development timelines, increase housing stock availability, and increase affordability.

Priority Actions, Draft GP Pg. 32

4.a Develop a process for County-initiated State Land Use boundary reclassification based on maps adopted within CDPs and the GP.

4.b Create TOD and TND “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. PROJECT

General Plan Land Use Maps and Designations

Table 6: Urban Land Use GP Pg. 32

GP DESIGNATION	DESCRIPTION	OPTIMAL RESIDENTIAL DENSITY (DU/ACRE)	POSSIBLE ZONING DESIGNATIONS
High-Density Urban	General commercial, multiple-family residential, and related services. Confined to Urban Growth Areas.	36-60	RM, RCX, V, CG, CDH, MCX, ML
Medium- Density Urban	Village and neighborhood commercial and single-family and multiple-family residential and related functions. Confined to Urban Growth Areas.	13-35	RM, RD, RCX, V, CN, CV, CG, MCX, ML
Low-Density Urban	Residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses.	3-12	RS, RM, RCX, ML, V, CV, CN
Urban Expansion Reserve	Allows for a mix of high density, medium density, low density, industrial-commercial mix, and/or natural designations in areas where growth may be desirable, but where specific settlement and infrastructure have not yet been determined.		RS, RM, RCX, CV, CN, CG, MCX, ML, UNV, V
Light/Service Industrial	Uses include but are not limited to business parks, research and development centers, product assembly, distribution centers, laboratories, cottage industries, and light service industrial uses.		MCX, ML
Heavy Industrial	Uses include but are not limited to landfills, quarries, chemical plants, heavy equipment base yards, towing yards, and other uses with the potential to create public nuisance conditions (e.g., noise, environmental impacts).		MG
University	Public university, including ancillary public uses, residential, and support commercial uses.		UNV. CG, CN, RM

Resort	Uses include a mix of visitor-related uses such as hotels, condominium hotels (condominiums developed and/or operated as hotels), single-family and multiple-family residential units, golf courses and other typical resort recreational facilities, resort commercial complexes, and other support services.	V, PD, RS, RM, CV, CN, MCX
<u>Transit-Oriented Development (TOD)</u>	<u>Transit-Oriented Development Floating Zone (TOD) – Mixed-use developments located at strategic points along a regional transit system. TODs consist of moderate and high-density housing, along with complementing public uses, jobs, retail, and services.</u>	<u>Minimum land area. The minimum land area for a new community shall be consistent with the zoning code’s requirements for project districts, which corresponds to the urban and secondary core.</u> KCDP Pg. 4-41
<u>Traditional Neighborhood Development (TND)</u>		<u>High-Density Village Design Guidelines</u> <u>Medium-Density Village Design Guidelines</u>

Proposed amendment: Amend Table 6: Urban Land Use by adding TOD and TND to the list of “GP Designation” in column 1 (see above) since it is the stated intent of the General Plan (see page 46) to adopt zoning policies to Include both TODs and TNDs.

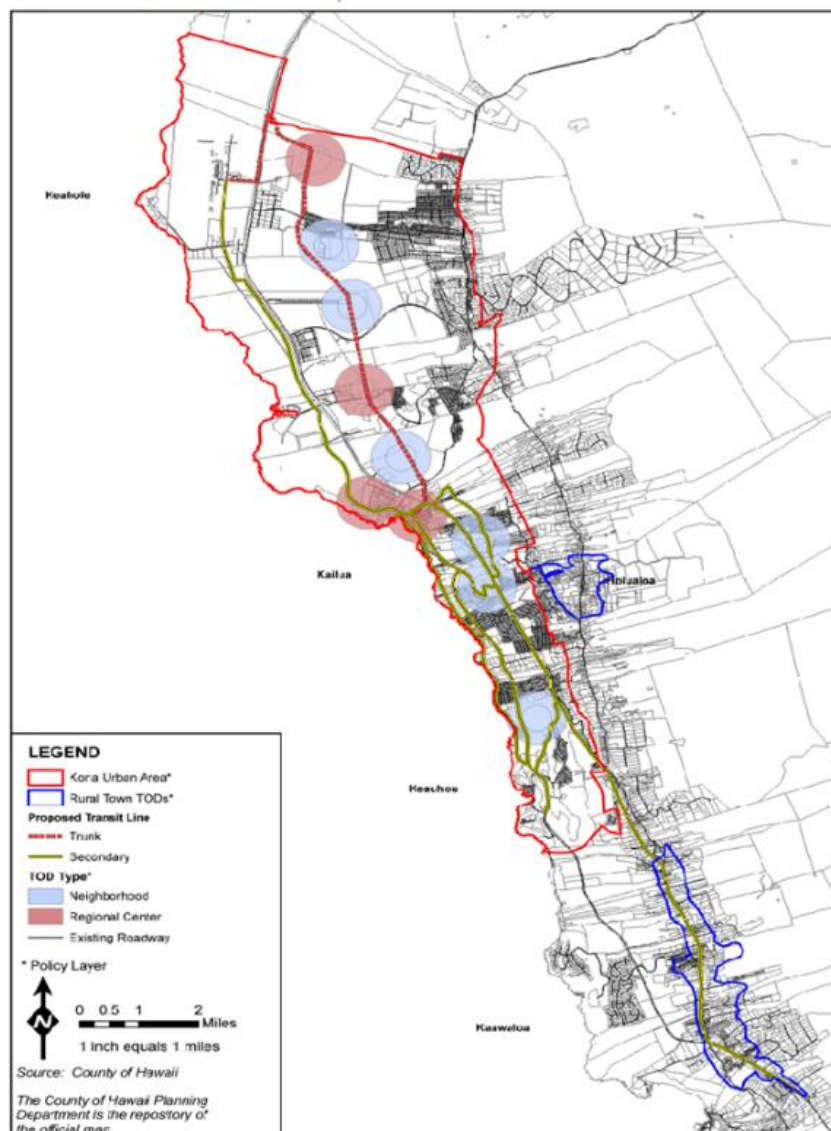
Sustainable Development and Resilient Communities

Draft GP Pg. 37
Land Use Map 3



Proposed amendments to Land Use Mape 3
 Land Use Map 3 should indicate the TOD’s that have been identified on Kona CDP Figure 4-7, Pg. 4-36.

Figure 4-7 Official Kona Land Use Map



Map Amendment:

Regarding Draft GP Map 3, it is suggested that the property that now appears as the newly proposed High-Density Urban and Medium Density boundaries located mauka of the Old Airport and makai of Queen Ka'ahumanu Hwy be instead designated as a Regional Center and Neighborhood TODs as designated in the Kona CDP Official Land Use Map, Figure 4.7.

This is important to ensure that proper mixed-use master planning is carried out for the area.

“Makaeo Village (Regional Center) A major retail center is planned near the Old Airport Park. As a mixed-use village, the plan is to introduce residential uses into the mix, design a complementary relationship to the Old Airport Park, and integrate a transit hub or major park and ride facility for commuters”. Source KCDP Pg. 4-40

Land Use Goal

1.2: Urban Growth Areas

The Urban Growth Areas include high-density Transit Oriented Development (TOD), medium-density Traditional Neighborhood Development (TND), and low-density Urban Neighborhood Centers. These centers provide physical, social, governmental, and economic concentrations and easier access to services, recreation, and employment activities. Draft GP Pg. 46

Proposed amendment: Following the above language, amend the text to include this language:

Transit-Oriented Development (TOD). The development of compact, mixed-use villages which would integrate housing, employment, shopping, and recreation opportunities. Villages would be designed around transit stations/stops which would reduce the need for daily trips and financially support the expanded transit system. Source KCDP Pg. 4.6

Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile). The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action. Source KCDP Pg. 4-28

Objective 8

Increase the use of Smart Growth principles to focus development within existing urban centers.

Policies

"8.13 Support master planning of present and proposed public and private institutions with an emphasis on TOD, affordable housing, and mixed-use development." Draft GP Pg. 47

Proposed amendment:

8.14 Rezoning Outside of Urban and Rural TODs and Outside of GP LUPAG Urban Area. Rezoning of areas currently zoned agricultural, outside of Urban and Rural designations on the General Plan LUPAG, shall be discouraged. This policy is

intended to prevent the rezoning of agricultural lands where the primary objective of the lot owner will be to establish a large lot residential dwelling.

Table 7: Rural Land Use Draft GP Pg. 32

Rural

Situated outside of urban growth areas. Except where noted, these areas should retain their rural character with low-density residential development, supporting small-scale commercial development, and agricultural land uses. To limit growth outside of the Urban Boundaries, rural areas should not be targeted with the development of major public infrastructure or the extension of public sewer service except where a documented health, safety, and/or welfare condition warrants such an expansion. (1/2-to-5-acre lot sizes) Draft GP Pg. 32

Comment: Large developments of low-density homes sites should not be approved as “rural”. ½ to 1-acre house lots should be approved only as an addition to an existing rural village. Large parcels of land provided with ½ or 1-acre zoning are, in reality, low-density urban development.

Table 8: Agriculture Land Use Draft GP Pg. 33

Extensive Agriculture

Proposed amendment: Lands that are not capable of producing sustained, high agricultural yields without the intensive application of modern farming methods and technologies due to certain physical constraints such as soil composition, slope, machine tillability, and climate. These lands are better suited for other less intensive agricultural uses such as grazing and pasture **[and can support additional residential densities when situated near UGAs.]** but may not be appropriate for additional residential densities due to distances from urban infrastructure, services, and places of employment. Pg. 33

Objective 8

Increase the use of Smart Growth principles to focus development within [existing] designated urban centers.

Comment: The use of the word “designated” can encompass existing and future urban centers.

Policies

8.18 Large, oversized blocks in new subdivisions should be avoided in favor of smaller blocks and enhanced pedestrian networks. The determination of block size should be based on land use and the urban or rural character of the area.

Proposed Amendments: Pg. 48

8.19 Require the inclusion of affordable, workforce, and elderly housing within designated High Density, Medium Density Urban Centers, and TOD Nodes.

8.20 Make water available to meet the requirements of new high-density urban development.

8.21 Prevent the development of additional transient residential development in high-density and medium-density residential zones.

8.22 Require new development within High-Density Urban Centers to be built within an integrated, “mixed-use zone” or TOD Node.

Question: Why doesn't Objective 8 list **Policies for **Residential** zones?**

Resort

Proposed Amendments: Pg. 49, 50

8.45 Do not allow new Resort (V) zoning development along the ocean side of Ali'i Drive, including within the Resort Node of Keauhou.

8.50 Encourage the addition of workforce housing opportunities within existing Resort Nodes.

8.51 Require the addition of workforce housing opportunities within new or expanded Resort Nodes.

8.52 Require the preservation of open and natural spaces within existing and future Resort Nodes.

Industrial

Proposed Amendments: Pg. 49

8.41 Areas identified for Light/Service Industrial Districts should not be permitted to include retail commercial enterprises. Lower development standards (such as reduced requirements for parking as well as permitted warehouse-style construction) for Light/Service Industrial Districts may facilitate lower commercial rents. However, locating retail/commercial businesses in these Districts takes away from the economic sustainability of our Commercial Centers weakening the ability of these areas to offer a lively and robust economic environment.

Priority Actions, Pg. 50

8.e Amend Zoning Code to:

viii. Require increased standards for the inclusion of affordable and workforce housing within “mixed-use zones” including Project Districts, TODs, TNDs, and Resort zones. Pg. 50

1.4: Agriculture

Objective 10

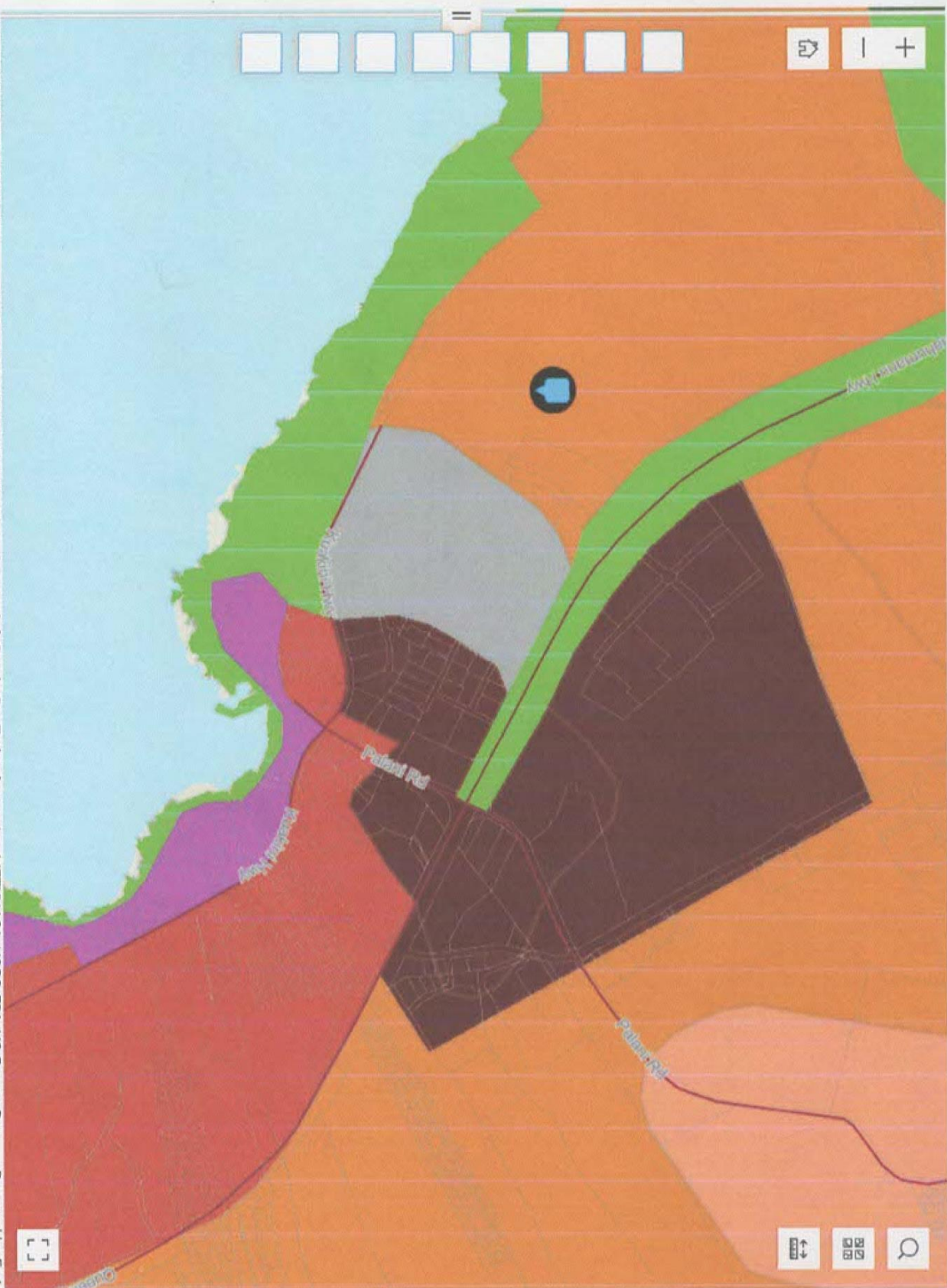
Support the active use of Productive Agricultural lands.

Policies

Proposed Amendments:

Policy 10.11 "Agricultural lands should be preserved in a manner that supports family farms, ecotourism, and a self-sufficient agricultural economy. "GP Pg. 62
(source - Kona CDP)

Priority Actions, 10.j Create an agricultural tourism program with standards and proof of burden for agricultural production. GP Pg. 63



Testimony in support of SB 2058 by Nancy Pisicchio

1/29/2024

In 2008, before the adoption of the Kona Community Development Plan or the creation of the County of Hawaii's CDP Action Committees, the State Legislature added a new section to the State Sunshine Law. Part VII, in chapter 92, HRS, is titled "Neighborhood Board" created exceptions to the Sunshine Law.

Although this 2008 amendment to chapter 92, HRS was intended to be applied to all Counties in the State of Hawaii, the actual term "neighborhood board" does not have a definition by State law and is limited to a program in the City and County of Honolulu. This has resulted in obstacles for similar advisory community outreach boards and committees in other Counties across the State such as the Community Development Plan Action Committees in the County of Hawaii.

Therefore, new legislation, **S.B. 2058: Relating to Neighborhood Boards** is intended to overcome these obstacles with this long-overdue amendment to Part I and Part VII of Chapter 92, HRS. The purpose of this Act is to: (1) Define "community outreach board"; and (2) Include community outreach boards in existing provisions of the sunshine law that relate to neighborhood boards.

The passage of S.B. 2058: Relating to Neighborhood Boards will open the door for the County of Hawaii's Community Development Plan Action Committees to operate their meetings under Part VII, in chapter 92, HRS.

Neighborhood Boards and the Sunshine Law - from Office of Information Practices.

<https://oip.hawaii.gov/wp-content/uploads/2022/09/2022-Sunshine-GUIDE-NB-version-1.pdf>

(excerpts below)

Neighborhood Boards and 92.81-83 HRS

May a board hear testimony or presentations without quorum? (neighborhood boards only)

Section 92-81, HRS, requires a quorum for the board to conduct official board business; to engage in discussions prior to and related to voting; and to vote to validate official acts of the board.

No quorum is required for the board to receive information or testimony, as long as board members report at the next meeting on the matters presented as information or testimony. Moreover, when the neighborhood board receives testimony or information without a quorum, it cannot make a decision at that time, but must instead place the item on the agenda to report on it at the next meeting. Section 92-15, HRS, states that a majority of the members to which a

board is entitled shall constitute a quorum to do business if the board's quorum requirement is not otherwise specified by law or ordinance.

May a board hear public input on matters not listed on the agenda? (neighborhood boards only)

Neighborhood boards are allowed by section 92-81, HRS, to receive "public input" on matters not specifically listed on the agenda. To take advantage of this provision, the neighborhood board must list on its agenda a time period for public input on matters other than agenda items. No decision can be made at that meeting on a matter not listed on the agenda but raised during public input. Deliberation and decision-making on such matters can occur only at later meeting of the neighborhood board, and only if the matter is listed on that meeting's agenda.

Can a neighborhood board discuss an item not on its agenda when raised by a member of the public? (for neighborhood boards only)

Yes, but it cannot make a decision on the item. Under section 92-81, HRS, a neighborhood board may include on its agenda an opportunity for "public input" on matters not specifically identified on the agenda. To provide the opportunity for public input on matters not on the agenda, the neighborhood board must specify a time period on its agenda for public input. The neighborhood board can discuss a matter raised during public input, but it cannot make a decision at that same meeting on any matter not listed on the agenda but raised during public input, and must instead wait to act a later meeting whose agenda specifically includes that matter.

Other Meetings (neighborhood boards only).

Under section 92-82, HRS, as amended in 2015, any number of neighborhood board members may attend meetings or presentations located on Oahu on matters relating to official board business, so long as the meeting is open to the public, does not charge a fee or require registration, and is not specifically and exclusively organized for or directed toward the board members. While neighborhood board members may ask questions relating to official board business of persons other than their fellow members, no member can make a commitment to vote on any of the issues discussed.



The Senate
Office of the Majority Leader

STATE CAPITOL
HONOLULU, HAWAII 96813

January 25, 2024

MEMORANDUM

TO: Senator ~~Angus~~ L.K. McKelvey, Chair *Angus*
Senate Committee on Government Operations (GVO)

Senator ~~Glenn~~ Wakai, Chair *Glenn*
Senate Committee on Public Safety and Intergovernmental and Military Affairs (PSM)

FROM: Senator ~~Dru~~ Mamo Kanuha *Dru*
Senate District 3

RE: Request to schedule SB2058

Thank you for your efforts to improve state government operations policy. For the Senate Committee(s) on Government Operations (GVO) and Public Safety and Intergovernmental and Military Affairs (PSM), below is a measure for your hearing consideration:

SB2058 – RELATING TO NEIGHBORHOOD BOARDS.

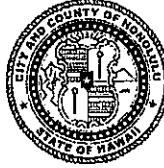
Defines community outreach board to mean a board established to serve in a community advisory capacity under a county commission or a county department. Includes community outreach boards under existing provisions of the Sunshine Law regarding neighborhood boards. Authorizes neighborhood board or community outreach board members to organize meetings or presentations related to official board business statewide.

If you have any questions, please contact my Legislative Aide, Iokepa Command, at 586-9385 or e-mail i.command@capitol.hawaii.gov. Thank you for your time and consideration.

NEIGHBORHOOD COMMISSION OFFICE
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 408 * HONOLULU, HAWAII 96813
PHONE (808) 768-3710 * FAX (808) 768-3711 * INTERNET: www.honolulu.gov

MUFI HANNEMANN
MAYOR



JOAN MANKE
EXECUTIVE SECRETARY

March 25, 2008

Honorable Brian Taniguchi
Chair, Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

RE: HB 1512, HD1, SD1: Relating to Public Meetings; and
HB 2730, HD1, SD1: Relating to Legal Requirements for Neighborhood
Board Meetings

Dear Chair Taniguchi and Committee Members:

As Executive Secretary of the Neighborhood Commission, I am pleased to provide testimony in support of the abovenamed House Bills.

Since my tenure in this position began in January 2006, I have observed the importance of transparency in government and the importance of the sunshine law. I have also observed the adverse impact the sunshine law has on the neighborhood board system, including its various interpretations.

Please know that the administration of Mayor Mufi Hannemann very much supports the open government laws. However, the effectiveness of the neighborhood system is compromised when our board members are not given the necessary tools to collect information on a timely basis, to do their homework, and to engage in factfinding so that they can be truly informed and fulfill their powers, duties and responsibilities as advisors.

There are specific ways in which this legislation will help to bring "common sense" into the neighborhood board system:

- 1) Most boards provide the community with the opportunity to express their concerns under the "Community Concerns" topic on their monthly agenda. There is no way to know beforehand what those concerns may be. Therefore, boards should be able to receive input on issues not specifically noticed and be able to make decisions at a later meeting when the issue is properly noticed and discussed.
- 2) The current law does not allow more than two or less than a quorum number of board members to attend community meetings without first forming a permitted interaction

group (PIG). Oftentimes community meetings are scheduled at a time when it is not possible for form a PIG before the next board meeting or the agenda has already been filed. As a result, board members are prevented from attending community meetings to hear information firsthand and become informed. Given these circumstances, common sense should prevail and board members should be allowed to operate under the guise of a PIG, then place the subject matter on its next board agenda, provide the full board with a report, and ensure that any decision-making, if any, is made at a noticed meeting.

- 3) There are times when an unanticipated event will occur and the community has an urgent need to discuss issues relating to public health, welfare and safety. It is important that board members are able to add the subject matter to the agenda for discussion and/or timely action, if necessary.
- 4) The current law does not allow board members to receive information or testimony on a matter of official board business without a quorum present at its meeting. As a result, board and community members are denied the opportunity to hear reports by the police and fire representatives and other government agencies and organizations. This practice is unreasonable. Testimonies should be heard without a quorum, provided that the board may not make any decisions on the information being received until it is appropriately noticed and discussed.

The purpose of the Neighborhood Board System is to provide neighborhoods and neighborhood boards the opportunity to increase and assure effective citizen participation in the decisions of government. This can be accomplished, while conducting board business as openly as possible, with the passage of HB 1512, HD1, SD1 and HB 2730, HD1, SD1.

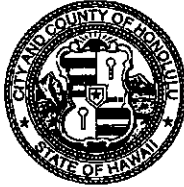
Mahalo for the opportunity to provide testimony and I strongly urge adoption of these two pieces of legislation that will serve to benefit our elected neighborhood board members in their advisory role to our government leaders.

Sincerely,


JOAN A. MANKE
Executive Secretary

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743
INTERNET: www.honolulu.gov • DEPT. WEB SITE: www.honoluludpp.org



MUFI HANNEMANN
MAYOR

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUÉ
DEPUTY DIRECTOR

March 25, 2008

The Honorable Brian T. Taniguchi, Chair
and Members of the Committee on
Judiciary and Labor
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

**Subject: House Bill 2730 HD1 SD1
Relating to Neighborhood Board Meetings**

The Department of Planning and Permitting **supports** House Bill 2730 HD1 SD1, which clarifies the actions of neighborhood boards and neighborhood board members. It addresses: actions that may be taken on issues arising from public input; which actions require a quorum; and which actions do not require a quorum. It also addresses board members participation at seminars and other community meetings.

This bill would remove unnecessary barriers that prevent key community leaders from participating in planning for their communities at public information meetings and workshops for the various City plans. Paradoxically, the Sunshine Law, as interpreted, keeps the members of the Neighborhood Boards on Oahu in the dark about what is going on in their communities by prohibiting them from attending any event that might involve discussion of something that could come before their Board.

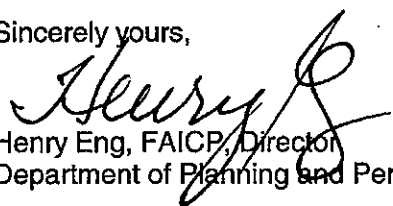
For your information, all city land use and regional plans are submitted to the neighborhood boards for review and comment prior to submittal to the Planning Commission and City Council. These plans are developed with input from the public through meetings which are open to all other members of the community and are widely publicized. It is not only unfortunate that neighborhood board members are at a disadvantage by the restriction imposed by the current interpretation of the Sunshine law in that only two board members may attend such meetings and are not allowed to participate in discussions or raise questions at those meetings. This prohibition denies the City the benefit of the views and insights of members of the boards and limits the ability of the Board members to be fully briefed on the City's plans and proposals.

The Honorable Brian T. Taniguchi, Chair
and Members of the Committee on
Judiciary and Labor
The Senate
HB2730 HD1 SD1
March 25, 2008
Page 2

Further, we support the allowance to have the boards receive information even if there is no quorum. Many times, there are time-sensitive announcements that would be useful to both board members and any public representatives attending the meeting. By at least being able to receive this information, board members and members of the public who attended, as well as presenters have not wasted their time.

Please adopt either this bill, or House Bill 1512 HD1 SD1.

Sincerely yours,



Henry Eng, FAICP, Director
Department of Planning and Permitting

HE: jmf
hb2730hd1sd1-kh.doc

March 25, 2008

Testimony on HB 2730, HD 1, SD 1

Mr. Chairman and Members of the Committee:

Mr. Chairman and members of the Committee. My name is Richard Oshiro and I am the Chairman of the Waipahu Neighborhood Board No. 22.

The Waipahu Neighborhood Board supports amendments to the Sunshine Law that will remove current restrictions that inhibit efficient functioning of the Neighborhood Boards. The Neighborhood Boards are advisory in nature and comprised of citizen volunteers. Current interpretation of the Sunshine Law provisions have had the effect of reducing citizen participation in government, therefore, the Waipahu Neighborhood Board supports amendments that will remove those restrictions. HB 2730, HD 1, SD 1 helps to address our concerns by removing those restrictions.

The neighborhood board system on Oahu is a grassroots mechanism that encourages citizen participation in government. Citizen volunteers run for office and advise the city administration on issues important to their communities. Transportation, crime, community development are a few of the many issues which come before the neighborhood boards for review and discussion.

The purpose of the Sunshine Law is to open up the inner workings of government so that its deliberations will be open and transparent to the public. Over the years, the interpretation of this law has evolved to the point today that it has had the opposite effect of stifling the work of our neighborhood boards and if left unamended, will discourage citizen participation in government in the long term.

Your favorable consideration and passage of HB 2730, HD 1, SD 1 is appreciated. Thank you for the opportunity to share our views.

Respectfully submitted,

Richard Oshiro, Chairman
Waipahu Neighborhood Board No. 22



testimony

From: Ron Mobley Roadrunner [REDACTED]
Sent: Monday, March 24, 2008 10:28 AM
To: testimony
Subject: HB 2730, HD1, SD1

To Judicial Committee hearing of 3/25/2008 at 9:45am

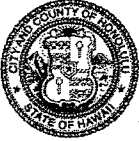
I am always amazed when we orally say one thing and then implement policies that say the complete opposite. Currently, we say the Neighborhood Boards exist to get inputs from our communities, and then we enact laws, and interpretation of laws that only impede that input. The Sunshine Laws, as now interpreted, does just that, and provisions are necessary to allow the Neighborhood Boards to be more effective.

HB 2730 is a move in the right direction in that it will allow items to be presented and openly discussed that were in a public announcement of a meeting even if a quorum does not exist. At present, many members may show up to learn about an agenda item and make their thought known only to be told they cannot do so because of the lack of quorum. This then not only wastes their time and effort to attend the meeting, but may also deprive them of their opportunity to make their thought known. To allow them to hear about the matter and discuss it at the time they are present is sensible and reasonable especially in that HB 2730 specifies that no vote or decision will happen without the required board quorum.

HB 2730 additionally expands the ability for Neighborhood Board members to attend public meetings on subjects that may later come before them at an official board meeting. It is vital that we permit our board members to learn as much as they can about items so that they make more informative decisions. Increasing the number of board members that can be present at such public meetings clearly enhances the process.

I ask for you to support this bill so that the Neighborhood Boards and community members may be even more informed and productive in the future.

Mahalo nui loa. Ron Mobley,
[REDACTED]



NEIGHBORHOOD COMMISSION

NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 • HONOLULU, HAWAII, 96813
PHONE (808) 527-5749 • FAX (808) 527-5760 • INTERNET <http://www.honolulu.gov>

March 25, 2008

The Honorable Brian Taniguchi
Chair, Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

Re: H.B. 1512, H.D.1, S.D.1, Relating to Public Meetings
H.B. No. 2730, H.D.1, S.D. 1, Relating to Legal Requirements for Neighborhood Board Meetings

Dear Chair Taniguchi and Committee Members:

I am the Chair of the Neighborhood Commission (Commission) and we thank you for hearing these bills. The Commission strongly supports this bill and respectfully requests that the Committee pass both bills.

Both of these bills are very similar to S.B. No. 2201, S.D.1, which was passed by this Committee and crossed over to the House.¹

The Neighborhood board system was created in 1972 by the Honolulu City Charter Commission as a means for individual citizens to be heard effectively and to provide a better sense of connectedness between citizens and our government. Neighborhood Boards provide advice to government agencies and elected officials. The changes proposed in these bills are necessary for the Boards to carry out this mission.

Neighborhood Boards are subject to the sunshine law, a "one-size fits all" law, which has prevented Boards from carrying out their mission. For example under the current law, Boards cannot even receive reports from public safety officials and elected officials or discuss issues if a quorum is not present; Boards must either wait for a quorum or dismiss all attendees without hearing any reports or discussing any issues because there can be no "meeting" if a quorum is not present.

These bills authorize public input at noticed neighborhood board meetings and discussion but not decision-making on those issues; allows two or more neighborhood board members, but less than a quorum, to attend meetings relating to board business; and clarifies neighborhood board actions on unanticipated events. All of these provisions would allow citizens to be heard by the Boards and allow Boards to provide better advice to agencies and elected officials.

Thank you for the opportunity to testify on this bill.

Aloha,

Grant Tanimoto

¹ S.B. No. 2201, S.D. 1 was heard by the House Judiciary Committee on March 11, 2008 and that committee recommended that the bill be deferred.



LATE

Honorable Senator Bran T. Taniguchi,
Committee on Judiciary and Labor, Chair

Honorable Senator Clayton Hee
Committee on Judiciary and Labor, Vice Chair

RE: HB 2730 HD1 SD1 – relating to Public Input, Neighborhood Board Notice
and Agenda, Unanticipated Event – IN SUPPORT

Good Morning Chair Taniguchi, Vice Chair Hee
and Members of the Committee:

I am Daisy Murai, a resident and Community member of Kapahulu. I have attended Neighborhood Board meetings from several Districts that surround my Kapahulu Neighborhood, whenever I am able to attend. I support HB 2730 HD1 SD1, which address concerns Residents and Neighborhood Board members may have with projects within their community, which will heavily impact the Community, be discussed at the Board Meeting, after the agenda has been set. I support the portion relating to formation of a Permitted Interactive Group (better known as P.I.G.) to attend Public Meetings for informational purposes only by more than 2 board members, but less than a quorum. This group is only advisory and the public matter is not placed before the entire board for decision making, till the following meeting.

I also appreciate the additional clause of being able to bring up Unanticipated Events at the Neighborhood Board meeting – especially if the matter is urgent and for public safety, welfare and health. I do find it puzzling, that under points Number 3 & Number 4, that a County Attorney or Corporation Counsel would need to be present for comments and be recorded in the minutes of that meeting. Question: does this mean that a County Attorney or Corporation Counsel must be present at all Neighborhood Board Meetings. I would suggest, perhaps they make comments and a ruling after that meeting – while the Neighborhood Assistance works on the Minutes, as there will not be enough members to attend all 32 Neighborhood Board meetings.

I have submitted earlier testimony IN SUPPORT FOR HB 2730 and I urge the passing of HB 2730 HD1 SD1 with comments.

Thank you for the opportunity to speak.

Daisy Murai

March 24, 2008

Date: March 25, 2008 (Tuesday)

Time: 9:45 am

Conference Room 016

Senate Sgt.-At-Arms

total v

up by
same time
d. l. i. m.

testimony

From: leiahi [REDACTED]
Sent: Tuesday, March 25, 2008 12:00 AM
To: testimony
Subject: 3/24/08, HB 1512 and HB 2730; 9:45 AM

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

DATE: Tuesday, March 25, 2008
TIME: 9:45 a.m.
PLACE: Conference Room 016 State Capitol 415 South Beretania Street

Aloha Chair Senator Taniguchi, Vice Chair Senator Hee and Fellow Committee Members,

I urge you to vote affirmative on HB 1512 and HB 2730. We in the Neighborhood Board System need some safeguards to go to community meetings without being penalized for our support for community affairs. Surely we do this for no pay so we are not looking for monies. This is not a vocation for me not an avocation. I sometimes need to go to community meetings other than my Neighborhood Board meeting and feel prohibited by the Sunshine Law in it's current form. It is not uncommon for members of Neighborhood Boards, including myself, to spend time, resources, energy, etc. trying to figure out whom is going to a community meeting, if it will be on the agenda or for action of a vote, and if we will be breaking the Sunshine Law in it's current form.

If you vote affirmative for this current Bill it will afford us another opportunity to broaden our opportunities to participate in our democracy and thus provide for the public good without the prior hindrance which sometimes proves to be hardship.

I urge you to vote affirmative for HB 2730.

Mahalo for this opportunity to testify.

Linda Wong
Member, Diamond Head, Kapahulu, St. Louis Heights Neighborhood Board

[REDACTED]

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: Senate Committee on Intergovernmental and Military Affairs

From: Paul T. Tsukiyama, Director

Date: March 17, 2008, 3:30 p.m.
State Capitol, Room 229

Re: Testimony on H.B. 2730, H.D. 1
Relating to Legal Requirements for Neighborhood Board Meetings

Thank you for the opportunity to submit testimony on H.B. 2730, H.D.1.

The Office of Information Practices ("OIP") has concerns about this bill, which would add a new section to the Sunshine Law, part I of chapter 92, HRS. OIP is testifying to (1) suggest a technical amendment to clarify the bill, and (2) comment on the policy change this bill represents.

One technical issue throughout the bill is the use of the term "neighborhood board." Given that counties other than Honolulu may create localized advisory community boards, this Committee may want to define the term to be more generally applicable.

Although it is not a technical problem, OIP wants to be sure the committee is aware that the provision allowing board members to receive public testimony without having a quorum of members present (page 2, lines 5-13) would not allow those members to ask questions of testifiers or otherwise discuss the testimony presented, because that provision specifically excludes discussion from the acts that may be done without a quorum.

Finally, OIP wishes to comment on how this bill would change current law. Presently, a board may hear public input on items not on the agenda, but cannot discuss those items at that same meeting (unless the items are of minor significance and may be added by vote.) The board members may be frustrated by their inability to engage substantively with members of the public about the issues they have raised, and this bill would allow them to discuss the issues at the time they are raised. On the other hand, other members of the public who might be interested in the same issue would not have prior notice that the issue would be discussed and thus would miss out on the opportunity to be part of that discussion unless they happened to be at the meeting. Although notice would be required before a decision was made, the board members' minds might be made up on the issue after the initial discussion. Under the current law, a member of the public can be confident that an issue of major significance will not be discussed at a board's meeting unless it is on the filed agenda.

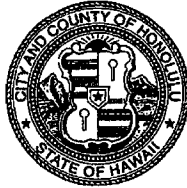
With regard to the section allowing board members to attend informational briefings and presentations, board members currently may attend such briefings and presentations but are limited in their ability to discuss board business – discrete proposals that are before the board or likely to come before the board – at those events. Neighborhood board members (as well as other board members) are sometimes frustrated by this limitation when they wish to attend, for instance, a community meeting or developer presentation regarding a project up for approval that the neighborhood board will be voting on. This bill would allow board members to participate in discussions at such events, and thus alleviate such frustrations. However, members of the public who are interested in the issue might be frustrated when they came to the neighborhood board meeting where a project was listed on the agenda, only to learn that the board members had already discussed the issue at length at a developer presentation and had, in essence, made

their minds up. It should be noted that the community meetings or presentations would not have to be open to the general public; this bill would require only that the events not be organized specifically for the neighborhood board members. Thus, the neighborhood board members' increased flexibility would come at the expense of the public's access to their discussions of neighborhood board business.

Thank you for the opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743
INTERNET: www.honolulu.gov • DEPT. WEB SITE: www.honoluludpp.org



MUFI HANNEMANN
MAYOR

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

March 17, 2008

The Honorable Lorraine R. Inouye, Chair
and Members of the Committee on
Intergovernmental and Military Affairs
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Inouye and Members:

**Subject: House Bill No. 2730 HD1
Relating to Legal Requirements for
Neighborhood Board Meetings**

The Department of Planning and Permitting **supports** House Bill 2730 HD1, which clarifies the actions of neighborhood boards and neighborhood board members. It addresses actions that may be taken on issues arising from public input, what actions require a quorum, and what actions do not require a quorum. It also addresses board members participation at seminars and other community meetings.

This bill would remove unnecessary barriers that prevent key community leaders from participating in planning for their communities at public information meetings and workshops for the various City plans. Paradoxically, the Sunshine Law, as interpreted, keeps the members of the Neighborhood Boards on Oahu in the dark about what is going on in their communities by prohibiting them from attending any event that might involve discussion of something that could come before their Board.

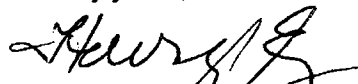
For your information, all city land use and regional plans are submitted to the neighborhood boards for review and comment prior to submittal to the Planning Commission and City Council. These plans are developed with input from the public through meetings which are open to all other members of the community and are widely publicized. It is not only unfortunate that neighborhood board members are at a disadvantage by the restriction imposed by the current interpretation of the Sunshine Law in that only two board members may attend such meetings. This prohibition denies the City the benefit of the views and insights of other members of the boards and limits the ability of many of the Board members to be fully briefed on the City's plans and proposals.

The Honorable Lorraine R. Inouye, Chair
and Members of the Committee on
Intergovernmental and Military Affairs
The Senate
Re: House Bill 2730 HD1
March 17, 2008
Page 2

Further, we support the allowance to have the boards receive information even if there is no quorum. Many times, there are time-sensitive announcements that would be useful to both board members and any public representatives attending the meeting. By at least being able to receive this information, both board members who attended, as well as presenters have not wasted their time.

Please adopt House Bill 2730 HD1.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Henry Eng", written over the typed name.

Henry Eng, FAICP, Director
Department of Planning and Permitting

HE: jmf
hb2730hd1-kh.doc



NEIGHBORHOOD COMMISSION

NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 • HONOLULU, HAWAII, 96813
PHONE (808) 527-5749 • FAX (808) 527-5760 • INTERNET <http://www.honolulu.gov>

March 17, 2008

The Honorable Lorraine R. Inouye
Chair, Senate Committee on Intergovernmental and Military Affairs
Hawaii State Capitol, Room 201
415 South Beretania Street
Honolulu, HI 96813

Re: H.B. No. 2730, H.D.1, Relating to Legal Requirements for Neighborhood Board Meetings

Dear Chair Inouye and Committee Members:

I am the Chair of the Neighborhood Commission (Commission) and we thank you for hearing this bill. The Commission strongly supports this bill and respectfully requests that the Senate Committee on Intergovernmental and Military Affairs (IGM) pass the bill.

When H.B. No. 2730, H.D. 1 passed the House, there were no representatives voting no. This bill has been referred to IGM and the Senate Committee on Judiciary and Labor.

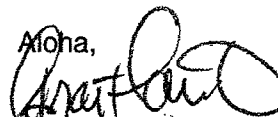
The Neighborhood board system was created in 1972 by the Honolulu City Charter Commission as a means for individual citizens to be heard effectively and to provide a better sense of connectedness between citizens and our government. Neighborhood Boards provide advice to government agencies and elected officials. The changes proposed in this bill are necessary for the Boards to carry out this mission.

Neighborhood Boards are subject to the sunshine law, a "one-size fits all" law, which has prevented Boards from carrying out their mission. For example under the current law, Boards cannot even receive reports from public safety officials and elected officials or discuss issues if a quorum is not present; Boards must either wait for a quorum or dismiss all attendees without hearing any reports or discussing any issues because there can be no "meeting" if a quorum is not present.

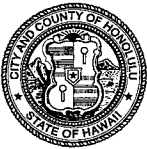
This bill authorizes public input at noticed neighborhood board meetings and discussion but not decision-making on those issues; allows two or more neighborhood board members, but less than a quorum, to attend meetings relating to board business; and clarifies neighborhood board actions on unanticipated events. All of these provisions would allow citizens to be heard by the Boards and allow Boards to provide better advice to agencies and elected officials.

This bill is very similar to H.B. No. 1512, H.D.1, S.D. 1 which was heard by IGM on February 11, 2008 and passed by IGM.

Thank you for the opportunity to testify on this bill.

Aloha,

Grant Tanimoto





DOWNTOWN NEIGHBORHOOD BOARD NO. 13

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 • HONOLULU, HAWAII, 96813
PHONE (808) 527-5749 • FAX (808) 527-5760 • INTERNET: <http://www.honolulu.gov>

**Testimony of
Thomas Smyth, Chair**

**Before the
Senate Committee on Intergovernmental and Military Affairs
Monday, March 17, 2008
3:30 p.m. Room 229**

On

HB 2730 HD 1

Relating to Legal Requirements for Neighborhood Board Meetings

Chair Inouye, Vice Chair Tsutsui and Members of the Committee:

The Downtown Neighborhood Board strongly supports HB 2730 HD 1, which provides some sorely needed flexibility for Neighborhood Boards as they try to provide seemingly contrary philosophies: Sunshine Law transparency and openness, and responsiveness and informed decision-making to meet the often urgent needs of their communities.

This bill would allow boards to deal with community concerns that usually come to the board without prior notice. Matters of immediate health and safety can be decided on at the meeting when first introduced, rather than waiting, usually a month.

The bill also allows a board to proceed with the input from public safety and elected officials and from public presentations on important issues, even if a quorum is not present. This serves one of the most important purposes of Neighborhood Boards, which is to allow our residents to speak directly to their elected and appointed officials in an informal, comfortable and convenient manner. Many come to our meetings primarily for that opportunity or to hear first-hand about new topics that affect their communities.

While providing much needed relief from the current untimely and responsive practice of creating Permitted Interaction Groups at a previous meeting in order for up to one less than a quorum to attend other meetings. We note that there remains the dilemma that only less than a quorum may attend these meetings to obtain information upon which to make a decision. This continues the concept of the "informed minority" while leaving the "uninformed majority" to also be expected to vote on matters, large and small, that may greatly affect their community. But it is a step in the right direction.

Our board urges you to pass this bill out for continued discussion so that we can truly serve our constituents in a timely and informed manner while giving them adequate visibility into our deliberative process.

Thank you for the opportunity to provide this testimony.



March 17, 2008

Testimony on HB 2730, HD 1

Madam Chairman and Members of the Committee:

Madam Chairman and members of the Committee. My name is Richard Oshiro and I am the Chairman of the Waipahu Neighborhood Board No. 22.

The Waipahu Neighborhood Board supports amendments to the Sunshine Law that will remove current restrictions that inhibit efficient functioning of the Neighborhood Boards. The Neighborhood Boards are advisory in nature and comprised of citizen volunteers. Current interpretation of the Sunshine Law provisions have had the effect of reducing citizen participation in government, therefore, the Waipahu Neighborhood Board supports amendments that will remove those restrictions. HB 2730, HD1 helps to address our concerns by removing those restrictions.

The neighborhood board system on Oahu is a grassroots mechanism that encourages citizen participation in government. Citizen volunteers run for office and advise the city administration on issues important to their communities. Transportation, crime, community development are a few of the many issues which come before the neighborhood boards for review and discussion.

The purpose of the Sunshine Law is to open up the inner workings of government so that its deliberations will be open and transparent to the public. Over the years, the interpretation of this law has evolved to the point today that it has had the opposite effect of stifling the work of our neighborhood boards and if left unamended, will discourage citizen participation in government in the long term.

Your favorable consideration and passage of HB 2730, HD1 is appreciated. Thank you for the opportunity to share our views.

Respectfully submitted,

Richard Oshiro, Chairman
Waipahu Neighborhood Board No. 22



testimony

From: [REDACTED]
Sent: Sunday, March 16, 2008 10:06 AM
To: testimony
Subject: Testimony for HB 2730 Monday - 3-17-08 Senate Intergovernmental Affairs Committ

TO: Senate Intergovernmental Affairs Committee; Sen. Loraine Inouye, Chair and Committee Members

FROM: William E. Woods-Bateman, Chair of Neighborhood Board #16 Kalihi Valley

Very important - please support HB 2730

One way or other I have benefited from the reviews and actions of neighborhood boards for over 30 years. A totally accepted policy backed up by OIP opinions allowed that a business meeting be converted to an informational meeting if a quorum was not established. It would grandly. It allowed those who were participating in our communities, leaders of proposed projects, etc to have their planned forum that they have made time to be involved.

An OIP opinion which was poorly written and confusing business with information became a rule of the neighborhood board system because of their extreme interpretation. So the over 30 years of open and familiar process has been hurt. People who were to make presentations could not do so.. their evenings or deadlines, etc wiped out.

This bill is profoundly good to get us back to where we were as well as allowing more participation of elected board members to attend and participate in other informational forums.

You should know we have.. and I can speak for dozens of chair and member clearly indicated that no business could transpire if there was no quorum or item not specifically on the agenda.

Please pass this bill and help us be more productive in understanding and processing information to benefit our communities.

Do good,

Family Values Means Valuing Families . . . All Families

William E. Woods-Bateman
[REDACTED]

It's Tax Time! [Get tips, forms and advice on AOL Money & Finance.](#)

3/16/2008



THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON HB 2730 HD1, RELATING TO LEGAL REQUIREMENTS FOR NEIGHBORHOOD BOARD MEETINGS

Senate Committee on Intergovernmental and Military Affairs
Senator Lorraine R. Inouye, Chair
Senator Shan S. Tsutsui, Vice Chair
Monday, March 17, 2008 3:30 p.m.
Conference Room 229

Testifier: Jean Aoki

Chair Inouye, Vice Chair Tsutsui, members of IGM committee,

The League of Women Voters opposes HB 2730 H.D.1 Relating to Legal Requirements for Neighborhood Board Meetings.

We urge the deletion of Section 92 – Permitted interactions of neighborhood board members which begins on page 2, line 16 and ends on page 3, line 12.

HB 2730 HD1 would allow two or more members but fewer than the number necessary for a quorum to attend informational meetings or presentations on matters relating to official board business, including meetings of another entity, seminars, and community meetings provided that the presentation is not specifically and exclusively organized for or directed toward members of the board, and to allow the board members to participate in discussions, including discussions among themselves; provided that the discussions occur during and as part of the informational meeting or presentation allowed by subsection (a) and provided further that there is no commitment made relating to a vote on the issue.

These provisions are not in keeping with the objectives nor the spirit of the open meetings law. We know the importance of full discussions on matters before the boards at their duly scheduled meetings. There, the public should hear all of the information pertinent to the issues under consideration, the answers to questions board members may have which probably reflect the questions the public has, and all of the pros and cons. There already is in the law, provisions for the appointment of fact finding committees to report back to the board. The law does not prevent individual board members from doing some research on their own and using the acquired information

in the discussion on the issue under consideration.

Prior discussions held outside the board meetings tend to abbreviate the deliberative process because the members have gotten answers as to facts and the implications and consequences of different actions taken on the issues and have already heard the supportive and opposing views. Not only does this short circuiting of the process raise suspicions of closed door agreements, it deprives the public of valuable information and all of the reasoning behind the action taken by the board.

One might argue that the neighborhood boards are only advisory in nature and do not have the power to enact laws so they should not be held to the same standards as other boards. But to the extent that they do have the power to influence the policies adopted by the city council, and even by the legislature when there seems to be general consensus among the majority of the boards on any given issue, they must be perceived as being responsive to the opinions of the residents of the neighborhoods that they represent. Without transparency in their operating procedures, that perception could erode.

We note that many members eventually run for elected office or are appointed to boards where they could be exercising policy-making powers where transparency is even more critical. The attitudes they develop on the importance of open government and its critical role in a constitutional democracy will carry over to their new roles.

We would reiterate our plea that you delete Section 92 –Permitted interactions of neighborhood board members from HB 2730, HD1.

Public Input

I would like to briefly discuss one issue addressed here that is peculiar to NB meetings – the public input item on all their agenda, separate from testimony allowed on issues on the agenda. I've sat through countless meetings of the neighborhood boards all over Oahu, and have noticed that many of the concerns raised have to do with occurrences or problems in the immediate neighborhood of the speakers, or other issues mostly of interest to members of the neighborhood represented by the respective boards. It's mostly a fuzzy, friendly situation where even the least sophisticated among us can dare to air our concerns.

Where we would not support such an item on the agenda of most boards, we support it wholeheartedly for the neighborhood boards.

However, we would like to propose an amendment to the last sentence in subsection section 92-A-(c) beginning on line 1 of Page 2. "The board may make decisions on matters originally raised as part of a public input agenda only at a later meeting [the agenda for which shall give notice of decision-making on the matter.] at which time the original as well as new testimony will be allowed to be presented. The agenda will give notice of the item for both discussion and decision-making.

Since the item was not on the agenda when it was raised, it should be treated as a new item for purposes of discussion and decision-making.

As to the rest of the bill, we would suggest the language used in S.B. 2201, S.D.1, a companion bill to HB 2730 which tightens the requirements for meeting unusual or unanticipated events.

We want to reemphasize the strong support that the League has for the neighborhood board system. Even with the advisory nature of their powers, the boards must appreciate their importance to the governance of the city and the democratic process in our community. They fill a badly needed niche in our political system; they truly are the voice of the common man and woman. The extent to which our community continues to have trust and faith in the NB system and the individual boards depends a great deal on the openness of their deliberations and decision-making. Once the boards are perceived to be operating behind closed doors, the trust and faith in them will erode.

Our hope is for the continued health of the NB system and the strengthening of the weaker boards. And above all, we support practices that will ensure that democracy will prevail, and the people of our state and the nation can live with the assurance that they will have their say on the future of our state and our country.

Thank you for this opportunity to testify on HB 2730, H.D.1.



**The Chamber of
Commerce of Hawaii**

Since 1850

**Testimony to the Senate Committee on Intergovernmental and Military Affairs
Monday, March 17, 2008 at 3:30 p.m.
Conference Room 229, State Capitol**

**RE: HOUSE BILL NO. 2730 HD1 RELATING TO LEGAL REQUIREMENTS FOR
NEIGHBORHOOD BOARD MEETINGS**

Chair Inouye, Vice Chair Tsutsui, and Members of the Committee:

My name is Christine H. H. Camp, Chair of the Chamber of Commerce of Hawaii, Land Use and Transportation Committee.

The Chamber is the largest business organization in Hawaii, representing 1100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. The organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber provides the following comments:

H.B. No. 2730, HD 1 purposes to amend Chapter 92 HRS to prescribe the procedure to be followed at certain neighborhood board meetings, such as the information that may be included in the written public notice, the information that the board may receive on a matter, and the deliberation and decision-making process.

The focus of the neighborhood board should be on creating a forum that allows for resident discussion on activities that impact their neighborhood. The focus should not be on the actions/recommendations of the neighborhood boards but on empowering the citizens to get involved to influence public policy makers (i.e. call your elected representative).

We understand that the Sunshine law creates problems for members of the neighborhood boards to attend other community meetings to participate in or gather information on activities occurring in their community. Given the fact that Neighborhood Boards are "advisory" we would support efforts to allow board members to participate in other community meetings.

We are concerned on the other two sections of the bill that would:

1. Allow for discussion on items that have not been properly noticed; and,

We are concerned that this provision tends to stray from the intent of neighborhood boards. If the issue is of significant importance that the board would like to have information presented, then it should be properly noticed so all parties are aware and have the opportunity to participate in the discussion at the same time. Using the problem of proper notice to limit discussion on an item seems a bit unfair.

2. Allow the Board to take action on an item, not properly noticed, that is determined to be "... urgently necessary for public health, welfare, and safety."

As an advisory body, we are puzzled as to understand what actions the Board would take to address these situations. We believe the authority to address public health, welfare or safety issue does not rest with the Neighborhood Boards.

Thank you for this opportunity to express our views.

Honorable Senator Lorraine R. Inouye,
Intergovernmental & Military Affairs, Chair

Honorable Senator Shan S. Tsutsui,
Intergovernmental & Military Affairs, Vice Chair

RE: HB 2730 HD1 – relating to Neighborhood Boards requirements, agenda,
Public input, quorum and unanticipated urgent public matters – **IN STRONG SUPPORT**

Good afternoon Chair Inouye, Vice Chair Tsutsui and Committee Members:

I am Daisy Murai, a resident of Kapahulu and member of the General Public. I have not served on any Neighborhood Board, but attend several Neighborhood Board Public meetings in my district of Kapahulu and the surrounding areas. The meetings are held once a month and but a recess is taken on the month chosen by the Board members. Senators, because you attend Neighborhood Board meetings within your own Districts, you are familiar with items for discussion and voting by the members of your Boards. The General Public is sometimes pressed for urgent voting action by the Neighborhood Board, which could not make the deadline due to Sunshine Law requirements to be placed on the agenda for that month. There are times when there is a requirement for a matter to be placed on the agenda for Neighborhood Board members and members of the General Public for informational and public input must be presented at the Neighborhood Board – such as Liquor License Application or Development project notices, but a decision is pending with the Government Agency for the following month. There are also times, when the Board will recess the following month, when the matter is to be decided by the Government Agency – such as a development project. If there is no public concern addressed in a timely matter or a decision by the Neighborhood Board, the Government Agency would have approved the project – thinking there was NO OPPOSITION OR CONCERNS from the General Public, when this is NOT TRUE.

Permitted Interaction Groups (P.I.G.) is a vital component to Neighborhood Board System – especially when there is a project that will greatly impact the Community, when more than 2 Board Members but less than a quorum could attend Community meetings and present information to the Board Members for voting at latter meeting. P.I.G. would really assist our Kapahulu Community with the Super “Safeway Shopping Center” project that Really impacted our Residential Kapahulu Community.

Thank you for the opportunity to speak in STRONG FAVOR of HB 2730 HD1.

Daisy Murai

Date: March 17, 2008 (Monday)

Time: 3:30 pm

Conference Room 229

Senate Sgt.-at-Arms