

LAND USE COMMISSION
MEETING MINUTES

March 3, 2010

Waikoloa Beach Marriott Resort
69-275 Waikoloa Beach Drive
Waikoloa, Hawai`i

COMMISSIONERS PRESENT: Duane Kanuha
Ransom Piltz
Kyle Chock
Nicholas Teves, Jr.
Normand Lezy
Lisa Judge

COMMISSIONERS ABSENT: Thomas Contrades
Vladimir Devens
Reuben Wong

STAFF PRESENT: Orlando Davidson, Executive Officer
Diane Erickson, Deputy Attorney
General
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Acting
Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Walt Mensching Jr.

CALL TO ORDER

Chair Piltz called the meeting to order at 10:23 a.m.

APPROVAL OF MINUTES

Chair Piltz asked if there were any corrections or additions to the minutes. There were none. The minutes were unanimously approved by a show of hands (6-0).

TENTATIVE MEETING SCHEDULE

Executive Officer Davidson provided the following:

- The tentative meeting schedule for the calendar year 2010 was distributed in the handout material for the Commissioners.
- Upcoming meetings will involve travel to the Big Island and the HHFDC/Forest City Petition.
- Any questions or conflicts, please contact LUC staff.

There were no questions or comments regarding the tentative schedule.

HEARING

A07-774 NORTH KONA VILLAGE , LLC (O`oma 2nd – Kaloko, North Kona, Hawaii)

Chair Piltz announced that this was a hearing on Docket No. A07-774 NORTH KONA VILLAGE, LLC (O`oma 2nd – Kaloko, North Kona, Hawaii) to consider the reclassification of approximately 181.169 acres of land currently in the Conservation District into the Urban District at O`oma 2nd Kaloko, North Kona, Hawaii, Tax Map Key Nos.: (3) 7-3-009:004 (portion), and 7-3-009 (portion of State Right-of-Way) for beachside residential community with mixed uses.

APPEARANCES

Jennifer Benck, Esq., represented Petitioner O`oma Beachside Villages LLC (North Kona Village)

Steven Lim, Esq., represented Petitioner O`oma Beachside Villages LLC (North Kona Village)

Brandon Garcia, Esq., represented Hawaii County

B.J. Leithead-Todd, Hawaii County Planning Department

Phyllis Fujimoto, Hawaii County Planning Department

Bryan Yee, Esq., represented State Office of Planning

Abbey Mayer, State Office of Planning

Gregory Lind, Esq., Office of the Solicitor, United States Department of Interior
represented National Park Service
Sally Beavers, National Park Service

PUBLIC WITNESSES

1. Elizabeth Lee-

Ms. Lee shared her family history and reasons for supporting the Project. Ms. Benck asked if Ms. Lee supported the development of the Project. Ms. Lee responded that she did, with the condition that open space and access to the beach area be preserved. Commissioner Judge asked if Ms. Lee had seen the plan. Ms. Lee replied that she had and supported the Project. There were no other questions for Ms. Lee.

2. Joel Gimble –

Mr. Gimble stated his concerns about the Project and why he opposed it. There were no questions for Mr. Gimble.

3. Joseph Ka'apu –

Mr. Ka'apu stated that he was an attorney and shared his community affiliations. He represented himself as an individual and provided his reasons why he was in favor of the Project. There were no questions for Mr. Ka'apu.

4. Reggie Lee –

Mr. Lee testified in support of the Project and provided the reasons for his position. There were no questions for Mr. Lee.

5. Jon Miyata –

Mr. Miyata stated that he represented the Hawaii Island Chamber of Commerce and testified in support of the Petition. He shared the history of his organization and provided the reasons why it supported the Project. There were no questions for Mr. Miyata.

6. Myles Miyasato

Mr. Miyasato stated that he represented the Hawaii Operating Engineers Industry Stabilization Fund and submitted oral and written testimony in support of the Project. There were no questions for Mr. Miyasato.

7. Virginia Isabell

Ms. Isabell shared her experiences with the Project and provided oral and written testimony in support of the Petition. There were no questions for Ms. Isabell.

8. Randy Botti

Mr. Botti stated that he represented the Island Paddle Sports Association and testified in support of the Project. There were no questions for Mr. Botti.

9. Kathy McMillen

Ms. McMillen submitted written testimony with attachments and maps depicting the radar flight tracks and noise contours for the Petition Area. She shared her work experience and provided her perspectives of why she felt that development should not occur so close to the airport area.

Ms. Benck asked if Ms. McMillen was aware that the Petitioner had been meeting with the Department of Transportation-Airports Division over the airport noise issues. Ms. McMillen acknowledged that she knew about the talks and discussion ensued over acceptable noise levels in the Petition Area.

Mr. Yee asked about mitigation measures that might be employed if the Project were to move forward. Ms. McMillan provided her perception of why no mitigation measures would work and why she felt that light industrial use, although less attractive, might be more appropriate than residential use.

Commissioner Judge inquired which map was being referred to. Ms. McMillen referenced the material that she had submitted. There were no further questions for Ms. McMillen.

10. Marjorie Erway

Ms. Erway read the written testimony submitted by Duane Erway, President-Plan to Protect Kona. The testimony cited the reasons why Mr. Erway opposed the Petition.

Ms. Benck asked if Ms. Erway was aware of the actual number of residential units for the Project and that the Petition Area was within the Kona Community Development Plan Urban Area Land Use Plan. Ms. Erway responded that she had obtained her information about the number of Project units from the newspaper and was not able to speak to the Land Use Plan. There were no further questions for Ms. Erway.

11. Debbie Hecht

Ms. Hecht stated that she had submitted written testimony and provided her reasons for opposing the Petition.

Ms. Benck asked Ms. Hecht what her understanding of the open space ranking for the airport area was. Ms. Hecht shared her understanding of the issue. There were no other questions for Ms. Hecht.

12. Damien Silva

Mr. Silva provided his reasons why he supported the Project. There were no questions for Mr. Silva.

13. Eugene "Bucky" Leslie

Mr. Lewis read his submitted written testimony in support of the Project. There were no questions for Mr. Lewis.

14. Claire Bajo

Ms. Bajo read her submitted written testimony in support of the Project. There were no questions for Ms. Bajo.

The Commission went into recess at 11:36 a.m. and reconvened at 11:57 a.m. (Commissioner Chock returned at 12:05 p.m.)

15. Mark Travalino

Mr. Travalino stated that he was speaking on behalf of the Hawaii Laborers Union Local 368 in support of the Petition and shared the reasons for his organization's position. There were no questions for Mr. Travalino.

16. David "Bones" Inkster

Mr. Inkster read from his submitted written testimony and shared his reasons for opposing the Petition. There were no questions for Mr. Inkster.

17. Andy Bolander

Mr. Bolander read a letter from the University of Hawaii Sea Grant College program to Peter Young regarding the attributes of the Project. There were no questions for Mr. Bolander.

18. Janice Palma-Glennie

Ms. Palma-Glennie stated that she was speaking on behalf of the Sierra Club Makaloa Group and provided the reasons why her organization was against the Project. She submitted an information map reference for the Commission. Commissioner Lezy inquired if Ms. Palma-Glennie held a position in the Sierra Club organization. Ms. Palma-Glennie responded that she was the West Hawaii Co-Chair and described the activities and issues of her organization. There were no further questions for Ms. Palma-Glennie.

19. Shannon Rudolph

Ms. Rudolph provided her reasons why she was against the Project. She stated that she had collected Petitions with over two thousand signatures against development in the area. There were no questions for Ms. Rudolph.

20. Gary Orton

Mr. Orton provided his reasons why noise sensitive development should not be allowed in the Petition Area. There were no questions for Mr. Orton.

21. Leona "Noni" Roberts

Ms. Roberts shared her perspectives of why the Petition should be denied. There were no questions for Ms. Roberts.

22. Michelle Tomas

Ms. Tomas provided her reasons for opposing the Petition. There were no questions for Ms. Tomas.

23. Ruth Aloua

Ms. Aloua shared her reasons for denying the development of the Project. There were no questions for Ms. Aloua.

24. Barbara Scott

Ms. Scott shared her community background and association with the Traffic Safety committee and described why she supported the Petition. Mr. Yee requested clarification on who Ms. Scott was speaking for. Ms. Scott replied that this was her personal testimony. There were no further questions for Ms. Scott.

25. Karen Eoff

Ms. Eoff read from her submitted written testimony on behalf of her organization –Kohanaiki 'Ohana and provided the reasons why it opposed the Petition. There were no questions for Ms. Eoff.

26. Nita Pilago

Ms. Pilago shared her reasons for opposing the Petition. There were no questions for Ms. Pilago.

27. Rebecca Villegas

Ms. Villegas stated that she was President of Kohanaiki 'Ohana and provided the reasons for her organization's opposition to granting the Petition. There were no questions for Ms. Villegas.

28. Tracy Solomon

Ms. Solomon submitted written testimony and provided her concerns and reasons why she opposed the Petition. There were no questions for Ms. Solomon.

The Commission went into recess at 1:05 p.m. and reconvened at 2:20 p.m.

29. Robert Freitas Jr.

Mr. Freitas read from his submitted testimony and shared his family history and reasons for opposing the Project. There were no questions for Mr. Freitas.

30. Charles Flaherty

Mr. Flaherty stated that he was President of 'Apono Hawaii and read his submitted written testimony that provided the reasons why his organization opposed the Petition. There were no questions for Mr. Flaherty.

31. Brock Stratton

Mr. Stratton stated that he represented the Surfrider Foundation Kona Kai Ea Chapter and submitted written testimony for his organization and for Stuart Coleman- Hawaii Coordinator-Surfrider Foundation. Mr. Stratton provided the reasons why his organization opposed the Petition. There were no questions for Mr. Stratton.

32. Jeffrey Middleton

Mr. Middleton expressed his concerns about the Project and provided the reasons for his opposition to the Petition. There were no questions for Mr. Middleton.

33. Laura Aquino (spoke on behalf of Curtis Muraoka)

Ms. Aquino read the submitted written testimony of Curtis Muraoka and other members of the O'oma Beachside Villages Citizen Advisory Group and provided the reasons why the group supported the Petition. There were no questions for Ms. Aquino.

34. Cheryl King

Ms. King asked that the Commission deny the Petition and provided her reasons for her request. There were no questions for Ms. King.

35. John Knoll

Mr. Knoll stated that he was testifying for the Project since it addressed more issues than any others that he had worked on. There were no questions for Mr. Knoll.

36. Robert Meierdiercks

Mr. Meierdiercks stated that he represented the West Hawaii Carpenters union and provided the reasons why his organization supported the Petition. There were no questions for Mr. Meierdiercks.

37. Marian Wilkins

Ms. Wilkins described her participation in the community planning for the Project and expressed her reasons to deny the Petition. There were no questions for Ms. Wilkins.

38. George Wilkins

Mr. Wilkins described his past work as a Principal Investigator with the University of Hawaii and provided his reasons why the shoreline land should remain in the Conservation District.

Commissioner Judge requested clarification on the drilling technology utilized in the study and on what the purpose of the drilling was for. Mr. Wilkins provided his recollection of his past work.

Commissioner Kanuha requested clarification on how conclusive the data collected by the University was. Mr. Wilkins responded that the data was inconclusive and described the reasons for his conclusion.

Commissioner Judge requested clarification on findings regarding nitrogen levels in the water. Mr. Wilkins provided his opinion on how the information might have been discovered. There no further questions for Mr. Wilkins.

39. Alfredo Martinez

Mr. Martinez stated that he was in favor of the Project and provided the reasons for his position. There were no questions for Mr. Martinez.

40. Michael Akau

Mr. Akau stated that he represented the Hawaii Operating Engineer's Union, Local 3, District 17. He read his submitted written testimony that provided the reasons why his organization supported the Project. There were no questions for Mr. Akau.

The Commission went into recess at 3:14 p.m. and reconvened at 3:24 p.m.

41. Keith Johnson

Mr. Johnson shared his reasons for denying the Petition. There were no questions for Mr. Johnson.

42. Blake Cullen

Mr. Cullen expressed his reasons for denying the Petition. Ms. Benck asked if Mr. Cullen was aware of any golf courses being planned for the Project. Discussion ensued over the impact of any development in the Project Area. There were no further questions for Mr. Cullen.

43. Jeff Reiner

Mr. Reiner shared his concerns over the loss of limited coastal land and provided his reasons for denying the Petition. There were no questions for Mr. Reiner.

44. Michael Kramer

Mr. Kramer shared his community affiliations and provided his reasons for denying the Petition. There were no questions for Mr. Kramer.

45. Rod Hinman

Mr. Hinman provided his reasons for opposing the Petition. There were no questions for Mr. Hinman.

46. Michael Reimer

Mr. Reimer expressed the reasons for his opposition to the Petition. There were no questions for Mr. Reimer.

47. Winfield P. Chang

Mr. Chang shared his concerns about the Project and provided his reasons for denying the Petition. There were no questions for Mr. Chang.

48. Ronald Mitchell

Mr. Mitchell described his experiences as a caretaker for the Petition Area beach front and stated his support for the Project. There were no questions for Mr. Mitchell.

49. Daisy Mitchell

Ms. Mitchell shared her experiences with assisting her husband with maintaining the coastal area and stated her support for the Project. There were no questions for Ms. Mitchell.

50. Tom Lawson

Mr. Lawson provided his reasons for opposing the Petition and expressed his concern over growth patterns in Kona. There were no questions for Mr. Lawson.

51. Diane Ware

Ms. Ware stated that she was a member of the Sierra Club Executive Board that had approved Janice Palma-Glennie's earlier testimony. Ms. Ware provided her reasons for denying the Petition. There were no questions for Ms. Ware.

52. Momi Green

Ms. Green shared her perception of the Petition and provided her reasons for opposing the Project. There were no questions for Ms. Green.

53. Jim Medeiros

Mr. Medeiros expressed his reasons for opposing the Petition. There were no questions for Mr. Medeiros.

54. Ross Wilson

Mr. Wilson stated that he had been asked to present the testimony of Alii Alike Desha with the Royal Order of Kamehameha I and read from the organization's submitted written testimony that described the effort that had been made to ensure that cultural sites were not affected by the Project. There were no questions for Mr. Wilson.

There were no further Public Witnesses.

Chair Piltz thanked the audience for its participation and announced that the Commission would reconvene on March 4, 2010 at 9:00 a.m. The Commission went into recess at 4:16 p.m.

