

LAND USE COMMISSION
MINUTES OF MEETING

November 19, 2004

Lehua Ballroom
Waikoloa Beach Marriott
69-275 Waikoloa Drive
Waikoloa, Hawaii

COMMISSIONERS PRESENT: P. Roy Catalani
Michael Formby
Kyong-su Im
Steven Montgomery
Randall Sakumoto
Peter Yukimura

COMMISSIONERS ABSENT: Pravin Desai
Isaac Fiesta, Jr.
Lisa Judge

STAFF PRESENT: Diane Erickson, Deputy Attorney General
Anthony Ching, Executive Officer
Bert Saruwatari, Staff Planner
Sandra Matsushima, Chief Clerk
Holly Hackett, Court Reporter
Walter Mensching, Audio Technician

Chair Catalani called the meeting to order at 8:40 a.m.

A04-747 KAMEHAMEHA INVESTMENT CORPORATION (Hawaii)

Chair Catalani stated that this was a continued hearing to consider the reclassification of approximately 487.246 acres of land currently in the Agricultural District into the Rural District at Keauhou I and II and Kahaluu, North Kona, Hawaii, for the development of a single-family residential subdivision.

APPEARANCES

R. Ben Tsukazaki, Esq. represented Petitioner
Norman Hayashi, County of Hawaii Planning Department
Bobbie Jean Leithead-Todd, Esq., represented County of Hawaii Planning Department
James Nagle, Esq., represented State Office of Planning
Abe Mitsuda, State Office of Planning

Chair Catalani noted that there were no public witnesses.

PETITIONER'S WITNESS

1. Randall Okaneku

Mr. Okaneku summarized the findings of the traffic analysis and discussed the current conditions and future regional highway improvements referencing Petitioner's Exhibit 15.

Ms. Leithead-Todd had questions and concerns relating to the completion of the bypass and Alii Highway, as well as the widening of Kuakini, funding for the design and allocation, and the redesign of the highway because of the burial grounds.

Mr. Nagle's questions were regarding the completion of the three highways, the projected trip generations, the number of cars generated at the intersection traffic signals, the funding and total cost at full build out.

Commissioner Formby had a few questions related to the golf course users and the traffic improvements in the area.

Vice Chair Sakumoto had questions and concerns relative to the status of the highway and road improvements and if the County had anything in writing which supports these improvements.

Mr. Tsukazaki indicated that they will try to get some type of confirmation from the appropriate agencies and will submit them to the Commission.

Vice Chair Montgomery's questions were related to issues of the traffic analysis, and suggested including bicycle lanes or bikeways as a form of public transportation.

Chair Catalani had questions and concerns related to issues of the projected low percentage of traffic generated by this petition area in Petitioner's Exhibit 26, and the marketing study till the year 2030 upon full build out.

Commissioner Formby had similar questions regarding Petitioner's Exhibit 26, the small percentage of the traffic generated to the petition area, and the peak traffic numbers.

Ms. Leithead-Todd noted that the petitioner will be seeking County rezoning approval and the County will require the applicant to conduct a traffic analysis at that time. The applicant will also need to see the Planning Commission and endure more hearings in this process.

A recess break was taken at 9:40 a.m. The meeting reconvened at 10:00 a.m.

Admission of New Exhibits by the Parties

Mr. Tsukazaki stated that he had a new exhibit, marked as Petitioner's Exhibit 27, the letter sent to OHA on August 4, 2004, regarding a response. Mr. Tsukazaki added that he will be submitting an amended exhibit list.

There were no objections by the parties. Said exhibit was admitted into the record.

2. Francis Kauhane

Mr. Kauhane was being recalled for further discussion of the proposed comprehensive trail system.

Vice Chair Sakumoto had questions and concerns relating to Petitioner's responses to a letter from OHA regarding clarification of the birthplace of Kamehameha III, the burial grounds for battle warriors, and a follow up letter to OHA.

Vice Chair Montgomery had questions regarding paragraph 6 of the OHA letter that requested current testimony to be provided by Mr. Kauhane.

Mr. Kauhane further commented and discussed the current status and efforts to establish the public trails, the route of the Keauhou trails, numerous trails that run thru the resort, proposed public parking areas for the hiking trails, and the railroad right of way. Mr. Kauhane also indicated that bikeways are being proposed for the Kona area, however, the petition area is not recommended to have bike paths due to the rigid terrain of lava rock in the area.

Ms. Leithead-Todd had questions of the railroad right of way, the Holua slide, and the cave sites.

Mr. Nagle's questions were related to four significant and historical areas which included and were proposed for the burial grounds, parking areas, and the entrance to the trail.

After a discussion, there were no further questions.

A recess break was taken at 10:50 a.m. The meeting reconvened at 11:00 a.m.

STATE'S WITNESS

1. Abe Mitsuda

Mr. Mitsuda stated that he is the supervisor of the Land Use Division, Office of Planning. Mr. Mitsuda noted that the Office of Planning supports the petition and the OP's position in this matter is that the petition will compliment the existing area with luxury homes, golf course, and that a rural designation is being pursued between the expansive agricultural district and the Keauhou district, with a strong historical theme incorporating the numerous historical sites.

Mr. Mitsuda added that a state task force is trying to make lands available for affordable housing and is partnering with the petitioner and other state agencies. Presently, there is no confirmed location.

Ms. Leithead-Todd had a few questions on the affordable housing issues.

Vice Chair Sakumoto had questions and concerns relative to the affordable housing time line, the type of commitment by the developers, and the partnership with KIC. Vice chair Sakumoto also had questions and concerns relating to the Memorandum of Understanding between the petitioner and Na Ala Hele, and the DOE letter regarding their position on the fair share contribution and school impacts.

After a discussion, Chair Catalani noted that the Commission will keep the record open to allow the state to submit a response from OHA and to address the concerns of the Commission on other issues, with respect to the traffic stipulation and to provide a DOE witness to discuss the public school impacts.

A recess break was taken at 11:40 a.m. The meeting reconvened at 12:00 p.m.

Mr. Nagle stated that after consultation with Mr. Mitsuda, the state will be submitting additional information or witnesses from the DOT and DOE to address the Commission's concerns.

Chair Catalani indicated that the Commission has already created a record with the DOT but not with the DOE and OHA. Chair Catalani added that a more efficient way to address the issues raised by the Commission would be to have live witnesses from the DOE and OHA at their next meeting in Kona.

Chair Catalani had a few questions on the state's joint task force on affordable housing and the affordable housing issues particular to the petition area.

After a discussion, Vice Chair Sakumoto recited the five areas in which the state should provide additional information:

1. Testimony from the DOE;
2. Testimony from OHA;
3. Confirmation and status of the Memorandum of Understanding with Na Ala Hele;
4. Updates from the DOT in respect with recent dialogue;
5. Status on the State's Historic Preservation's review of the preservation plan.

Mr. Mitsuda added that he will also provide documents or the latest update on the state's affordable housing policy.

The meeting adjourned at 12:30 p.m.

(Please refer to LUC Transcript of November 19, 2004 for more details on this matter.)