



From: **Mark Van Pernis** mvpv@hawaii.rr.com
Subject: "Proposed Kona Visatas , Multiple Housing Project."
Date: January 31, 2024 at 3:04 PM
To: State Land Use Commission P.O. BOX 2359 Honolulu Hawaii

Dear Land Use Commissioners,

Enclosed are two articles I authored last year when this "project" was before the County of Hawaii's Leeward Planning Commission (LPC), directed to the LPC, the Hawaii County Council, and the West Hawaii Today newspaper. Please accept them and the below as written testimony to your Commission concerning this application.

I am a former LPC Commissioner, and also served a full term on the County's Kailua Village Design Commission, and a 45 year resident of Kona.

This proposed project is decades old and presently obsolete. The initial applicant (to the County) had neither the intention or financial ability to carry out the project. It merely wanted then requirements of the County stated, so it could sell the proposed development for a profit. For unknown reasons, no "sunset" provision was included. The then owner knew it could get 5 year extensions from the County's Planning Director in Hilo at no cost, without public input, and without any additional needed public infrastructure requirements necessitated by the passage of time, increased population, and other developments in the area. Sale did take place several times over. The current owner seeks another 10 years of delay at no costs so it too can incur no expense and merely sell the proposed project for a profit at the expense of all West Hawaii residents.

Now there is a new County ordinance which places the authority for delay with the Council. This places the authority for extension of time for development with the County Council, where it should be, since it is/was by ordinance. Now the community will be able to give input, and additional infrastructure imposed if delay requires it, and "sunset" provisions be added. Also, possible corruption could be avoided.

Kuaskini Highway, the principal access to the proposed project, is now overburdened, with miles of traffic jams in the area, and with less than standard "bus stops" for school children, and no public transportation stops. Turn lanes and stacking lanes, and more lanes generally are needed for safety and efficiency. There is some talk, but talk only, of the State addressing this. West Hawaii desperately needs infrastructure with development, not just development for private profit.

This proposed project is obsolete, and must start over with new planning and infrastructure needs satisfaction.

The Land Use Commission should:

1. OBTAIN A COMMITMENT FOR BEGINNING AND ENDING DATES FOR DEVELOPMENT, INCLUDING FOR OFFSITE INFRASTRUCTURE, AND LIMIT LAND RECLASSIFICATION TO THOSE DATES, I.E A SUNSET PROVISION, AFTER WHICH THERE WOULD BE AN AUTOMATIC REVERSION TO PRIOR CLASSIFICATION ;
Or
2. DECIDE "NO" NOW, AND INVITE THE THE OWNER - DEVELOPER BACK FOR A NEW APPLICATION WHEN IT HAS THE INTENT AND CAPABILITY TO ACTUALLY DEVELOP A PROJECT AND THE NECESSARY INFRASTRUCTURE.
Or
3. SAY 'NO' OR 'NOT NOW' UNTIL THE STATE ALLEVIATES THE SEVERE TRAFFIC PROBLEMS OF KONA.

MAK VAN PERNIS

From: **Mark Van Pernis** mvpv@hawaii.rr.com
Subject: All Leeward Planning Commission members. Royal Vistas multiple family housing project.
Date: October 11, 2023 at 7:49 AM
To: noriko.sauer@hawaiicounty.gov
Cc: noriko.sauer@hawaiicounty.gov

North Kona subdivision; Royal Vistas multiple family housing project.

This forty year old project, without consideration of the Kona residents, seeks another ten year delay without significant infrastructure contribution or a "sunset" provision. If the Leeward Planning Commission (LPC) and the County Council (CC) have any backbone and knowledge, and are willing to act for their constituency, the project will be flatly rejected immediately. The population has increased (about 300%) since original approval, and will CONTINUE to increase another 100% in the next ten years. The traffic on Kuakini that would serve the project is presently jammed constantly and often at a standstill, and will get WORSE with the additional ten years being sought. The project will add hundreds of vehicles and does nothing to address the problems. Kuakini from Kailua to Kainaliu, and feed-in intersections, must be widened and improved by the State and/or County BEFORE any more development using these roads is allowed,

Does the LPC and/or CC have "no" or "wait" in their vocabulary? Do they represent the people of West Hawaii in planning for the future? Or do they put developer profits and delay first? Not every ancient development proposal is good for Kona. Is "all developers MUST be satisfied", even at the expense of residents, the mantra of the CC and LPC? This project was first approved forty years ago, according to requirements then. The developer wanted the approval and relatively cheap requirements then (compared to now or ten years from now) In order to sell the project, which has been done, perhaps multiple times, with the County getting nothing. The developer never intended to develop, but instead get its profit by sale. Then County gullibly went along with that, and put no "sunset" requirement on the development. Thus the County and its people have gotten nothing, not even the forty year old benefits, and will continue to get nothing, while the new developer has no expense. When will real future planning, including off-site, take place? When will the LPC start doing its job? cPlanning must be brought into the twenty first century and beyond.

The LPC consists of political appointees with NO PLANNING EDUCATION OR TRAINING. They gravitate towards finding a way to approve the current Hilo based Planning Director's approval of all proposed projects instead of planning for the future, including off site. This project and its ten year delay is being promoted by the staff of current planning director, Mr. Kern, as "in-filling" proposed forty years ago, but with NO CONTEMPORARY consideration of the massive existing infrastructure problems or the even greater infrastructure problems the project would create in ten years. Due to the obvious conflict of interest, Mr. Kern had his loyal Planning Department staff process this application. But the staff too has a conflict of interest, being dependent on and allegiant to Mr. Kern, regardless of how such an issue was argued to the Board of Ethics. Just as a separate planning commission (LPC) for West Hawaii was instituted and approved by voters, a separate West Hawaii planning director is needed.

If the LPC and the CC have any purpose or concern for Kona, this forty year old conflicted project and its requested ten year delay must be rejected by all LPC members completely and immediately. The new owner/developer is free to apply for development whenever it honestly is ready to develop, so contemporary requirements, AFFORDABLE HOUSING, and a "sunset " provision (e.g. one year) can then be imposed. Anything other than a "no", would be an argument for abolishing; the LPC.

Just say "no".

Mark Van Pernis

Former Kailua Design Commissioner, Leeward Planning Commissioner,
and Kona Resident.



From: **Mark Van Pernis** mvpv@hawaii.rr.com
Subject: Cc. County Council, WHY article of first page re 2nd Kona Vistas project, bacy to planning board, LPC reforms needed.
Date: December 4, 2023 at 11:03 AM
To: **Kona Letters** letters@westhawaii.com
Cc: news@civilbeat.org.

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The 1983 second Kona Vistas project is a good example of the ineptness and inability of the County Planning to objectively plan the future for the greater good. This forty year old project, with only 1983 requirements, and with no "sunset" provision to assure prompt construction, and no risk of more infrastructure being added as the decades of no construction went by. To insure their big profits for a sale of the "vested rights" 1983 project. The County went along with that, throwing future public planning and needs away. The developers sold and sold again for big profits. The County got nothing but empty promises. The County displayed glibness, and a mantra of developer profits first, community benefit and good planning second. Sure, there's some community oriented developers willing to do their fair share in timely manner. But it appears that the big developers routinely use the "no build - delay and sell" method, at the expense of good planning for the future.

Mayor Roth has no background or education in community land planning or as a futurist. His appointed Planning Director, Mr. Kern, has no education in land planning or as a futurist, previously being a private developer's representative, a job to which he is likely to return. The members of the Leeward Planning Commission are appointees of the mayor, with no education or training in future planning, and are heavily dependent on what the Planning Director brings to the Commission. The Planning Director in my experience favors every developer proposal and "non reason" delay.

Recently an ordinance was passed over the mayor's veto requiring all requests for delay to have good cause and come before the County Council. This provided for transparency, gives the public an opportunity to participate, and puts the power to delay where it belongs, and out of the way of possible corruption. But the Planning Director continues to try to give delay and no "sunset" provisions, that would benefit West Hawaii, or otherwise limit the time for private development projects. Is our County Corporation Counsel backing the Planning Director and private developers, or the Ordinance and the public?

Is the Leeward Planning Commission worthless? Some say so. West Hawaii is a special place that should get the best for future land planning. It should not continue to devolve into a traffic jammed infrastructure mess of every description for private profit at public expense. The public and superior future planning should have first priority! Reforms are way overdue.!

1. Former Councilperson Angel Pilago got us West Hawaii's Leeward Planning Commission. But West Hawaii is still thwarted and misled by the Hilo Planning Director's "anything goes" Hilo attitude, versus the "quality, on-time development" Kona wants. A professional West Hawaii Planning Director is needed now. It can be easily folded into the administration, and East Hawaii should not be so provincial as to deny the uniqueness of West Hawaii, and a desire to preserve and enhance this different side of the Big Island and its rapidly declining lifestyle. 2. For each application, the director should accumulate all appropriate and futurist information, good and bad, and make it available to the public and the commissioners twenty days before any hearing, such as present and future populations, cost of infrastructure necessitated by the project, traffic) and not just on-site, cost of present and future municipal services and personnel Etc. I'm sure there's algorithms for this. 3. Ten days before the hearing the Director's recommendation should be published (newspaper) and distributed to the commissioners.. (some of the public thinks such recommendations are confidential, since they don't come out until the last minute). 4. A sunset provision MUST be part of any approval, and infrastructure to be completed and integrated into long term planning, or the project is cancel (also so planning can take place), unless delay is approved by the Council for good and real reasons, not just because the developer wants to sell or delay or it's good for its bottom line. Developers must apply WHEN IN GOOD FAITH THEY'RE ACTUALLY READY TO DEVELOP and with a sunshine provision. Lenders are familiar with this and will cooperate. THE COUNTY MUST STOP BEING SO NAIIVE AND ACCOMMODATING AS TO HAND OUT APPROVALS TO UNREADY THIN DEVELOPERS WHOSE MOTIVE IS TO DELAY AND SELL. 5. Review how many commissioner there should be, maybe cut back), (one for each _____?_____ number of citizens?). 6. Get professional planning directors, qualified and interested people willing to learn, teach them, go out and recruit, don't settle for the unqualified!

The County's planning process is obsolete, and isn't working for good planning for the future of West Hawaii working, with the encouragement of the present Planning Director. Big changes in attitude, priorities, workmanship and personnel are needed. The future of already declining West Hawaii depends on effective planning for the future. .

Mark Van Pernis, Kona resident, former Leeward Planning Commissioner and former Kailua Village Design Commissioner.

