

LAND USE COMMISSION
MEETING MINUTES

May 22, 2003

Ekahi Room
King Kamehameha's Kona Beach Hotel
75-5660 Palani Road
Kailua-Kona, Hawaii

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

COMMISSIONERS ABSENT: Pravin Desai

STAFF: Diane Erickson, Esq., Deputy Attorney General
Anthony Ching, Executive Officer
Russell Kumabe, Staff Planner
Caroline Lorenzo, Acting Chief Clerk
Madeline Gable, Court Reporter

Presiding Officer Roehrig called the meeting to order at 9:04 a.m.

AO2-737 U of N BENCORP (Hawaii)

Presiding Officer Roehrig announced that this was a continued hearing of the Land Use Commission on Docket No. A02-737 U of N Bencorp, last heard on March 5 and 6, 2003, 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, Esq., representing County of Hawaii Planning Department
John Chang, Esq., representing Land Use Division, Office of Planning
Abe Mitsuda, Land Use Division, Office of Planning
Lorene Maki, Land Use Division, Office of Planning

PUBLIC WITNESSES

1. Curtis Tyler

Mr. Tyler, a Hawaii County Council Person, expressed support of the project and described benefits of the Pacific Islands Cultural Center. He conveyed Kona Hillcrest community concerns regarding traffic and local roadway conditions, and cited Petitioner's improvements to Hualalai Road.

2. Dr. William H. Wilson

Dr. Wilson, College of Hawaiian Language, University of Hawaii at Hilo ("UHH"), testified as a member of the public. He supported the concept of a cultural center but he believed that the proposed project, as a profit-generated enterprise, may not integrate with the Hawaiian culture in Kona. He expressed the need of programs and opportunities to strengthen the Hawaiian culture into contemporary life.

Dr. Wilson was accompanied by Mr. Holo Hoopai, a student of the Hawaiian Emersion Program at Ka Haka Ula O Ke'elikolani. Mr. Hoopai testified in support of Dr. Wilson's testimony and reiterated the need to fund Hawaiian language and cultural programs in schools. They urged Commission involvement in perpetuating the Hawaiian culture.

Mr. Lim stated that Petitioner's witness, Mr. Mark Spengler, who will speak on the concerns raised by Dr. Wilson and Mr. Hoopai.

3. Richard Bell

Mr. Bell, a Kona Hillcrest resident, expressed no objections to the Petitioner, but he was opposed to any further development in Kona without adequate infrastructure, such as the construction of planned regional and local roadway improvements.

4. Josephine Kamoku

Ms. Kamoku indicated that she was of lineal descent in the Petition Area. She was chosen to represent the Petitioner in discussion with neighboring residents. She believed that the Petitioner is concerned with community sentiments, and she will work with the Petitioner to address these issues.

5. Mary Boyd

Ms. Boyd indicated that she had been involved with Youth With A Mission ministries, Petitioner's associated organization. Ms. Boyd acknowledged Ms. Kamoku's credentials and concurred with previous testimonies that the host culture is unique and a better understanding is needed regarding Hawaiian culture and its values.

Mr. Lim introduced Petitioner's Exhibit No. 36 consisting of letters of support for Ms. Boyd as a member of the Kahu Waiaha Development Committee, Petitioner's proposed cultural monitoring committee. Ms. Boyd, upon inquiry from Vice Chair Catalani, recommended that the committee include other kupuna from Kona and Hannah Springer.

Presiding Officer Roerhig pointed out that the cultural issues surrounding the project, artifacts/remains and Hawaiian language education need to be considered together.

A recess break was taken at 10:52 a.m., and the meeting reconvened at 11:11 a.m.

Mr. Lim introduced Petitioner's Fourth Amended List of Exhibits consisting of Exhibit Nos. 1 through 35 filed on May 16, 2003, and Exhibit No. 36 filed May 22, 2003, with no objections from the parties. The Commission admitted these into the record.

Ms. O'Toole introduced County of Hawaii's First Amended List of Witnesses and First Amended List of Exhibits consisting of Exhibit Nos. 1 through 5 filed May 19, 2003, with no objections from the parties. The Commission admitted these into the record.

Mr. Chang introduced State of Hawaii's Second Amended List of Witnesses and Second Amended List of Exhibits consisting of Exhibit Nos. 1 through 4 filed May 22, 2003, with no objections from the parties. The Commission admitted these into the record.

PETITIONER'S WITNESSES

1. Roy Tokujo

Mr. Lim indicated that Petitioner's Exhibit Nos. 33 and 34 respectively provided Mr. Tokujo's feasibility assessments for the Pacific Islands Cultural Center ("PICC") and his resume. The parties stipulated that Mr. Tokujo was an expert witness on the marketing and feasibility of the cultural center.

Mr. Tokujo stated that the focus of the cultural center should be towards the history of Christianity in the Hawaiian culture rather than the diverse program at the Polynesian Cultural Center. He described the necessary critical mass for project feasibility.

Upon inquiry from the County, Mr. Tokujo described the estimated attendance needed for PICC, project costs, and financial implications of the project.

Upon inquiry from Commissioner Sakumoto, Mr. Tokujo clarified that the change of format for the cultural center was to establish its marketing niche. He stated that the development of the center would need the involvement of the community, Hawaiian community, and UHH. He also described the risks involved with developing visitor attractions.

Upon inquiry from Presiding Officer Roehrig, Mr. Tokujo clarified that UHH will be included as well as other participants in the development of the cultural center.

A lunch break was taken at 11:50 a.m. and the meeting reconvened at 1:04 p.m.

Commissioner Coppa excused himself from the proceedings at this time.

COUNTY'S WITNESSES (Due to the limited availability of this witness, the County was allowed to testify out of turn.)

1. Roy Takemoto

Mr. Takemoto, Deputy Director, Planning Department, County of Hawaii, provided testimony on the County's transportation circulation plans for North Kona and the County's affordable housing policy.

In regard to transportation issues, Mr. Takemoto provided a slide presentation and covered the following: existing street networks from Keahole to Honaunau,

including the worst segments; planned and committed improvements projects from the County and State; alternatives to highway capacity improvements; and County action plans, including funding and operational measures.

Mr. Takemoto, upon inquiry from the Commission, discussed the distinction between County and State responsibilities, funding constraints delaying planned improvements, impact fees, and the need for improved County and State coordination and collaboration.

In regard to affordable housing, Mr. Takemoto discussed the County's affordable housing policies pursuant to Chapter 11, Hawaii County Code; target groups; affordability definition; income/wage levels; affordable rent/purchase comparisons; the government's role in housing; the County's ordinance provisions; and the County's in-lieu calculations.

Mr. Takemoto, upon inquiry from the Commission, discussed the County's policies on exactions, in-lieu fees, and inclusionary housing policies. He also discussed the County's position on in-filling existing urban areas.

PETITIONER'S WITNESSES (continued)

2. George Atta

Mr. Atta discussed Petitioner's proposed landscaping concept as referred to Petitioner's Exhibit No. 32; the project's energy needs in relation to HELCO's capacity; and the consideration of alternative energy sources and their feasibility. The Commission urged Petitioner to incorporate solar alternatives.

Upon inquiry from Commissioner Sakumoto, Mr. Atta clarified that Petitioner may change the proposed project to incorporate Mr. Tokujo's niche concept, and may develop all residential units if Petitioner decides not to develop the PICC. The County provided clarification of the zoning needed for the project and alternatives.

Upon inquiry from the Commission on other issues, Mr. Atta stated that Petitioner has been working with DOT on revisions to its traffic impact study; and continuing to develop a formal preservation plan for significant archaeological sites in the Petition Area.

3. Mark Spengler

Mr. Spengler discussed Petitioner's efforts in considering alternative energy options and Petitioner's willingness to comply with the County's affordable housing requirements for the project.

In regard to the PICC, he described Petitioner's efforts including the establishment of the proposed Kahu Waiaha Development Committee, and outreach efforts to the community. He reaffirmed that Petitioner's willingness to work with UHH on the PICC development and incorporation of Hawaiian language and cultural programs.

The Commission's counsel, Diane Erickson, excused herself from the proceedings at 3:45 p.m.

In other project issues, Mr. Spengler stated that Petitioner is willing to comply with all fair share requirements including local and regional transportation requirements and public education requirements. He clarified that the project's timetable and development priorities.

COUNTY'S WITNESSES (continued)

2. Norman Hayashi

Upon inquiry from the Commission, Mr. Hayashi provided the County's position of support for the proposed reclassification, but pointed out that the support does not sanction Petitioner's development plan until the rezoning process because of changes that may occur during the LUC process.

Mr. Hayashi described the County's rezoning process and issues that are considered. Upon inquiry from the Commission, Mr. Hayashi stated the County would support Petitioner's reclassification request if the project changed to all residential development.

Mr. Lim described the County's efforts to work with developers for impact fees to fund County transportation plans. The Commission requested that the County respond on this issue.

(Refer to the Commission's transcript for more details on this matter.)

The meeting was adjourned at 4:20 p.m.