

From: [Elizabeth Dunn](#)
To: [LPCtestimony](#)
Subject: Comments on the draft General Plan
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Attachments: [Island Wide Comments on Draft GP.pdf](#)

Hello Leeward Planning Commission:

I am unable to attend the Planning Commission on Thursday, and am providing my comments to you via email.

Mahalo for your time.
Elizabeth Dunn

Questions to the Leeward Planning Commission
November 21, 2024

Aloha Leeward Planning Commission:

I know how hard it is to revise a General Plan and work through the many public meetings, and assemble the hundreds, if not thousands, of comments submitted by the public. It's not an easy task. Your staff has done a terrific job, and prepared a document that will be the vision document for development for the next two decades. My comments below, and what I submitted in greater detail two months ago are meant to enhance the document. In that spirit, I submit my concerns below.

I read the comments on the draft General Plan (GP) and found the comment below on process quite interesting. I'd appreciate having Staff elaborate on the answer provided.

I find it difficult to believe that the County Council is not able to make substantive changes to the draft GP prior to adoption. If that's the case, I'd suggest that as part of the public hearing process, the Winward and Leeward Planning Commissions assemble the comments of concern that are heard repeatedly, and transmit these to the Council as a separate document as part of the discussion of the draft GP process. I have never heard of a process where the County Council does not have the authority to revise the draft GP at the Council level. Perhaps the Council directs certain sections to be revised, and these sections are brought back through the Planning Commission process. The balance of the draft GP is put on hold until the language that needs to be revised is by the public through the publicly noticed Planning Commission review process and incorporated into the draft GP .

Please clarify the issue raised by the Hāmākua CDP Action Committee, question on Page 95 about Process

Q: Will the County Council and Planning Commissions be allowed to make amendments to the plan?

A: Chapter 16.1 of the 2005 General Plan outlines the process for the comprehensive review of the general plan. The Planning Commissions will review the plan and make recommendations related to amendments. The County Council ultimately adopts the general plan, **but there have been** recent questions discussed at Council as to their ability to make substantive **changes prior to adoption**. The general plan is intended to be a living document that can be amended. By way of example, the 2005 General Plan was amended in 2006 and 2007 to address and amend some elements that were not addressed when adopted in 2005. This process referred to as interim amendments is outlined in Chapter 16.2 of the 2005 General Plan.

I provided significant comments, and will not go through them here. However, there are a few concepts I would like Staff to discuss to make the issue clearer.

1. Integrated Resource Plans: Cross-island transmission lines? Is this discussed elsewhere in the draft GP? This is a huge issue, even if the Planning Department, and the County of Hawai'i can only give guidance to HELCO or the state Public Utility Commission on this issue. These transmission lines are an eyesore, there's been a huge body of information

about the health risk potential of the electromagnetic fields (EMFs) emitted by these power lines, and where this kind of facility is placed.

2. Glossary. Please explain why there are so many levels of plans: Community Development Plan, Functional Plans; General Plan; Integrated Resource Plans; Master Plan; Special Area Plans; Urban Development Plans; and Village Plan. Do all of these types of Plans currently exist, or are required? Are some of them good ideas to create in the future by the County of Hawai'i or Agencies it works with? A graphic to show how these plans work together and why all of these types of Plans are needed will help to explain why so many types of plans are discussed and how they are intended to work together. I know there is Figure 3 in Chapter 1, but this doesn't elaborate on my issue of whys many plans exist, and are needed. It's unnecessarily complicated. A City of approximately 200,000 on the mainland wouldn't have so many regulatory hurdles with various plans - why does this County?

3. 1.6 Grounded Vision and Goals

I appreciate the General Plan Vision State, as well as the Sustainable Development and Resilient Communities Goals, but this language and the intent behind it is overly ambitious. There is no sustainable development now that is being built. Perhaps the newest development in Waikoloa, and Waikoloa Village, but not in any other development proposal I've seen. If this is going to be a building principle and goal, each and every developer, including those projects that have been approved years ago, and are on the books as "active projects", need to update their plans, and approaches, and incorporate the "one water" principle. If these projects don't then this General Plan will not have achieved its goal.

There is so much language in this draft General Plan that speaks to "incorporating indigenous and contemporary knowledge and placed based practices to direct and manage growth for the health and safety of our communities". However, there is no clear discussion on HOW the indigenous communities will be brought into the Planning process. Please expand on how and what that process looks like.

4. Chapter 2 - Collaborative Bicultural Stewardship

2.1 Introduction.

I feel I'm going to say the same thing over and over and over again. I appreciate the language about bringing all people into the Planning process, but from what I've seen since I've lived here, that sure hasn't happened. Certainly, there's collection of comments and concerns from the public, but no real listing and hearing of the comments - by staff, the Leeward Planning Commission and several members of the County Council. So when I read the language in the second paragraph which states that, "the policies presented in this section seek to foster partnerships that are based on multi respect, trust, and shared values", I don't believe it. I can't believe it. Why? Because I haven't experienced it personally or seen it in the various public meetings I've attended. I don't know how this County, and Planning Department believe it's going to get over the lack of distrust in the Planning process, and those in the management of the Department, and even the current Mayor, when the decision making process feels rigged and corrupt. Why invite people to participate when the developers are already meeting with the Planning Department and are overheard that the project is a "done deal"? Where is the mutual respect and trust? The Planning Department doesn't conduct its own neutral environmental review (which the developer must pay for); instead, it uses the developer prepared environmental documentation, and agrees with it completely. There is no peer review of this information. There is little to no analysis of a development proposal, and all the staff reports recommend approval. Even with such a controversial project like the one proposed above

Black Sands Beach. What are the shared values? This is only place where I can make my concerns known about the Planning Department, how its operates, and the culture within this organization, that may have any consequence. When I continue to read language about

bringing people into the decision making process, I'm appalled, and it doesn't happen now. Why would I (or anyone else) believe it will happen in the future?

5. Chapter 4 - Sustainable Development and Resilient Communities

Market Conditions - Sixth Bullet. I find this statement to be an excuse. This happens in Planning. Development applications are submitted, reviewed, processed, and most often, approved. This timeline doesn't always, and rarely meets the market for getting the product - housing commercial space, etc. - online at a time that meets developers expectations. What I find to be very confusing here on this island is that projects are approved, and not built. They stay on the books for a long time, and may or may not ever get built. Why go through the time, money, effort, and public engagement process to secure a land approval entitlement, and not build. The fault lies with the developer, not the Planning staff or the County. Please reconsider revising this statement, as I believe this statement puts blame on the wrong party. It's a risk to develop land. If the developer can't deliver, then that's not the right developer for the project or the neighborhood. I'd like to see some language in this section of the draft General Plan that prohibits or penalizes "land or entitlement" banking. That's a huge issue for this island, and it's not mentioned anywhere in this document. I know the County Council has passed or intends to pass several Ordinances to understand how many previously approved projects are still on the books and have not been built. That's an issue since the land is held by an entity that has secured a Planning approval, the Planning approval doesn't have real teeth regarding any expiration, and the land can't be built on. Let's be honest with this situation, and call for changes to the Planning process with Conditions of Approval that have real deadlines, Project Approvals that have real deadlines, and Developers that are paper jockeys and don't intend to develop. They hold the land hostage, and the community suffers.

6. Page 89, Resort.

Please consider stronger language for 13.44, 13.46 and use "shall" instead of "should". 13.45 would be stronger if "Prohibit" were used instead of "do not allow". 13.48 - What is a clear community benefit? It should be more than money... If it's money, there should be a program that's created on how this money is used to benefit the community, and the community should be able to direct how this money is used. 13.50 would be stronger if encourage was replaced with "require". (There are other comments I made about using "shall" instead or "should" in this draft GP for the same reason and I won't include all of those statements here.)

7. Page 126, Drinking Water

Please consider creating legislation that requires a water study for residential, commercial or industrial developments of a certain size (over 50 residential units, 50,000 sf. for example). This should ensure that water availability is not in question for these developments. Additionally, for projects that are on the books, but have not been built, and any money that has been paid for water credits, this money, and the credits revert to the Department of Water Supply after 5 years if no building permit has been issued. There has to be some way to incentivize development to occur (if that's the intent) and to discourage land banking/holding by entities that type up land without developing it for needed housing. (I realize this would be for the County Council to consider as it's legislation.)

8. Objective 37

38c. I have a real problem with this. It feels like a huge break for unpermitted work. How does the County know when this work occurred? How far back is the County willing to go with building codes to use? I'd really question if this is the route the County wants to take on this. It's unfair to people who get permits, and to use older building codes doesn't make the housing stock better or safer. Please reconsider this option, or create better language for this.

Mahalo for your time.

Elizabeth Dunn