

November 9, 2004

MEMO TO: James Y. Arakaki, Chair & Members
Hawaii County Council

FROM: Leningrad Elarionoff, Chair
Committee On Planning

RE: Bill 163, Draft 2, Revision of the Hawaii County General Plan

Please have Bill 163, Draft 2, proposed revisions to the Hawaii County General Plan referred to the Council's Planning Committee for its next agenda. **At that meeting, I will request that Draft 2 be deferred pending consideration by the upcoming Council.**

Since introduction of Bill 163, Draft 2, two workshops about the process of developing the document were held. I have also held several meetings on my own about the proposed revisions. Some of Bill 163, Draft 2 has been met with much praise. Some of it has not. For clarification and archival purposes only, I would like to take this opportunity to address some of the anxiety being proliferated on Bill 163, Draft 2.

To reiterate earlier memos from myself and the Office of the Legislative Auditor (Communications No. 45.30), in December 2001 Bill 163, was forwarded to the Council. Between 2001 and 2002, the Council held more than a dozen public meetings on Bill 163. During this time, it became obvious that the proposed plan had major shortcomings that needed to be addressed. While on many levels it contained useful information and was valiant in its attempt to solidify a policy by which to plan, it in reality was a document that had been overwhelmed with historical data, statistics, as well as vast views that spanned the spectrum. The Plan was much too wordy and contained contradictory information and policies. It was almost impossible to separate what the plan intended, how the document addressed growth and the vision it expressed for our Island. Many of us as Legislators as well as members of the public were left bewildered when trying to apply the document. A desire to simplify the document by separating the vast amount of text from the meat of the document was expressed by many during these early stages of review. Consequently, the Council's Planning Committee deferred the plan in November 2002.

Between that deferral in November 2002 and October 2003, when I became Planning Chair, no significant action took place in relation to Bill 163. In December 2003, I

convened a public workshop on Bill 163. Almost all members of the Council were present at this workshop. It was at this time that I restated the Committee's intent to condense the material, separate the goals, policies, and the meat of the plan, from the narrative text. No one present at this workshop expressed any opposition to this proposal nor was any specific input provided by Committee members. The Auditor's Office was charged with this arduous task. In June of this year, Bill 163 Draft 2 was completed and circulated.

Upon surfacing Bill 163, Draft 2, and since then, there has been the presumption that the Council would immediately adopt the proposed draft. As such, the accusation of "shoving it down the public's throat" has been uttered. Existing procedures in the General Plan Charter "require" the Council to request the Planning Department and Planning Commission to review any proposed revisions. After the receipt of the Council's proposed changes, they have a combined total of 120 days to return it back to the Council with recommendations and further revisions.

After return of the document there would be, at the minimum, one more public Council meeting before the plan's adoption. From the point the Council sends it to Planning level, until the point the plan can be adopted by the Council, there is a bare minimum of 130 days. At each point along the way and at each level, there is opportunity for public input and amendments. The Council adopting a plan expeditiously on the sly without public input is simply impossible.

To my surprise, much of the dissatisfaction with content of Bill 163, Draft 2 has been aimed at information that was proposed in the prior draft. This is particularly the case with several map changes and many policies. For example, there has been some concern over an urban core designated on the LUPAG Map for both Niulii and Paipaikou. Both designations were carried forward from Draft 1. Draft 2, in its simplicity, was more readable and therefore the objections were only then noticed in Draft 2.

Along the same line, is the definition and use of the LUPAG map and the General Plan. Conceptually, the LUPAG is a graphic expression of the plan, particularly those relating to land use. The LUPAG is not the General Plan. Nor is the General Plan an exact expression of the map. The Charter states that zonings and CIP projects must be consistent with the General Plan, not just the map. The map or plan itself does not stand-alone. They are interconnected counterparts. The LUPAG is also not a zoning map done to scale, which is clearly noted on LUPAG Maps sent to the Council for review.

Appropriately, the Land Use Element language in Draft 1 says that other factors besides simply map consistency must be considered in determining appropriate land use (GP, D1, pg. 340). Draft 1 also allowed for land uses not delegated on the map through district Courses of Action as the need arose for such (GP, D1, pg. 383, 384, 386, 388, 389). The wording in Draft 2 in relation to the LUPAG and retention of the "floating zone" concept from the current General Plan aimed at putting the expressed intent of language in Draft 1

as plainly as possible and removing confusing ambiguity. Draft 3 will seek to address any worries that the document has no teeth by removing misconstrued language.

It is important for us to remember that all the elements of the plan are important. In order to get a comprehensive picture of the future growth and development of our island and our objectives and policies, it is essential to review all the components together as a whole along with the map and not prioritize the importance of one element, Land Use, over the other to accommodate our preference in comprehension. We need to understand and emphasize the vast complexities and values of our Island.

The reverting of the Important Agriculture Designation (IAL) lands back to current General Plan Designations has also caused frustration among many. Bill 163, Draft 2 reverted IAL lands back to current Agriculture Designations pending the state action in implementing IAL. Draft 2, also specifically included viable coffee lands within the Agriculture Designation. Thorough historical information and legal opinions regarding this matter were discussed in earlier letters, so I will not rehash it completely here now. However, I ask that the following be noted.

The current General Plan utilizes the Extensive, Intensive and Orchards Designations. The IAL Designation does not exist. Yet, currently 46% of our Island remains in the State Agriculture Class and 1,219,773 acres out of 2.5 million acres Island-wide are zoned by the County for such use (GP, D1, pg. 341). In recent times, small farming enterprises have also increased due to new high value cash crops and diversification of the industry (GP, D1, pg. 30, 31). This is despite a 23% increase in our population (GP, D1, pg. 15). This data clearly demonstrate that agriculture activities continue to flourish in our County in absence of the IAL designation and with an increased population.

The ideology of the Important Agriculture Land Designation is honorable. It intends to preserve prime soils and lands for future availability and utilization in farm and agriculture operations. The validity of intent is indisputable. However, if such a classification will at the same time prevent farmers from owning property because they are unable to acquire parcels and if it does nothing to neither perpetuate nor identify viable agriculture activities not on prime land, then it may be a concept that warrants re-evaluation. It is my understanding many of the most productive agriculture activities on our Island do not rely on prime soils. Orchids, Papaya's, Coffee are just a few examples. It is unclear to me that this designation would do anything to assist these Ag industries.

Knowing our limitation as an Island, we must clarify our intent. Is it to preserve only the land? Provide farmers with affordable opportunities to own lands on which to operate? Tangible support of the agricultural industry? Is it to find a comfortable achievable balance? Our intent should be clear and forthright.

The final area I wish to cover has been the irritation expressed over the elimination of policies, courses of action and the adoption of development plans by ordinance in Draft 2. Many individuals have referred to Bill 163, Draft 2 as a re-write of Draft 1. It is true some items were combined with others, moved, deleted or even rephrased. However, the

intent was to relay the same concepts expressed in Draft 1 more simply and clearly. For the record, I want to state that the charts provided in Bill 163, Draft 2 were provided in order to demonstrate the action taken on policies. I encourage everyone wishing to be involved to first familiarize themselves with the charts and then make specific input and suggestions at the appropriate time.

District Courses of Action were removed for reasons that include redundancy as well as the lack of consistency throughout the elements and districts. Many Courses of Action were incorporated into Draft 2 as policies. However, as requested, Courses of Action have been reinstated, as is, into Bill 163, Draft 3. Upon review, it will become apparent that the aforementioned problems still exists and will need to be addressed by the next Council.

Development plans are a vital part of implementing the General Plan. As we know, as of now, any group or person may surface a plan, but the finality of making it into law must be carefully weighed. Development plans have in the past caused severe community strife when considered by the Council. This being the reality, Bill 163, Draft 2 provided the Council, as the Legislative body, with the option to choose the adoption mechanism. However, because of numerous requests Bill 163, Draft 3 has reinstated the ordinance language proposed in Draft 1 and attempts to organize the compilation of development plans.

When addressing development plans in the future, I encourage individual Councilmember's and communities to investigate how many plans currently exists, the number that are adopted, if they are currently adhered to and the validity of each.

In closing, I would like to personally thank the Office of the Legislative Auditor who so willingly and tirelessly pursued the task of reorganizing the General Plan into a more practical document. I appreciate the many hours Council Chair James Arakaki and other Councilmembers spent in reading and commenting on the drafts. Planning Director, Chris Yuen, is appreciated for being very supportive of the many proposed revisions in Draft 2 and for truly exemplifying the spirit of cooperation on matters of disagreement. With the cooperation of all concerned, this document has evolved into a collaborative effort of a "work in progress" to provide a clear General Plan that is understandable, practical and functional.

Dealing with the General Plan this past year has been a daunting task as well as being an educational and enlightening one. It has allowed us to make an attempt at describing what we envision for the future of the Island on which we were born. We undertook this privilege in the hope that our children will be the benefactors for generations to come.