

CHAIRMAN: Just, please come forward. Please step up to the table. Could you speak into the microphone. Yeah, the reason that the, as I understand it, the representative from Oceanside 1250 needs to be at another meeting later today, and that's the reason for moving up this, their Application No. 3. I have no idea how long this is going to take; we never know.

NELSON: Well, with all due respect, I think ours won't be more than a few minutes, and we'd like the opportunity to -.

CHAIRMAN: All right. Thank you. How about the Huehue Ranch? Is there anyone here that would wish to testify? I noticed one name on the list here, Keanu Sai. Is that you?

SAI: Yes.

CHAIRMAN: Okay. And would you come forward. Please come over to this chair and speak into the microphone. Would it be a hardship to you if we go ahead with Oceanside 1250 and put the Huehue application on after that?

SAI: No problem.

CHAIRMAN: No problem? Okay, Commissioners, what do you think? Should we go ahead with the Applebaum and then delay Huehue and then go ahead with Oceanside?

COMMISSIONERS: Yes (nodding affirmatively).

CHAIRMAN: Okay. We have a nodding of heads, so we'll go ahead, then, with the Applebaum application.

The Commission took up the Applebaum's appeal at this time, 10:00 a.m.

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| CHANGE OF ZONE <u>OCEANSIDE 1250</u> HALEKII, KEEKEE, NORTH & SOUTH KONA | The Commission took up this item at 10:42 a.m. with approximately 92 people from the public in attendance. |
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CHAIRMAN: Okay, by mutual consent, we'll delay hearing the Huehue Ranch application and move on to Item No. 3 on the agenda, which is an application of OCEANSIDE 1250 for a Change of Zone for approximately 756 acres of land from an Unplanned (U) to an Agricultural-1 acre (A-1a) zoned district. The application represents a portion of the approximately 1,540 acres master planned community known as the Villages of Hokukano. The property is located makai of Mamalahoa Highway and Kealakekua Village, Halekii, Keekee, North and South Kona, Hawaii, TMK: 7-9-12:4, 11 and Portion of 3; and 8-1-04:Portion of 3. Hearing status is open. Staff.

YAMASATO: Thank you, Mr. Chairman.

CHAIRMAN: The Staff advises me, Keanu Sai, I think someone understands that you're ill or not feeling well or something. Is that right? Or someone else that wants to testify?

SAI: Yeah, I'm speaking on behalf of somebody else who is ill.

CHAIRMAN: Oh, but is that person ill?

SAI: He can't talk.

CHAIRMAN: Oh. Well, would you mind if we just go ahead and open the hearing and you go ahead and testify and then we'll -?

GIANNINI: No, no, it's easier if he's willing to wait -.

CHAIRMAN: Okay. All right. We'll just let it go that way, then. We'll go ahead with Oceanside 1250. Okay, let's proceed with Oceanside 1250.

YAMASATO: Mr. Chairman and Commissioners, may I direct your attention to the location map here. This is the Mamalahoa Highway, this is the Village of Kealakekua here, Halekii Street going makai. The green area in the hatched here is the existing zoning that was granted back in 1994 by the County Council. The area under consideration today is this area in white and hatched. And the yellow, I mean, the orange dotted line here is the Special Management Area line. The green line down in this area here is the Conservation District line here. The other colors adjacent to the subject property, the white here is in the Unplanned zoned district, and Agricultural-5 acre here, and to the south, more Agricultural-5 acre zoning.

We also have some written testimony that I'd like to enter into the record at this time.

CHAIRMAN: Okay.

YAMASATO: This is from Larry Walker, speaking in favor of the request; Maitland Akau, who is in support of the application; C. J. Villa, who is in opposition. I think, I believe you all have copies of these, so if you have any questions or you want me to read them into the record, I will do so. We, also, have a letter from Myles and Kathy Anderson, they're opposed to the application. We have another letter from Jerry Egami from Isemoto Contracting, they were in support of the application.

We also have a copy from Robert Lindsey from the Bishop Estate, I might want to read this into the record. "This letter is to inform," you, "the Hawai'i County Planning Commission that

Kamehameha Schools Bishop Estate is in agreement with the County and Oceanside 1250 regarding the proposed by-pass road alignment which would begin at the end of the planned Ali'i Highway Extension in Keauhou and extend southward to the Napo'opo'o Road intersection near Captain Cook."

We also have a letter from Norman -, we also -, we also have a letter from Norman Sakata expressing support for the application. I'm sorry if I mispronounce this name but it's Luana K. Aitoq, Aitoq, and they are in support of the application. A letter from the Hawaii Island Contractors Association which is also in support of the application. A letter of support from Russell A. Apple in support of the application. A letter from Herb Kane which is in support of the application. We also have a letter from Stanley Kaneo in support of the application. I'm sorry I can't read this name here; it's a letter dated September 10, 1995, from a person Gabrielle, Gabrilear, I believe, Cabilin, on behalf of Cabilin ohana, they urge to support the application. We also have a letter from John W. Gray in support of the application. We also have a letter from Ralph Fukumitsu in support of the application. We also have a letter from Wally Nakamoto in support of the application. I'd like to have all these entered into the record, and you all have, I believe, have copies of the -.

CHAIRMAN: Yeah.

YAMASATO: Written testimony.

CHAIRMAN: I think we all have copies of that.

YAMASATO: We also have prepared a Background Report for you and Recommendation. The Planning Department is recommending approval for the Change of Zone application, subject to the conditions as stipulated. In terms of the proposal itself, we'll have the Applicant come up and describe the proposal to you in detail; they have a presentation they'd like to make. Instead of duplicating that, we will have them make their presentation. We are prepared to answer any questions you may have at this time.

CHAIRMAN: Did you read the Kona Conservation Group, we received a letter from them? Is that on your list?

YAMASATO: Oh, I'm sorry.

CHAIRMAN: This is in opposition to the request.

YAMASATO: Okay. Yes, I also have that; it's dated September 14th, from the Kona Conservation Group, urging the Commission to deny the request.

CHAIRMAN: Right, okay.

YAMASATO: Put that into the record, also.

CHAIRMAN: Thank you. Shall we have the Applicant and his representative come forward. May I swear you in? Do you swear to tell the truth before this meeting of the Hawaii County Planning Commission?

FRYE: I do.

CHAIRMAN: Okay, please state your name and residence address.

FRYE: My name is Dick Frye. I live at 75-655 Hua'ai Street, Kailua-Kona.

CHAIRMAN: And did you receive the Recommendation and Background Report that was prepared by the County Planning Commission?

FRYE: Yes, I did.

CHAIRMAN: You did, okay. Please proceed.

FRYE: I'll bring an easel up with some maps, a little easier to see, perhaps. My name is Dick Frye. I am the Project Manager for the Villages at Hokukano. The owner of the property is Oceanside 1250.

Oceanside 1250 is a partnership between Japan Airlines and Lyle Anderson. Lyle Anderson is a land developer who has been coming to Hawaii for some 25 or 30 years, owns a home here and has owned this land, at least in part, since 1985. Lyle Anderson has developed other projects, but not in Hawaii. And those are two in Scottsdale, one known as Desert Highlands and one known as Desert Mountain. They are both large lot, one acre or so, and larger lots, and a golf course on each of those properties; and the golf courses in each case were designed by Jack Nicklaus. The Lyle Anderson and Jack Nicklaus combination has been known around the country as a very good relationship and one that has produced very high quality and sensitively oriented and responsible development in Scottsdale, Arizona. A third project in Santa Fe, New Mexico, has also been under construction for some years; and that is also of the same combination, Lyle Anderson with Jack Nicklaus designing the golf courses. So, I bring that background because we've been doing this kind of projects since the '70s in those areas, and we are still involved in those projects, all of them. Each project we have begun, we're still involved in. So we're very long term; each of our projects are very long term. We anticipate this project to be 20 or 30 years. Again, just the nature of these properties, they're very beautiful. We do very low density and very high quality. And by their nature, then, they're more expensive

properties, and so they develop more slowly than perhaps some others.

The area of zoning, as pointed out by Royden, is this yellow area in here. The area above that line, and still enclosed in the dark line, was the subject matter of what turned out to be Ordinance 94-73, which was a change from Ag-5a and Unplanned to Ag-1a. The area below the yellow, to the ocean, is 300 feet to nearly 1,000 feet in depth, and that is the Conservation zone and is not a portion of this application. Within this yellow area we've also, then, taken out, on this exhibit, the golf course. The reason we take that out is the golf course has already been heard by this Commission; a Use Permit and SMA was granted for that area. So, practically speaking, the essence of this application are the yellow areas that then remain on this exhibit.

The overall project, the entire 1,500 and what I think is now about 70 acres, 1,570 acres, was originally proposed and an EIS was prepared that anticipated some 1,540 units. The upper area was around 400 of those, with the lower area that we're considering today to absorb, then, the remainder. Since that time and through a further community process, the project, then, was re-thought as one that would only have acre and larger lots, would not have this area urbanized, which would have been required to have fit the 1,540 unit plan. And, therefore, the applications before you today are in support, then, of about 810 units altogether, including the area in the mauka that's already been zoned and including an application that's not before you and will be subject of a later hearing for a proposed private members lodge, which are about 80 units of those 810. So, we're talking about, in these yellow areas, something around 400 units so that the entire one-acre lot subdivision count would be somewhere around 730 lots.

The property, initially, had lots of community benefits that we all talked about before this Commission at a public hearing and later before the Planning Committee of the Council and before the full Council, as well. Additionally, we've talked about all those in front of many area service clubs, other entities, other groups, individuals. We've taken 1,000 or 2,000 people down on the property for tours that last four to six hours, where they can really see how the plan fits the land. We've just gone to all, almost all the businesses door-to-door and talked to anyone that would listen to us about what the proposed plan would be, and what they thought it ought to be, and what they saw as problems. And so the result of that is the plan that's before you today that would change this lower area from our original idea of a higher density down to one, a low density just as we had proposed in the mauka area. Those benefits that were discussed over those years are still there.

The Mamalahoa By-Pass Highway, which is one of the important ingredients to most everyone in the community, is still in there but somewhat differently than before. The difference really is in two respects. The original proposal was to begin at about the intersection of Napoopoo Road and the Mamalahoa Highway, come somewhat makai to about the 800 elevation, which is the old alignment as proposed by the State DOT, continue all the way across our land and several others and then, eventually, work its way back up to the Kuakini Highway at about Higashihara Park, around a mile or so north of Honalo.

The current plan still begins at the intersection of Napoopoo Road and comes down along that same alignment. This diamond-shaped alignment you see here is what the State had proposed in the '70s and still is on their books as their proposed long term regional by-pass. But ours would come this way, and then here the alignment with the State's proposal and ours is the same and continues that way to here. A year and a half or so ago, a year ago, the proposal was that we would come back up to Kuakini Highway here. And through a series of public events and a lot of one-on-one meetings and a lot of concern, the County asked that other things be considered. And so, as a result of those meetings, and we provided that data to the County, the Department of Public Works favored an alignment that goes this way and ties into the existing end, approximately the end of Alii Drive. That particular location is one that is on the General Plan. This is on the General Plan, I'm sorry, this is on the General Plan as a State highway; this is on the General Plan as a County highway. This, then, goes on to tie in to the Alii Highway that's proposed, a portion of which goes right in front of Keauhou Shopping Village. The purpose of the letter from Bob Lindsey from Kamehameha Schools was because, in the past, they objected to this alignment, partly due to the farm land up in here and partly because of the traffic circulation, they thought it was important for the local business area, some of which is in their ownership. And so their letter now is saying that this change that's been made was in response to that concern, and that they're okay with this alignment.

We still provide a shoreline park that is 140 acres in size. To our knowledge, that's probably the largest park all along the west shore of the Island and, perhaps, well beyond; but that is this area that you see in here. There's another five-acre park at this location; and at this location we propose a two-acre expansion to the Kona Scenic Park, essentially for parking. They have a nice park there now. Clarence Lum Won has been a real trooper in the community to develop that park and they take great care of it with some funds from the County. And the real problem that's left is that as people come to enjoy the park, they have to park within the subdivision and that's a long walk, number one, and number two, perhaps an inconvenience for

the residents. So this is, essentially, to help them take care of that problem.

The fiscal benefits of the project are very strong. The taxes generated here, the income taxes as well as property taxes, sorry for the extra noise there, are all very positive as are shown in the reports by KPMG from Honolulu. Additionally, the private side economics, the consumer spending, the hundreds of millions of dollars of construction work, jobs and all are all very positive elements that this project would bring to the community.

A boost to the construction industry, I think we all know that we'd all like that to pick up, along with the tourism. And those are the two main ingredients to the economy here, and this project would certainly help in the area of the construction side of that.

It also provides an increase in the usable agricultural land. Currently on the land, we have cattle that are grazing; and that's in a marginal element in that there is the drought virtually each year that I've lived in Hawaii. There's been a drought there, to where the number of cattle are significantly reduced and sometimes some are lost. There are about five months of dry grass. So that's been a problem, and, in fact, nothing is paid for that grazing right; it is only an exchange for them in helping take care of the roads and some of the clean-up on the property.

The project will also bring maybe a focus to its archaeology. This property is rich in archaeology. People have known that for a long time. There have been nearly four years of study of the archaeology and reports on two or three occasions given to the State in revisions. It's now about 1,000 pages thick and in three volumes, and talks about all the archaeology in a great amount of detail, perhaps the best archaeology study that's been done in Hawaii. We want to focus the care of that element on this property. That's something that others don't have and you can't get. Either you have it or you don't; and we have it and we think it's an important part of our property. So the 140-acre park is the highest concentration of those important sites. And we have trails, we have 12 or 15 miles of trails, not just here but in other parts of the project, that will take you to key sites that are used for interpretive and preservation purposes.

I think the project also sets a precedence for low density, quality development, and I hope a precedence for more park along the ocean. We think it's a good idea; we don't think it hurts the economics of our project. I hope that others can do the same; and we would certainly be a proponent of that. Has this (microphone) quit? And there we go.

Infrastructure was another concern that was raised in previous meetings and hearings. We provide all of our own sewer lines and water lines and wastewater treatment plant, we'll be reusing that on the golf course, as well, all of our own roads, obviously the by-pass highway, as well. We'd be participating with the County well system that's at about 1,800 feet in elevation, either through the purchase of another well site, developing that well and then working out an agreement with the County on how that's used, or, alternatively, participating in a well that they're already working on in that area from which our supply would be taken. We already have 500 units for the property. When those are used up, which will be a few years, we'll need to have additional ones; and we're working on that now so that we'll secure those rights well in advance of the need.

Additionally, the Halekii Street intersection, which is off of this map just a little higher up, is one that is a point of congestion; the Kona Scenic Subdivision, the UH campus, the Post Office are all in that general area and create a fair amount of traffic at that intersection. Even though our project won't use that intersection very much, we'll use it some, we have agreed to place that intersection signal there as well as some lane improvements so that intersection operates better. So between this road, that element, the school is going to be improving the intersection, sorry, this direction, at the school; those monies are coming forth now, I believe, and I'm, in fact, right now reviewing an environmental assessment on that for the Konawaena Elementary SCBM. I think the improvements to this road are going to be really good for business, as well as commuters coming from the south to the north. And the key is that before we were doing half the road in our first phase, and the other half in the second phase; there were objections to that. This is now being done all in one phase. And the economics of the project by us being able to develop both on the golf course and in the mauka area will raise our average lot price, raise our number of sales and allow us to build the entire road. Plus, this road is a little less expensive than the upper road would have been, so those things all combined turned out to be a benefit for everyone.

I think I'd like to close by talking about only, all of the effort and all of the time that so many people have spent, not just within our organization but in the community, really countless, I mean, thousands and thousands of hours have been spent by the community working with or against our project, but bringing things to the surface that were important to them. We've made lots of changes in the project that we hope answers as many of those as we really credibly and possibly can, and we bring responsibility in development, we think, by going through that process. And we'd like to thank the Planning Director and the Staff for all that they've done; there's a lot of background work done here and a lot of research to know what this project is

all about. And we're anxious to move forward; we're ready to move forward with the project. I know there's been, from time to time, information circulated that would indicate that Japan Air Lines, our partner, isn't ready to move forward; that information was taken out of context; it was done in an English-written, Japanese newspaper, taken out of context. They, Japan Air Lines, have even sent a letter to the Planning Department office, and I think some of the Council people, indicating to them that that just wasn't true. We really do want to move forward, they're committed to the development of this property, and excited to be related to the quality of a Lyle Anderson development. I'm glad to answer any questions you might have.

CHAIRMAN: Questions, Commissioners? Mr. Frye, if the County Council allows this zoning application, how long after that will you actually begin construction of golf course or infrastructure?

FRYE: We're already spending virtually millions of dollars on the permit process in order to begin construction of the golf course and the highway. We're negotiating with property owners to acquire the right-of-way for the by-pass highway. I think my estimate of the time period left to do all of the things that were given to us as conditions of approval would be in the 12 to 18 months category; and that's kind of several million dollars worth of planning and design kinds of expenses, not construction. So, as soon as we can get through all of that, only then could we start, but we'd certainly like to start as soon as we can.

CHAIRMAN: Thank you. Any other questions, Commissioners?

FRYE: Thank you.

CHAIRMAN: If not, we've got quite a few people signed up from the public to testify; I've got at least 40 people. Would all of you who wish to testify please stand, all 40 of you.

NOMURA: Forty-four.

CHAIRMAN: Forty-four, four more. Will you all raise your right hand and testify that you will tell the truth before this meeting of the Hawaii County Planning Commission.

TESTIFIERS: I do.

CHAIRMAN: Okay, I'm going to take you in the order that you gave your names to the Staff. Donald Medeiros and Robert Cowell.

FIESTA: Mr. Chairman?

CHAIRMAN: Yes.

FIESTA: Seeing that we have 40, I think if it's possible, we take a five-minute break before we start?

CHAIRMAN: Okay. We've a request for a five-minute recess.

RECESSED The Chairman called a short recess at 11:12 a.m.

RECONVENED The meeting reconvened at 11:42 a.m.

CHAIRMAN: The Hawaii County Planning Commission please come to order. Okay, I've already called Donald Medeiros and Robert Cowell to please come forward. You've already been sworn, so all we need is your name and residence address and then proceed. Please be brief; we have 45 people signed up. If you can hold it down to three minutes or less, I would appreciate it. If I have to, I will impose a three-minute limit, but I'd rather not if you can just impose it yourselves. Your name and address.

R. COWELL: My name is Bob Cowell and I live just down on some land next to Oceanside 1250.

CHAIRMAN: Okay. Please proceed.

R. COWELL: One of the advantages I see of this project is the by-pass road; we've been talking about it for years. And we get stuck in traffic every morning when we come out of our property or going anywhere, and the fact that they're going to build the whole road in order to do their project is a big plus to me.

Another advantage is several people have said, well, we need a master plan for the area. You can't get much more master than 1,500 acres right now, that one person owns and is planning to develop.

The construction industry is getting a big boost. And one of the advantages to the way they're doing it is it's kind of a long and slow development, and it's not one of these that one contractor gets the entire job and puts all the money in his pocket and leaves town. It should go to a lot of the local contractors, hopefully.

CHAIRMAN: Thank you. Any questions, Commissioners? If not, Robert Cowell.

R. COWELL: That was -, I'm Robert Cowell.

CHAIRMAN: Oh, you're Robert Cowell? I'm sorry. Donald Medeiros.

MEDEIROS: Good morning, Mr. Chairman and Members. My name is Donald Medeiros. I represent the Hawaii Operating Engineers

Industry Stabilization Fund. I'm speaking in favor of Oceanside 1250 and hope they will start the project soon. We need the jobs. Mahalo.

CHAIRMAN: Thank you, sir. Any questions? Next two are Noel Black-Ackerman and A. D. Ackerman. Please state your name and residence address.

BLACK-ACKERMAN: My name is Noel Black-Ackerman; I live in Kealakekua.

I live in Kealakekua above the project that's being, is before you right now, and my husband's family is also leasing a portion of their property to the project. And, actually, very often we disagree with each other as husband and wife, but on this one we do agree. And I am for the Oceanside 1250 project. I agree that it is a very good project and will be of great benefit to the community. I think it's gone the extra nine yards to revise their property and their project to fit the concerns of the community, and I'm for it.

CHAIRMAN: Thank you. Any questions, Commissioners? If not, A. D. Ackerman.

ACKERMAN: My name is A. D. Ackerman. I represent myself, my sister and my mother, and we are property owners. We own a parcel that is included in the Oceanside 1250 development.

My family has been ranching on this property for over 100 years, and the economics of ranching is really no longer viable on that property. We were approached by the developer, Mr. Anderson, in 1985, and we've been working with him since then. And we find the developer to be very honorable, very sensitive to the land, to the environment and to the, sensitive to the concerns of the community. The project, we feel, is an excellent one for the usage of the property, the land down there in general. We feel that the benefits far outweigh any disadvantages that may be pointed out. And we'd like to strongly encourage you to vote in favor of this project. Thank you.

CHAIRMAN: Thank you very much. Any questions, Commissioners? Okay, next I have William E. Cowell and Claude Onizuka. Okay, you're Mr. Cowell? Please proceed, your name and residence address.

W. COWELL: Yes, I'm William Cowell; I live in Captain Cook.

CHAIRMAN: Please proceed.

W. COWELL: Okay. I've been a resident of Hawaii all my life, born and raised in the Islands here, and I've always intended to live here. And as a younger man, I've had goals and things that

I've set for my old age, and I've seen these things change due to economic times and so forth. And one of the things that I feel very strongly is that after you've gone through a life of regrouping and planning and so forth, that you can understand the development, you can see it very, in a big picture; and when I look at this development, I see a wonderful thing.

I am also a conservationist; I've been a member of the National Association of Conservation Districts for 21 years. I speak for myself; I do not speak as a director of the Conservation Service or anything like that. But my experience in observing land preparation and use of land, I am a conservationist, I know that there's some things we can preserve but other things we cannot. And so, therefore, when I speak of this thing, I look at this development and think that agriculture, as far as water and things like that, is not going to happen to a single individual to get it. It has to be done through something like this. I've tried for ten years to get the State and the County to put water in for farmers, but we don't have the concentration of farming people dedicated to farming to generate that thing. When you talk about one-acre ag, to me that's one of the best things that could happen down there. There's going to be a house and there's going to be vegetative cover, and it's going to be keeping the water from the rain going back into the soil instead of driveways and things like that. I don't know of any other developer that has struck me with as much feeling for what they're doing and asked for so much help from the community to make it a success. And I feel I want to get rid of that excess baggage as to why I don't want to do it, and I want to be part of it and make it a success for the community. Thank you.

CHAIRMAN: Thank you very much. Any questions, Commissioners? If not, Mr. Onizuka, your name and residence address.

ONIZUKA: Mr. Chairman and Members of the Committee, Commission, my name is Claude Onizuka. I'm a resident of Kealakekua, specifically, the Kona Scenic Subdivision.

That was the first house built in Kona Scenic, and I've seen the development there. And I think the project, which is directly below my house, is a well-planned project with benefits to the community that, for long term, as well as the by-pass road which is very much needed. And unless you are directly related in that area, you don't know what kind of traffic you're dealing with. And I think this by-pass road is something that is long overdue; and now is our chance that we would get this road through this project.

And I think Oceanside 1250 is doing a very good job of addressing all of the concerns of the community. We'll have beach access to areas that we've never been before.

And I think I would welcome, in the future, to have Halekii Street tied into this by-pass road, not only for my convenience or for the convenience of the community, but I think it will save a lot of time for the people in the Keauhou area should they ever need emergency transportation to the hospital, which would probably cut off about 15 to 20 minutes. So I strongly support this project of Oceanside 1250, and I urge you to give them your approval. Thank you.

CHAIRMAN: Thank you very much. Next, I have Kittrena Dimond and Putman Clark. Please state your name and residence address. Please be as brief as you can.

DIMOND: My name is Kittrena Dimond; I'm a resident of the Village of Napoopoo.

And when I first heard about this development, I was against it, thinking we don't even need any more golf courses. But, since then, I've attended a presentation that Gordon Leslie gave about the Oceanside 1250 project, and it described in depth their plans for development, and I feel they probably won't have any negative impacts on Kona. They're going to really do a lot to preserve all the cultural and historical sites located there, and the golf course looks like it's pretty ecologically sound, with their drainage ditches and everything. And I really would like to have the proposed by-pass road to relieve all the congestion on Mamalahoa Highway. I spend like a half hour to get a 10-minute drive up to the school now all the time. And most other developers want to change the shoreline and discourage public access, and they are allowing a large park, and I like that. And we'd be able to go do and camp, where there's no other area you can legally camp for -, pretty far away from us. They said they're promising to continue to monitor the off-shore water quality to be sure that they won't be contaminating Kealakekua Bay, and that seemed to be the reason most people were against it, because it's so close to that. And, of course, they're going to bring a lot of needed jobs for all these construction guys that are all out of work now. And they are planning on planting indigenous Hawaiian crops and educate the public by taking tours of the sites there, where right now no one has any idea what's down there. And if this area has to be developed, it looks like this would probably be a pretty good plan and I propose you okay it. Thank you.

CHAIRMAN: Thank you. Putman Clark, your name and residence address.

CLARK: Thank you, Mr. Chairman, Members of the Commission, my name is Putman Clark. I live at 73-4697 Hinalani Road in Kona Heavens Subdivision.

I'm the president of Clark Realty Corporation, and I would just like to simply say that, in my experience, there is no project on the Island of Hawaii or in the State of Hawaii, for that matter, which incorporates the elements which so beautifully meld development with a geographic area. This has been very, very sensitively done. I think the development concept is very enlightened. And I think those of us who live in the County of Hawaii can all be proud to have a project like this that we're going to be associated with. Thank you very much.

CHAIRMAN: Thank you, Mr. Clark. Any questions, Commissioners? If not, next is Peter Ogilvie and David Bischoff. Please state your name and residence address, Mr. Ogilvie.

OGILVIE: Peter Ogilvie, 73-4519 Kohanaiki Road, Kailua.

CHAIRMAN: Go ahead, you may proceed.

OGILVIE: Okay. One of the things, historically, the by-pass road was on a number one priority with the County, or with the State of Hawaii, back in the early '70s. Around '78, '79, there was a groundswell of opposition to it. The "Keep Kona Backwards" people came out, prevented the, or were so vocal in their opposition that they stopped the planning and dropped that priority for that road back, I think, into a third priority now from a first priority. They're claiming because of the traffic situation that we have now is a reason not to build this project, and it's a self-fulfilling prophecy. They're the ones that caused the problem in the first place because of blocking the planning of the by-pass road back in the '70s. So their complaint against the project because of traffic is really the cart before the horse situation.

As far as the golf course is concerned, whether we have too many golf courses or not is not a concern as long as it is not environmentally damaging to the Islands. If people don't come to play golf, that's the problem of the developer, not the problem of the County. The County does not make the economic determination; the County makes the determination of whether the use is viable, non-destructive, or, and/or whatever infrastructure is needed.

Also, I think golf courses should be looked at as alternate agriculture; they employ more people at higher wages than any other agricultural use in the County, and they keep the property open where it can be used as water catchment areas or whatever else. So, anyway, I think the golf course, itself, is, some people are looking at golf courses as some kind of a commercial development, when I think that, personally, I think they're really alternate agriculture.

Ocean front park. We've had developments along the ocean front, say, Kohanaiki, which actually the developer is seeking to deny access to the property, deny use of the property as it has been used for years and years and years. This is a piece of property that has not been, had access of the public and now, with this project, the access will be open and will be usable by the public. The nice thing about it, too, is we paid, I think, over \$10 million to the Magoon Estate to buy two or three acres on the ocean front north of Kailua. We're getting 150 acres for free. That's something we can't -. Maybe we should pay them to go ahead and do this development.

Hawaiian artifacts. I see so many people putting their mouth before their effort or their money. They've gone in and done a complete and thorough survey on this property. They've cleared areas that are significant, that may have archaeological significance. They've actually done something to improve the archaeology, the study and the preservation, where so many people say, oh, yeah, I'm for preservation, but when it comes time to really go do something, where are they? They're not there. Also, taking the cattle off this land will probably do more to preserve the artifacts than anything, because the cattle are tremendously destructive to such things as rock walls, rock pile, or rock house pads, whatever.

I've heard arguments about economic viability of the project, whether they're going to start tomorrow or start next week. Once, again, that is not your concern, as the County, on when they start. Your concern is that when they do start, that the things you require them to do get done. You make the decision on what their limitations are. But whether the project is a bust or whatever is not your decision, that's the decision of the private enterprise. We're not a socialist state. We have a habit of landbanking property, not landbanking property in Kona. We end up with the, periodically, every 10 years there's a tremendous demand for vacant land, for residential property. Prices go through the roof. In the last case, property values tripled in a matter of a year and a half to two years, and the income of the local populace doesn't keep up. In fact, we're so far behind what it was when I got here 20 years ago, from what the availability, the affordability or whatever; and a major cause of that is the County's and the State's prevention of development that can be done on a timely basis. In my instance, I've done a small development, and it took me four years to jump the hoops of the County. I missed, completely, the upturn in the economy, so I couldn't take advantage of it, and I'll probably be out of business by the time the next one comes. But the thing is that when you do not allow development of something like this with one acre parcels, it, what it does is those people that were going to buy this property will go buy a less affordable property or a not, a lesser quality property which will take that property off the market for somebody else down the line. So we end up with

the lowest level of property values jumping up drastically because we don't have enough property available. Anyway, I think that's all I have to say.

CHAIRMAN: Thank you very much. David Bischoff.

BISCHOFF: My name is David Bischoff; I live at 74-1503 Haokuni in Kona.

And I would like to speak in favor of this project. I won't belabor it, but the developers of Oceanside 1250 are absolutely the most sensitive developers that we've ever seen come along this way. The by-pass road, the 140-acre oceanside park, everything that they've been asked, they've tried to accommodate the best they can. Lowering the density -. There's everything, everything about this project is a positive point. There's no negative at all, not to mention the much needed jobs and the tax revenues. And so I would urge you to vote favorable.

CHAIRMAN: Thank you very much. Next, William Wong and Maitland Akau. Please give your name and address and speak directly into the microphone.

WONG: Yes.

CHAIRMAN: Be as brief as you can.

WONG: I'm Bill Wong from Kona Heights in Kailua-Kona.

You know, I come before you today not, to not only show my support for this Oceanside 1250 development but to convey my concerns about the economic and social well being of this County. I am a life-long resident of this Island, born and raised in Hilo, and living in Kona for almost 20 years. My family has lived on this Island for more than five generations.

I have watched this Island grow from a small and peaceful plantation community to a complex and divided Island, tripling in population. Today, there is so much racism, drug use, gang activity, crime, homelessness, child abuse, alcoholism, and dysfunctional families. The migration of people from not only the U.S. Mainland but Samoa, Tonga, Mexico, Philippines, Southeast Asia have complicated life for many, bringing different lifestyles and cultures to this Island. Rapid economic growth, together with ill-conceived social programs have created a dichotomy of socio-economic groups. There is now much resentment from certain local people who see development of hotels and golf courses as symbols of the wealthy, far beyond their reach. Then you have some newcomers who look down or askance at our local people, their culture and lifestyle. In-migration to Hawaii fortunately or unfortunately is inevitable. People are not going to stop coming. They want an opportunity, just as we do who have

lived here all our lives, to live in Paradise. Compared to where they're from, our Island, despite its growing problems, offer a style of living and opportunities unmatched anywhere in the world. If we attempt to stop all development, we will die economically. If we die economically, we will be unable to keep people employed, there will be more poverty, homelessness and crime.

I'm on the Homeless Task Force Board here and I'm also a Board Member of the Bridge House, which is, treats drug abusers and alcoholics, recovering alcoholics; and there is a big problem here. You know, with this will be more Welfare payments that instill only hopelessness in people receiving them. You know, there is a shrinking group of people who are fortunate to be employed who will bear the brunt of taxes and the growing need of the unemployed and the disadvantaged. We need to desperately shift gears and reverse our outmoded prejudices. We need to welcome quality development such as this and keep our local people employed. The developer will literally pump millions of dollars into our economy and build a much needed by-pass road. Think of it. The developer obtains funds from investors and banks, spends it on infrastructure which is built by our local people, who, in turn, will spend it in the community, which will keep other people employed, and the process goes on. Newcomers, who purchase these lots, will then contract to build quality homes, and the whole process starts over again.

Realistically, many of us may not be able to afford to live in these homes, but we really shouldn't care. With the income that is generated from these projects, our people will better be able to buy a home within their own means. Let's broaden the tax base, have newcomers assist us in paying these taxes so then we can, through government programs, train and educate our people out of homelessness, halfway houses and welfare. We will be much better off through increased tax revenues to preserve the Hawaiian and local cultures, create a more vibrant economy, more jobs, educate our new neighbors of our lifestyle and culture but, most importantly, it will help us keep our local kids here rather than seeking opportunities elsewhere.

In contrast, one only has to look at parts of our Puna District. With poor planning, substandard and inaccessible roads, the area is a haven for illicit drugs and crime. It is a very inexpensive place to live for that very reason. Much of the area has been taken over by newcomers, many of which receive government handouts and raise illicit crops. In talking to our Police Captain, a close friend of mine, you know, we need more help, we need more manpower to combat this growing problem. For those newcomers that speak against this project to preserve the so-called lifestyle they came to this Island for, let's not fall for this. Surely, they have the means and the money to survive. Our local people are not as fortunate.

The development will be environmentally sensitive, with new soil and vegetation to be added, a system of trails throughout the property, and access roads. We'll be able to enjoy the area that is now mostly inaccessible lava terrain. There will also be a new 140-acre ocean front park that all residents can enjoy. Let's, please, all rally behind this project. The benefits are overwhelmingly clear. For once, let our local people, who have been here for many generations, be heard over some newcomers who speak out against any development at any cost. Thank you.

CHAIRMAN: Thank you. Mr. Akau, your name and residence address. Please be brief as you can.

AKAU: Mr. Chairman, my name is Maitland Akau; I'm a resident of Kamuela, P. O. Box 1134.

Mr. Chairman, Members of the Planning Commission, I'm a consultant with Goodfellow Brothers, Inc. I'm here in support of the Villages of Hokukano project. I believe this project will give the construction industry on the Big Island a much needed boost for many years. It'll also generate a substantial increase in tax revenues for both this County and the State. The economic benefits cannot be overlooked. Mahalo for your favorable consideration.

CHAIRMAN: Thank you very much. Next, Charles Biltoft and Harold Manago. Let me call Norman Sakata, also. Your name, residence address, and please be brief as you can.

BILTOFT: My name is Charlie Biltoft; I live in Kona Scenic, which is below the Kealakekua Post Office.

My wife and I, we are behind this project 100 percent. It's got nothing but pluses. The road, badly needed, will be of no cost to the County, and that's a plus. The light at Kealakekua Post Office will be at no cost to the County, that is a plus. That 140-acre park is a definite plus. And the development will generate taxes, and that is a double plus because we need to improve the life for everybody in this County, and this is one responsible outfit that wants to help us do it. Thank you.

CHAIRMAN: Thank you very much. Harold Manago, name and residence address.

MANAGO: I'm Harold Manago; my address is Captain Cook, Hawaii. I'm a retired person. I've lived here in Kona, born and raised over 75 years ago; and I've seen the growth of Kona from buggy days to what it is today.

I like the way this development is planned; and I feel that they are trying to follow whatever the County and the people here in Kona wants in their project. For one thing, my major concern is

the highway. Right now, we have one major highway; and in case of a serious accident, there is no way we can go through that highway. A by-pass road would alleviate this thing here; and it would be a good linkage of North Kona to South Kona. The other thing is that, you know, during the Christmas time, Kainaliu Town has a Christmas program. They hold up the traffic for about an hour, and in case of emergency, there would be disaster.

So, I would say, I am all for this development, and I hope a favorable decision will be made by the Commission. Thank you.

CHAIRMAN: Thank you very much. Norman Sakata, name and residence address.

SAKATA: Thank you very much. Chairman Ed Crook, Members of the Planning Commission, my name is Norman Sakata. I reside at 76-5858 Kahako Street in Kona.

As a life long resident of Kona, I have seen the growth of this district, from the remote Kona we used to know with a population of 12,000-15,000, to what we see today.

Because of the beautiful weather, people, in our unique way of life, Kona seems to attract many investors and developers, bringing much development to this district. And as much as we would like to keep Kona as is, if development is going to be inevitable, then we would like to see well planned developments.

This morning, you are hearing testimonies on the Village of Kona (sic) project. I consider this to be a well thought and well planned development.

Among one of the many benefits this development will bring to us is the developer's offer to provide a by-pass road between Keauhou and Captain Cook which, today, we are already experiencing overly heavy traffic, especially in the morning and in the afternoon hours.

Some years ago, one of the State of Hawaii's plans was to construct a highway below the Mamalahoa Highway along the area as proposed by Oceanside 1250. However, due to some opposition, the State's plan did not materialize. If we were to wait for government to construct this highway, I cannot foresee it coming during my generation.

Oceanside 1250's proposed offer to construct this much needed by-pass roadway is a God sent resolution, a solution to help us alleviate our number one traffic problem to a great extent.

With this, Members of the Planning Commission, I fully support the Villages of Hokukano project and humbly beg you to, for your favorable consideration. Thank you very much.

CHAIRMAN: Thank you, Mr. Sakata. Next, Skip Burns, Don Gatewood and Glen Hodson. Mr. Burns.

BURNS: My name is Skip Burns; I live in Captain Cook, and my thoughts are quite simple. I am pleased with the compromise of a 50 percent less density for this development. I am extremely pleased with the environmental plan and the consciousness of this developer, and I am now completely convinced that this developer will protect our ocean. I urge your approval. Thank you.

CHAIRMAN: Thank you very much. Mr. Gatewood, please be brief; name and residence address.

GATEWOOD: My name is Don Gatewood; I live in Honalo.

And I want to vote against this development and, mainly, because of the one acre, one acre rezoning; I don't believe in one acre, anymore one acre ag.

But, also, I would like the Committee to all really consider the road, you know. And I was the one that circulated the letter about Japan Air Lines wanting to, wanting to get the zoning up, upgrade and then selling the property. And so, if you go for this road, which is the most important part of this development, and that's the only reason that people here accept it is because they're being given a road -. But I want the County to be very, very careful to see that Japan Air Lines is not going to bail out or that Oceanside is not going to bail out. Don't give them the zoning; it gives them a chance to raise their price and get their profit and go. So make sure that you have the road all tied down very, very tight. Thank you very much.

CHAIRMAN: Thank you. Mr. Hodson, name and residence address; please be brief.

HODSON: My name is Glen Hodson; I live in Kailua-Kona.

And I was one of the original group from the community who visited this property. And I've watched it go, and I've watched the many meetings and listened to the pro and con, and I'm amazed to think that it continues this way and it isn't passed forward without further delay. Basically, the things I think are very important are the sensitivity of this group of fine developers to the needs of the community, to the historical significance of the property, the archaeological surveys and all these things you've heard, and on, and on. Further, I think it's very important that you consider the fact that they are not including condominiums and hotels to burden the community with all of the superstructures, and the rest of it, that is an important part of your duties to watch and superintend and supervise.

To sum up, I think it's significant that someone say to you people on this Planning Commission that you would be remiss in your responsibilities if you didn't thoroughly recognize what a great asset this development would be to this community. Thank you.

CHAIRMAN: Thank you very much. Next, Nancy P-i-s-i-c-c-h-i-o; I don't want to mispronounce it. Nancy, Maile David and Morris Kimura. Are you Nancy? Well, how do you pronounce your last name?

PISICCHIO: Pisicchio.

CHAIRMAN: Pisiccio (phonetic).

PISICCHIO: Pisicchio.

CHAIRMAN: Close enough.

PISICCHIO: That's close enough; nobody ever gets it right.

CHAIRMAN: Okay, your name and residence address and -.

PISICCHIO: First -.

CHAIRMAN: Please be brief.

PISICCHIO: First of all, I'd like to say that Maile David is supposed to be here, also, and she is representative for Ka Lahui Hawaii, and she's at work. And she's trying to get away and get here so she could testify in opposition to the project. But, apparently, she hasn't made it, so she asked me to tell you that she's in opposition to the project and that she's going to be preparing and submitting written testimony later on if she doesn't pull in here shortly.

CHAIRMAN: Okay.

PISICCHIO: Okay.

CHAIRMAN: Fine, thank you.

PISICCHIO: Anyway, my name's Nancy Pisicchio. My address is 78-7240 Kuakini Highway.

And the main thing I'm here today is to ask you to defer any decision on this project right at this moment. I think, you know, you all live here and you know over the last year and a half or so this project has been very controversial and has evoked a lot of different variety of public opinion. And I think it's necessary that you have a hearing of this sort in the evening so that many people, such as Maile, that are working

people that can't get out here at 10:00 and spend two or three hours on a weekday, can come and participate, because this isn't a seawall or anything. This is the type of a project, pro or con, that has enormous future implications for the community and the rural community in South Kona. So I think that it's only fair that since more rezoning is coming up so quickly, that took a lot of people by surprise, I think that, at least, just give it the advantage of another meeting in the evening.

And, also, in regard to the one acre agriculture, right now there is a growing concern about what one acre ag actually represents. And there are actually two different bills before the County Council right now to analyze this problem; one is Bill 683 and one is Bill 96. They've both been introduced to the County Council Planning Committee to consider the elimination of one acre ag lots; and they've already had a workshop on this. And they are trying to work out the details of how this problem should be addressed, because everyone realizes that one acre ag isn't really agriculture. It's, you know, primarily, you know, expensive house lots; and what the implications of that are, you know, have to be worked out and, before this type of a zoning occurs.

And, also, a lot of the agricultural community could not be here today because this is the very first day of the Farm Bureau, County Fair, and a lot of those folks haven't had any opportunity to put any input since they've been totally engrossed in getting the fair put together. So I think we need another public hearing at night.

And, also, one other aspect to delaying is that the, not the rezoning, but the original amendments to the Ordinance 94-73, which are part of the application today, that's still in process of legal litigation, which is not completed yet; and I think it would not really be practical for you to utilize your time and to make a positive recommendation until the outcome of that is resolved one way or another. Okay, that's all I have to say. Thank you.

CHAIRMAN: Thank you very much. Morris Kimura, name and residence address; please be brief.

KIMURA: My Chairman, my name is Morris Kimura. My residence address is 66 -, excuse me, 77-6630 Walua Road, Kuakini Heights.

I came today to speak in favor of the project, primarily, selfishly speaking, the offer by Oceanside 1250 to construct the lateral highway certainly attracts me. And for your background, I, from the years 1966 through '83, I was principal at Konawaena High School, so I am very much aware of the traffic congestion at that intersection every morning and every afternoon. And to

compound this, if there is an activity at any of the churches in Kealahou, such as funeral services, that, again, impacts the traffic congestion. And I think this lateral highway has been in the books, on the State books for, I would think, nearly 40 years, and I've lived here all of my 68 years in Kona. And looking at the state of our economy, if we do not accept this offer to have this highway built at this time, I don't think in the next 40 years we will see the highway constructed.

Besides the alleviation of congestion and providing access for emergency vehicles to the Kealahou area, the other thing that I feel strongly about this project is it will open up land. Historically, Kona, with its vast acreage, has been owned by State, Bishop Estate, a few trusts and a few families that held large acreages of land. Farmers and many of the newcomers may not be aware but that if you wanted to farm in Kona, the only thing that was available was leasehold properties. And with the, in the last 20 years or so, we have seen some of these large acreages cut, and it has become only, then, possible for local residents to be able to afford to buy fee simple land. And this subdivision will also add additional lands, fee simple land, to the supply side of it. This will help, then, reduce the demand; and if law of supply and demand works, this will help keep prices of property to a level which might be affordable for local residents. These and all of the positives that have already been expressed about this project makes me say I am strongly in favor of Oceanside 1250. Thank you.

CHAIRMAN: Thank you very much. Ed Mayo, Cindy Mayo and Jeff Atoa, A-t-o-a.

PUBLIC: The Mayos had to leave for the airport.

CHAIRMAN: Okay. Atoa, I believe that's -, is that how it's spelled, A-t-o-a?

ATO: A-t-o-a.

CHAIRMAN: And I've got S. Griffith and Jimmy Trask. Please proceed. Be as brief as you can, name and residence address.

ATO: My name is Jeff Atoa, 5464, Kailua-Kona. I am Assistant Manager of one of the supermarkets in Kona.

I'm here to urge you to approve this well-thought project. I know it will benefit not only the community, business-wise as well as the overall Kona area. I know that, I understand that the, if you look, all look at the, what you call, unemployment percentage right now is 10.2. This project, I believe, it will help contribute to the, lower the unemployment rates. Not only that, it will, you know, as everybody was here today to witness, no, urge you to approve this project because they feel and they

believe with this proper planning and type of quality planning. I notice that the Committee, the, should look into that very, you know, it's a very important approval, if you, and also it will benefit us all. Thank you.

CHAIRMAN: Thank you very much. Mr. Griffith.

TRASK: Jimmy Trask.

CHAIRMAN: Okay. Is Mr. Griffith here? I don't know if it's Mr. or Mrs., S. Griffith.

PUBLIC: He had to leave.

CHAIRMAN: Please come forward.

GIANNINI: No, he's not here.

CHAIRMAN: Oh, not here, okay.

PUBLIC: He had to leave.

CHAIRMAN: Then Mr. Trask.

TRASK: Thank you. My name is Jimmy Trask. I live in Keauhou. I won't, I have some testimony which I can give to you but, written testimony, but I'll just summarize it if I may.

Everybody has discussed the road. And I think the road is, I agree with Morris and Tom Sakata, I guess it was, that said, in our lifetime, if this road is not built by 1250, it's certainly not going to be built by anybody. It's that I would hope that that would be taken advantage of by our County.

The County park that's, the park that's proposed, I think, the question really is, asked, is this park needed, or do we have enough parks? In doing studies, I'm in real estate development, too, we studied, you know, what is the usage of the parks at Kahaluu. Kahaluu Beach Park has 400,000 people per year using that park right now. The County, as you can see, just driving by it, has a difficult time trying to maintain that park in any sort of semblance of decent look. The White Sands Beach Park has over 200,000 users, and it has absolutely no parking. So, these are parks. Yes, my answer to your question is that the park is needed in South Kona.

I think, also, of extreme importance is that the South Kona area offers land to our citizens, and especially to our children, who can't afford land. There is an awful lot of good land in South Kona that would become more available, more usable by a lot of our people with this new by-pass road. I think this is an important aspect. People want to be in South Kona; they don't

want to be in Northern Kona; the land is not suitable to that kind of living. And I think this is a real important aspect. I had my secretary, who moved to Kona Paradise and thought she was going to buy a home, and after living there for about six to nine months, decided that, hey, she just really can't afford, actually, the ride to and from and all of the inconveniences that went with present day living in South Kona. I highly recommend that the Commission vote unanimously in favor of this project. Thank you.

CHAIRMAN: Thank you very much. We're going to have to break for lunch at 12:45, so I'm going to have to put a three-minute time limit on everybody from now on. Do we have a timer?

NOMURA: Yes.

CHAIRMAN: Okay. Next three people, April Maberry, Kerrie Etheridge and Kila DeMello.

PUBLIC: DeMello had to leave.

CHAIRMAN: Okay, thank you. Okay, Stathie Prattas. Okay, April, your name and residence address. Please proceed, and we'll cut you down at three minutes.

MABERRY: My name is April Maberry. I live at 75-816D Hiona Street, Holualoa.

I am here to testify on behalf of C. J. Villa, who is not able to be here at this time. This testimony is regarding the SMA permit application, and I will do my best to keep this under three minutes. And this is shorter than the written testimony that he has submitted, and all of the words are his words.

The purpose of the Villages at Hokukano project is to add another golf course resort destination to Japan Air Lines' travel log. Since JAL is also the major partner in this venture, I will make reference to JAL instead of Oceanside in this testimony because, for all practical purposes, JAL and Oceanside are one and the same.

Before your Commission considers issuing a new SMA permit for this project, it would be well to remember that there has already been a violation of the first SMA permit. SMA Permit No. 345, which your Commission approved at the end of 1993, was predicated on the representations by the developer that there would be no shoreline golf course. But, subsequently, JAL, through its venture called Oceanside, requested from the County the right to build up to 12 acres of the golf course right up along the ocean, and the County, through Zoning Ordinance 94-73, granted the request. This was a clear violation of SMA Permit 345 and was

ruled as such by the Third Circuit Court, Judge Ronald Ibarra, in January, 1995.

Your Commission should, therefore, keep foremost in mind that the representations of JAL, as contained in Oceanside's SMA Permit application, are, at best, unreliable. Moreover, you should also remember that it took a citizen's lawsuit to rectify the violation of the first SMA permit. Is the Commission willing to put the community at risk again, relying on the citizens of Kona to police the developer? This seems like an unfair burden for the community, especially given that this development is being built not for the residents of Kona but for the well-to-do from other lands.

There are three major reasons why a new SMA permit should not be issued. First, the SMA boundary, itself, is undefined. If you look at your maps, you'll see that the SMA boundary is referenced to something called the Old Government Road. The actual location of this road, however, is currently the focus of litigation in the Third Circuit Court. This situation can be briefly described as follows.

I, and a number of friends, have hiked from Kaawaloa to Keauhou following the Old Government Road (OGR), using the same maps which you are looking at. But we have been stopped by JAL's attorneys from using this public right-of-way. They claim that since the OGR cannot be observed on the ground, and since we are only using maps, but not following a trail located on the ground, we are trespassing.

Whether JAL's attorneys are right or wrong is not the issue. The question is quite simply this: If the OGR cannot be used as a public right-of-way because the OGR cannot be found, then how can this same OGR be used as the SMA boundary? The answer is that it cannot. Either the OGR exists and the public can use it now or it does not and the SMA boundary is undefined.

Thus, according to JAL's own attorneys, the OGR is undefined. Therefore, the SMA boundary is undefined. Clearly, your Commission cannot render any conclusive findings about the impacts of the proposed project on the SMA if the boundaries of the SMA are undefined.

Second, the development does not conform to the Hawaii County General Plan. JAL proposes to include an 80-unit members lodge, as they call it, in the SMA area of their project, but this lodge clearly violates the County General Plan in either of two ways. According to the Hawaii County Code, a hotel is defined as a building containing sleeping accommodations in six or more rooms which do not constitute dwelling units for the use of persons on a commercial basis, whether such establishment is called a hotel, inn, motel, motor hotel, motor lodge or otherwise.

There are clearly more than six rooms in this lodge, and they are, presumably, not dwelling units. This lodge is actually a hotel. A hotel cannot be built in lands zoned Unplanned or Agricultural. The land use designation must be redefined for the area via a General Plan Amendment before such a use can be permitted.

Thus, if this lodge is not a hotel, then the only other thing it could be is 80 units of some kind of dwelling, that is to say high density housing. High density housing is also not allowed in lands zoned Unplanned or Agricultural and, once again, a GPA is needed.

Perhaps a simpler way to look at this is to ask if an 80-unit high density lodge can be built in lands that, according to the General Plan, are essentially agricultural, what good is the General Plan? No matter how this lodge is described, it violates the General Plan.

Third, the archaeology survey for the SMA area is incomplete. The archaeological report which was included with the final environmental impact statement was deemed insufficient by the State Historic Preservation Division and, consequently, the report was extensively revised. Moreover, it does not appear that the final version of this report has yet been accepted by the SHPD. Until and unless the archaeological report is completed, your Commission cannot make findings with respect to adverse impacts and mitigation since the scope of the resources to be affected remains undefined.

The archaeological report is also incomplete with respect to Hokukano Flats area of the project. Hokukano Flats is the area immediately mauka of Hokukano Village. JAL claims that the area has already been surveyed and so there is no need to resurvey it, but there are at least two problems.

The first problem is that the Applicant's report references a previously surveyed site which is actually at least one-quarter mile from the rest of the sites listed. This means either that the report is wrong or that Hokukano Flats is a much larger area than the developer is representing it to be. In either case, the information is wrong and your Commission cannot make any findings based on this data.

The second problem is much more severe. JAL's application fails to mention that a second survey of the Hokukano Flats area was performed in November, 1984. The site numbers used in the survey are completely absent from the revised archaeological survey being used for the Villages at Hokukano project. Moreover, with respect to the Hokukano Flats area, the firm which surveyed the area in 1984 recommended that the Conservation District line be

moved 50 to 75 feet mauka of its current location to protect a number of archaeological sites.

CHAIRMAN: Your three minutes are up.

MABERRY: I'm almost finished. Thank you. That would make the Conservation District larger and the buildable project area smaller. Thus, your Commission cannot make findings with respect to environmental impacts because all of the archaeological resources to be affected have not been reported.

In summary, the SMA boundary, itself, is undefined. The lodge conflicts with the Hawaii County General Plan. The true extent of the archaeological resources to be affected is still unknown. For those reasons, your Commission should definitely not issue the requested SMA permit. Please, at least, at the very least, defer your decision until you make investigations into these matters. Thank you.

CHAIRMAN: Thank you very much. Kerrie Etheridge.

ETHERIDGE: Thank you. My name is Kerrie Etheridge.

CHAIRMAN: Okay, name -.

ETHERIDGE: My address is 73-997 Ahikawa Drive.

CHAIRMAN: Okay, you'll be limited to three minutes.

ETHERIDGE: I'll make this real short.

CHAIRMAN: Thank you.

ETHERIDGE: I think that I'd just like to state that I'm in approval of this project because it will, for one, create jobs, which are very, very needed here on the Big Island. It will alleviate traffic in the area, school area, and all above there on Mamalahoa Highway. And I think another very important point is that the park, we'll have access now, which we have never had before, and it is greatly needed. Thank you.

CHAIRMAN: Thank you very much. Stathie Prattas, is that how you pronounce your name?

PRATTAS: It's Stathie Prattas.

CHAIRMAN: Prattas, okay. And -.

PRATTAS: And I live on Muli Street in the Kona Scenic Subdivision.

CHAIRMAN: Okay.

PRATTAS: And you've already heard numerous fellow residents of the subdivision in favor of the project. Likewise, I am in favor of this project. When I first came to Kona in 1977, you could pretty much lay down in the middle of the street in front of the Aloha Theater and no one would run you down because there weren't any cars to run you down. Now it takes about a half hour to cross the street. Certainly, the by-pass road is needed. In case of earthquakes that could damage the highway, there's no other way to get to the hospital.

Certainly, I'm in favor of the oceanside park. Right now, I've only been down to the shoreline once, courtesy of the Lyle Anderson group; and it would be very nice to be able to take my family down there. Right now, the only two points you can access and have any good fun at is either at the City of Refuge or all the way into Kahaluu. So it is a nice intermediate location to get to.

And, otherwise, my mother lives in Scottsdale, Arizona. We are very familiar with the developer as far as the Desert Highlands and his other project there, and they are beautiful developments. Certainly, the people of South Kona deserve to have a Mauna Lani type quality project where they can access and work at. Thank you.

CHAIRMAN: Thank you very much. Next is Greg -, is it Gerard or Gerrard?

GERARD: Gerard.

CHAIRMAN: And Roy Jardine and Gary Ashikawa. Greg, you're first, name and residence address; three minutes.

GERARD: Thank you, Mr. Chairman and Members of the Committee. My name is Greg Gerard. I live in McCoy Plantation in Captain Cook. I commute back and forth to work each day to Bank of Hawaii where I'm the Manager at Lanihau Center.

My observations have been, for the last four or five years, to watch this development underway and appreciate the quality with which it's been brought forward. Its sensitivity to the people, both past, present and future, has been remarkable. Its sensitivity to the land and the infrastructure needs of the community as a whole is very important, particularly in a free enterprise economy in which we live. The economic aspects of this are very important to consider because of the positive aspects of the increased tax base and the employment that it will bring to the community in its quality manner. It's a very much of a positive to West Hawaii.

And, thirdly, I'd like to comment on community safety. I commute back and forth. This morning I came from Captain Cook down to

work. I had bumper-to-bumper traffic on both sides of the road from Captain Cook to Honalo. You can see that emergency situations could not be dealt with very effectively under those circumstances and, certainly, if we had evacuation needs, either mauka or makai, in the North and South Kona area, without the proposed by-pass road we have some serious problems to contend with. So I'm strongly in favor of this development, and I appreciate the quality with which the developers have addressed the issues. And I recommend your approval. Thank you.

CHAIRMAN: Thank you very much. Mr. Jardine.

JARDINE: My name is Roy Jardine. I reside at 74-5051D Malia Place here in Kailua-Kona.

Mr. Chairman, Ladies and Gentlemen of the Commission, I come before you today to speak in support of this Oceanside 1250 project. First of all, the jobs that it'll create will give the Hawaii Island economy a much needed shot in the arm.

Second, in the process of this project, the by-pass road and the value of the road is beyond question. There is no question in my mind that this road, if left up to the government, whether it be the State or the County, will never be built; the funds are just not available out there. I have two sons that attend Konawaena High School, one is a sophomore, one is a freshman. I would certainly feel a lot better if they were not subjected to these hazardous traffic conditions that exist at the present time on Mamalahoa Highway. It is a crap shoot; it is a accident waiting to happen.

And, then, of course, when you put together those concerns of mine along with the oceanside park that's going to be constructed and the access that the residents of Kona will now have to another area of the shoreline, I think that looking at the project overall and seeing that we're speaking of quality from A to Z, I urge the Commission to give a favorable decision in support of this project. Thank you.

CHAIRMAN: Thank you very much. Mr. Ashikawa, name and residence address, please, and you have three minutes.

ASHIKAWA: My name is Gary Ashikawa. I live in Kealahou. I represent myself and Kona Scenic Land, Inc.

We're interested in the Oceanside 1250 project because, well, I live in Kealahou, I'm a neighboring property owner, and our place of business is also in Kealahou. We support the proposed Villages of Hukukano project primarily, well, for many reasons, but primarily for the following reasons:

As many have testified before me, it's a well planned, low density development. The project will average roughly or approximately one lot per two acres, as compared to a typical residential development of two to four lots per acre. So, therefore, this will maintain the rural ambiance and character of the mauka area or the rural Kona area.

Second is the by-pass road which provides a needed secondary access to the mauka area, as many have testified. It'll ease traffic congestion and provide a second route for emergency vehicles.

Third, with respect to the economy, it'll provide jobs during construction of the project, infrastructure and so forth, and also during the construction of the homes for the individual lot purchasers for many years to come. It'll also increase the tax revenues for the County, and lastly, increase business, especially for the mauka Kona area. And, as I said, I wholly support this project. Thank you.

CHAIRMAN: Thank you very much. Next, Lily Kong, R. Christensen and Gordon Leslie. Your name and residence address, and please speak into the microphone; you have three minutes. Lily is first.

KONG: Members of the County Council, Mr. Chairman, thank you for bringing our problem of Kona back to us. My name is Lily Kong.

I am against having Bolton, Inc. permit be granted on Bonsai property. The reason is, number one, it's on agricultural land area. Number two, health problem and whatever consequences involving health. Number three, contaminated ground with oil, gas and dust. Loud noises, characterized by all heavy equipment. Number five, constant inspection of whatever changes it may bring in the area.

We are just next door to the area of Bonsai. We have a Head Start school not far away, and have a clean area up in Keauhou. We also have Hillhaven down below, which needs consideration, also. Please build your baseyard down in the industrial area. Mahalo.

CHAIRMAN: Thank you. Richard -, or R. Christensen, is it?

CHRISTENSEN: Yes, Roger Christensen. I'm a resident of Napoopoo.

I'm speaking in favor of this today. I'll try to keep this brief and to the point. I believe this is a responsible development and that it can set a precedence for future development on this Island and in the State. Not to reiterate what everyone has, or

the majority of people have been saying, but I am very pleased with the low density plan, the emphasis that they've put on the ocean park, the 140 acres, the coastal easement, the stewardship concept that they are approaching the coast with the water monitoring. I am also very impressed that they have made a commitment to the archaeological sites there and that they are developing a series of trails that will be accessible to the public. I believe that the by-pass is an added value to the community and that that's a very positive aspect.

And, you know, I think we've all seen developers that have come in and promised things that they either can't deliver or have no intention of delivering; but as I understand it, Mr. Anderson, Lyle Anderson, has put this in a contractual form so that he is obligated by law to do these things before the homes are built. I also feel that he has a record that is as positive. And, based upon these points, I want to speak out in favor of this project. Thank you.

CHAIRMAN: Thank you very much. Gordon Leslie, name and residence address; three minutes, please.

LESLIE: Good afternoon, Mr. Chairman, Members of the Commission. My name is Gordon Leslie. I'm from Kealahou Bay.

I, first of all, would like to say I came aboard the Oceanside 1250 planning team in March 19, 1992; and at that time I indicated to Mr. Dick Frye I knew a little bit about stopping development through this process but knew absolutely nothing about getting a development through this process. And I need to say that through the years that I've been with them, I have certainly learned a lot about what it takes for correct planning.

For those of you Commissioners who made a decision in the first phase of approving, I want to thank you. Because of that decision, the end result was we had established, or the community had established an easement of 140 acre shoreline park or shoreline area which is unprecedented. If this project never goes through, I think the community of Kona has a lot to thank this body at least for that, the easement of that 140 acres. You have already heard many times today of all the other benefits that the community and the people of Kona will receive from this development, so I will not take any more of your time in elaborating on that. However, upon reviewing many of the support letters that came in, I had asked Dick if I could read one of the support letters that I feel would sum the, my testimony up. And when we look into development, developing a proper plan of property development for Kona, there's, for our area, there's many things to take into consideration. But, lastly, we need to take into consideration the person itself, the person that is responsible for this development. How is he -, what is his

feeling to the community? What is his type of personality and attitude is? And, with that, I'd like to read this testimony.

"Dear Mr. Wong: My name is John Gray, and I wish that I could deliver this short statement in person but was advised this date that I would be unable to attend.

"I retired and moved to Kona in 1986. Just prior to retirement, I, along with two other men, developed a golf/residential development in Scottsdale, Arizona. A portion of the land necessary to build the golf course was owned by the State of Arizona, and we were therefore obligated to work with both the State and City regulatory authorities. In our first conference, attended by City and State representatives, our engineers, our golf course architect and other interested parties, we were confronted over and over with the questions of whether or not our project would 'mirror' Lyle Anderson's development at Desert Highlands. We were 'hammered' with the statements that our development would have to be built as Lyle Anderson's was. Who is Lyle Anderson? We had not heard of him, didn't know him, and had never seen Desert Highlands. We were promptly advised to study his project and be prepared to follow the development philosophy along with the specifications as set forth by the City and State.

"Needless to say, we immediately set out to see why Lyle Anderson's group and the Jack Nicklaus design group had done that we had to 'mirror' as stated by the Scottsdale City representatives.

"We found that Anderson/Nicklaus people had in essence rewritten the rules. They had made golf course/residential development environmentally correct in every way. They had even exceeded their own requirements to the extent that they had now established a higher criteria for this type of development which was later exemplified by the Desert Mountain project, one that encompassed thousands of acres and a number of golf courses, and another large development in Santa Fe, New Mexico. I know that Lyle Anderson's word is his bond" and he is everything, "and he does everything he says he will do, as was so forcefully stated to me in numerous conversations with the people of Scottsdale, Arizona, they wanted my group to be the same, which we were."

CHAIRMAN: Please finish, please.

LESLIE: I'm summarizing, thank you.

"It's ironic that I had to retire in Kona and be playing golf at the Kona Country Club before I was to meet Lyle Anderson. Since meeting him I now understand (better) what," I "was being told to me in early 1985 at our first conference. You don't have to be around Lyle Anderson very long to know you are dealing with a

'straight shooter,' a person who will do what he says he will do. He will set a new standard for golf course residential development, one that all of Kona, north and south, will be proud of and one other developments will have to 'mirror' - his integrity, his vision, his commitment to the environment and all the other assets he brings to this project. This is a development that should be approved, and I encourage the Commission and the community to do so. Sincerely, John Gray." Thank you.

CHAIRMAN: Thank you very much. Next is Clayton Shiraki, Brenda Lam.

KONG: Mr. Chair, I'd like to apologize. Since you called my name earlier to testify, if you see that I had mentioned on the Bolton, Inc. I do support 1250, of course. But just to get the record straight, on your record, so my testimony is against Bolton, Inc. Thank you very much.

CHAIRMAN: Okay. Okay, then Clayton Shiraki, Brenda Lam and Larry Walker.

PUBLIC: Mr. Shiraki had to leave.

CHAIRMAN: Okay. Put in Edward DeMello. Brenda Lam.

LAM: My name is -.

CHAIRMAN: Your name and residence address; three minutes.

LAM: Okay. My name is Brenda Lam. I live at 75-5510 Keke Street, Holualoa.

I'd like to speak in favor of Oceanside 1250 request for the approval of the Villages of Hokukano. I've lived in Kona for 15 years, and I am a landscape architect and landscape contractor. I've worked with many developers on the Big Island, and Oceanside 1250 is one of the best to come along in years. They have kept the community informed of their plans, and they have requested input from the community, and they have actually listened to the comments and incorporated the concerns of the community into their plans. They are saving the historical sites instead of accidentally bulldozing them as so many developers have done in the past. They are providing us with access to the beach, improving and cleaning up the shorelines.

Finally, in South Kona, we have a high quality, responsible development being proposed, and I fully support its approval. Thank you.

CHAIRMAN: Thank you very much. Larry Walker.

WALKER: My name is Larry Walker. I live in Holualoa.

And I speak in favor of Oceanside 1250. I feel that this developer is trying to develop a sensible and useful project while protecting and improving the environment. With today's dissolving economy, this development will certainly provide employment and jobs that are desperately needed. I support this project fully. Thank you.

CHAIRMAN: Thank you very much. Edward DeMello.

DEMELLO: My name is Edward DeMello. I am the owner of Emerald Isle Plumbing, a plumbing contractor, and also a member, a Board Member of Aloha Association, which is Aboriginal Lands of Hawaiian Ancestry.

And I am in favor of the project. My family's concern and my concern is the preservation of the historical sites, and all the Hawaiian artifacts that are there on the property. I am privileged to know the people that are working there, maintaining the sites, and I am aware of all the studies that have been conducted on the site. And I think if the project is allowed to go through, that the company will set a precedent for future developers to come in. And, and the main thing is that they preserve the cultural sites that are there on the property. And, therefore, I am for the project.

CHAIRMAN: Thank you very much. Okay, we have three left, Dale and Marla Anderson, Daphne Thompson-Washburn, and Lois Tyler.

M. ANDERSON: Mine was for later on No. 8 that's coming up.

CHAIRMAN: What's your name?

M. ANDERSON: Marla Anderson.

CHAIRMAN: Okay. Okay, I have Dale -, is that Anderson?

M. ANDERSON: Yeah, that's my husband; he's on No. 8 that's coming up.

CHAIRMAN: Okay.

M. ANDERSON: Sorry.

CHAIRMAN: Okay, we'll put you on that, okay.

M. ANDERSON: Thank you.

CHAIRMAN: No. 8, yeah. So there's, I have a name Dale here.

GIANNINI: No, that's -.

CHAIRMAN: That's her.

THOMPSON: That's her husband, yeah.

CHAIRMAN: Then Daphne Thompson.

THOMPSON: Yeah. My name is Daphne Thompson-Washburn, and I live in Kainaliu.

CHAIRMAN: Okay, three minutes, please.

THOMPSON: And I am not in favor of the Oceanside 1250 project. We are landowners next to the project down in Kainaliu Beach, and one of my main concerns is our property taxes. We're on Conservation land; our property taxes have gone up. When they start rezoning this land from Ag-5 to Ag-1, it's going to turn it into, from a Rural/Agricultural lot to Resort/Residential. You know, everybody is saying how the Hawaiians, how they're constantly losing their land. Well, one of the reasons is because we no longer can pay property taxes because they just go up.

And another concern of mine was the by-pass road. There was one meeting held September 19, 1994, and many of the people who did show up, their concern was that they wanted to have more public meetings so that the public could have more input into this by-pass road because we -, the fear was, is that there might later on figure out that it was wrong so they're going to have to make another road and then they would go through the landowners' properties again. And so I just want to really make sure that this proposed by-pass road is the right one. And I have the report that they gave me back in nine -, last year; and I wasn't able to check it out if it's the exact road that everybody had supported. So I couldn't make a determination if this by-pass is the one that everybody really was for. And, also, they, that's okay, I had -.

CHAIRMAN: Thank you very much. Lois Tyler.

TYLER: My name is Lois Tyler. I, my post office address is P. O. Box 1001, Captain Cook, and, but I live on Painted Church Road.

We urge you -, I'm speaking for the Kona Conservation Group, and we urge you to deny this request. Some of these comments are pretty general. Going back to the whole project, as a whole, and going back to September or so, 1993, when the EIS came out, and I, so some of these address very basic issues.

The need for a plan is the first. As suggested by many people, many times, there is no plan for this area; and without that, we have only piecemeal development without the thorough and wide-range analysis that proper planning requires. This project is an intrusion on a stable, cohesive community. It is not consistent with the rural atmosphere that is so highly valued here in Kona. It is a millionaires' colony, a millionaires' playground, to be constructed among cultural features important to Native Hawaiians, with more than half of the identified sites to be destroyed after data recovery. According to your letter to the County Council, 289 sites out of 473 were to be done away with. So, for some people who think that there's going to be a lot of preservation of historic sites, I'd like to call their attention to statistics such as that.

This type of development is not compatible with preservation of historic sites. It is desecration of a heiau or burial even if it is not touched, if the atmosphere surrounding it is destroyed by the placement of a restaurant, a clubhouse, or a golf course next to it.

Number two, protect Class AA waters. I'd like to just summarize because I'm going to run out of time, and I get nervous. So, the golf course design that tries to assure us that, you know, we don't have to worry about the waters is not very convincing, and we must be concerned about Kealakekua Bay, not just the shore fronting this project. Kealakekua Bay is only 1.3 miles away according to the EIS, and the Office of State Planning had expressed concern about the possibility of increased non-point pollution in their comments to the draft EIS. And even the developer conceded that it's not possible to really control the use of chemicals on the residential area, and that even the use of chemicals on the golf course, if it's, you know, if it's not done right, could leach into the ground water or into the coastal waters.

Cost benefit analysis. Now, I got to summarize this, but, I got to call your attention to this. So many people have said that the community will gain a lot more than it will cost them, but I am giving you the opposite conclusion. And I urge you to read this because the developer has not factored in all the costs that are involved. For example, in their EIS, they just disregarded the cost for education, health care, police and fire. They said that the normal planning process for growth will take care of whatever additional costs come in. In other words, we're supposed to support it. I don't know if you agree, but I don't.

CHAIRMAN: Your three minutes are up.

TYLER: Okay, I just want -.

CHAIRMAN: Will you please -.

TYLER: To say -.

CHAIRMAN: Be brief.

TYLER: For some of the people who are nearby, their property taxes are going up. So I don't know if they realize this, and this is from the developer's own words. That's Item No. 4.

And No. 6, in terms of historic sites, the Kona Field System is a very large expanse that is recorded where -, from, oh, below Hookena all the way up through Holualoa, and it includes a lot of the structures that were made by the Hawaiians as they farmed the land, and this should be kept. And now, with the emphasis on cultural impact by some of the Native Hawaiians who have been speaking up lately, I think this is going to become a real big issue.

And the road, let's not call it a by-pass anymore. The plans are that the developer wants to get paid back as development occurs along the road, so what we're going to have is not less traffic, we're going to have more traffic, more development. And when, recently, there was a meeting at Konawaena where the traffic guys were, the Highway people were there talking about four alternative routes or whatever. I asked them during a recess, two engineers, I said, "Can you name me one highway on Oahu that has relieved traffic congestion?" Both of them laughed. So I want us, you know, we got to keep this in mind, the days when you could make a left turn without traffic backing up are gone. We can't go back to that. We're only going to have more traffic. And right now, if you think it's bad, it's going to be worse when we get more highways, just like Oahu. Please consider that. Thank you very much.

CHAIRMAN: Thank you very much. We have to break for lunch and be back here, I guess, we'll have to make it what, 2:00, or 1:45, something like that? Let's say 2:00. So, we won't take any more testimony at this time, but we'll be back here at 2:00 p.m.

RECESSED The Chairman called a lunch recess at 12:45 p.m.

RECONVENED The meeting reconvened at 2:00 p.m.

CHAIRMAN: The Hawaii County Planning Commission will come back to order. When we went out for lunch, we just finished hearing from about 40 people from the public. I want to find out if there's anyone else from the public that wishes to testify on this change of zone application. If not, I'll call the developer back up to see if he has any last minute comments that he wishes

to make or any clarification. State your name and residence address again, please.

FRYE: Dick Frye, 75-655 Hua'ai Street, Kailua-Kona.

I neglected to thank the Applicant who allowed us to go before. They may now say they shouldn't have done that, it took so long, and I apologize for the length of testimony, although we're also quite thankful for the people to come out and, with such enthusiasm, to say what they did. And if I may make just a little bit of a funny, I was so impressed by the very important things that Bill Wong said. I think a lot of people were touched by what he said. He's the kind of guy that you wish someday could be governor for Hawaii; and he probably wouldn't like me to say that, but my heart goes out to what Bill had to say.

Just four short remarks regarding the testimony. One is, again, I'd like to clarify that the lodge, the members lodge or hotel or whatever anyone might want to call it, is not a part of this application. When and if we'd like to do something with the lodge, we would come back before this or any other body who has jurisdiction to process the proper approvals for the lodge.

Secondly, regarding the SMA boundary, the boundary of the SMA is, as shown on the maps of -, the official maps, that deal with the SMA, and it is that line that is shown on our maps. There is no narrative boundary of the SMA that speaks to it following some road or not following some road. And even if it did, when and if that road were established more accurately, and we think we know where it is within 50 or 100 feet anyway, then that would certainly prevail. And, but in any event, we -, all the maps that we have shown and all the application work has been based on the official maps showing the SMA boundary.

Third is the comments about the archaeology sites. You heard one person testify that there were some 289 sites that are going to be done away with. I'd like to affirm, reaffirm our dedication to the preservation of as many sites as possible. The 289 sites that were mentioned happen to be marked by the archaeologist and the State as available for data recovery, meaning that if we need to disturb the site, we need to follow a data recovery plan that will be approved by the State and then provide that information to the State. It certainly does not mean that we intend to destroy 289 sites. We will do everything we can to save all of them possible.

Lastly, some of the testimony, I think, served to create some confusion but most of that turned out to be, in the end, please delay or defer, we'd like more time to talk more about this, and I can appreciate that. Some people would like the project not to go forward at all. I think that showed today to be a minimum number of people. We'd like very much for the project to move

forward. We're anxious to get to the permit stage and to begin construction. This project is 20 or 30 years from us. So whether we are in a slow time or a fast time, economically, is relatively unimportant because the economy will go up and down probably several times in the life of the project, the 20 or 30 years that we're talking about. So we'd really like to move forward and urge you to make an approval as quickly as you feel you have the information. Thank you.

CHAIRMAN: Commissioners, do you have any questions for the Applicant? Staff, you had something you wished to -? Oh, I'm sorry.

ALONZO: Mr. Chairman?

CHAIRMAN: Commissioner Alonzo.

ALONZO: Yes, Mr. Frye, I was looking at the Recommendation Report on Condition 11, the electrical substation site. Is the, if any of the, substation site will be affecting any homes nearby?

FRYE: The substation site is not actually selected at this point. We've only been informed by Helco that our project will, at some point in time, require an additional substation. They may even choose to be the ones to do the location and construction and all those things. But we have, in absence of that being solved, we have been negotiating with a property owner that is mauka of this property that would be willing for such a station to be located on his property. If that, in fact, materializes, I know of no homes at all that would be affected because the site is, where this would be located, has no homes on it.

ALONZO: Thank you.

CHAIRMAN: Any other questions, Commissioners? Royden said he had some -.

YAMASATO: Thank you, Mr. Chairman. Mr. Chairman and Commissioners, I'd like to refer you to the Change of Zone Condition, Change of Zone Application 95-12, the Conditions of Approval that are attached to the Recommendation. I'd like to get your attention to Page 5, Condition No. O. May I proceed?

CHAIRMAN: Yes (nodding).

YAMASATO: Condition No. O needs to be amended, on the second line in Condition O where it says Conditions B, D, E, F, J and L, Conditions B, D, F and L are to be replaced with Conditions E, G, J and K. We'd like to make those changes just to reflect the consistency with the change of zone application.

And, also, on Page 7 of the Conditions, in the last paragraph where it's Item Q, that Q should be deleted.

CHAIRMAN: All of Item Q?

YAMASATO: No, Mr. Chairman, just the letter Q.

CHAIRMAN: Oh.

YAMASATO: It should not be alphabetized on that last paragraph. Thank you.

CHAIRMAN: Okay. Is that all, Royden?

YAMASATO: Yes, Mr. Chairman.

CHAIRMAN: Okay.

TANAKA: Mr. Chairman?

CHAIRMAN: Commissioner Tanaka.

TANAKA: Seeing no further speakers from the public, I move to close public testimony and hearing.

FIESTA: Second.

CHAIRMAN: Okay, the motion has been made by Commissioner Tanaka, seconded by Commissioner Fiesta, to close the public hearing. All those in favor, signify by saying aye.

COMMISSIONERS: Aye.

CHAIRMAN: Opposed? Motion is carried.

TANAKA: Mr. Chairman?

CHAIRMAN: Commissioner Tanaka.

TANAKA: First I'd like to confirm that we are acting, first of all, on Change of Zone Application 95-12. Okay?

CHAIRMAN: Yes.

YAMASATO: Yes, we are.

TANAKA: I'd like to make a motion that we send a favorable recommendation to the County Council for the Change of Zone Application 95-12 as per the reasons and conditions stated by the Planning Director, with the changes and revisions as stated by Staff.

FIESTA: Second.

CHAIRMAN: Okay, the motion has been made by Commissioner Tanaka. Seconded by Commissioner Alonzo -?

FIESTA: Fiesta.

CHAIRMAN: To send a favorable recommendation to the Hawaii County Council on Oceanside 1250 application for Change of Zone No. 95-12 with the changes that were made in the Conditions of Approval. Roll call.

YAMASATO: Commissioner Tanaka?

TANAKA: Aye.

YAMASATO: Commissioner Alonzo?

ALONZO: Aye.

YAMASATO: Commissioner Fiesta?

FIESTA: Aye.

YAMASATO: Commissioner Balog?

BALOG: Aye.

YAMASATO: Commissioner Katayama?

KATAYAMA: Aye.

YAMASATO: Commissioner Martinson?

MARTINSON: Aye.

YAMASATO: Commissioner McIntosh?

MCINTOSH: Aye.

YAMASATO: Mr. Chairman?

CHAIRMAN: Aye.

YAMASATO: Mr. Chairman, you have eight ayes; motion is passed.

SMA USE PERMIT
OCEANSIDE 1250
HALEKII, KEKEE,
SOUTH KONA

The Commission took up this item at 2:30 p.m. with approximately 37 people from the public in attendance.

CHAIRMAN: Okay, the next item on our agenda is Item No. 4, application of OCEANSIDE 1250 for a Special Management Area Use Permit to allow the development of portions of the proposed 400-lot agricultural subdivision and related infrastructure improvements and facilities on approximately 110 acres of land. The application represents a portion of the approximately 1,540 acres master planned community known as the Villages of Hokukano. The property is located makai of Mamalahoa Highway and Kealakekua Village, Halekii, Keekee, North and South Kona, Hawaii, TMK: 7-9-12:Lots 4, 11 and Portion of 3; and 8-1-04:Portion of 3. This hearing status is open. Staff.

YAMASATO: Thank you, Mr. Chairman. Mr. Chairman, Commissioners, I'd like to direct your attention to the location map. We're talking about the area on the makai side of this yellow dashed line here. This is the portion of the area that's within the SMA. The Staff's Background and Recommendation Report has been prepared and distributed to you with the corresponding supportive documents that have been prepared by the Applicant and their representatives. Upon reviewing the information that has been prepared for this application, the Planning Director is recommending that this application for a Special Management Area Use Permit be approved. The recommendation is based upon the findings that the granting of the request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended, and Rule No. 9, Special Management Area. We are attaching Conditions of Approval which have been attached at the end of the Recommendation Report. At this time, we are ready to answer any questions you may have.

CHAIRMAN: Yes, Royden, should we use the same Background Report for both -?

YAMASATO: Yes, the -.

CHAIRMAN: The zoning application -.

YAMASATO: Background Reports were prepared concurrently with the change of zone application.

CHAIRMAN: Right, okay. Okay, any questions, Commissioners, of the Staff? If not, would the developer come forward please. Please state your name and residence address.

FRYE: Dick Frye, 75-655 Hua'ai Street, Kailua-Kona.

CHAIRMAN: Did you receive the Recommendation for this Special Management Area Use Permit that was prepared by the Planning Department?

FRYE: Yes, I did.

CHAIRMAN: Okay. You may proceed.

FRYE: Thank you. Much of what was said under the zoning, Change of Zone application applies here, but I would like to show one exhibit and make a couple of statements. This exhibit shows, in yellow, the four areas that are a part of the SMA application that are not covered by any other SMA application. The golf course, even though it's below this SMA line, the golf course is covered by a previous SMA that was approved by this body. In these four areas, it is proposed that we would have located agricultural lots with homes on them, streets, the normal utilities of sewer and water lines. And also the ag uses that would take place in here along with these agricultural subdivisions, we have agreed in past hearings to make the operations of that agriculture in accordance with an integrated pest management plan for agriculture, although that's not an item that has been done before, to my knowledge. But that is the same thing we're doing for the golf course, is integrated pest management plan, one of the Department of Health requirements for golf courses. So we'll be doing the same kind of plan for protection of the resources in the agricultural areas that are within this SMA and for the whole project, for that matter.

We, additionally, have water monitoring locations as high as about 1,800 feet on the property, in areas just above the golf course, in areas just below the golf course, and in areas in the water itself. So we have several areas of water quality monitoring to be sure that those things that are done on the property don't do anything to endanger the water. Otherwise, there's nothing, I think, in here that you wouldn't see in any other agricultural lot subdivision in the way of homes, streets, and the normal uses. I'd be glad to answer any other questions you may have.

CHAIRMAN: I have a question. I don't know if this is a word that you have introduced or this is the Staff. We call that reasonable scaled agricultural endeavors?

FRYE: I'm not sure where that word was framed either, or those words. I guess what maybe that means to me is that if there are going to be homes located on these lots and close by there will be agricultural operations, that it's important that the scale be appropriate so, because the two uses need to live together, and the person that owns the lot is not likely to be the farmer on the lot. And so we need to be sure that one doesn't overwhelm the other and that they are compatible, and that's one of the efforts that, that we think we can achieve very beautifully, as a matter of fact. And we had Agricon Hawaii do a study for us about how agriculture can work in this kind of an environment, and I think it'll work very, very well.

CHAIRMAN: So, you, as the developer, will maintain a presence throughout the years to watch over that?

FRYE: Ourselves and, eventually, in the documentation to the homeowner association so that it becomes perpetual. As it takes over and becomes the controlling entity, they will be bound by the same things that we are, and that those things will occur in the CC&Rs and contracts of sales so that they understand all the obligations. But, yes, we will be the farm managers for the agricultural operation. We will find people who are very good and professional at what they do in the agricultural area.

CHAIRMAN: Thank you. Any other questions, Commissioners? I have one person signed up, April Maberry, for, to testify from the public. Is she here?

KAWAHA: She testified earlier.

CHAIRMAN: Yeah, I know she testified earlier. Okay, with -.

GIANNINI: She submitted that, she submitted that thing from Villa, written -.

CHAIRMAN: There's no one from the public. What is your pleasure, Commissioners?

BALOG: Mr. Chairman, seeing none, motion to close public hearing.

ALONZO: Second, Mr. Chairman.

CHAIRMAN: Okay, the motion has been made by Kevin Balog and seconded by Commissioner Alonzo to close the public hearing. All those in favor, signify by saying aye.

COMMISSIONERS: Aye.

CHAIRMAN: Opposed? Motion is carried.

BALOG: Mr. Chairman, I'd like to make a -.

CHAIRMAN: Commissioner Balog.

BALOG: I'd like to make a motion that we approve SMA Use Permit 95-3 for Oceanside 1250 with the reasons and the conditions.

ALONZO: Second, Mr. Chairman.

CHAIRMAN: Okay, the motion has been made by Commissioner Balog and seconded by Commissioner Alonzo to approve Special Management Area Use Permit Application No. 95-3 from

Oceanside 1250 with the conditions as set forth by the County Planning Department. Roll call.

YAMASATO: Commissioner Balog?

BALOG: Aye.

YAMASATO: Commissioner Alonzo?

ALONZO: Aye.

YAMASATO: Commissioner Tanaka?

TANAKA: Aye.

YAMASATO: Commissioner McIntosh?

MCINTOSH: Aye.

YAMASATO: Commissioner Katayama?

KATAYAMA: Aye.

YAMASATO: Commissioner Martinson?

MARTINSON: Aye.

YAMASATO: Commissioner Fiesta?

FIESTA: Aye.

YAMASATO: Mr. Chairman?

CHAIRMAN: Aye.

YAMASATO: Mr. Chairman, you have eight ayes; motion is passed.

CHAIRMAN: Thank you. You will be notified in writing of this action.

ORD. 94-73 The Commission took up this item at 2:19 p.m.
OCEANSIDE 1250 with approximately 37 people from the public
HONUAINO 3RD & 4TH, in attendance.
HOKUKANO 1ST & 2ND,
HANAUEUE 1ST & 2ND,
KALAKALU 1ST, 2ND &
3RD AND ONOULI 1ST,
NORTH & SOUTH KONA

CHAIRMAN: Okay, Item No. 5 on your agenda is an application of OCEANSIDE 1250 for an amendment to Conditions L, N, P and Q

and deletion of Condition M of Change of Zone Ordinance No. 94-73, which reclassified lands from Agricultural (A-5a) and Unplanned to Agricultural (A-1a) at Honuaino and Onouli 1st, North and South Kona, Hawaii, TMK: 7-9-06:Portion of 1; 7-9-12:Portions of 3, 4 and 5; and 8-1-04:Portion of 3. Hearing status is open. Staff.

YAMASATO: Thank you, Mr. Chairman. Mr. Chairman, Commissioners, this application is an amendment to the original ordinance which is for the mauka portion of the subject property. The amendments are in primary relationship to the new proposal by the Applicant for the construction of the proposed Mamalahoa Highway by-pass, and the conditions to be changed to reflect those changes. In the chronology of the -, we have indicated to you the time sequence of the ordinance. And under the Applicant's request, we've noted for you the reasons why the amendments need to be changed to include the extension of the highway in its entirety rather than in phases, and the deletion of the State Department of Transportation's participation in this process because it's going to be a County roadway system which will be dedicated to the County. Therefore, all the amendments, as proposed in your Recommendation, reflect that.

I believe we also need to, at this point in time, if I could direct your attention to your Conditions of Approval on Page 9 -.

ALONZO: Nine?

FIESTA: Nine?

MCINTOSH: Nine?

BALOG: Seven.

YAMASATO: No, it should be Page 9.

MCINTOSH: There is none.

CHAIRMAN: There is no 9.

YAMASATO: If you're looking at Page 7, you're looking at the Change of Zone application. It should be on Page 9.

GIANNINI: Of the Change of Zone -?

CHAIRMAN: Page 9 of the Change of Zone application that we -?

YAMASATO: No, the amendment application.

GIANNINI: Ninety-four seventy three?

YAMASATO: Ninety-four seventy three.

GIANNINI: Well, there's a Page 9, and I don't have a Page 7.

BALOG: Yeah, yeah, of the recommendation -. The one that he submitted?

YAMASATO: Yes. May I proceed, Mr. Chairman?

GIANNINI: Oh, this one.

CHAIRMAN: This one. Yes.

YAMASATO: I need to refer you to the Change of Zone, I mean the Conditions of Approval rather than the Recommendation Report, okay. On Page 9, Condition M, the first sentence, second sentence where it says, "be dedicated to the appropriate government entity," we are deleting the words "appropriate government entity" all the way down to the end of the condition to "law" and inserting "County of Hawaii." So Condition M would read, "All roadway improvements stated in Condition L of this ordinance shall be dedicated to the County of Hawaii." Okay?

And new Condition O on the same page, Line 3 of Condition O, after the words "Planning Director," we need to insert the words "the Department of Public Works and the Department of Water Supply." This is to make it consistent with the present language. Thank you.

CHAIRMAN: So this road will become a County road?

YAMASATO: That's correct.

CHAIRMAN: Is that all, Royden?

YAMASATO: Yes, that's all -.

CHAIRMAN: Will the -.

YAMASATO: For us, sir.

CHAIRMAN: Developer come forward, please. Do you have any comments you wish to make? Name and residence address, please.

FRYE: Dick Frye, 75-655 Hua'ai Street, Kailua-Kona.

CHAIRMAN: Did you receive the Recommendation and the Background Report for this application?

FRYE: I did. We were talking about the one that goes through Sheet 7?

CHAIRMAN: Yes.

FRYE: Okay, yes, I did.

KATAYAMA: No, no.

BALOG: No, it must be wrong.

FRYE: No?

CHAIRMAN: The recommendation that I have is only through Page 7, then there's a draft -.

YAMASATO: Mr. Chairman, let me clarify that for you. The Applicants do not have the draft ordinance with the Conditions of Approval; they -, all they have is the Background Report. And if I could refer that to them on the Conditions, it would be on Page, it would be on Page 6 of your Background, I mean, the Recommendation.

KAWAHA: Excuse me, Royden, can I interrupt for a while? When the Background/Recommendations for this amendment went out, part of the Recommendations, we did have the amended Conditions, so the pages went up to Page 7. This morning we handed out to the Planning Commission the proposed, in the ordinance form, and that's why, I think, there's that confusion.

YAMASATO: This here -.

FRYE: You're talking about this one?

YAMASATO: Yes, this here.

FRYE: I only have one -.

YAMASATO: This one here is the one that's, this is the one that's applicable here.

FRYE: Okay. Mr. Chairman, I have the information now. Only one question as it relates to what was Condition O and, what is now Condition O was Condition P. The words, I think the change, if I understood it, where the second line says, "the applicant may enter into an agreement with the Planning Director," and then it was, what did it say about Department of Public Works and Department of Water Supply? How was that worded?

YAMASATO: It was to include the words, after the "Planning Director," the Department of Water, ", the Department of Public Works and the Department of Water Supply," and "to assure the county that the infrastructural improvements will be constructed together with the appropriate bond, surety and/or other security

deemed acceptable." That's because all the construction drawings have to be approved by these two agencies so that they can be acceptable with the bond.

FRYE: And so long as all of the drawings we're talking about, or all the plans we're talking about, would need to be approved by all three, then I would -, the wording is fine. But if, in fact, it might be either/or, maybe it should say by "the Planning Director or Department of Public Works or Department of Water Supply, as appropriate." And then if it's one or two or three, it's okay. Otherwise, it would seem that all three would need to sign off on things under this that may not be appropriate.

YAMASATO: As a normal process, all three agencies have to sign off on the construction drawings, Mr. Chairman.

KAWAHA: Royden, that -.

YAMASATO: All three agencies must sign off on the construction drawings.

KAWAHA: Yes.

FRYE: All three?

KAWAHA: Yeah. I just want to clarify that it's supposed to just make it same wording as the Rezoning 95-12, to make it consistent as far as the wording for, stated in Condition O.

FRYE: So, if, in an instance where all three weren't required to sign, this would not be problematic, then, if that's the case?

KAWAHA: Okay, like I mentioned, it was just to make it consistent with the Rezoning 95-12, that wording -.

FRYE: The one -.

KAWAHA: To make it consistent.

FRYE: Where it was just past today.

KAWAHA: Right.

FRYE: I see.

KAWAHA: It was just, it was just passed.

FRYE: Okay.

KAWAHA: Or was recommended favorably.

MCINTOSH: Can we ask for clarification from Corp. Counsel on that because normally the bonding agreement is between the Planning Director and the Applicant? Why are we now getting these other two agencies involved? Or am I misunderstanding?

GIANNINI: I'm not sure there has -, I don't think there's been a change in the overall ordinance. I know it's usually -, I had always thought that the agreement had to be signed by whatever, by whatever departments were affected by it, such as if it was -, it would have to be signed by the Director of Department of Water Supply if it included a water system. I had thought those agreements had to be. I don't do the department, I don't get those bonding agreements anymore for approval anymore so I'm not sure if it was, but I had always been under the impression that that's the way it was. But, obviously, the Director of Water Supply doesn't have to sign off on one where it's a road, where Water Supply is not involved.

YAMASATO: Yes, that's correct. However, in this application, it is inclusive of the water lines and the roadway systems. And the Planning Director, on all construction drawings, all three agencies, as normal practice, have been signing off on the construction drawings provided to these agencies so they can do their estimates and make it relevant to the bonds that are submitted for these construction drawings, then, which are then submitted to Corp. Counsel for review and then resubmitted to the agencies.

MCINTOSH: This paragraph relates specifically to the bonding not to the construction drawings. And that's why I'm saying I'm confused because every bonding agreement I'd ever seen has always been with the lead agency, which is the Planning Director.

GIANNINI: Okay, the statute, the ordinance reads, "The agreement," regarding bonding, "The agreement, as specified in Section 23-82, shall be secured by a good and sufficient surety bond other than personal surety, certified check or other security acceptable to the Director and approved by the Corporation Counsel in a sum equal to the cost of all work required to be done by the subdivider as estimated by the Chief Engineer and the Manager if the subdivision" is within the scope of the Water Department, "is within the scope of the Department of Water Supply requirements. The surety bond shall be payable to the County and, when appropriate, to the Department of Water Supply. The bond should be conditioned upon faithful performance of any and all work required." It, it only mentions specifically that it be acceptable to the Director and approved by the Corporation Counsel. But there are other things, I know, in these agreements, I believe they also have to be approved by the Mayor, also, and that's not in the statute. But our office has always said you had to have them signed by the Mayor because they're a contract. So, as far as, I don't think it's necessary

to have the Directors of Public Works and Water Supply to sign off on those surety agreements.

KAWAHA: But, if applicable -?

GIANNINI: But if it's, yeah, if applicable. I mean, since the ordinance does say that they must meet with the standards of the Department of Water Supply or the Public Works, they would have to approve any such projects.

MCINTOSH: The construction drawings, yeah, but not a financial agreement.

GIANNINI: Okay, maybe not the financial agreement, no. But, see -.

BALOG: You agree to that?

YAMASATO: In order to get to the financial agreement, you must have that -.

GIANNINI: Okay, no, I think you have, I think that's what this says here. It says, "In lieu of the actual construction of infrastructural improvements as required under the Conditions...the applicant may enter into an agreement with the Planning Director, Director of Public Works and Director of Department of Water Supply to assure the county that the infrastructural improvements will be constructed together with the appropriate bond, surety or other security deemed acceptable to the Planning Director and the Corporation Counsel." It seems like a financial agreement merely has to be approved by the Planning Director, has to be acceptable to the Planning Director and the Corporation Counsel. I think the wording there about the Director and the Public Works and the Water Supply is, therefore, the purpose of assuring that the Director, that the Chief Engineer and the Director for Department of Water Supply will approve the standards; and they have to on the improvements. They had to approve the improvements.

MCINTOSH: It's not what this says.

GIANNINI: All right, write it, write it again then. Have somebody rewrite it so that it clearly states -.

YAMASATO: Mr. Chairman, that was our intention.

GIANNINI: What the Commission wants it to say.

FRYE: May I offer a suggestion. If it works for the Commission, if following the two agencies, the three, it said "as applicable." Then the interpretation, whether it be by Corporation Counsel or some other part of the administration,

could make that determination; and we would have to do whatever is applicable.

BALOG: Mr. Chairman, I would so move that -.

CHAIRMAN: Commissioner Balog.

BALOG: I agree with the applicant and after water, Manager of Water Supply, we should put "as applicable."

CHAIRMAN: Is that a motion?

BALOG: It will be when I, we make a motion to approve it.

CHAIRMAN: Okay, all right. So Commissioner Balog is suggesting that we follow the suggestion of the developer that we add the words, "as applicable," after the words "Department of Public Works and Department of Water Supply," in this Amendment O.

MCINTOSH: I have a problem with this because this is a major change in procedure going through the Department for a developer. They're not only now can sit down with the Planning Director and work out, this is, just relates to the bond. It relates to the financial security that the developer has to post so that they can have final subdivision approval and sell their project. They're bonded. Now we're bringing in other departments into this financial arrangement that is between the developer and the Department; and the Department has normally has been the lead agency in all of these affairs, they're the ones that do the mechanics. I'm concern that we're taking a financial commitment and confusing it with construction drawings that are covered elsewhere. Because normally the Director takes all of those construction drawings, they arrive at a number and that's the number that has to be posted in terms of an insurance bond. I just don't think it's necessary to have these other departments involved in what is now a financial contract between the County and Corp. Counsel; and the Planning Department is normally by, by definition, the lead agency for all of these other departments.

KATAYAMA: To insure conformance -.

GIANNINI: The legal requirement of a bond is the Planning Director and Corporation Counsel approve and the Mayor signs off. It's an execution -.

ALONZO: Mr. Chairman, five-minute recess.

GIANNINI: Wait.

MCINTOSH: This should be on the record.

GIANNINI: This should be on the record. As I see it and the way that the ordinance reads under Section 23-83 you have sort of the, the improvements are separate from the bond. The improvements have to be improved, have to be approved by Public Works, Water Supply, where necessary, and the Planning Director. That's under the Subdivision Code. The requirement of the financial surety, that only has to be approved, or it has to be signed off on by the Planning Director and also by the Corporation Counsel, and the Mayor signs it also. Therefore, if it is confusing, if it does appear to be that the Director, that, the Chief Engineer and the Director of Water Supply have to sign approval on the financial agreement, that is not required under the Ordinance. The only, but those Departments have to approve the improvements. So if you want to rewrite this so that it is stated to make it clear that the approval of the improvements is separate from the financial agreement, then that should be rewritten.

MCINTOSH: Doesn't the Director grant final subdivision approval?

GIANNINI: Yes.

MCINTOSH: Isn't the Director the lead agency? So the Director is not going to grant final subdivision approval until all of the other departments -.

GIANNINI: That's right.

MCINTOSH: Have signed off?

GIANNINI: That's right.

MCINTOSH: So why do we have to include that language in this permit?

GIANNINI: Technically, I suppose, it's not a legal requirement, it would not be legally required to be there.

CHAIRMAN: Yeah. I think the simplest way is to eliminate those words from this condition since it is a bond, you're not talking about the construction drawings themselves. Commissioners?

BALOG: Eliminate, move on -.

CHAIRMAN: Okay, we're going to eliminate those words from Condition 0 so it reads as it was typed, "The applicant may enter into an agreement with the Planning Director to assure the county that the infrastructure improvements will be constructed," etc.

YAMASATO: Mr. Chairman, we have no objections. However, you do have the previous change of zone application which has the same language.

CHAIRMAN: Pardon me?

YAMASATO: You do have the previous change of zone application, Item No. 3 on your agenda, which has the same language contained in its condition, yes.

CHAIRMAN: The same language in it?

YAMASATO: Yes. We have no objections to that change.

CHAIRMAN: You mean the one we acted on earlier today?

YAMASATO: Yes, sir. But we should dispense with this particular application first.

GIANNINI: Well, one thing about this is if there is inconsistency, the final decision on this is made by the Council anyway.

YAMASATO: That's correct.

GIANNINI: So if you have a problem with inconsistency, you can point out that inconsistency to the Council and bring it to their attention; and if they want to resolve the inconsistency, if they feel it's important they can resolve the inconsistency.

YAMASATO: That's true.

GIANNINI: So they could add this if they wanted to, they could take it out of the other one, whatever.

YAMASATO: That's correct.

CHAIRMAN: This is just a recommendation, huh, to the County Council?

GIANNINI: Right.

CHAIRMAN: Yeah. Let's do it that way.

YAMASATO: May I reiterate then, Mr. Chairman?

CHAIRMAN: Yes, reiterate.

YAMASATO: On Condition 0 on page 9, the Conditions for Change of Zone Ordinance No. 94-73 for Oceanside 1250, there is no amendment. The language is to stay as it is.

CHAIRMAN: Right. Okay, thank you.

YAMASATO: You're welcome.

CHAIRMAN: Anything else, Commissioners? Commissioner Balog.

BALOG: Motion to close the public hearing.

ALONZO: Second, Mr. Chairman.

CHAIRMAN: Okay, motion has been made by Commissioner Balog, seconded by Commissioner Alonzo to close the public hearing. All those in favor signify by saying aye.

COMMISSIONERS: Aye.

CHAIRMAN: Opposed? Motion is carried.

BALOG: Mr. Chairman, I'd like to make a motion that we send a favorable recommendation for amendment to Change of Zone Ordinance No. 94-73 with the correction to Condition N for Oceanside 1250.

ALONZO: Second, Mr. Chairman.

CHAIRMAN: Okay, motion has been made by Commissioner Balog, and seconded by Commissioner Alonzo, to send a favorable recommendation to the County Council on amendment to Change of Zone Ordinance No. 94-3 from Oceanside 1250 with the correction to addition, Condition N. Roll call.

YAMASATO: Commissioner Balog?

BALOG: Aye.

YAMASATO: Commissioner Alonzo?

ALONZO: Aye.

YAMASATO: Commissioner Tanaka?

TANAKA: Aye.

YAMASATO: Commissioner Fiesta?

FIESTA: Aye.

YAMASATO: Commissioner Katayama?

KATAYAMA: Aye.

YAMASATO: Commissioner McIntosh?

MCINTOSH: Aye.

YAMASATO: Commissioner Martinson?

MARTINSON: Aye.

YAMASATO: Mr. Chairman?

CHAIRMAN: Aye.

YAMASATO: Mr. Chairman, you have eight eyes. Motion is passed.

CHAIRMAN: Thank you. You'll be notified in writing of this action.

The discussion ended at 2:42 p.m.

Respectfully submitted,


Sharon M. Nomura, Secretary

RECORD OF VOTING
PLANNING COMMISSION
COUNTY OF HAWAII

DATE: September 14, 1995

APPLICANT: OCEANSIDE 1250 - SMA

PUBLIC HEARING:

CLOSE 1ST Balog 2ND Makoa

CONTINUE 1ST _____ 2ND _____

REOPEN 1ST _____ 2ND _____

OTHER _____

REMARKS _____

ACTION:

APPROVE

APPROVE WITH AMENDMENTS

DENY

OTHER _____

REMARKS _____

| COMMISSIONERS: | AYE | NO | EXCUSED | ABSTAIN |
|-------------------|-----|----|---------|---------|
| ALONZO, Eddie ✓ | ✓ | | | |
| BALOG, Kevin M. | ✓ | | | |
| CROOK, Edward E. | ✓ | | | |
| FIESTA, Isaac | ✓ | | | |
| KATAYAMA, Mary | ✓ | | | |
| MARTINSON, Melvin | ✓ | | | |
| MCINTOSH, Lin | ✓ | | | |
| TANAKA, Leonard | ✓ | | | |
| WONG, Wilton | | | | |

