

LAND USE COMMISSION
MEETING MINUTES
November 17, 2010

Ballroom #1 &2, King Kamehameha's Kona Beach Resort Hotel
75-5660 Palani Road,
Kailua-Kona, Hawai`i 96738

COMMISSIONERS PRESENT: Vladimir Devens
Kyle Chock
Duane Kanuha
Ronald Heller
Normand Lezy
Charles Jencks
Thomas Contrades
Lisa Judge

COMMISSIONERS EXCUSED: Nicholas Teves, Jr.

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 TECHNICIANS: Walter Mensching

CALL TO ORDER

Chair Devens called the meeting to order at 3:14 p.m.

APPROVAL OF MINUTES

Chair Devens asked if there were any corrections or additions to the November 4-5, 2010, minutes. There were none. Commissioner Contrades moved to adopt the minutes. Commissioner Heller seconded the motion. The minutes were unanimously approved by a voice vote (8-0).

TENTATIVE MEETING SCHEDULE

Executive Officer Davidson provided the following:

- The regular tentative meeting schedule for the calendar year 2010 was distributed in the handout material for the Commissioners.
- The A09-783 McCully Docket has been withdrawn.
- 2011 LUC calendar is being planned.
- Any questions or conflicts, please contact LUC staff.

There were no questions or comments regarding the tentative meeting schedule.

ACTION

A07-774 'O'oma Beachside Village, LLC

Chair Devens announced that this was an action meeting to consider the Adoption of the Findings of Fact, Conclusions of Law and Decision and Order in Docket No. A07-774 'O'oma Beachside Village, LLC.

APPEARANCES

Steven Lim, Esq., and Jennifer Benck, Esq., represented 'O'oma Beachside Village, LLC
William Brilhante, Esq., represented Hawaii County Department of Planning
Bryan Yee, Esq., represented State Office of Planning
Abbey Mayer, Director, State Office of Planning
Kathy Billings, Superintendent, National Park Service
Sally Beavers, National Park Service

PUBLIC WITNESSES

1. Harry Kim

Former Mayor Kim described his experiences of working with the developer on the proposed Project and provided the reasons why he supported the Petition.

There were no questions for Former Mayor Kim.

2. Ron Mitchell

Mr. Mitchell stated that he was appearing on behalf of Dennis Moresco, the property owner, and described caretaker services he had rendered to the Petition Area and the community benefits that he thought allowing the proposed Project would bring.

There were no questions for Mr. Mitchell.

3. Daisy Mitchell

Ms. Mitchell shared her experiences as a caretaker of the Petition Area and described the reasons why she supported the Petition.

There were no questions for Ms. Mitchell.

4. Reggie Lee

Mr. Lee expressed how he felt the proposed Project could benefit the Kona community.

There were no questions for Mr. Lee.

Commissioner Lezy moved to enter into Executive Session. Chair Devens seconded the Motion. By a voice vote, the Commission elected unanimously (8-0) to enter into Executive Session at 3:41 p.m. and reconvened at 4:00 p.m.

Commissioner Heller moved to approve the form of the Findings of Fact, Conclusions of Law and Decision and Order. Commissioner Jencks seconded the Motion.

Commissioner Kanuha moved to make an amendment to Finding of Fact 112 so it would read- "During deliberations, several Commissioners expressed concerns about traffic mitigation, public access to the shoreline, adverse impacts on Kona International Airport and consequences of allowing an urban area in close proximity to it; preservation of the Conservation Designation and adequate and meaningful mitigation of the concerns of the public".

Commissioner Heller accepted the friendly amendment. Commissioner Jencks seconded the acceptance of the amendment.

The Commission was polled as follows:

Ayes: Commissioners Heller, Jencks, Chock, Contrades, Judge, Kanuha, Lezy and Chair Devens.

Nays: None

Excused: Commissioner Teves

The Motion passed 8-0.

There being no further discussion and scheduled business, the meeting recessed at 4:03 p.m. and was set to reconvene at 9 a.m., November 18, 2010.