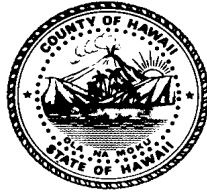


Mitchell D. Roth
Mayor



Brad Kurokawa
Mahealani Maikui, Vice-Chair
Vacant
Vacant
Vacant
David Meyer, Chair
Vacant
Robert Nishimoto
Tawn Keeney

County of Hawai‘i

HĀMĀKUA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

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

AGENDA

NOTICE IS HEREBY GIVEN of the following matters to be considered by the Hāmākua Community Development Plan 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: Wednesday, October 9, 2024

TIME: 5:00 P.M.

IN PERSON LOCATION: Kula'imano Community Center
28-2891 Alia St
Pepeekeo, HI 96783

ONLINE/ZOOM:

<https://www.zoomgov.com/meeting/register/vJltfuqvrzMuG8JdFaB1BfS6xgGFtmP74FQ>

NOTICE REGARDING PUBLIC TESTIMONY: The public may provide oral testimony at the meeting by joining Zoom or attending in-person at the physical location listed above. Although not required, to register in advance for oral testimony please contact staff at cdp@hawaiiicounty.gov or (808) 961-8288. Pursuant to Section 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. When submitting written testimony, please specify for which agenda item written testimony is being submitted. All written testimony will be a part of the public record.

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

- I. CALL TO ORDER & ROLL CALL**
- II. PUBLIC TESTIMONY ON AGENDA ITEMS:** Pursuant to § 92-3, HRS, interested persons who want to provide oral testimony may do so now, or at the time the specific agenda item is called. Public testimony may be limited to three (3) minutes in length per agenda item.
- III. BUSINESS:**
 - 1. Final Draft General Plan 2045 Presentation** – Presentation and Q&A by Planning Department Staff regarding the Final Draft General Plan 2045. Please watch previous workshop recordings and review meeting packet materials as this item is intended to provide Hāmākua specific information related to the CDP.
 - Final Draft General Plan 2045 Document: <https://cohplanning.konveio.com/final-recommended-draft-general-plan-2045?document=1>.
 - Recordings: <https://records.hawaiicounty.gov/WebLink/1/fol/138446/Row1.aspx>
 - 2. Updates on Implementation Priorities** – The Action Committee will provide updates on their respective implementation priorities:
 - Fire Preparedness & Public Access – Committee member Tawn Keeney
 - Coastal Resource Community Based Hui – Committee member Robert Nishimoto
 - 3. Proposed Transient Accommodations Rental Code Amendment (TAR Bill)** - Discussion and potential decision-making on providing testimony to County Council’s TAR Bill package (Bill 121, 122, and 123). More information: <https://www.hawaiicountytar.com/>
 - 4. County Council Bill 181** – Discussion and potential decision-making on providing testimony to County Council’s Bill 181. The drafted bill can be viewed here: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=0&id=1080818>
- IV. APPROVAL OF THE MINUTES:** The Committee will consider approving the draft minutes from August 7, 2024.
- V. PROPOSED NEW BUSINESS:** Action Committee members will discuss potential agenda items for the next meeting including revisiting topics from meetings that did not have a quorum.
- VI. ANNOUNCEMENTS:**
 - Mahalo to Richard Bidleman for his time and community dedication to the Hāmākua CDP Action Committee.
 - Hawai‘i County Council Chairperson, Heather Kimball to provide County Council updates related to the Hāmākua Community Development Plan.
 - The Planning Department is currently seeking applicants for the Hāmākua Action Committee and is requesting assistance to get the word out to interested community members. The application can be found on the Mayor’s office website at: <https://www.hawaiicounty.gov/our-county/boards-commissions-application>
 - Message from Committee member Robert Nishimoto.

VII. ADJOURNMENT

This agenda and all related documents are available in the Planning Department's Hāmākua Community Development Plan Action Committee folder via the County of Hawai'i Public Documents Repository:

<https://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=109367&cr=1>

These documents may also be requested from the Planning Department by calling (808) 961-8288 or emailing cdp@hawaiicounty.gov.

NOTICE: The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the above items. A person desiring to submit oral or written testimony shall indicate their name and whether the testimony is on their behalf or as a representative of an organization or individual. Written testimony can be submitted via email or hard copy. Hard copies should include an original and nine copies and be submitted no later than 4:30pm two business days prior to the meeting.

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

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

HĀMĀKUA CDP ACTION COMMITTEE

HĀMĀKUA COMMUNITY DEVELOPMENT PLAN
ACTION COMMITTEE
COUNTY OF HAWAII

DRAFT MINUTES
August 7, 2024

CALL TO ORDER

Chair David Meyer called the Hāmākua Community Development Plan (CDP) Action Committee (AC) to order at 5:07 p.m. A quorum was established with five members in attendance. This meeting was held in person at the Pāpa‘aloha Gym Annex and via the Zoom online platform.

The full YouTube video of this meeting can be found here:

https://www.youtube.com/watch?v=3_UGRHTCi74

ROLL CALL

Members Present (in person): David Meyer (Chair), Richard Bidleman, Tawn Keeney, Robert Nishimoto

Members Present (via Zoom): Mahealani Maikui (Vice-Chair)

Members Absent: Brad Kurokawa

County Staff Present (in person): Maryam Palma and Jessica Lahip

Also in Attendance: Heather Kimball (County Council)

There were approximately six members of the public in attendance (one in person and five via Zoom).

APPROVAL OF MINUTES [SEE YOUTUBE TIMESTAMP 2:35]

Committee member Richard Bidleman motioned to approve the May 8, 2024 and June 12, 2024 meeting minutes. Committee member Robert Nishimoto seconded the motion. The motion passed unanimously.

PUBLIC COMMENT ON AGENDA ITEMS:

Dave Molenaar Testimony [SEE YOUTUBE TIMESTAMP 3:28]

Committee member Tawn Keeney made a comment stating that members of the public should be able to testify on items that are not listed on the agenda. County Planner Maryam Palma will follow up with Corporation Counsel to determine whether it is possible to add a public comment section as an agenda item. If approved, this will be included in the agenda for the next meeting.

1. BUSINESS Updates on Implementation Priorities – The Action Committee will provide updates on their respective implementation priorities:

a. Fire Preparedness & Public Access – Committee member Tawn Keeney

b. Coastal Resource Community Based Hui – Committee member Robert Nishimoto

- c. Waipi‘o Wahi Pana – Committee member Brad Kurokawa & Vice-Chair, Mahealani Maikui
- d. Public Access, Open Space, and Natural Resources Preservation Commission – Committee member Tawn Keeney
- e. County of Hawai‘i Capital Improvement Budget & Agriculture Taxes – Chair, David Meyer

This item was called to order at 5:07 p.m. [SEE YOUTUBE TIMESTAMP 19:16]

Committee member Tawn Keeney spoke about the Hawai‘i Wildfire Management Organization (HWMO) Community Wildfire Protection Plan. He plans to speak with the Fire Department and do a perimeter walk-around in potential areas where wildfire might be reduced. This may also reveal if additional steps can be taken to lessen the potential fire hazard in these high-hazard areas. The discussion for emergency evacuation routes is ongoing and will focus on the perimeters of these communities that were referenced in the HWMO plan.

Council member Heather Kimball made a comment on the Hawaiian Electric power safety shut off plan.

Vice-Chair Mahealani Maikui had no update regarding Waipi‘o Wahi Pana. [SEE YOUTUBE TIMESTAMP 38:00]

Committee member Robert Nishimoto spoke about the Coastal Resource Community Based Hui. [SEE YOUTUBE TIMESTAMP 38:22]

Access to Hāmākua. Fishing access is very limited in Hāmākua and if someone has a complaint regarding fishing, he would like to contact them personally. He discussed how to effectively reach fishing community of the Hāmākua coast. He mentioned the importance of accessibility to the coast and using a “story” to effectively engage people in this topic.

Council member Heather Kimball stated that \$40 million has been approved for Laupāhoehoe boat ramp and breakwater.

Committee member Keeney provided an update on the Public Access, Open Space, and Natural Resources Preservation Commission (PONC). [SEE YOUTUBE TIMESTAMP 1:02:30]

Property that was nominated to the PONC commission was selected with the second highest ranking out of 10 nominations for County purchase.

Chair David Meyer had no update regarding County of Hawai‘i Capital Improvement Budget & Agriculture Taxes [SEE YOUTUBE TIMESTAMP 1:08:39]

Chair David Meyers asked Council member Heather Kimball for clarification on the tax plan and how it does not seem to relate to the preservation of farmland.

Pam Elder Testimony [SEE YOUTUBE TIMESTAMP 1:24:22]

Dave Molenaar Testimony [SEE YOUTUBE TIMESTAMP [1:35:12]

This item concluded at 6:53 p.m.

- 2. Final Recommended Draft of General Plan 2045 Permitted Interaction Group (P.I.G.) –**
Consideration of adding 1-2 additional members to the existing P.I.G. (Committee members

74 Keeney and Kurokawa) to review and prepare comments on the Final Recommended Draft
75 of General Plan 2045.

76 This item was called to order at 6:53 p.m. [SEE YOUTUBE TIMESTAMP 1:46:15]

77 Committee member Tawn Keeney highlighted that the Final Recommended Draft of General
78 Plan 2045 is now available for public comment. Additionally, Keeney discussed Bill 181, which
79 was recently introduced by Council member Holeka Inaba. No additional committee members
80 were added to current P.I.G. Committee member Tawn Keeney requested to have a letter to
81 support Bill 181 which will be discussed at the next Hāmākua CDP Action committee meeting.

82 This item concluded at 7:20 p.m.

83 **AGENDA ITEMS FOR NEXT MEETING** [SEE YOUTUBE TIMESTAMP 2:13:40]

- 84 1. Updates on Action Priorities
85 2. Letter in support of Bill 181 regarding the Final Recommended Draft General Plan 2045
86 3. Kō Education Center Meeting Report

87 **ANNOUNCEMENTS** [SEE YOUTUBE TIMESTAMP 2:17:36]

88 Announcements have been deferred to the next meeting.

89 **ADJOURNMENT**

90 Committee member Richard Bidleman motioned to adjourn the meeting. Committee member
91 Tawn Keeney seconded the motion. An all-in-favor voice vote carried the motion unanimously.
92 The meeting was adjourned at 7:25 p.m.

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

Hāmākua General Plan Policies

Collaborative Biocultural Stewardship

1.13 Incentivize private land management practices that protect and enhance natural resource values and, when appropriate, pursue the acquisition of lands for the protection of natural resources.

Hāmākua Community Development Plan Policy 16: Identify and secure in public trust (fee simple or by easement) priority lands that achieve one or more of Hāmākua's Objectives.

2.7 Partner with government, private and nonprofit agencies, communities, and other stakeholders to:

- a) Implement a comprehensive conservation plan that identifies priority watershed areas for habitat restoration and enhancement.
- b) Review and designate forest, river corridors, and watershed areas into the conservation district during State land use boundary comprehensive reviews.
- c) Monitor nearshore water quality and impacts to reefs and marine environments and address land-based sources of impacts.
- d) Protect and restore wetlands and riparian corridors to ensure more pristine water quality, decrease erosion, and increase sediment management, groundwater infiltration, nutrient/pollutant uptake, soil moisture retention, stormwater abatement, and cultural/community connections.
- e) Develop reasonable standards to improve stream and coastal water quality monitoring and encourage local communities to develop such projects.

Hāmākua Community Development Plan Objective 1: Protect, restore, and enhance watershed ecosystems, sweeping views, and open spaces from mauka forests to makai shorelines, while assuring responsible public access for recreational, spiritual, cultural, and sustenance practices.

4.10 Maintain the character of County-owned historic structures and bridges, as appropriate.

Hāmākua Community Development Plan Objective 4: Protect and nurture Hāmākua's social and cultural diversity and heritage assets, including sacred places, historic sites and buildings, and distinctive plantation towns.

Land Use

9.2 In those cases where provisions of the zoning and subdivision code are inconsistent with the character of surrounding neighborhoods, variances or Planned Unit Developments (PUD) that maintain consistent village/town character should be encouraged.

Hāmākua Community Development Plan Policy 7: In the official Land Use Guide Map for the Hāmākua Planning Area, in the “Low Density Urban” (LDU) and Medium Density Urban (MDU) categories, in those cases where provisions of the zoning and subdivision code are inconsistent with the character of surrounding neighborhoods, variances or PUDs that maintain consistent village/town character shall be encouraged.

9.4 Support mechanisms, such as PUD and Cluster Plan Development (CPD), that group parcel density to preserve open space, recreational areas, or scenic viewsheds.

Hāmākua Community Development Plan Policy 14: Develop incentives for Cluster Plan Developments and Clustered Rural Subdivisions that leave natural, open space buffer areas along the shoreline, streams, and gulches, or adjacent to forest, conservation areas, or other culturally/environmentally sensitive areas.

9.5 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.

Hāmākua Community Development Plan Policies:

Policy 32: In the Hāmākua CDP Planning Area, the environmental report for proposed changes of zone on property that may impact open space, viewsheds, and areas of natural beauty shall include viewshed analysis and, as appropriate, line-of-sight analysis, and propose conditions to mitigate scenic impacts. (HCC 25-2-42)

Policy 33: In the Hāmākua CDP Planning Area, applications for Special Permits that may impact open space, viewshed, and areas of natural beauty shall include view plane and, as appropriate, line-of-sight analysis, and proposed performance conditions to mitigate scenic impacts. (Planning Commission Rule 6-3(a)(5)(G), 6-7, & 6-8)

Policy 34: In the Hāmākua CDP Planning Area, applications for Use Permits for wind energy facilities and telecommunications antennas/towers shall include viewshed and, as appropriate, line-of-sight analysis to demonstrate how the request does not cause substantial, adverse impact to the community’s 16 character, including open space, public views, and areas of natural and scenic beauty, and propose conditions to mitigate scenic impacts. (HCC 25-2-60 & 64)

2019 Draft General Plan Policy 454: Applications for Special Permits and environmental assessment reports for proposed changes of zone on property that may impact open space, viewsheds, and areas of natural beauty shall include visual impact assessments and propose conditions to mitigate scenic impacts. [Rationale: Based on Hāmākua CDP policy 33 and Ka‘ū CDP policy 57.]

9.6 In the review of discretionary permits, consider land use compatibility to ensure proximate compatible and complementary uses and appropriate mitigation measures

Hāmākua Community Development Plan Policy 9: The Director of Planning shall offer a favorable recommendation to the Planning Commissions, subject to appropriate conditions, only for those proposed zoning code amendments that would further the intent and ensure consistency with the objectives and policies of the Hāmākua CDP. (HCC25-2-42 (c) (1) and 25-2-44)

Hāmākua Community Development Plan Policy 29: Revise Planning Commission Rule 6, and/or to the Special Permit Application form (for Special Permits in the Agricultural District) to include clarity on the potential impacts to be evaluated in the application process and to clearly articulate the types of mitigating conditions that may be required. (HRS 205-6(c) and Planning Commission Rules 6-3(a)(5)(G), 6-7, & 6-8).

9.7 Encourage developers of new urban areas to place utilities underground.

Hāmākua Community Development Plan Policy 109: If the most suitable and reasonable location for utility lines (power and communications) is underground for the purpose of preserving viewshed resources, then underground siting of utility lines should be a condition of subdivision. (HCC§23-55, GP 11.3.2 (a), 11.3.3)

12.7 Incorporate hazard mitigation strategies into policies and planning decisions using the most conservative models in delineating hazard areas.

Hāmākua Community Development Plan Policy 21: Seek funding and support continued scientific research relating to coastal hazards (e.g., research on erosion rates, slumping rates, slope stability studies, sea-level rise rates, tsunami inundation mapping and coastal stream flood mapping, etc.).

13.8 Focus on medium- and high-density residential and commercial uses in communities that can sustain a higher intensity of uses and where consistent with General Plan Land Map and existing town character.

Hāmākua Community Development Plan Policy 3: Focus higher density residential (greater than 6 units/acre) and commercial areas in communities that can sustain a higher intensity of uses and where these residential and commercial uses are consistent with the existing town character.

13.36 Industrial uses may be permitted outside UGAs through Special Permits only when there is a clear community benefit or consistent with County, State, and Federal sustainability objectives.

Hāmākua Community Development Plan Policy 6: Until the General Plan identifies appropriate areas for Industrial development to occur in the Hāmākua

Planning Area, industrial uses may be permitted outside LUPAG Industrial designated areas through the following regulatory review processes: Change of Zone, Special Permit

13.37 Encourage the rehabilitation of existing service-oriented industrial areas.

2005 General Plan 14.4.5.4.2 Hāmākua Courses of Action (b): Encourage the rehabilitation of existing service-oriented industrial areas.

Hāmākua Community Development Plan Policy 130: Encourage the rehabilitation of existing serviceoriented industrial areas. (GP 14.4.5.4.2(b))

13.48 Retreat Resort uses may be permitted outside UGAs through Special Permits only when there is a clear community benefit or consistent with County, State, and Federal sustainability objectives.

2005 General Plan 14.7.5.4.2 Hāmākua Courses of Action:

- (a) Encourage the development of small family-operated hotels.
- (b) Consider small-scale retreat resort development.

Hāmākua Community Development Plan Policy 126: Encourage the development of small “bed and breakfast” type visitor accommodations, in particular those with heritage, agriculture, wellness, or similar themes. (GP 14.7.5.9.2(b))

14.2 Support reclassification/rezoning of appropriate General Plan Rural designated areas where an intermediate land use and a well-defined buffer between Urban and Productive Agricultural areas are consistent with the surrounding uses and rural character.

Hāmākua Community Development Plan Policy 4: In order to preserve larger lot agricultural lands for productive agricultural use, allow rural development on lands near urban areas where an intermediate land use between residential and productive agricultural areas is consistent with the surrounding uses and rural character. This is reflected in the location of “Rural” (R) areas on the official Land Use Policy Map, which is intended to facilitate changes of zone to “Residential and Agricultural District” (RA) or the “Family Agricultural District” (FA).

The intermediate land use between residential and productive agricultural areas is intended to serve as:

- A low-density area that provides a transitional use buffer area between strictly residential and commercial productive agriculture areas, and;
- A mix of personal or family-scale productive commercial or subsistence agricultural use on all newly established parcels in the Rural area, and;

- Parcels having a median size of between 2 – 3 acres but in no case less than 1 acre in size.
- Areas beyond both the Urban Growth Boundary and Rural areas are to be preserved for agricultural uses, open space, scenic viewsheds, and natural beauty areas.

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

Hāmākua Community Development Plan Policy 126: Encourage the development of small “bed and breakfast” type visitor accommodations, in particular those with heritage, agriculture, wellness, or similar themes. (GP 14.7.5.9.2(b))

15.1 Development in Productive Agriculture and Extensive Agriculture areas should include agricultural uses, related economic infrastructure and cottage industries, compatible renewable energy, open area recreational uses, community facilities, and compatible agriculture worker housing.

Hāmākua Community Development Plan Policy 21: To preserve the agricultural character of Hāmākua and to reinforce existing protections, the CDP Land Use Guide Map designates agricultural lands in the Hāmākua Planning Area to be preserved for agriculture and open space. Development and construction in the Agricultural designation shall be limited to agriculture, related economic infrastructure and cottage industries, renewable energy, open area recreational uses, and community facilities, unless otherwise permitted by law.

15.5 Support the development of small-scale visitor accommodations that directly promote the agriculture industry, health and wellness industry directly related to agriculture, or are near points of interest that support agriculture.

Hāmākua Community Development Plan Policy 126: Encourage the development of small “bed and breakfast” type visitor accommodations, in particular those with heritage, agriculture, wellness, or similar themes. (GP 14.7.5.9.2(b))

15.6 Any subdivision or agriculture worker housing complex developed on Productive Agricultural Lands should be clustered to minimize impact.

Hāmākua Community Development Plan Policy 14: Develop incentives for Cluster Plan Developments and Clustered Rural Subdivisions that leave natural, open space buffer areas along the shoreline, streams, and gulches, or adjacent to forest, conservation areas, or other culturally/environmentally sensitive areas.

15.8 Encourage the use of agriculture, ranch, and forestry land preservation programs.

Hāmākua Community Action 5: Educate landowners about agriculture, ranch, and forestry land preservation programs and encourage participation in these programs.

Transportation Access and Mobility

17.2 Programmatically support the open space network concept with a methodology that includes criteria for establishing County department and other agency responsibilities, mapping requirements, financing strategies for implementation and maintenance, and standards for facilities that enhance the community experience.

Hāmākua Community Development Plan Policy 46: Establish a 'County of Hawai'i Public Access and Trail Program' with sufficient staff and resources.

17.3 Prior to disposing of, leasing, or transferring public lands through County Property Management procedures, the County shall assess, document, and protect access to existing active living corridors that are located on County-owned parcels.

Hāmākua Community Development Plan Policy 50: Prior to disposing of, leasing, or transferring public lands, including public roads or trails, public access potentials will be assessed, documented, and protected if public access use is in the public's interest. (HRS §46-1.5, and §171-26)

17.4 Land use applications shall identify as early as possible any existing or potential active living corridors that should be incorporated into the County's open space network.

Hāmākua Community Development Plan Policy 49: Where possible through permit conditions, easements, or acquisitions, the County of Hawai'i shall establish: public access to and along the shoreline to significant historic sites, public transit along the top of cliff, streams and other natural water courses, mauka trails, facilities, and access to sites for gathering, hunting, and other recreational purposes and in accordance with HCC 34.

17.5 Ensure that existing active living corridors that are publicly owned or available by easement are properly identified and that their access elements are secured and documented.

a) Primary examples include but are not limited to historic trails and roads, roads-in-limbo, 'paper roads', former sugar cane roads, train infrastructure remnants (Rails to Trails), and pedestrian and bicycling paths.

b) "Acceptance" by the County of the responsibilities detailed in the grant of easements should require County Council action and dedicated funding source.

Hāmākua Community Development Plan Policy 46: Establish a 'County of Hawai'i Public Access and Trail Program' with sufficient staff and resources.

17.7 Establish public access to historic and modern active living corridors and facilities that provide an island-wide route and connect to major destinations.

Hāmākua Community Development Policy 48: Where possible through permit conditions, easements, or acquisitions, the County of Hawai'i shall establish: public access to and along the shoreline to significant historic sites, public transit along the top of cliff, streams, mauka trails, facilities, and access to areas for gathering, hunting, and other recreational purposes. Lands adjacent to Forest and Natural Area Reserves shall be assessed for public access potential and public access may be included as a condition of subdivision. (HRS §205A-26; GP 6.2(b); 7.3(a); 8.3(r))

18.6 Transit infrastructure (e.g., bus stops, bus pullouts, waiting benches and shelters, and signs) shall be adequate and upgraded along existing and future transit routes.

Hāmākua Community Development Plan:

Policy 75: Provide rural transit centers within the Planning Area in areas of heavy user-ship, particularly provide shelter options.

Policy 76: Modify existing and develop additional bus routes, as appropriate, with scheduled stops within the towns and villages where practicable.

19.3 Incorporate bicycle routes, lanes, and paths within road rights-of-way.

Hāmākua Community Development Plan Policy 66: Identify suitable/priority locations for bicycle lanes and paths, walkways, and jogging paths, and set funding priorities (especially in coordination with roadway for improvements such as widening, restriping, ADA improvements, etc.)

19.5 Roadway designs and improvements made by the Department of Public Works shall accommodate pedestrian-friendly, multimodal design, and on-street parking evaluations, to the fullest extent possible.

Hāmākua Community Development Plan:

Policy 70: To improve safe pedestrian access and increase connectivity in Honoka'a.

Policy 73: Implement a Complete Streets Program, including place-appropriate roadway design and sidewalk development for the Hāmākua Planning area. (Refer to County Resolution 171-11).

20.1 Encourage the application of the County of Hawai'i Street Design Manual when necessary to preserve the character of an area while maintaining a pedestrian and bicycle friendly design and desired landscaping solutions.

2019 Draft General Plan Policy 185: Ensure that roadway-design criteria and standards are compatible with surrounding neighborhoods and the character of rural areas. [Rationale: Based on Ka'ū CDP Policy 74, 75, and 77, Hāmākua CDP Policy 72, and Maui 2030]

20.2 In planning, designing, and constructing new roadways or modernizing improvements, transportation agencies should balance the conservation of the area's natural, historic, and scenic qualities with transportation safety objectives for traffic speed, safety, and traffic calming.

Hāmākua Community Development Plan Policy 72: Adopt rural road design standards that accommodate, where appropriate, flexibility in the design of streets to preserve the rural character of an area, including pavement width, unpaved shoulders/swales, rock walls, lighting, and landscaping featuring native plants. Allow these standards to be used on new or when improving existing rural roads to maintain community character. (HCC 23-41, 86, & 87; GP 13.2.3(l) and 13.2.3 (m))

23.2 Maintain the unique features of historic bridges, while balancing safety needs and preserving historic and scenic character.

Hāmākua Community Development Plan Policy 67: Improve/replace substandard bridges.

23.3 Prioritize the replacement of deficient and inadequate bridges and maintain pedestrian/bicycle access across bridges.

Hāmākua Community Development Policy 67: Improve/replace substandard bridges.

23.4 Design new bridges and bridge improvements to accommodate and not negatively impede identified scenic resources.

Hāmākua Community Development Plan Policy 67: Improve/replace substandard bridges. 2005 General Plan Policy 6.3 (e) Embark on a program of restoring significant historic sites on County lands. Assure the protection and restoration of sites on other public lands through a joint effort with the State.

27.7 Ensure municipal wastewater systems serve designated Urban Growth Areas (UGA) with the capacity to accommodate projected population growth.

Hāmākua Community Development Plan:

Policy 79: Develop an infrastructure prioritization designation such as an Infrastructure Priority Area (IPA) within ... areas in need of wastewater service.

Policy 80: Develop wastewater systems at a cost-effective scale for small communities. Use Infrastructure Priority Area (IPA) criteria in prioritizing communities for critical infrastructure improvements.

29.3 The County shall remove barriers to energy systems that improve independence and resiliency, such as microgrids, combined heat and power (CHP), backup generation and storage, and other decentralized electricity systems.

Hāmākua Community Development Plan Community Action 55: Develop local, renewable, distributed energy networks.

29.6 Advocate to the Public Utility Commission (PUC) in support of the following types of strategies and initiatives:

- a) Programs and fee structures that promote renewable energy
- b) Consumer incentives to utilize renewable alternatives
- c) Social Equity analysis of proposed energy projects to ensure residents are protected as energy consumers regarding rates, grid planning, utility compensation, and energy project siting

Hāmākua Community Development Plan Kōkua Action 65: Expand Net-Metering (NEM), Feed-in-Tariff (FIT) programs, and other similar programs designed to lower costs and diversify power sources. (GP 3.3 o)

33.13 Minimize the amount of waste generated by County facilities.

Hāmākua Community Development Plan Policy 110: Use alternative energy sources at County facilities within the Planning Area.

- Add electric vehicle charging stations at appropriate facilities;
- Add solar lighting in appropriate parking areas;
- Add photovoltaic systems and/or solar hot water systems to appropriate facilities.

Safe Routes to School

34.16 Prioritize active transportation through the development of sidewalks, pedestrian walkways, and bike paths to and from educational facilities to increase walkability and pedestrian safety.

2005 General Plan Action 10.2.4.3.3 Courses of Action (Hāmākua):

- (a) Encourage continual improvements to existing educational facilities.

- (b) Encourage traffic re-routing to resolve school traffic problems.
- (c) Implement the Honokaa school campus master plan.
- (d) Encourage expansion of the present library facility and services.

Hāmākua CDP Kōkua Action 60: Provide pedestrian walkways to and around all school complexes, and improve vehicular traffic management. (GP 10.2.4.2.2 (c); 10.2.4.3.2 (a))

Hāmākua CDP Kōkua Action 61: Develop and implement a Safe Routes to School (SRTS) program.

34.17 Require new developments in the vicinity of schools to provide safe pedestrian facilities and additional school zone signage.

Hāmākua CDP Kōkua Action 60: Provide pedestrian walkways to and around all school complexes, and improve vehicular traffic management.

Hāmākua CDP Kōkua Action 61: Develop and implement a Safe Routes to School (SRTS) program.

Hāmākua CDP Community Action 37: Develop and implement Safe Routes to School programs.

Interagency Collaboration and Public Engagement

35.4 Continue to improve parks and recreation outreach efforts to ensure program and facility information is adequately available, promoted online through accessible websites and other mediums, and kept up to date to facilitate maximum community participation.

Hāmākua Community Development Plan Policy 106: Continue to improve parks and recreation outreach efforts for youth and senior programs in rural communities to ensure program and facility information is adequately available, promoted online through accessible websites and through other mediums, and kept up-to-date to facilitate maximum community participation.

35.12 Facilitate and prioritize the co-location of schools, parks, and senior centers to promote interactivity between community members of all ages.

Hāmākua Community Development Plan Policy 100: Encourage joint-use of schoolyards, County parks, and other public facilities for community use for recreational, cultural, and other compatible uses. (GP 10.2.2 (b), 12.3 (g))

2019 Draft General Plan Policy 389: Facilitate and prioritize the co-location of schools, parks, and senior centers to promote interactivity between community members of all ages. [Rationale: Based on research on active living, National Recreation and Park Association 10-Minute Walk to A Park recommendations, Hāmākua CDP Policy 100, Puna CDP 3.5.2.b, and General Plan 12.3 (d, g, h, l).]

Recreational Services

35.19 Prioritize park acquisition and improvements that involve under-represented open recreation and healthy living activities (outside the scope of organized sports), such as:

- a) Walking and biking trails
- b) Skate/roller blade parks
- c) Dog-friendly parks
- d) Parks that offer camping opportunities
- e) Botanical and community garden parks, pocket and art parks
- f) Equestrian/rodeo arenas
- g) Archery and shooting ranges
- h) ATV and motorized recreation areas
- i) Other types of active and passive recreation that enhance the quality of life for residents and visitors.

Hāmākua Community Development Plan Policy 129: Develop underutilized private and public properties within existing towns to be used as gathering places, community gardens, open squares and markets, auxiliary parking lots (including park and ride areas), and parks (including pocket and art parks, and outdoor amphitheaters, etc.).

35.20 Support and enhance recreational facilities by developing additional recreational offerings in underutilized areas of County properties, such as the Pana‘ewa Recreation Complex.

Hāmākua Community Development Plan Policy 106: Continue to improve parks and recreation outreach efforts for youth and senior programs in rural communities to ensure program and facility information is adequately available, promoted online through accessible websites and through other mediums, and kept upto-date to facilitate maximum community participation.

36.2 Partner with government, private and nonprofit agencies, and other stakeholders to ensure equitable access to healthcare services.

2005 General Plan 10.5.2 Policies:

- (a) Encourage the development of new health care facilities or the improvement of existing health care facilities to serve the needs of Hamakua, North and South Kohala, and North and South Kona.

36.6 Support the establishment of centrally located, 24-hour, full-service medical facilities, with trauma care, to service rural areas.

2005 General Plan 10.5.2 Policies:

- (a) Encourage the development of new health care facilities or the improvement of existing health care facilities to serve the needs of Hamakua, North and South Kohala, and North and South Kona.

36.15 Increase opportunities and support for home-based care for aging in place.

Hāmākua Community Development Plan Policy 99: Develop a broad spectrum of care for the aging population of the area, including:

- Increase age-in-place options;
- Support expansion of programs such as traveling nurses, in-home care visits, meals-on-wheels, etc., (GP 2.3(x), (n))

47.4 Support the adaptive reuse or rehabilitation of existing infrastructure or buildings for agricultural processing, including but not limited to the development of commercial kitchens, processing, storage, or distribution facilities.

Hāmākua Community Development Plan Policy 130: Encourage the rehabilitation of existing service-oriented industrial areas. (GP 14.4.5.4.2(b))

Visitor Industry

48.1 Continue to monitor and adopt trends and standards for regenerative tourism.

Hāmākua Community Development Plan Policy 124: Encourage the development of a visitor industry that promotes small business development in harmony with the character of Hāmākua and with the environmental and social goals of residents. (GP 2.3(c))

48.4 Ensure and expand equitable access to interpretive information about wahi pana.

Hāmākua Community Development Plan Policy 45: Protect, restore, and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawai'i and identify these sites with interpretive signage and/or other appropriate methods. (GP 6.2(a)) (GP 6.3 (h), (i), (g))

48.7 Support partnerships to evaluate visitor industry impacts, develop mitigation strategies, and incorporate educational programs on Native Hawaiian and community-based pono practices.

Hāmākua Community Development Plan Policy 58 - Encourage the integration of best management practices and an understanding of cultural values and experiences during the land use application process for any business plans requiring Planning Department Plan Approval within Waipi'o Valley. (Refer to HCC Chapter 25 Section 2, Division 7 for more information on Plan Approval.)

49.1 Integrate 'āina- and place-based values into Hawai'i Island's identity.

Hāmākua Community Development Plan Community Action 50: Develop a regional ho'okipa network – a place-based approach to community tourism.

49.7 Support the promotion and development of community-based programs, festivals, and events that celebrate our communities.

Hāmākua Community Development Plan Policy 125: Encourage and assist in the promotion of festivals and events that celebrate regional culture, heritage, and agriculture.

Hawai'i County General Plan Comprehensive Review Process Fact Sheet

Organization County of Hawai'i, Planning Department

Purpose The General Plan sets forth the County's long-range policy for the comprehensive physical, economic, environmental, and sociocultural well-being of the County.

- As a sustainability strategy, it presents a vision for the future and addresses the layers of healthy and livable communities.
- The General Plan is a planning tool that guides all development patterns, directs future opportunities, and determines public investments.

Scope The General Plan guides policy on various elements that speak to key themes.

Collaborative Biocultural Stewardship

- Biodiversity & native habitats
- Watershed health
- Conservation efforts
- Historic/scenic character & open space

Addressing Climate Change for Island-Wide Health

- Climate mitigation & adaptation
- Renewable energy & energy efficiency
- Collaboration & coordination
- Equity

Sustainable Development & Resilient Communities

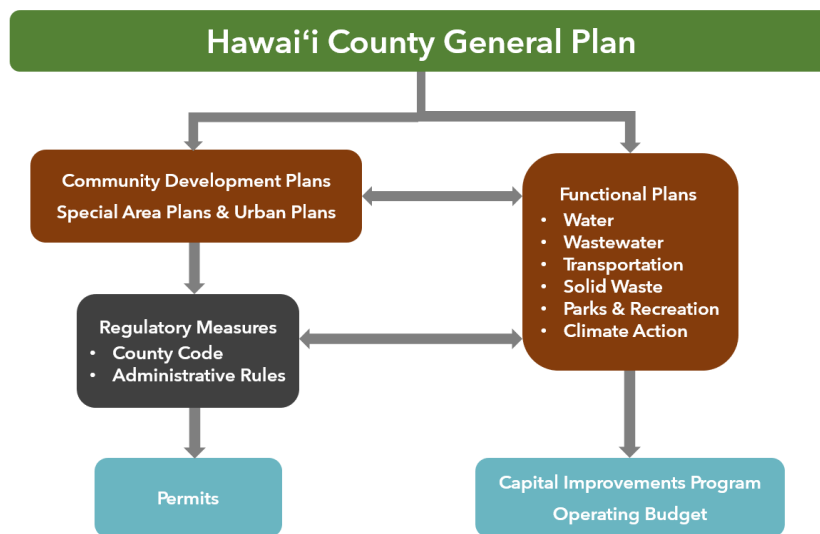
- Land use compatibility
- Transportation systems
- Public utilities & facilities
- Health & safety
- Housing
- Integrated systems

Thriving, Diverse, and Regenerative Economy

- Economic diversification
- Innovation & technology
- Collaboration & coordination
- Regenerative practices
- Food security
- Visitor industry & community connection

Relationship to Other Plans & Processes

The General Plan serves as the overarching framework of the County's planning system. It is designed to be broad in scope, encompassing the entire island and focusing on long-term goals, rather than addressing specific development or regional needs. The General Plan is intended to adapt and evolve alongside the growth of our communities.



The General Plan is **not**

- A detailed plan for development
- A master plan or regional plan
- A fixed or inflexible document

For More Information

Planning Department website:
www.planning.hawaiicounty.gov/general-plan-community-planning/gp/

Email: GeneralPlan@hawaiicounty.gov

General Plan Public Engagement



Public Workshops

AUG
28

NORTH KONA

West Hawai'i Civic
Center, Bldg A

2pm to 4pm

AUG
29

SOUTH HILO

Arc of Hilo, 1099
Waiānuenue Ave

2pm to 4pm

SEP
05

ONLINE WEBINAR

Scan here to
register:

5pm to 7pm



Community Meetings

SEP
17

SOUTH KONA

Rodney Yano Memorial
Hall

5pm to 7pm

SEP
19

KA'Ū

Ka'ū District Gym
Multi-Purpose Room

5pm to 7pm

SEP
23

SOUTH KOHALA

Kūhio Hale
(Hawaiian Homes Hall)

5pm to 7pm

OCT
01

NORTH KOHALA

Old Judiciary
Building

4:30pm to 6:30 pm

OCT
03

PUNA

Pāhoa Community
Center

5pm to 7pm

OCT
09

NORTH HILO / HĀMĀKUA

Kula'imano
Community Center

5pm to 7pm

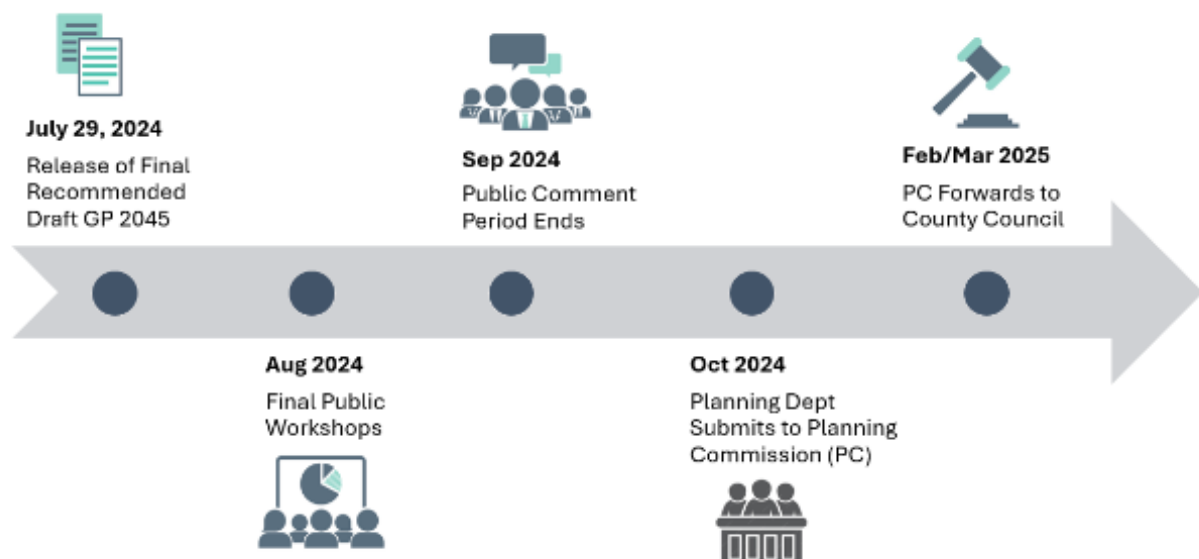
FINAL RECOMMENDED DRAFT GENERAL PLAN 2045 ONLINE RESOURCES

- Review and comment on the Final Recommended Draft General Plan using this link:
 - [Comment Here](#)
- Access the General Plan Land Use (GPLU) Map using this link:
 - [General Plan Land Use \(GPLU\) Map](#)
- Access the Change Map using this link:
 - [Change Map](#)

(This map highlights all areas with proposed land use changes).

- Download a PDF copy of the Final Draft using this link:
 - [Final Recommended Draft General Plan 2045_July2024](#)
 - Download a PDF copy of the Policy Rationale:
 - [General Plan 2045 Policy Rationale_July2024](#)
-

WHAT TO EXPECT NEXT?



Testimony - Tawn Keeney
Hawaii County Council meeting 9/17
2nd & Final Reading
Bill 123 Draft 6

Dear esteemed Hawaii County Council members,

To begin, I admire the intention and direction taken by County Council Bill 123 to address the problem of affordable and available housing on our island. The commitment and energy applied to its creation and evolution deserves applause.

Bill 123 does several things. Among them are:

- It changes the name 'Ohana Dwellings' to 'Accessory Dwelling Units'

- It allows construction of 3 Accessory Dwelling Units on Building Sites (Properties) in the Residential Single, Residential Double, Family Agricultural, Residential Agricultural and Agricultural County Zoning Districts

- It allows that one of the 'up to three' ADUs may be a Transient Accommodation Rental

- I specifies that ADUs must comply with County infrastructure, building, sizing, parking, etc. requirements

The Bill is linked here in its 5th Draft:

<https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=0&id=1084351&page=1&cr=1>

A critical question must be asked in attempting to understand the vision of Bill 123. That question is, "Why did the authors include the Agricultural District in this Bill's design?" Also, the question of why it has been necessary to allow one of the 3 Accessory Dwelling Units available through this Bill to become a Transient Accommodation Rental has not been discussed adequately before Council. However, this is not the concern to be addressed here. Because of the profound impact this Bill, if enacted, would have on our lived environment, and because I have not heard at Council hearings the important question of why the Agricultural District has been included in its application, I fear that this Council has not understood a fundamental ramification of this Bill in its hurried final months approaching ratification.

Bill 123 is possibly a response, or at least a mirror, to State Senate Bill 3202 (they were developed in the same time frame). State Senate Bill 3202 was honed very carefully through contentious hearing after hearing and became Law as Act 46 earlier this year. My impression that County Bill 123 passed virtually unnoticed through its 6 months since inception arises because of the dearth of public testimony as it reaches its final stages, and so few of my civically interested colleagues have been aware of its substance or even existence. Act 46, in prescribing that the Counties allow at least 2 ADUs per building site, applies only to "Residentially zoned lots" in the County Zoning Districts. Act 46 specifically excludes the County Agricultural District from its application. In Act 46, the County Agricultural District and the County 'Rural Districts' FA and RA are specifically excluded. Act 46 states: "Residentially zoned lot" does not include a lot in the county zoning district that is intended for rural, low density residential development, and open space preservation."

So why have the authors of this Bill 123 included the Agricultural District in its application? No explanation has been given other than to say, "Well, the Agricultural District will be protected from this Bill's effect because State Zoning Law also applies to nearly the same area, and the State H.R.S. will not allow the usage prescribed in this Bill 123 County ordinance.". But the question then still remains, "Why was the Agricultural District included in the Hawaii County Bill?" I did not understand the answer until I listened to Chair Kimball's remarks to the Leeward Planning Commission. I believe that the County Council has not understood that

answer because I have perceived no discussion of the profound implications of the answer. Chair Kimball's presentation to the Leeward Commission can be found here:
<https://www.youtube.com/watch?v=xw3NcJTtBPI>

At 2hr 0min 10 sec Chair Kimball is describing adding ADUs as enabled through Bill 123:

"As mentioned, you still cannot build an Ohana Unit on State Land Use Ag lands. So some of our larger subdivisions such as HPP and Hawaiian Beaches, those are actually State Land Use Ag, so you still would not be able to do this (add accessory dwelling units). Now that is something which I hope to be able to remedy with the State, because I think that this is a missed opportunity for us."

At 2hr 7min 44sec she states:

"I did do an analysis just for purposes of argument. If we were to take all of the lots which were 1 acre or less which were in the State Land Use Ag district and we would convert them to Rural, which would allow accessory dwelling units, we are talking about 50,000 lots on this island which would be allowed to develop ADUs. That's a big impact. In my district we have many little plantation communities which are State Land Use Ag which would be ideal to put an accessory dwelling on."

Frequently it has been heard that the intent of the Bill is to increase density in the Urban areas while at the same time protecting the rural and agricultural areas from the effects of rural or suburban 'Sprawl'. This is accomplished because, as pointed out repeatedly by Chair Kimball and Director Kern, State Statute on 'allowed uses' in the Agricultural District will not allow the dispersion of Accessory Dwelling Units into the State Agricultural District. Thereby, though Bill 123 would allow 3 ADUs (with one potentially a TAR) per lot in the County Ag zone, H.R.S. 205 on "Allowed Uses" in the State Ag District would prevent this. The State Agricultural District restrictions will prevent what otherwise likely would become 'suburban sprawl' or 'rural sprawl'.

We had never heard why the Agricultural District was included, until Chair Kimball's presentation to the Leeward Commission. If the Council was aware of this, I must presume that it would have provoked intense discussion. That is the same discussion that might have led the State Legislature to reject the application of its Senate Bill 3202 Accessory Dwelling Unit requirements to the County's agricultural zones and rural zones.

What you are creating here, if Chair Kimball comes to a position of being able to 'remedy' the State's guardrails on 'rural sprawl', is a profound transformation of our rural environment. "We are talking about 50,000 lots", and that does not even include the lots greater than 1 acre which could be transformed.

Listen, maybe that is something which this Council would like to see. I doubt it. But that discussion must take place before decision-making on Bill 123. Maybe there are good reasons. Perhaps there is realization that Oahu's water table is dropping, that they are running out of water, and they need some place to put all those people. But those things need to be brought before this Council prior to its decision.

If the State were to change designation on great swaths of land from Agricultural to Rural, it would be far better for the County to have waited before applying this change of ADU regulation in its County agricultural district. We would then be able to understand and modulate the ramifications of the County's action with a true vision of what the implications would be. With current passage of Bill 123, any subsequent change in State Land Use designation from Agriculture to Rural would lead to massive changes in our built environment with transformation into the rural and suburban 'Sprawl' from which the State Agricultural district rules had been protecting us. I must ask why Chair Kimball's above described 'intentions' have not been discussed at Council.

And I again ask, are there any other reasons which have been proposed for this inclusion of the Agricultural Zoning District in Bill 123, other than her statements above.

I have been an admirer and advocate of Chair Kimball's capabilities and intentions over the years, perhaps as we all have, but progress on Bill 123 must stop until its full ramifications have come under consideration.

I wish to add a note which may be considered a technicality compared to the above problem.

The State Land Use Commission response from its Executive Officer to the Planning Director on Bill 123 as presented to it in February is linked here:

<https://drive.google.com/file/d/1lwXAYEELb3nCENcuCT2ADk1Js33u7cbc/view?usp=sharing>

That response on Feb. 14 states: **"The Land Use Commission Staff is acceptive of Bill No.123 relating to 'Ohana Dwelling Units' , with the understanding that Section 25-6-38 Prohibited Uses states "Accessory Dwelling Units shall not be for use as transient vacation accommodation rentals."** In July, long enough that the Bill's authors may have forgotten the Land Use Commission's above condition, Bill 123 changed 'Prohibited Uses' to 'Permitted Uses' and changed 25-6-38 to read, **"No more than one accessory dwelling unit shall be permitted for use as a transient accommodation rental, provided there are no other transient accommodation rentals on the building site."** This Council must see a letter from the Land Use Commission accepting this Change in 'condition' before passing this Bill. One would presume that such a letter exists, but it must be presented to the Council, demonstrating that existence, because the understanding of the February letter is that the Land Use Commission will not 'accept' the allowance of Accessory Dwelling Units as Transient Accommodation Rentals. My letter to the executive Officer of the Land Use Commission is here.

<https://drive.google.com/file/d/1AB0M6ELpbgVTuKXAmnCJzKgiGnprMWgY/view?usp=sharing>

My letter asks that his acceptance or rejection of this July, Draft 5, reversal on allowance of Transient Accommodation Rentals (as was seemingly rejected in February) be communicated to the Council prior to the final Decision-Making on Sept. 17.

I was subsequently unable to reach the Executive Officer because, as I learned, he was attending a Planning Meeting at Hapuna Beach. By phone I was directed to his colleague who quite patiently listened to my explanation of how the new Draft of Bill 123 seemed to contradict the Executive Officer's acceptance of Bill 123 based on the Bill's prohibition of Transient Accommodation Rentals. After I had finished my explanation (granted that it was possibly inadequate, as I anticipated speaking with someone who had seen my written explanation and was familiar with the issue), the LUC staff to whom I had been referred (press #6) began his response with an emphatic, "That's illegal". His discussion went on, but it left me with the impression that the LUC may possibly have not been notified of the changes made in Draft 5. Clearly, we need to see that presumed existent 'letter of acceptance' before decision-making.

The authors of Bill 123 may retort that the Bill's Section 25-6-31(b) resolves any apparent contradiction with State Law in stating, "Any building site within the State land use agricultural district shall be subject to agricultural requirements for farm dwellings as established by ordinance or by rule of the director, adopted pursuant to Chapter 91, Hawaii Revised Statutes."

In this case a legal issue arises. Can the County pass ordinance, in apparent contradiction with State Law, that says 'Transient Accommodation Rentals can be placed on County Agricultural zoned lands', by the addition of language that State Law must also be followed (which in almost all cases would prohibit this). Again, we ask "Why was the Ag District included in this Bill anyway?"

Let me use an analogy. Can the County pass a Bill under the Title 'Concealed Carry' which states in Section 4, "Fully Automatic Weapons may be carried in a concealed manner in the County of Hawaii." Of course, fully automatic weapons are illegal in the state, but because the Bill states in Section 2: "Notwithstanding any Sections or language of this Bill, the carrying of weapons in this county shall be subject to State Law.", does this Bill allowing automatic

weapons in the County then become acceptable in the eyes of the Law. I will guess that a bill allowing automatic weapons in the County would not be allowed to pass or would face repeal immediately, in spite of declaration that State Law must be followed.

The question regarding County Allowance and State Restriction of TARs on Agricultural land must be understood by written legal opinion before decision is made on this Bill. The Executive Officer of the Land Use Commission probably understands that legal relationship quite well, and so the written decision on Bill 123 Draft 5/6 language and content must be presented to Council before decision-making.

Bill 123's approach to the problem of housing need in Hawaii County, like the comparable Act 46 on the State level, is admirable and is understood to represent an important step toward solution, relying on increasing urban density. It is only by adding that one of the ADUs, even if the only ADU, may be a Transient Accommodation Rental, and that the directives of this bill apply to the Agricultural District, as was excluded from the State's Act 46, that this becomes a failed Bill and must be rejected by the Council. The Planning director's explanation of the necessity of the addition of a Transient Accommodation Rental to the complement of ADUs is questionable, and of little consequence. The protean implications of addition of the County Agricultural District to the Bill against the backdrop interest in potential removal of the State's Agricultural District guardrail against rural and suburban 'Sprawl' demands rejection of Bill 123, if amendment for removal of these two elements is no longer available.

Tawn Keeney MD

Member and recent Chair, Hamakua Community Development Plan Action Committee



HAWAII REGIONAL COUNCIL OF CARPENTERS

October 9, 2024

TO: Hāmākua Community Development Plan Action Committee

FROM: Mark Anthony Clemente
Government Relations
Hawaii Regional Council of Carpenters

SUBJECT: Final Draft General Plan 2045

On behalf of the Hawaii Regional Council of Carpenters, I am writing to express our strong support for initiatives aimed at revitalizing the community of Hāmākua through local job creation and sustainable development.

Hāmākua faces unique challenges, including a pressing need for infrastructure improvements and a lack of accessible job opportunities. Many residents are seeking better prospects elsewhere, leading to a loss of skilled labor and community cohesion. Notably, while rural communities across the country may have larger percentages of affordable housing, the North Hilo- Hāmākua Coast Villages and North Kohala have some of the lowest percentages of affordable housing in our state. This disparity highlights the urgent need for targeted efforts to increase housing availability and affordability in these areas.

As one of the few organizations advocating for affordable housing, we recognize that ensuring access to safe and affordable homes is critical for the future of our community. It is essential that we support our local high school graduates by creating job opportunities that pay a living wage. When young people can secure good jobs in their own community, it enables them to stay, thrive, and contribute to Hāmākua's growth.

Investing in the development of infrastructure in Hāmākua —such as roads, public facilities, and utilities—will help create a more resilient community. We urge that projects awarded to contractors prioritize hiring local skilled craftspeople, ensuring that our neighbors benefit from the work being done in their own backyards. This investment not only supports the local economy but also fosters pride and ownership among residents.

Furthermore, we strongly advocate for all projects on county lands to be covered under HRS § 104, which ensures prevailing wages. Living wages are essential for attracting and retaining skilled tradespeople, ultimately leading to higher-quality workmanship and improved project outcomes. By adhering to these standards, we can ensure that the work being done in Hāmākua is of the highest caliber, contributing to a stronger and more sustainable community.

STATE HEADQUARTERS & BUSINESS OFFICES

OAHU: 1311 Houghtailing Street, Honolulu Hawaii 96817-2712 • Ph. (808) 847-5761 Fax (808) 440-9188
HILO OFFICE: 525 Kilauea Avenue, Room 205, Hilo, Hawaii 96720-3050 • Ph. (808) 935-8575 Fax (808) 935-8576
KONA OFFICE: 75-126 Lunapule Road, Kailua-Kona, Hawaii 96740-2106 • Ph. (808) 329-7355 Fax (808) 326-9376
MAUI OFFICE: 330 Hookahi Street, Wailuku, Maui 96793-1449 • Ph. (808) 242-6891 Fax (808) 242-5961
KAUAI OFFICE: Kuhio Medical Ctr Bldg., 3-3295 Kuhio Hwy, Suite 201, Lihue, Kauai 96766-1040 • Ph. (808) 245-8511 Fax (808) 245-8911

The below is a copy of the brief email exchange between myself and Planning which culminates in a set of questions which I would ask of Corporation Counsel regarding Council Bill 181 pertaining to the Draft General Plan process (currently under consideration) and Council Bill 123 which was recently passed pertaining to Accessory Dwelling Units and Transient Accommodations Rentals.

From: tawn@honokaapeople.com <tawn@honokaapeople.com>
Sent: Tuesday, October 8, 2024 11:37 AM
To: Palma, Maryam <Maryam.Palma@hawaiiicounty.gov>; Planning CDP <cdp@hawaiiicounty.gov>
Subject: Request Corp Counsel at tomorrow's Hamakua CDP AC meeting

Hi Maryam,

I have legal questions about both Bill 123 and Bill 181, both of which will be brought up in the context of two of the agenda items for tomorrow's Hamakua AC meeting. Could you ensure that someone from Corporation Counsel will be either at, or zoomed into, the meeting. Thanks, Tawn

-----Original Message-----

From: "Planning CDP" <cdp@hawaiiicounty.gov>
Sent: Tuesday, October 8, 2024 1:57pm
To: "tawn@honokaapeople.com" <tawn@honokaapeople.com>
Cc: "Planning CDP" <cdp@hawaiiicounty.gov>, "Campbell, Jean K" <JeanK.Campbell@hawaiiicounty.gov>
Subject: RE: Request Corp Counsel at tomorrow's Hamakua CDP AC meeting

Aloha Tawn,

We reached out to Corporate Counsel, Jean, and she will not be available for tomorrow's meeting. I've cc'd her on this email, so please feel free to send over any questions you would like answered.

Mahalo,

Community Development Plan (CDP) Team

County of Hawai'i Planning Department

101 Pauahi Street, Suite 3 | Hilo, Hawai'i 96720

Phone: (808) 961-8288 | Email: CDP@hawaiiicounty.gov

Website: www.planning.hawaiiicounty.gov



Thanks for you reply Maryam. I would like to have legal counsel available at tomorrow's meeting if that would be possible. I wonder if Corp Counsel may have an obligation in that regard. Perhaps you could ask Jean or one of her associates if they can find a replacement for her. My questions would be, so that they can prepare, something along the lines below. Of course, written answers to the questions would also be desirable. But it would be useful to have someone from that office present to discuss the answers.

Regarding Bill 181 and the General Plan status.

Judge Strance in testimony before Council a month or two ago addressed the question of Process of the Draft General Plan through the Planning Commission and then the County Council. The implication was that the Planning Commission may not have authority to offer or enact amendments to the Final Draft General Plan. In fact it sounded as if the Commission may offer comments on the Plan as presented, but the way that I understood her comments was that there would not be opportunity for this Final Draft to be amended by the Planning Department in light of those comments. Rather, The Commission's comments and the current Final Draft would be, after 5 months, forwarded to the County Council for a vote of ratification or denial of ratification without opportunity for substantive amendment. At the most recent Council meeting representative of the Corp Counsel spoke of interim amendment process which I believe was referring to amendment of the ratified General Plan subsequent to its adoption.

Question #1. Is this the correct current interpretation by Corp Counsel of the process which lies ahead for Commission consideration and ratification? Or is there opportunity for the Planning Dept., in conversation with the Commissions to substantially change the current Final Draft before presentation to the Council?

Question #2. If the current General Plan is ratified by Counsel and becomes Ordinance, or whatever status it assumes at that point, does substantial amendment to the Plan at that later point take place by majority vote of the Council or would it require 2/3 of Council votes to amend?

Question #3. If Bill 181 passes Council in its current form, it is my understanding that the Amendment process would not be available to the current Final Draft of General Plan 2045 but that it would be necessary for the Council to deny ratification of the current Final Draft GP and then any General Plan which would subsequently be presented to the Council for ratification would be available to amendment by Council. Is this correct?

Question #4. It is my recollection that April Suprenant said that the Action Committees could present it's recommendations for Amendment of the General Plan at any time to the Planning Commissions and the County Council and did not need to be restrained by the closure of the Public Comment period in that "recommendations for amendment of the General Plan" is among the "Duties and Responsibilities" of the Action Committees. I presume that the Corp Counsel would have no reluctance with our doing so. Would that be correct?

Bill 123 does several things. Among them are:

It changes the name 'Ohana Dwellings' to 'Accessory Dwelling Units'

It allows construction of 3 Accessory Dwelling Units on Building Sites (Properties) in the Residential Single, Residential Double, Family Agricultural, Residential Agricultural and Agricultural County Zoning Districts

It allows that one of the 'up to three' ADUs may be a Transient Accommodation Rental

I specifies that ADUs must comply with County infrastructure, building, sizing, parking, etc. requirements.

Bill 123 was passed by Council on September 17 in a 5-3- one absent vote. It was signed by the Mayor within the past several days in that it was sent to the County Clerk's on Oct. 7 for registration. I had spoken to the Managing Director about it at some length on Oct. 1 and it had not yet been signed.

From 'Big Island Now' September 25, "Hawai'i Supreme Court justices on Tuesday unanimously held in [Rosehill v. State of Hawai'i, Land Use Commission](#) that farm dwellings in an agricultural district cannot be used as short-term vacation rentals."

"Using agricultural lands for genuine agricultural purposes and ensuring that housing is allocated for our residents are two of the most crucial issues facing our state today," said Hawai'i Gov. Josh Green. "I commend the Hawai'i Supreme Court for making the right decision for the people of Hawai'i."

"Hawai'i County has banned short-term vacation rentals in an agricultural district since 2019 after the approval of an amendment to its zoning code."

Question #5: This Supreme Court decision raises questions about the legality of Bill 123's becoming law does it not?

Bill 123 in initial draft form, with a prohibition on Transient Accommodation Rentals among the authorized Accessory Dwelling Units, was presented to the Land Use Commission in February.

The Commission's response from its Executive Officer on Feb. 14 states:

"The Land Use Commission Staff is acceptive of Bill No.123 relating to 'Ohana Dwelling Units' , with the understanding that Section 25-6-38 Prohibited Uses states "Accessory Dwelling Units shall not be for use as transient vacation accommodation rentals." In July, long enough that the Bill's authors may have forgotten the Land Use Commission's above condition, Bill 123 changed 'Prohibited Uses' to 'Permitted Uses' and changed 25-6-38 to read, "No more than one accessory dwelling unit shall be permitted for use as a transient accommodation rental, provided there are no other transient accommodation rentals on the building site."

Inquiry with the Commission determined that there were no subsequent communications from Planning to the Commission subsequent to that February exchange. Thus the LUC was unaware of the change of 'Prohibited' to 'Permitted' Transient Accommodation Rentals among the Accessory Dwelling Units on Agricultural Lands. When I communicated this change of status of Transient Accommodations Rentals on Agricultural zoned lands from "Prohibited" to "Permitted" in bill 123 to an official at the LUC, his prompt response was "That's illegal". When I was able to reach the Executive Officer by phone the day before the Council vote, he stated, "That is not allowed." I had described to him in email format the change of

"Prohibited" to "Permitted" referencing TARs in the agricultural district several days before that and he said that he had spoken to several people about it that morning.

Question: Would it have been required that Planning notify the Land Use Commission of the change of status from Prohibited to Permitted Transient Accommodation Rentals, or is this more of a recommendation?

Question: What is the level of authority of the Land Use Commission to accept or deny usage of lands in the Hawaii County Agricultural District?

Question: Can the County pass a law that states that Transient Accommodations Rentals can be placed on County Zoned Agricultural Land when there is current County Law which states that this is not allowed, and there is State Law that Prohibits Transient Accommodations Rental in the State zoned Agricultural District?

Question: Since the Bill passed by Council had not yet become law by the Mayor's signature until approximately a week after the Supreme Court Decision that stated that "farm dwellings in an agricultural district may not be used as short term vacation rentals." and since this was widely announced in the media, would it not have been wise that Corporation Counsel advise the Mayor to veto the Bill?

Question: If legal action were to proceed against this Bill, can it be directed toward rescinding or nullifying this Bill as a whole (in that it was a single amendment to the current ordinance and changing one part of the Bill might have altered one or more of the Councilmembers to change their vote), or would need be directed only against that element of the Bill, the allowance of Transient Accommodations Rentals in the Agricultural Zone, which is clearly against the Law?

Thank you for responses to the above questions. And again, hopefully someone from Corporation Counsel would be available for discussion of the above.

Respectfully,
Tawn Keeney