

LAND USE COMMISSION
Minutes of Meeting
King Kamehameha's Kona Beach Hotel
Eha Room
75-5660 Palani Road
Kailua-Kona, Hawaii

March 5, 2003

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce Coppa
Lawrence Ing
Steven Montgomery
Stanley Roehrig
Randall Sakumoto
Peter Yukimura

COMMISSIONERS ABSENT: Pravin Desai
Isaac Fiesta

STAFF PRESENT: Diane Erickson, Deputy Attorney General
Anthony Ching, Executive Officer
Russell Kumabe, Staff Planner
Caroline Lorenzo, Acting Chief Clerk
Holly Hackett, Court Reporter

Chair Ing called the meeting to order at 9:32 a.m.

ADOPTION OF MINUTES

Commissioner Coppa moved to adopt the minutes of the February 20-21, 2003 LUC meeting. Commissioner Catalani seconded the motion, and said motion was approved by voice votes.

TENTATIVE MEETING SCHEDULE

Executive Officer Anthony Ching reported on the following:

1. That the next LUC meeting is scheduled for March 27-28, 2003 and will be held at the Hawaii Okinawa Center in Waipahu, Oahu. Special Permit

SP87-962 regarding Waimanalo Gulch Landfill will be heard by the Commission at that time.

2. Continued hearing on LUC Docket No. A02-737 U of N Bencorp, if not finished at current hearing, will be scheduled for May 8-9, 2003 in Kona, Hawaii.
3. LUC Docket No. DR02-26 Kuleana Ku'ikahi, LLC will be heard on Maui on April 9-10, 2003.
4. The April 24-25, 2003 LUC meeting will be held on Oahu.

LEGISLATION

Mr. Ching reported on the following legislative bills:

1. H.B.1135 Relating to Government Operations. Bill failed in house finance. Contents may be inserted to another bill on the Senate side.
2. H.B. 550 Relating to Development of Medical Facility was widely published in the newspaper. Koa Ridge move forward without LUC's review and scrutiny. The Commission has no intention to provide testimony on this bill.
3. S.B. 32 relates to Waimanalo Gulch. This bill allows citing of municipal landfills over potable aquifer water.

Commissioner Montgomery requested that staff continue to keep the Commission informed regarding legislative bills that the Commission are tracking.

Chair Ing announced that the meeting would resume on March 6, 2003, at 8:30 a.m. LUC Docket No. DR03-29 Doutor Coffee Hawaii Co. Inc. will be heard following with the continued hearing of LUC Docket No. A02-737 U of N Bencorp.

A02-737 U of N BENCORP (Hawaii)

Chair Ing announced that this was an action meeting of the Land Use Commission on Docket No. A02-737 – University of the Nations Bencorp to consider reclassifying approximately 62 acres of land currently in the Agricultural District into the Urban District at Kailua-Kona, Island, County and State of Hawaii.

Appearances

Steven Lim, Esq., representing petitioner U of N Bencorp
Norman Hayashi, County of Hawaii, Planning Department
Patricia O'Toole, County of Hawaii, Planning Department
John Chang, Esq., representing the Land Use Division, Office of Planning
Abe Mitsuda, Land Use Division, Office of Planning
Lorene Maki, Land Use Division, Office of Planning

Russell Kumabe, Staff Planner, provided the Commission with a map orientation and a staff report of the petition area.

Chair Ing reported that since some of the commissioners did not attend the field trip, a copy of the video taken at the field trip may be obtained at the office of the LUC.

PUBLIC WITNESSES

1. Mary Kamahale Boyd

Ms. Boyd provided testimony in support of the Petition and clarified that the proposed cultural center may be a venue for Hawaiian studies.

2. Lunakanawai Hauanio

Mr. Hauanio expressed concerns of maintaining the integrity of the cultural center. He clarified that he did not submit a petition to intervene but requested the LUC to waive the rule to allow him to participate. Chair Ing informed him that the LUC cannot allow the waiver. Thereafter, Mr. Hauanio stated that he will pursue other remedies to intervene.

A break was taken at 10:49 a.m. The meeting resumed at 11:00 a.m.

The Petitioner's Exhibits 1-25 and Second Amended Witness List were admitted into the record by the Commission.

The County of Hawaii's Exhibits 1-3 and Witness List were admitted into the record by the Commission.

The Petitioner made its presentation of the project. Its request is to build a 5-acre urban infill addition, Pacific Islands Cultural Center, to the University of the Nations. Upon approval of its request, the project will be completed within 5 to 6 years.

Petitioner's Witnesses

1. George Atta, Group 70 International

Mr. Atta is the project manager who put together the application documents. He provided a summary on the master plan of the project.

At 11:22 a.m., Commissioner Roehrig entered the proceedings during Mr. Atta's presentation.

Mr. Atta reported that the Hillcrest subdivision has raised concerns regarding traffic thoroughfare through its subdivision. He also reported that the site has poor potential for agricultural land. The site is impacted by alien species such as koa and keawe trees. There is very little native vegetation on the site, no native fauna, and is not a habitat for indigenous species.

Ms. O'Toole, in representing the County, raised questions relating to the park area, its availability for public use, and the roadway design in case of an emergency. Ms. O'Toole also requested that copies of the new site plan be available to the commission and all of the parties.
State:

Mr. Chang, in representing the State, raised questions regarding the protocol for burial sites that might be discovered during the construction phase. Mr. Atta responded that there is a burial treatment plan, and Mr. Rechtman, who is the archaeological expert, can be asked of during his presentation. Mr. Chang also questioned the Mr. Atta regarding the Flora and Fauna report.

Commissioner Ing raised questions regarding the public use and access to the park and its dedication to the County, and also raised concerns regarding the amount of traffic coming in and out of the project. Mr. Atta responded that agreements have not yet been finalized with the County.

Commissioner Roehrig raised concerns regarding infrastructure costs. Commissioner Catalani raised concerns regarding archaeological resources and burial plan as being part of the record.

Commissioner Sakumoto mentioned that although the Commission denied Mr. Hauanio's request to intervene, that Mr. Hauanio raised good points worth being

discussed out on the table. He also asked that the Petitioner finds out if there are any DHHL project adjacent to the project.

Commissioner Sakumoto also asked Mr. Atta if there were communication between U of N Bencorp and the Hillcrest subdivision. Mr. Atta responded that discussions and meetings were held with the residents, and there have been continued communication with them.

Commissioner Catalani raised questions regarding the type of tourism that the project would promote. Mr. Atta responded that there will be a number of educational venues involving crafts, story-telling, Christian-related programs, and hope to recruit more kupuna into the program.

Chair Ing raised concerns that there is confusion that the PICC will or will not become like the Polynesian Cultural Center (PCC) on Oahu, and expressed it will be geared more toward the Hawaiian culture.

Commissioner Roehrig suggested that the school should teach and perpetuate the Hawaiian language and its culture, and that electrical needs should be provided by solar energy.

Commissioner Montgomery shared his hope that solar energy be an integral part of the project. The use of solar energy would make the project more affordable, enhance health of children, and reduce air pollution, which causes asthma in children. He also referred to a report referenced by the OHA seeking greater use of Hawaiian plants in the cultural center.

Mr. Chang raised a concern regarding the statement made dealing with traffic egress and exit from the cultural center and why it is designed as such, and that the students will be working at the PICC and that a majority of the students are from other countries and does not fit into the project. Mr. Atta responded that the facility is not solely focused on Hawaiian culture, and that it wants to have a broader scope in cultures presented, and also that it will have an emphasis in Christianity and history.

A lunch recess was taken at 12:14 p.m. to reconvene at 1:30 p.m.

- 12:14 p.m. -

The meeting reconvened at 1:39 p.m.

Mr. Lim introduced Exhibits 27 and 28 at this time. Mr. Ing deferred admittance of the exhibits into the record at a later date.

PETITIONER'S WITNESSES (continued)

2. Warren Yamamoto

Mr. Yamamoto provided a traffic impact analysis report to the Commission, that there will be no significant traffic impact, there will be some highway improvements, and that parkway will reduce traffic.

The County raised questions and concerns regarding the traffic impact of the project. The State also raised similar concerns regarding the traffic impacts.

Chair Ing excused himself at 2:01 p.m. Vice Chair Catalani assumed the role of presiding officer at this time.

Chair Ing returned to the proceedings at 2:04 p.m.

The State questioned the methodology used in determining the traffic impacts included in the witnesses report. Mr. Chang also mentioned the four pages of concerns and comments contained in a memorandum from the Department of Transportation (DOT) when it reviewed the traffic impact analysis filed by the Petitioner. Mr. Chang will provide a copy for the commissioners and the parties since none were aware of DOT's memorandum. It will be provided as Exhibit 3.

Commissioner Catalani raised concerns regarding the adverse traffic impacts.

Commissioner Roehrig asked that the Commission entertain comments from DOT Highways staff familiar with the situation in Kona. Mr. Chang responded that it will try to schedule the DOT attend a future hearing on this project.

A break was taken at 2:32 p.m. The meeting reconvened at 2:46 p.m.

PETITIONER'S WITNESS (continued)

3. Mark Kawika McKeague

Mr. McKeague conducted and completed the cultural impact assessment on the project in December 2002. Mr. McKeague's concern is for the sake of preservation of the

land, the use of indigenous plants as part of the project's landscape design, and that the cultural center be used as an educational center.

The County raised concerns that the witness continues to speak to three other kupunas and that a supplemental report is formalized prior to the start of construction.

A break was taken at 4:02 p.m. The meeting reconvened at 4:15 p.m.

Commissioner Roehrig expressed concerns regarding the preservation of historical natural resources.

PETITIONER'S WITNESSES (continued)

4. Robert Rechtman

Mr. Rechtman was contracted by the Petitioner to complete an archaeological report assessment survey for the project. He spent two months surveying the entire property and recorded all findings, and his survey is under review by the Department of Land and Natural Resources (DLNR).

Ms. O'Toole raised questions regarding receiving feedback from DLNR. Mr. Chang raised questions regarding the possibility of discovering lava tubes running through the property during construction.

The Petitioner agreed to preserve all sites as recommended by Mr. Rechtman.

Chair Ing announced that the hearing on this matter will be continued on Thursday, March 6, 2003 at 8:30 a.m., and that LUC Docket No. DR03-29 Doutor Coffee Hawaii Co., Inc. will be heard at 9:30 a.m. Hearing on LUC Docket No. A02-737 U of N Bencorp will continue thereafter.

The meeting was adjourned at 4:56 p.m.