

LAND USE COMMISSION
MEETING MINUTES
January 21, 2011

Waikoloa Beach Marriot Resort
Ali`i Room #3
69-275 Waikoloa Beach Drive
Waikoloa, Hawai`i 96738

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

COMMISSIONER ABSENT: Thomas Contrades
Nicholas Teves, Jr.

STAFF PRESENT: Orlando Davidson, Executive Officer
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Acting Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Walter Mensching

CALL TO ORDER

Chair Devens called the meeting to order at 9:10 a.m.

SP70-85 Edwin DeLuz Trucking & Gravel, LLC

Chair Devens announced that this was an action meeting to consider granting an Amendment to Condition No. 2 (Extend Life of Permit) to extend the special permit for 5 years, to December 11, 2015.

APPEARANCES

Ed Haitzuka, Esq., represented Edwin DeLuz Trucking and Gravel, LLC
Kevin Balog, Edwin DeLuz Trucking and Gravel, LLC
William Brillhante, Esq., Deputy Corporation Counsel, Hawai'i County
Bobbie Jean Leithead-Todd, Planning Director, Hawai'i County
Bryan Yee, Esq., represented the State Office of Planning
Mary Alice Evans, State Office of Planning

PUBLIC WITNESSES

None

Chair Devens stated that the Commission had the complete record from the Hawai'i County Planning Commission and had had the chance to review the entire record.

Chair Devens stated that his understanding of Condition 2 of the motion included a request for the extension of time for Condition 2 by 5 years from December 10, 2010 to December 11, 2015 and that quarrying operations at Site 1 (Pu`u Hina`i) shall be terminated by December 11, 2015, or prior to final subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, whichever occurs first.

The Petitioner, Hawai'i County and OP agreed that Chair Devens' understanding was correct.

Chair Devens stated that additional Planning Commission recommendations included adding new Conditions 3 and 5 which were:

Condition 3. Mining of Pu`u Hina`i shall immediately cease to protect and preserve the pu`u in compliance with the South Kohala Community Development Plan.

Condition 5. The applicant shall submit a soils report of the minded area of Pu`u Hina`i by an engineer qualified in the field of soil mechanics and licensed within the State of Hawai'i within ninety (90) days from the effective date of this amendment. The soils report, which shall provide recommendations for the stabilization of Pu`u Hina`i, shall be submitted to the Planning Director for review and approval, in consultation with the

Department of Public Works. The applicant shall comply with the recommendation(s) of the approved soils report to stabilize the pu`u and bring it into a non-hazardous condition. Additionally, the applicant shall comply with any other measures determined by the Planning Director to provide reasonable assurance of the stability of Pu`u Hina`i and the safety of people who may work or have reason to be in close proximity to the pu`u.

The Petitioner, Hawai`i County and OP agreed that it was their understanding that the suggested recommendations were correct.

Chair Devens inquired if any of the Parties had any objections to the suggested recommendations as stated.

The Petitioner, Hawai`i County and OP stated that they had no objections to the suggested recommendations as stated.

There were no questions from the Petitioner, Hawai`i County and OP.

Commissioner Heller requested clarification on the status of public access to the Petition Area. Mr. Haituka responded that the Petition Area was on private land and was gated and secured from public access.

There were no further questions.

Chair Devens moved to approve the request for time extension for the special use permit and the new conditions 3 and 5 as recommended by the Planning Commission. Commissioner Kanuha seconded the motion. There was no discussion.

The Commission was polled as follows:

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

Nays: None.

The motion passed 7-0 with 2 excused.

There being no further business, Chair Devens adjourned the meeting at 9:15 a.m.