

LAND USE COMMISSION
MEETING MINUTES

May 5, 2010

King Kamehameha's Kona Beach Hotel
Ballroom 1
75-5660 Palani Rd.
Kailua- Kona, Hawai'i 96738

COMMISSIONERS PRESENT: Ransom Piltz
Vladimir Devens
Kyle Chock
Nicholas Teves, Jr.
Thomas Contrades
Normand Lezy (arrived at 2:10 p.m.)

COMMISSIONERS ABSENT: Lisa Judge
Duane Kanuha
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 TECHNICIANS: Walter Mensching

CALL TO ORDER

Chair Piltz called the meeting to order at 10:06 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 (5-0).

| *[\(Please refer to LUC Transcript for more details on this matter.\)](#)*

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.
- May 20, 2010 is planned as a one day meeting and on June 4, 2010 the LUC will attempt a three island video conference with the islands of Oahu, Kauai, and Maui.
- The second meeting in June is planned to be a continuation of Docket A07-774.
- Any questions or conflicts, please contact LUC staff.

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

CONTINUED HEARING

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

Chair Piltz announced that this was a continued hearing on Docket No. A07-774 NORTH KONA VILLAGE, LLC, to consider Petition to reclassify Conservation Land District to Urban District

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 Gonzalez, Esq., represented Hawaii County

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

Phyllis Fujimoto, Hawaii County Planning Department

Bryan Yee, Esq., represented State Office of Planning (arrived at 10:18 a.m.)

Abbey Mayer, Director, State Office of Planning

Gregory Lind, Esq., Solicitor's Office represented National Park Service

Sally Beavers- Buchal, National Park Service

| *[\(Please refer to LUC Transcript for more details on this matter.\)](#)*

PUBLIC WITNESSES

1. Shianne Moniz-Metcalf, Gabby Waite, and Megan Kaipo

Ms. Moniz-Metcalf, Ms. Waite and Ms. Kaipo testified together and shared their reasons for opposing the Petition. There were no questions for them.

2. Apua Hubner

Ms. Hubner read the submitted testimony of Tyler Campbell which provided the reasons why he was against the Petition. There were no questions for Ms. Hubner.

3. Michael Tomas

Mr. Tomas presented his objections to granting the Petition. There were no questions for Mr. Tomas.

4. Rebecca Villegas

Ms. Villegas shared that she would be submitting petitions with approximately three thousand signatures opposing the Project and provided her perspective of why the Petition should be denied. Ms. Villegas also read a letter from Senator Josh Green stating his concerns about the Project and summarized a letter from Stuart H. Coleman, Surfrider Foundation opposing the Petition. There were no questions for Ms. Villegas.

5. Calvin Dawn

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

6. Ocean Donaldson-Sargis

Mr. Sargis shared his reasons for opposing the Petition. There were no questions for Mr. Sargis.

7. Krista Donaldson

Ms. Donaldson expressed that she was representing her children and the children in her school class and shared the reasons why they opposed the Petition. There were no questions for Ms. Donaldson.

8. Judy Taggerty

Ms. Taggerty provided her reasons for opposing the Petition. Ms. Benck asked if Ms. Taggerty had seen the proposed community plans. Ms. Benck displayed a map and discussion ensued to identify features on the map. There were no further questions for Ms. Taggerty.

9. Danielle Taggerty-Onaga

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

10. Dorothy Weber

Ms. Weber expressed her reasons for supporting the Petition. There were no questions for Ms. Weber.

11. Claire Inman

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

12. Frank and Joy DeYoung (Joy DeYoung did not speak)

Mr. DeYoung presented his reasons for objecting to the Petition. There were no questions for Mr. DeYoung,

13. Esta Marshall

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

14. Curtis Muraoka

Mr. Muraoka stated that he was co-director of the West Hawaii Academy and was testifying in favor of the Petition. He shared his experiences on the citizens' advisory board and provided his reasons for supporting the Petition.

15. Glennon Thomas Gengo

Mr. Gengo shared his community background and provided his reasons for supporting the Petition. There were no questions for Mr. Gengo.

The Commission went into recess at 11:05 a.m. and reconvened at 11:15 a.m.

16. Marni Herkes

Ms. Herkes provided her reasons for supporting the Hawaii County Planning Director's decisions for the Kona Community Development plan. There were no questions for Ms. Herkes.

17. Jessie Hughes

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

18. Dianne Corcoran

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

19. Cheryl Kornberg

Ms. Kornberg expressed her concerns and reasons for opposing the Petition. There were no questions for Ms. Kornberg.

20. Kahu Akahai Keanaaina

Mr. Keanaaina provided his perspectives for opposing the Project. Mr. Lim asked if Mr. Keanaaina was aware that his family members had signed the Good Faith Agreement for Kohanaiki. Mr. Keanaaina replied that he had not. There were no further questions for Mr. Keanaaina.

21. Russ Robinson

Mr. Robinson shared his community background and expressed his reasons for opposing the Petition. There were no questions for Mr. Robinson. There were no questions for Mr. Harris.

22. Nate Clark

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

23. Flaunn Elder-Jamieson

Ms. Jamieson expressed her reasons for opposing the Petition. There were no questions for Mr. Jamieson.

24. Jesse and Misty Lambeth

The Lambeths provided their reasons for opposing the Petition. There were no questions for the Lambeths.

25. James Dickson

Mr. Dickson provided his perspectives for opposing the Petition. There were no questions for Mr. Dickson.

26. Vivian Landrum

Ms. Landrum stated that she represented the Kona-Kohala Chamber of Commerce and provided the reasons why her organization supported the Petition. There were no questions for Ms. Landrum.

27. Honokanai'a Huebner

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

28. Chris Krueger

Ms. Krueger shared her experiences with development in West Hawaii and provided her reasons for opposing the Petition. There were no questions for Ms. Krueger.

29. David Hickey

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

30. Larry Ford

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

31. Tracy Solomon

Ms. Solomon shared her perspectives for opposing the Petition. There were no questions for Ms. Solomon.

32. Janice Palma-Glennie

Ms. Palma-Glennie provided her reasons for opposing the Petition. There were no questions for Ms. Palma-Glennie.

33. Shannon Rudolph

Ms. Rudolph shared her reasons for opposing the Project. There were no questions for Ms. Rudolph.

34. Michelle Tomas

Ms. Tomas provided her perspectives for opposing the Project. There were no questions for Ms. Tomas.

35. George Wilkins

Mr. Wilkins shared his background as a scientist and provided his hydrologic concerns about why the Petition should not be granted. There were no questions for Mr. Wilkins.

36. Marian Wilkins

Ms. Wilkins shared her concerns about public access through the Project and provided her reasons for opposing it. There were no questions for Ms. Wilkins.

37. Theodore Leaf

Dr. Leaf provided his reasons for supporting the Project. There were no questions for Mr. Leaf.

The Commission went into recess at 12:40 p.m. and reconvened at 2:10 p.m.

38. Barbara Scott

Ms. Scott expressed her reasons for supporting the Petition. There were no questions for Ms. Scott.

39. Tom Lawson

Mr. Lawson shared his reasons for opposing the Petition. There were no objections for Mr. Lawson.

40. Kathy McMillen

Ms. McMillen shared information about current and proposed Kona Airport runway systems and provided her perspective of their possible impacts on the Project. There were no questions for Ms. McMillen.

41. Debbie Hecht

Ms. Hecht shared her concerns about the Project and provided her reasons for opposing the Project. There were no questions for Ms. Hecht.

42. Robert Freitas Jr.

Mr. Freitas provided his perspectives on why he opposed the Petition. There were no questions for Mr. Freitas.

43. Jeffery Middleton

Mr. Middleton shared his concerns and reasons for opposing the Project. There were no questions for Mr. Middleton.

44. Sharon “Sammie” Stanbro

Ms. Stanbro provided her perspectives of why she opposed the Project. Ms. Benck asked if Ms. Stanbro was aware of a letter that Mayor Harry Kim had written in regards to the Project. Ms Stanbro provided her perspective of what Mayor Kim would have stated in the letter if he had been more aware of the situation in the Petition Area. There were no further questions for Ms. Stanbro.

Commissioner Devens left the hearing at 2:50 p.m. with the approval of Chair Piltz and did not return.

45. Winfield Chang

Mr. Chang provided his reasons for opposing the Project. There were no questions for Mr. Chang.

46. Simmy McMichael

Ms. McMichael shared her experiences as a surf shop owner in the area and provided her concerns and reasons for opposing the Petition. Mr. Lim requested clarification that Ms. McMichael’s testimony regarding impact on the surfing areas related to the Kohanaiki surfing area. There were no further questions for Ms. McMichael.

The Commission went into recess at 3:07 p.m. and reconvened at 3:20 p.m.

47. Laura Aquino

Ms. Aquino read testimony from Jacqui Hoover, Hawaii Island Economic Development Board, in support of the Project. There were no questions for Ms. Aquino.

48. Ross Wilson Jr.

Mr. Wilson read testimony from Fritz Harris-Glade in support of the Project. There were no questions for Mr. Wilson.

There were no other Public Witnesses.

PRESENTATION OF EXHIBITS

Petitioner

Ms. Benck requested Exhibits 81-95 be admitted into evidence. There were no objections.

OP

Mr. Yee requested OP's Exhibits 3, 5A, 8, 23, 27, and 28 be admitted into evidence. There were no objections.

PETITIONER'S WITNESSES

Yoichi Ebisu

Ms. Benck recalled Mr. Ebisu and requested that he provide an update and clarification on noise exposure level maps utilized during his prior testimony. Mr. Ebisu described the current FAA approvals that the maps had received and provided his perspectives on the impacts of planned future improvements and expected noise levels for the Kona International Airport and the Petition Area.

The Commission went into recess at 4:10 p.m. and reconvened at 4:17 p.m.

Mr. Yee requested clarification on the reliability of the long range exposure contour maps sound level predictions. Mr. Ebisu described the anticipated noise levels at different times of the day for the Petition Area and provided his perspective on the accuracy of the sound maps. Mr. Yee asked if Mr. Ebisu understood the reasoning why the DOT was requesting a noise and aviation easement over the entire Petition Area. Mr. Ebisu replied that he could not understand the reasoning that was applied for the DOT request and provided the background for his position.

Chair Piltz requested clarification on future airport operational needs and the accompanying facility improvements that would be required. Mr. Ebisu provided his opinion on what airport operations would be like in the future and why capacity improvements were necessary.

Commissioner Lezy requested clarification on what the requirements were for imposing aviation easements as described in the testimony. Mr. Ebisu described his perception of how the aviation easements should be established on a scientific basis to mitigate noise levels.

There were no further questions for Mr. Ebisu.

Robert Rechtman

Ms. Benck offered Mr. Rechtman as an archaeological expert. There were no objections. Mr. Rechtman described the history and background of how his survey and cultural assessments were conducted and shared his findings. Ms. Benck requested clarification on the locations of cultural sites and significant features in the Petition Area. Mr. Rechtman referred to Petitioner's Exhibit 5 – a survey map-to identify where the archaeological sites, the State right-of-way, and the Mamalahoa Trail were.

Mr. Gonzalez asked if Mr. Rechtman was aware of any proposed plans for the State Right-of-Way area. Mr. Rechtman replied that he was not aware of any plans.

Mr. Yee requested clarification how archaeological issues would be handled in the Petition Area. Mr. Rechtman described how he anticipated taking care of any archaeological findings in the Petition Area and how the care of the findings would be consistent with SHPD requirements.

There were no further questions for Mr. Rechtman.

There being no further discussion, the meeting was adjourned at 4:50 p.m.