

PLANNING COMMISSION  
COUNTY OF HAWAII

HEARING TRANSCRIPT  
May 5, 2000

A regularly advertised hearing on the applications of 1250 OCEANSIDE PARTNERS (dba OCEANSIDE 1250) was called to order at 2:10 p.m. in the Aston Keauhou Beach Resort, Kahaluu Ballroom, Hawaii, with Chairman Richard B. Baker, Jr. presiding.

PRESENT: Richard Baker, Jr.            ABSENT & EXCUSED: Mildred Mosher  
Earl Fujikawa  
Florence Kubota  
Geraldine Giffin  
Francis Smith  
James Souza  
Grant Togashi

Virginia Goldstein, Planning Director  
Alice Kawaha, Staff Planner  
Eleanor Mirikitani, Staff Planner  
Pamela Harlow, Staff Planner

Fred Giannini, Deputy Corporation Counsel  
Glenn Ahuna representing Department of Water Supply  
Kiran Emler representing Department of Public Works

And approximately 70 people from the public in attendance.

**APPLICANT: 1250 OCEANSIDE PARTNERS (dba OCEANSIDE 1250)** - Application for a Special Management Area Use Permit for the development of an 80-unit private members' lodge, related onsite and infrastructure improvements and other related improvements. The project area is within the Hokuli'a development approximately 2 miles west (makai) from Kealakekua Village and 1.5 miles from Kona Scenic Subdivision at Keekee, Ilikahi, Kanakau, and Kalukalu, South Kona, Hawaii, TMK: 8-1-4:Portion of 3.

**APPLICANT: 1250 OCEANSIDE PARTNERS (dba OCEANSIDE 1250)** - Applications for a Special Management Area Use Permit and Special Permit for the development of a wastewater treatment plant and related improvements on approximately 3 acres of land situated within the State Land Use Agricultural District. The project area is within the Hokuli'a development approximately 2 miles west (makai) of Kealakekua Village, mauka of Pu'u Ohau, and approximately 1,000 feet from the shoreline, Hokukano, Hawaii, TMK: 8-1-4:Portion of 3.

**APPLICANT: 1250 OCEANSIDE PARTNERS (dba OCEANSIDE 1250)** - Application for a Special Management Area Use Permit for the development of a shoreline park and related uses and improvements. The project area is within the Hokuli'a development approximately 2 miles west (makai) from Kealakekua Village and 1.5 miles from Kona Scenic Subdivision within the land sections from Hokukano to Onouli, Hawaii, TMK: 7-9-12:Portion of 3 & 8-1-4:Portion of 3.

**APPLICANT: 1250 OCEANSIDE PARTNERS (dba OCEANSIDE 1250)** - Application for a Special Management Area Use Permit for the development of a portion of the Mamalahoa Highway Bypass Road, approximately 2,500 linear feet. The project area is located in the vicinity at the end of Ali'i Highway at Keauhou, Hawaii, TMK: 7-8-10:Portion of 30.

**BAKER:** Before we call up the Applicants, and we have before us, and if it's okay with Corp. Counsel, I'd like to be able to present all of the 1250 in one presentation. But when we do our voting we would vote on them as individuals as stated in the agenda, the lodge, the waste treating plant, and so forth. But as for presentation's sake, I would like to present it as a total concept; and that way it would be easier because we are going to have people from the public. In prior Applicants, we've had people come up and then we'd say, oh, that's not on the agenda yet, you've got to wait. And, also, it would be easier if we do it as a whole thing. But if you're going to speak on a certain area, you need to address that area so that we know what we're talking about. So there's no problem?

**TSUKAZAKI:** Yes.

**BAKER:** Okay. So before us on the agenda, we have Oceanside 1250 Partners. We have an application for a Special Management Area Use Permit to develop an 80-unit private lodge, related on-site and infrastructure improvements and other related improvements.

We also have Oceanside Special Management Area Use Permit and Special Permit for the development of a wastewater treatment plant and related improvements on approximately 3 acres of land situated within the State Land Use Agricultural area.

We also have Oceanside Partners Special Management Area Use Permit for the development of a shoreline park and related uses and improvements.

And we have also a Special Management Area Use Permit for developing a portion of the Mamalahoa Highway Bypass Road, approximately 2,500 linear feet.

These are the Oceanside we have before us and, Staff, can you explain further details.

**MIRIKITANI:** Thank you, Mr. Chairman. What I'd first like to do is go through some of the changes that are going to be made within the conditions and the background. Could you all

turn to your background to Page 22. On Item No. 56, the second line to the end of that, No. 56, please remove the words "by the year 2005."

SOUZA: What was that?

BAKER: On the bottom.

SOUZA: Oh.

BAKER: On the bottom, correct -?

MIRIKITANI: Nine lines from the bottom.

SOUZA: Yeah.

MIRIKITANI: Remove the words "by the year 2005."

SOUZA: Oh, okay.

BAKER: So we would just end with "recommended?"

MIRIKITANI: Yes, the period after the word "recommended." Now if we can go to the recommendations. On the conditions, SMA Permit Application No. 005, Members Lodge and Related Uses. Condition No. 3, please insert the words "Phase I of."

GIFFIN: Where?

MIRIKITANI: So the sentence will read, "Construction of Phase I of the proposed development shall be completed within five years from the effective date of this permit."

You received a copy of the changes to these conditions in your packet this morning that would assist you in making these changes.

This amendment requires the construction of Phase I of the members' lodge in accordance with the representations of the Applicant, which states that the lodge is anticipated to be constructed in phases as the market dictates, with the phase, initial phase completed by the year 2001.

If you could now go to Condition No. 8. Please insert the word, these letters "CLOMR."

GIFFIN: Where?

MIRIKITANI: The sixth line of Condition No. 8.

BAKER: In front of "if required."

MIRIKITANI: So it reads, "If required, a Conditional Letter Of Map Revision (CLOMR) shall be" and strike out the words "applied for and approved by" and insert the words "obtained from." So your condition would read, "If required, a Conditional Letter Of Map Revision (CLOMR) shall be obtained from the Federal Emergency Management Agency (FEMA) prior to issuance of affected building permits for the lodge and related improvements." Please take out the period and the "A" and insert the words "and a Letter of Map Revision or a Physical Map Revision shall be required from," take out the word "FEMA," "prior to approval of any Certificate of Occupancy."

This proposed amendment is to clarify the process of FEMA's approval of its revision to its floodway designations. The CLOMR is a notification and consultation process and does not involve approval by FEMA. This process is required prior to any grading or construction in the designated floodways.

If you could go to the recommendation in Special Management Area Use Application No. 006, Wastewater Treatment Plant and Related Uses. Condition No. 3, please insert the word "Phase I" after the word "of," so your sentence should read, "Construction of Phase I of the proposed development shall be completed within five years from the effective date of this permit."

The justification for this change is that the amendment requires construction of Phase I of the wastewater treatment plant in accordance with the representations of the Applicant which calls for the completion of the initial increment of the wastewater treatment plant by the end of the year 2000. The subsequent phase will be constructed in a concerted effort with the development of the overall project.

Condition No. 4, please insert the word "be" so the phrase should read, "Wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health."

Condition No. 5, please take out the words "issuance of Final Building permits" and insert the word "occupancy." Your sentence should read, "A drainage system shall be installed meeting with the approval of the Department of Public Works, prior to Occupancy." This amendment is to ensure that the drainage improvements are provided in accordance with the construction of the facility.

Could we now turn to Special Permit Application SPP 008. Condition No. 3 is identical to the one we just covered. You would insert the words "Phase I of." Your sentence should read, "Construction of Phase I of the proposed development shall be completed within five (5) years from the effective date of this permit."

And we will insert a new Condition 4 that reads, "The wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health."

Condition No. 5, please delete the words "issuance of Final Building permits" and insert the words "Occupancy." Your sentence will read, "A drainage system shall be installed meeting with the approval of the Department of Public Works, prior to Occupancy."

Could we now turn to Special Management Area Use Application 0003. Condition No. 6, we would like to take out these words, "there shall be established a Shoreline Resource Advisory Committee (SRAC). The purpose of the committee will be to develop and oversee a program aimed to protect the near shore environment from damage from increased shoreline access through the proper management and educational activities." We would like you to insert the words, "a program for the long-term management of the coastal area and the shoreline marine resources shall be implemented with the participation of an advisory committee consisting of representatives of community groups, the park owner, the park management entity, and other interested individuals."

This amendment is in response to recent court actions which limit the ability of the Planning Commission to delegate oversight responsibilities. The revised condition provides assurances that coastal resources within the shoreline park will be appropriately managed, leaving the process to the advisory committee. And for the Commissioners' information, this committee is being established by the Applicant in accordance with the Shoreline Park Management Plan and Public Access Plan which was prepared in compliance with Conditions H and K of Ordinance No. 96-8 and 96-7, respectively. This plan was approved by the Planning Director on January 23, 1999.

Our last set of changes. Please turn to Special Management Area Use Permit Application 004, Mamalahoa Bypass and related uses. Please insert the words, "the CLOMR shall be obtained from the," delete the words "approval from." Let me read the completed changes to you. "A flood study for improvements affecting designated flood hazard areas shall be submitted to the Department of Public Works for review. Should a conditional letter of map revisions (CLOMR) be required," insert the words, "the CLOMR shall be obtained from the," take out the words "approval from," "Federal Emergency Management Agency (FEMA)," take out the words "shall be filed" "prior to" and add the words "the approval of," remove the words "subdivision construction plan approval," and insert the words "construction plans for the Mamalahoa Bypass Road and any grading in the flood zone areas, whichever comes first, and an application for a letter of map revision shall be filed upon completion of the construction of improvements affecting the flood hazard."

This proposed amendment is to clarify the process of FEMA's approval of revision of its floodway designations. The CLOMR is a notification and consultation process and does not involve approval by FEMA. However, this process is required prior to any grading or construction in the designated floodways.

Last Condition No. 5, please insert the words "Mamalahoa Highway Bypass Road," fourth line from the bottom, so that sentence would read, "Approved mitigation measures shall be

implemented prior to or in conjunction with any land alternation activity within the Mamalahoa Highway Bypass Road project area.” And delete out the last sentence.

Are there any questions regarding these changes? This proposed amendment is to clarify the project area which specifically refers to the Mamalahoa Bypass improvements as well as to delete reference to lava tubes. According to the archaeological inventory survey of the bypass, there are no known lava tubes in the project right-of-way. Should lava tubes be encountered during the construction phase, appropriate safeguards for inadvertent discoveries are already provided in the proposed conditions of approval. I believe we can start our presentation if there are no questions.

BAKER: Okay. Hearing no questions from the Commissioners, we'll go on to the presentation.

MIRIKITANI: This is the County of Hawaii Planning Department's presentation, Hokuli'a Project by Oceanside 1250. If I could go for a brief history of the project chronologically, on April 1, 1986, the project was purchased by Lyle Anderson.

September 23, 1993, and December 8, 1999, final Environmental Impact Statements were approved by the County of Hawaii and published in the Office of Environmental Quality Controls' publication.

October 27, 1993, Use Permit No. 115 and SMA Use Permit No. 345 were approved by the Planning Commission and, to allow the development of a 27-hole golf course, golf clubhouse, driving range and related facilities and improvements.

June 24, 1994, Ordinance No. 94-73 was approved by the County Council. This changed the district classification for approximately 684 acres of land on the mauka portion, which is called Phase I, from Agricultural 5-acres to Agricultural 1-acre to allow for the development of lots one acre or larger in size.

September 28, 1995, SMA Use Permit No. 356 was approved by the Planning Commission to allow the development of portions of a 750-lot agricultural subdivision and related improvements.

June 15, 1996, Ordinance Nos. 96-7 and 96-8 were approved by the County Council. Ordinance No. 96-7 changed the district classification for approximately 756 acres in the makai portion, which is Phase II, from Agriculture 5-acres to Agriculture 1-acre to allow for the development of lots one acre or larger in size. Ordinance No. 96-8 amended Conditions L, N, P and Q and deleted Conditions M of Ordinance 94-73 to address the Mamalahoa Highway Bypass Road and related conditions within the Ordinance 96-7.

March 13, 1997, State Land Use Boundary Amendment was approved from Agricultural to the Urban District. Ordinance No. 97-34 amended the General Plan by adding KK, Kalukalu as a

resort retreat area for approximately 25 acres of land in the South Kona District and changed the Land Use Pattern Allocation Guide Map from Orchard to Resort Retreat. Ordinance No. 97-35 amended the State Land Use Boundary from Agriculture to the Urban District for approximately 14+ acres of land. Ordinance No. 97-36 changed the district classification from Agriculture 1-acre to Resort Hotel V-6 for approximately 14.8+ acres of land.

April 20, 1998, Oceanside 1250 and the County of Hawaii entered into a development agreement to identify the obligations of Oceanside to provide assurance that these obligations are met in a timely manner, to provide assurances to Oceanside that it may complete the full development of the Hokuli'a Project and the Mamalahoa Bypass Road, to allow Oceanside and the County of Hawaii to enter into a reimbursement agreement for costs associated with the bypass, and to reduce or eliminate uncertainty in the responsibilities of Oceanside and the County relating to the development of the project and the Mamalahoa Bypass Road.

January 29, 1999, Shoreline Management Park and Public Access Plan was accepted by the Planning Director for the Hokuli'a Project. This plan includes measures for a mauka-makai and lateral shoreline access, parking areas, signage, emergency response considerations, restrictions on the use, provision for recreation and restroom facilities, and related improvements. The plan also integrates public access ways to the trail system and to appropriate historical and archaeological sites.

September 18, 1999, Final Subdivision Approval was granted by the Planning Director for Phase I for the creation of 261 lots ranging in size from one to three acres for Phase I.

What I'd like to do now is to go through every application. Let us start with Special Permit Application No. 005. This request is to develop an 80-unit private members' lodge, related on-site and infrastructure improvements, and other related improvements on approximately 14.9 acres. The topography of the lodge is located approximately 170-feet above mean sea level or 650 feet from the shoreline. The slopes average 16 to 20 percent, and the soils are D or poor, and unclassified or other important agricultural land.

The Flood Insurance Rate Map indicates that there are Zone E or 100-year flood plain and Zone X, 500-year, are located in the southern end of the site. There will be no structures placed in the AE Zone.

There are archaeological features within the area of the members' lodge, which occur at the lower elevations along the coast. The Great Wall of Kuakini is located mauka of the project site. There are also a few remnants of the Old Government Road within the area, as evidenced by historical maps. This trail crosses the upper portion of the lodge. The Old Government Road will be preserved in place. There is a burial treatment plan which was approved by the Department of Land and Natural Resources Historic Preservation Division on September 15, 1999. An interim preservation and monitoring plan was approved by the Planning Department prior to the issuance of final subdivision for the 261 lots.

This is the topography of the members' lodge, and the archaeological sites are located in this area here and around this corner here. The flood zones are in the southern portion here. This is a better map showing you the Flood Zone AE. No structures will be constructed in this area.

This is a closer map of the archaeological sites within the members' lodge area, and this is one, two, three. Those archaeological sites, as I stated before, have been mitigated with the Burial Council on September 15, 1999. This dotted line that you see in the photograph is the remnants of the Old Government Road. This Old Government Road will be preserved in place. This line over here that you see is the old Kuakini Wall; this also will be preserved.

The next application is the SMA Use Permit Application No. 006 and Special Permit Application No. 008. This request is for, to develop a wastewater treatment plant and related improvements on approximately three acres of land situated within the State Land Use Agricultural District. The cost of the wastewater treatment plant is approximately \$3.7 million. The wastewater treatment plant will be located mauka of Pu'u Ohau, approximately 1,000 feet from the shoreline. The Flood Insurance Rate Map indicates that there are no flood zones within the area. There are also no archaeological sites within this area.

This little square area here is the location of the wastewater treatment plant. This area along here is the shoreline.

GIFFIN: Eleanor, where is Pu'u Ohau?

MIRIKITANI: Pu'u Ohau is not on the map. but it's located around this area here.

BAKER: By the U. By the U.

MIRIKITANI: Right around this area here.

GIFFIN: Oh, okay. Okay.

MIRIKITANI: This is the Flood Insurance Rate Map, which indicates the flood areas along the coastal area but none within the area of the wastewater treatment plant.

The next application is a Special Management Area Use Application No. 003, and this is to develop a shoreline park and related uses and improvements. The entire park will consist of 140 acres and will be constructed in five phases. The first phase is located between Keikiwaha Point and the park's northern boundary. Within the park is located the historic Hokukano Village, which is owned by the State of Hawaii. The approximate cost of the park is \$2.5 million. Phase I consists of Phases A, B, C, D, and E. Phase I-A is approximately 12 acres, B is 9 acres, C is 9 acres, D is 10 acres, and E is 9 acres, also.

As we go to Phase II of the park improvements, this will be from Nenuē to Pu'u Ohau, and that consists of 8 acres. Phase III consists of 5 acres, and will be from Pu'u Ohau to Nawawa. Phase



IV of the park improvements will be from Nawawa to Kalukalu; that will consist of 16 acres. Phase V also consists of 16 acres and will be from Kalukalu to Keawekaheka. I'm sorry, the photograph is not very clear on this. But this area here, within this square here, is the Phase I-A, B, C, D, and E.

The Flood Insurance Rate Map shows four drainage ways which cross or touch the project area. The planned structures will be located outside of these drainage ways. Most of the park is located outside of the 100-year flood plain. The entire park is to be located 100 to 1,000 feet from the shoreline.

Archaeological features within the shoreline park have been identified; there are 49 sites. The area contains habitation, burial, and religious sites. Located along the coastline, between Keikiwaha Point and Nenu Point, are sites in the Hokukano Village cluster. The Hokukano Village cluster is owned by the State of Hawaii, and the Applicant is seeking to include this village as part of the park.

Access to the park will be from a mauka-makai road that extends from the mauka boundary of the Hokuli'a property and the Mamalahoa Bypass Road. There will be 25 parking stalls for the public, additional parking stalls for park employees, and a separate parking lot for the residents of Hokuli'a.

Pedestrian trails. A trail network to facilitate pedestrian access through the park to viewpoints, picnic and camping areas, sites of historic and cultural interest, and the shore are planned as part of the shoreline park improvements. The trail improvements will consist of footpaths four to six feet wide, with a variety of services. Sections of the trail will meet with the appropriate Americans with Disability Act (ADA) specifications to allow barrier-free access to portions of the park.

And we, this is the last application, SMA Permit Application 004. The request is, covers 2,500 feet of the bypass road which is located within the SMA area. The topography of the land of this area ranges from 240 feet elevation to 1,100 feet from the shoreline. Within this, the Mamalahoa Bypass, there are five drainage ways. There have also been archaeological sites identified with the project, Mamalahoa Bypass. There were identified 47 sites, and an additional 15 sites were identified outside the present corridor of the proposed road corridor. These sites were located between 125 feet and 1,060 feet above mean sea level.

The construction of the entire Mamalahoa Bypass Highway was a condition of the approval of Ordinance No. 96 and 97, 96-7 and 96-8. The entire Mamalahoa Bypass Road will be five miles long. This five-mile roadway segment proposed by the Applicant will traverse the mauka portion of the Hokuli'a site near the 800-foot elevation. The proposed Mamalahoa Bypass alignment would connect with Ali'i Highway at the southern boundary of the Keauhou Resort area and terminate at Napo'opo'o intersection by tying back into the existing Mamalahoa Highway. The proposed bypass road will be initially a two-lane road with sufficient right-of-

way to accommodate four lanes. This Mamalahoa Bypass is intended to divert traffic from Mamalahoa Highway and to relieve congestion at peak hours within Kealahou.

From our previous hearings with the Planning Commission, we have approved, you have approved the construction of the Ali'i Highway. The Ali'i Highway extends -. This is Kailua-Kona. This is the Ali'i Highway that was previously approved all the way to Keauhou. The Mamalahoa Bypass Road alignment begins at Kaleiopapa Street, passes through the Hokuli'a Project at the 800-foot elevation, and ends at the Napo'opo'o intersection. At the -.

This is a better view of the Mamalahoa Bypass. This road here is the Kaleiopapa, which leads from Ali'i Drive or Ali'i Highway to the Kona Surf Hotel. The Mamalahoa Bypass Road will begin there and continue south. The square area in this project is the area which is located within the Special Management Area, and that is the request that we have with us today, which is the 2,500 portion of the five-mile stretch of highway. This area dotted, this dotted line here is the boundary for the Special Management Area. This area here in this little circle is the Lekeleke Burial Grounds. These burial grounds are located 740 feet from the proposed Mamalahoa Bypass. There are several kuleana parcels located on the southern end of the project site. These parcels are owned by persons other than the Applicant. The Old Government Road, also identified as La'aloa Ala Puni, or the King's Trail, and the State of Hawaii has probable cause also for claiming ownership of these, this roadway.

The State Land Use classification in the Hokuli'a Project are Agricultural on the mauka and makai portions, and on the coastal it is zoned Conservation. The General Plan map designates 25+ acres surrounding the members' lodge as Resort Retreat. The remainder of the lands is designated as Extensive Agricultural or Orchard use with the exception of the coastal area, which is designated as Open space. Orchard designated lands are located within the northern and southern portions of the project site, and extensive Agricultural lands run mauka-makai through the middle of the project.

The County zoning for the project is zoned Agricultural 1-acre, with the exception of the 14.8-acre area of the members' lodge, which is zoned Resort Hotel V-6. A portion of the project site within the coastal area is zoned Agricultural 5-acres. The area surrounding the proposed Mamalahoa Bypass Road is designated as Agricultural 5-acres. The lands within the Kona Scenic Subdivision are zoned Single Family Residential-10,000 square feet, and the Ke'eke'e Subdivision are zoned Single Family Residential-15,000 square feet.

The SMA, Special Management Area portion of the project is located makai of the Old Government Road. The mauka boundary of the SMA is delineated by the general alignment of the Old Government Road, which traverses the entire project site. In addition, the Mamalahoa Highway Bypass Road crosses an approximately 2,500-foot portion of the SMA area.

The estimated time of construction of the bypass, the start date is the third quarter of the year 2000. Completion of the bypass of Phase I, which is from Keauhou to Haleki'i Street is the fourth quarter of 2001. The golf course will open approximately the second quarter of the year

2001. And the completion of the members' lodge has not yet been determined. The completion of the entire five-mile stretch of roadway is expected to be completed in the year 2004.

And now we will turn the presentation over to Bob Stuit of Oceanside 1250.

STUIT: Thank you.

BAKER: Do we have questions before the presentation? Thank you, Staff. Commissioners, do you have any questions for Staff? Commissioner Souza, you have any questions for Staff?

SOUZA: No.

BAKER: No. Okay, then, well, the Applicant's representative is here. And anyone else wishing to testify, we have about 11 people wishing to testify, so will you raise your hands, stand up and raise your hands and I can swear you in. Do you swear or affirm to testify truthfully before the Hawaii County Planning Commission?

STUIT: I do.

TESTIFIERS: I do.

BAKER: Okay. Thank you. Name and address.

STUIT: My name is Bob Stuit. I'm the Vice President of Development for Oceanside 1250.

GIANNINI: Use the microphone, please.

STUIT: Excuse me. My name is Bob Stuit. I'm Vice President of Development for Oceanside 1250. I live here in Kailua-Kona. I will make my testimony very brief so the others can testify. I did want to give some background on who we are, and what we're about, and what we've been doing here for the last ten years.

BAKER: Excuse me, sir. Did you get copies of the Background Report and Recommendations?

STUIT: Yes, I did.

BAKER: Okay.

STUIT: Yes.

BAKER: Go ahead. Thank you.

STUIT: Thank you. Many of you weren't around for all of the other permits that Eleanor had described, so I wanted to give you a brief update of what we've been doing. Oceanside 1250 is a limited partnership between the Lyle Anderson Company and Japan Airlines. As Eleanor mentioned, we've owned the project since the mid-80s. We started development on the project in the early '90s, 1992, I believe is when we started. I pulled out some old drawings the other day and the date was 1988, so it has been a ten-year process. I've been working on the project since then, I've lived here in Kona since 1993, and became an employee of Oceanside in 1996.

The Lyle Anderson Company has done other projects similar to Hokuli'a. We have four or five projects on the mainland. The first one is Desert Highlands, which is an 850-acre project. Sales started there in 1983. Desert Highlands had the first Skins golf game. If you're familiar with the game of golf, that's where it all started; and I believe it's now played here in the State of Hawaii.

Another property on the mainland, in Scottsdale as well, is Desert Mountain, which consists of 8,000 acres. Sales at that project started in 1996.

In Santa Fe, New Mexico, we have a project named Los Companos. It consists of 4,800 acres. Sales started there in 1992.

Also, in the Phoenix area, a newer project is called Superstition Mountain. It consists of 870 acres. Sales started there just a few years ago in 1997.

And last, in, outside of Glasgow, Scotland, there's a project named Loch Lomond. Formal opening there for membership was in 1995. All of these projects are very similar in that they are essentially residential and golf-related communities, and that has always been the specialty of the Lyle Anderson Company.

Based on our experience in these other projects, we believe and we can demonstrate that we have a long-term commitment to all of our projects. We're typically involved at least 10, 15, and some cases 20 years in these projects, and that's here, that's no different here in Kona. Our goals are to create projects with unparalleled quality, a sensitive blending with the environment; and we look for distinctive properties that have great beauty and great location, and this is especially true here in Kona. We also look for projects that create long term value for our owners, and we like to provide unsurpassed amenities. Essentially, we like to create communities that have no equals. Again, Hokuli'a is no different.

Mr. Anderson's goal for Hokuli'a is to develop the finest oceanside residential and golf community in the world, and we've been working very hard to do that over the last ten years. We've been through over 23 hearings on this project; I've been involved in most of those. After seeing all of those dates, I feel very old; but I'm gratified to be here today.

The other thing I wanted to share with you today is what we're doing right now on the project. As Eleanor mentioned, we have our grading permits. We have started grading on the golf course, and we will also be starting work here shortly on Phase I of the subdivision. That means putting in the roads, the water, the sewer, the electric. We have probably 200-220 people working on the project. The office staff has gone from two people, myself and Linda Simon, to over 36 today, and that's in only 18 months. So we're already a growing enterprise and creating a lot of jobs and wealth in the community.

Beyond working on the roads and on the golf course and the infrastructure, we've completed improvements at Mamalahoa Highway and Haleki'i Street, as required by our conditions of approval. A traffic signal was installed at that location in a record 30 days. The work was done at night so it wouldn't disrupt traffic during the day, and I think that has been a very successful improvement. We've also already gone ahead and started dedication of two and a half acres, or excuse me, two acres to the Kona Scenic Park, which is at the top of our property. Again, this is a requirement of our conditions of approval, and we have started that process. Related to the park, we've already recorded an easement for public access over the property and over the parkland so the public will have access to the park indefinitely, and that's guaranteed by this covenant. It's guaranteed in our CC&Rs, and the homeowners' association documents.

We've completed our archaeology plans. We've done our data recovery work. We are working diligently to install our long term preservation measures. That includes building walls around sites, cleaning sites, making sure they're well protected during our construction process and in the future.

To open this project, we need these permits that are before you today. We're committed to building a sewer treatment plant that serves each and every lot in the project and all of the other uses in the project. We're committed to building a bypass highway that serves not only our needs but the needs of the community. It has been a project that has been talked about for 30 years here in Kona and, hopefully, we can get it done in the next few years. The shoreline park is something that has always been talked about in this project, and we're dedicated to getting that open by the time the golf course is open, which is early next year.

Lastly, the members' lodge is something that hasn't been scheduled specifically, but we believe that it's an amenity for our members that will be well received. It's not for public accommodation, there is no resort hotel at this project. So we believe it's a very applicable and appropriate use for the project.

Having said all that, I respectfully ask that you give due considerations to our applications here today and ask that you approve them. And I appreciate your time. Thank you very much.

BAKER: Commissioners, any questions to the Applicant's representative? All right. Then we have signed up to testify Stuart Murray, John Michael White, Morris Kimura. You were sworn in, so your name and address -.

MURRAY: I was.

BAKER: Please.

MURRAY: Afternoon, Mr. Chairman and Members of the Planning Commission, my name is Stuart Murray. My P. O. Box is 2058, Kealakekua. My home address is Keopuka Mauka, which is right above this project. I've lived over in Kona 20 years.

I'm employed with the, this carpenters' union. I'm staff on the Hawaii Carpenters' Union, and I am in favor of this granting permits for this project at this time for upcoming developments and improvements that they want to make. I just want to state that I'm in favor of what I've seen so far. Thank you. Any questions?

BAKER: Thank you so much. Mr. White.

WHITE: Good afternoon, Chairman and Members of the Planning Commission. Thank you very much for the opportunity to be here to speak. About a month ago, I wrote a letter to Planning Director Virginia Goldstein confirming my support and the support on behalf of my clients for the project in general, specifically the bypass road.

My clients are land owners who are situated in between Keauhou Resort and the Oceanside project. They own lands running from Honalo to Kuamo'o that will be bifurcated by this bypass road. I also represent some of the kuleana landowners who are along the ocean front who are not directly but indirectly impacted by the project. I'll identify my clients as Kona Trust, Kona Residents Trust, the William Paris Trust, Mr. Paris, by the way, is here today and will speak on his own behalf, as well, Agnes P. Smith Trust, and I think that basically outlines them.

What I'd like to say is that this bypass road represents, as I see it, about five percent of the entire length of the highway. It's situated about a quarter of a mile inland from the ocean, even though this is an SMA permit process. And I know you have many, many things to consider here, many other segments of this application, and I know that sometimes it's necessary to delay, defer, continue the process. With respect to the bypass road, I would urge you, because it will alleviate congestion in the area, it really is good for the community, that if other items were continued, that this one be acted on soon and that the developer be encouraged to go forth.

I'd also like to say that I am a developer, I've developed several major projects on this Island over the last 20 years. I have seen Lyle Anderson's projects on the mainland. He is a good developer. He does good things for the community. I'm sure this project will not be an exception to that. I have inspected the Oceanside 1250 project. As a matter of fact, I think it's a matter of record that early on in the project in the planning, I was constructively critical with respect to some things that were proposed for the project. I'm happy to say that Bob Stuit and the people representing Oceanside were open and receptive, met with us. We retained engineers. We got out engineers together and compared notes and so forth; and some of the changes that we suggested were adopted. I think it's all to the better. And my hat is off to them. This project, I

believe, is one to set an example for others to follow. This is good development, and this is the way it should be done in Hawaii. Thank you.

BAKER: Commissioners, any questions from the testifier? Hearing none, thank you, sir. Next speaker, your name and address, please.

KIMURA: Mr. Chairman, Members of the Planning Commission, Madam Planning Director, my name is Morris Kimura, and I live at 77-6630 Walua Road, which is just up the hill.

I am here today to speak in support of the Oceanside 1250 project which is known as Hokuli'a. I have been a lifelong resident of Kona, having been born here, grew up, and have gone to the local schools and graduated from high school and went off to school at the University of Hawaii and at the University of Northern Iowa. I have seen, over my lifetime, Kona change from a very rural, small coffee farming community to what presently it seems to be a fast growing resort and probably upscale home development community. I have spent the last 17 years of my work years with the Department of Education as the principal of Konawaena High and Intermediate School.

I am here because I believe strongly there are many good reasons why we should support the 1250 project. First and foremost they have talked about is the need for the bypass road which will at least alleviate traffic from Napo'opo'o to Keauhou. You have to live here in Kona to realize the problem with our overburdened highway presently. If there is any problem between Teshima Restaurant and I would say Napo'opo'o Road, you will have traffic tied up during rush hours for miles on either side. I think I can recall not too long ago when a car hit a pole across Teshima Restaurant, and that tied up traffic for the entire day. And for the horrendous experiences that the people of Kona felt, there were people who needed to get to the airport and who had to reroute all the way around the Island to get to the Kona airport. Ambulances were stationed on both sides of Teshima, where the people had to carry those injured across to get into the other ambulance, and that kind of thing. The bypass road has been in the plans and has been talked about, and there were times that we thought it was going to be built in somewhere between 30 and 40 years ago; and here we are today, we still do not have it. I think Oceanside 1250 provides us this opportunity, and I would like to see this road completed.

Secondly, I speak because of the kind of project it is, Hokuli'a would be highly beneficial not only to those of us who live in Kona but I think to the County as a whole. Because of the kind of project it is, it will bring into Kona people with wealth, who will build beautiful homes. Then they will translate that into much needed taxes, real property taxes. If you are very familiar, places like Keauhou Estates, where each homeowner pays anywhere from six to seven thousand dollars in property tax a year, yet they are not here most of the time, I foresee that these people will be helpful in that way. They will also provide meaningful jobs for our local residents. They will need people to take care of their yards, their pools. It will also provide work for contractors and people in construction and many, many, many other businesses. I see nothing but pluses in a subdivision like this. These are people who will not become social problems to us. In fact, I

think what they will provide is the kind of help those who are in need can get and probably get off welfare.

And thirdly, the project developers have shown to date that they are sensitive to the community concerns and have shown that this, in this project that kind of concern. I believe that the development of the project will be conducted at that same level of care for the community and for the environment.

As a codicil, I certainly, like others, we'd like to have kept Kona the way it was 70 years ago or more when I was a kid, but change is coming, it happens, and that's something we can't stop. And if it has to happen, this is the kind of development I would like to see. And for that reason alone, if nothing else, I would ask for your support, too. Thank you.

BAKER: Thank you. Commissioners, any questions for the testifier? None? Thank you. Our next, William J. Paris, Jr., Hannah Reeves, Claude Onizuka. Please come forward, people whose names -. We have three seats up here.

PARIS: Mr. Chairman and Members of the Planning Commission, and Madam Planning Director, my name is William Johnson Hawawa'i Ka Leo 'O Na Manu 'O Na Kanahele Paris, Jr. I'm a lifelong resident of Kona and, as a result, I've seen much change in my lifetime.

I'd like to add my second to what Morris has already said; I don't think that needs repetition. Because this is a quality project, it's going to bring quality people; and it'll have the least effect upon social ills in our community. I think it's a project that we should welcome.

But I'd like to stress the need for this bypass highway. I've lived in, since 1968, I've seen at least a dozen times where our highway has been tied up for periods of three hours or more where nothing could move north or south, nothing. Once there was a bus that jackknifed across the road. We had no wrecker in Kona that could handle it, so they had to send, all the way from Hilo to bring one over to move the thing off the highway. Then we had the accident near the Mango Court Terrace where Pearl Nagata and Ron Berla were killed, 10-car accident there. We couldn't move for three hours. In fact, lucky I had a four-wheel drive vehicle, went all the way mauka, six miles up, came across the Greenwell property into mine and came down, and I got down before the traffic could move. So these are things that happen here along our highway at this certain time.

I'd like to also stress the point that the Oceanside 1250 have been very sensitive to the community needs. I was asked to sit on the Citizen Advisory Committee early on in the project, and they have been very concerned with the concerns of our community. They have done an outstanding job in that respect. And as far as this corridor that they have come up with, it has met, it is a great improvement over the original. And they met with us and changed according to our desires so that the road would not come up diagonally through our properties but go more or less parallel to the ocean. This was not in their initial planning. However, they met with us and they have met our concerns; and for this, I want to give my humble thanks.



As I say, it's a quality project. It will be, it'll add to our community. And as much as Morris has said and I've said, we'd love to see Kona stay as it is, but it's not going to. We have the best weather in the world, and people want to live in our weather, and they're going to come. So if we can have developments like this take place, it's fine, and bring in quality people. So I'd like to add my blessing to this application, and I pray that you approve the same. Thank you.

BAKER: Any questions, Commissioners, for -? Commissioner Giffin.

GIFFIN: Yes. Did I understand correctly earlier when they said that you have one of the kuleanas down makai?

PARIS: I don't have kuleana. They pass through my property.

GIFFIN: The road does?

PARIS: Yes. I do have kuleana property at the ocean. I do have a lot. No, my daughter does; I've given her that lot, both of my daughters, to avoid taxes in the future.

GIFFIN: The kuleana that is presently yours, that will be affected by the highway?

PARIS: No.

GIFFIN: The bypass road?

PARIS: Well, only that I guess more people will come from the highway and walk down to the ocean, that would be the only thing. Our home, the beach homes that are presently there have been broken into in the past, you know.

GIFFIN: The only -.

PARIS: Mine, my daughter's home three times, Frank Thompson's about three times, Ackerman's also. But I hope now with the presence of more people and everything else, that we'll have more people around; they will not be in remote areas any more where you have hardly anybody around and somebody passing by. Most of the break-ins have been with kids that are under drug influence or things like that, anchor their boats off shore then break into the house and stuff like that trying to get -.

GIFFIN: I was asking about your kuleana because I wanted to know if you were familiar, and I assume you are, with that whole area that was the Greenwell property.

PARIS: Yeah

GIFFIN: Before. And you probably are familiar with some of those historic sites.

PARIS: Some.

GIFFIN: Are you satisfied with the efforts that the developer has taken towards maintaining and keeping those sites?

PARIS: They have identified them, and they've taken meticulous effort to preserve these. Even when they came through our property, we identified some of these projects, and they rerouted the road so that these would not be affected.

One thing I would say, and I wish it would become part of a County maybe ordinance or State Historical Preservation laws, that when we come to burial caves, I've seen in the Kiholo area, our family used to have a beach home at Kiholo, and we had about five caves there with burials in them. Since the Ka'ahumanu Highway has come in, people have come in, they've looted these grave sites and taken skulls out and shot at them with rifles. I wish those caves, once they are identified and catalogued, that they would be sealed so people cannot get into them again. I think it's horrible what people do. Just seeing that at Kiholo has made me very sad.

GIFFIN: But you're very satisfied with what the developer has done.

PARIS: In the,

GIFFIN: In this -.

PARIS: Thus far -.

GIFFIN: Area.

PARIS: They're very careful.

GIFFIN: Thank you.

PARIS: Very careful.

BAKER: Thank you. Any other questions from the Commissioners? If not, thank you, sir. Our next speaker, Claude.

ONIZUKA: Mr. Chairman, Members of the Commission, my name is Claude Onizuka. My address is Post Office Box 1103, Kealakekua. I presently reside in the Kona Scenic Subdivision, specifically on Haleki'i Street, and this is directly above the proposed project.

I urge all of you to pass the permits that are before you, all four of them I believe, the park, the lodge, the bypass road, and the treatment plant. But, mainly, I think you've heard a lot about the first class development that Oceanside is performing. They're a first class, open book type

developer, which there's nothing to hide. And they've addressed all of the concerns that have brought out, and I think, you know, they go above and beyond the call to try to take care of the community. Just as an example, the, I think he mentioned earlier about the traffic signals. They were installed at night so that they wouldn't affect traffic. And, you know, although there was some traffic at night but, you know, this is, that was a big plus because otherwise we would have had traffic lined up for miles.

And like I mentioned to Dick Frye one day when we were playing golf, I really appreciated the fact that one morning I went out to get my paper at 6 o'clock in the morning and there was a guard outside my house, and I couldn't figure out why, but that was to slow down the workers from speeding down the hill. And that's the kind of concern that they show for the community. They posted notices on my door when I wasn't home that the equipment will be going down the road, you know, and these are all concerns that they didn't have to do but they went out of their way to make sure that everybody was taken care of. They presently have installed a service road for the vendors and equipment and their workers to use so we don't see too many traffic on Haleki'i Street. But I think, you know this is the kind of developers that we want to see. And mostly, I think, of great importance is the bypass road, because it will improve emergency vehicle time to Kona Hospital from the Keauhou area. And I think this is the type of developers, like Morris said, we'd like to see come to Kona and help us. They've created jobs, they've boosted the economy, and I urge all of you to approve their permits that are before you. Thank you.

BAKER: Commissioners, any questions for the Applicant (sic)? Thank you. Next speaker is Hannah Reeves. Also, Charles Von Hartley, can you come forward. Go ahead, Hannah.

REEVES: Aloha mai, my name is Hannah Wahinemaika'i o Ka'ahumanu Kaliulanani oliokalama Kane Reeves. I am one of those that is connected to 1250. I am one of the living descendants, and my family goes all the way, the Kona coastline all the way up to Kohala.

I just want to express to the, to you, to all of you, because I know you have a hard job and I know that it's kind of hard for you to satisfy everybody, but I come to you as a person that's connected to the land, and I take myself back 2000 years. I just wanted to express my mana'o that I am connected to the 1250, and I am very aware of what is happening down there.

And, you know, that there's a lot of cave robbing going on, and I just want to explain to you that it's already happening on the other Islands; and I'm connected to that, I'm involved with all of that cave robbing. This has to do with Bishop Museum, that there's a lot of artifacts and everything that was stolen from the caves. I know that there's lots of caves down at 1250, and I'm coming for it because I'm connected to the area because of my genealogy. And I'm not saying that I'm not for develop, but I'm saying for here to protect all the grave sites, all the pu'u, all the, everything, you name it. The ponds, the opai pond, the brackish water pond, the mountain. I'm involved with Mauna Kea, too.

I just wanted to express to you that how much Hawaii means. We need Hawaii, we need the old, we need to protect and preserve. It's okay to develop, but you need to protect because I am only one voice in my opinion, but I represent thousands of people. I am Pukana 'o Hawaii, Hawaii, very true. I have a license, a federal number, and I'm incorporated.

And I want to let you know that this is a serious thing that's going on in the Islands. It's not only Hawaii, it's all the Islands. And I'm connected with every grave that's been robbed. And I know for a fact that there's people that's running over the bones. They're not telling you what is happening. I don't know how much you folks investigating. I don't know how much you folks know of the area. But I want you folks to be aware that this is very, very serious. I'm connected with the Department of Interior and Department of Justice, also, with the President of the United States. I'm one of the candidates that was picked in the hearing, voicing our opinion of what people are doing in Hawaii. We need to be aware of it. I feel in my heart that so many wrong things that been going on.

Land, I'm one of them that my ancestors was robbed a hundred years ago, and 1250 is one of them. If you look in the genealogy, get my family's name, all ten, and it covered all the coast of Kona. And I know, Virginia, I thank you very much for -. It make me feel good when there's no road running over the graves, there's no road going over the cave, the heiau. There's so much. If we don't save it now, we'll never save it. People come from all over the world, the four corners of the earth, and they zooming right in Hawaii. And what happened to Hawaii? We see highways, we see buildings, we see all kinds, but there's nothing, old Hawaii. There's no cave. There's no -. There's so much been destroyed.

I don't know how you folks feel, Mr. Chairman, I don't know where you come from, but I'm not attacking you because you're the Chairman, right. I just wanted to tell you that if you were right here, an Hawaiian, and you have children, you have family, I'm sure that your family would want to save your grave, save my grave, my grandparents, my great grandparents, and I can go back. You wouldn't want anybody to run over you. If you were buried with your personal things, would you want people to come and take your personal things? I don't think so, because it belongs to you. It belongs to me. It belongs to Virginia. It belongs to everybody. And I hope, I hope that Mr. Chairman would look into this matter. This is a very, very serious thing.

I'm connected with the Kuamo'o, that's why I'm here, too. The Battle of the Kuamo'o, how far are you folks are from that? How far are you up on the hill or down the hill? Where are you? You don't know?

GOLDSTEIN: No.

REEVES: If you go either way, you're going hit all the caves, all the way down to 1250. If you look in mine, if you look in the record, the Hawaii Burial Council has my name, and I've covered all of that ground. If you take the highway, go further up, make sure you no go over my family. You can take the road, but make sure you don't go over my family. Don't go

over my ancestors' cave because that's where their personal, the 'imis, the artifacts, everything is buried in there. And I don't know how much you folks are for protecting and preserving, but I pray that you folks, every member, thinks if you were dead today, would you let somebody else dig you up? Would you let somebody that is outside of Hawaii dig you up? I don't think I want that.

So I leave this with you, because I know with all my heart that this is the time to protect and preserve old Hawaii, and I am strong for that, not because I am hundred percent Hawaiian, I am hundred percent. It's not that. It's just protecting, preserving. Because people come from far place to look at the old, not look at the building or the highway. They don't care about that. They want old Hawaii. And I want to express to you, all nationality now, I'm not talking only about for Hawaiians, okay, I just want you folks to think about it. You live in Hawaii. Don't you want to save Hawaii? Thank you.

BAKER: Thank you. Any questions? Commissioner Togashi.

TOGASHI: I was wondering if, has the Advisory Committee been formed yet?

GOLDSTEIN: The Applicant did go to the Burial Council, and I believe they have gotten the okay from the Burial Council.

TOGASHI: The Advisory? Yeah, this -.

GOLDSTEIN: Which Advisory Committee?

TOGASHI: The Citizens Advisory Committee.

GIFFIN: They're going to form.

TOGASHI: Or this shoreline, right.

GOLDSTEIN: That they are going to form for the shore -.

TOGASHI: Right. Right.

GOLDSTEIN: I don't know.

TOGASHI: Oh.

GOLDSTEIN: I think you'd better ask the Applicant.

TOGASHI: Well, this is perhaps one lady you might want to include on that Advisory Committee.

STUIT: Ms. Reeves has been recognized -.

BAKER: Yeah, please use the mike, please.

STUIT: Ms. Reeves has, Ms. Reeves has been certified as a cultural descendent of the project, and she is recognized as such. And we certainly will work with her on the project, and that is a good idea that she be involved in the cultural, in the community resource and advisory committee. Thanks.

TOGASHI: That's good to hear. May I ask another question? Were you also, did you also offer testimony at this Ke'ake'alani complex, too? Were you that person, too? I remember you, yeah, from your testimony there.

REEVES: Well -.

TOGASHI: Very passionate testimony.

REEVES: I came several times to the -. I'm sorry. I came several times to appear to the Planning Department, but I only come to the Board because I'm connected because of -.

BAKER: Thank you.

REEVES: My genealogy. And when they mentioned about Keauhou, I just found out last night that they were going to have the meeting today. So I'm here to protect Keauhou, too.

BAKER: Thank you. Your points have been well taken, and I'm sure the developer and their crew will be making sure that they comply. Thank you.

REEVES: Thank you.

PARIS: Mr. Chairman, could I say something?

BAKER: Sure.

PARIS: She brought up a point that involves our property, the Battle of Kuamo'o.

BAKER: Come up and get the mike, please, sir.

PARIS: Okay.

BAKER: Thank you.

PARIS: The Battle of Kuamo‘o terminated on the land of Kuamo‘o. The burial grounds at Lekeleke on the land of Keauhou, but the battle ends some, about three-quarters of a mile south of there. Kekuaokalani and Manono are buried there; their pu‘us are still on the land. I purposely kept this roadway mauka of these burial caves and that site. The Battle of Kuamo‘o was not fought in the portion of Ma‘ihi and Kuamo‘o and Kawanui where it’s going through at all; it was fought makai of the road corridor.

GOLDSTEIN: Thank you for your help.

BAKER: Thank you. Next speaker is Charles Flaherty and Robert Meierdiercks, please come forward. Please use the mike, and your name and address, sir.

FLAHERTY: Aloha. Good afternoon, my name is Charles Flaherty. I live at P. O. Box 922, Captain Cook, Hawaii. Actually, I don’t live at the P. O Box, but I live next to the Yamagata property in Kealakekua Town.

I do want to say before I start, what I’ve written, that I support what the elder said. I came to Hawaii in ‘96 because this was my childhood dream of what paradise was all about and, indeed, it has been. I’ve studied lomilomi with Auntie Margaret and have come to appreciate the Hawaiian culture that was here and still is here and is currently being endangered because of development. But right now, that’s not the issue I’m going to discuss.

I do believe we would all agree that Kona is a special place on this planet. Unfortunately, our new neighbor, the Hokuli‘a Project, has allowed, been allowed by the Planning Department to put a paved so-called temporary construction access road on Mr. Yamagata’s property. All day long, huge trucks filled with sand and soil use their jake brakes to manage a steep grade. The noise is deafening. My telephone conversations and radio are drowned out when they pass. The nurse who lives below me and works the night shift caring for patients has not been able to sleep during the day, which is her functional night. She’s been reduced to exhaustion and tears. The Department of Health’s response has been, “What makes you think you’re any different than the people on Lako and Ka‘iminani?” Ignoring the rural nature of our area, our neighbor has violated State noise laws on several occasions, beginning construction activities before 7:00 a.m. The construction access road, in my opinion, should not have been built and a permit never granted.

The bypass highway will require a small percentage of Oceanside 1250s eventual revenues but because it is only just now partially moving forward, thousands of hours of productive time of our community is wasted in traffic jams. Worse than that, the public’s health is being endangered. I hate to think of what it will be like after the new elementary school opens in August. The serious accident that closes the road will also prevent a timely arrival by ambulances. On May 1<sup>st</sup>, a woman wrote to West Hawaii Today of her entrapment on the highway while trying to get a visiting friend who had become ill to the hospital. To quote her, “The sick got sicker while she waited in a hot car.” The bypass highway should be begun now for completion as soon as possible in its entirety.

On March 22<sup>nd</sup> of this year, an article appeared in West Hawaii Today regarding a survey prepared for the Planning Department. We all now know without a doubt that the lack of road improvement, unplanned development, and increased noise are trends our community wants to be reversed. We know that 90 percent of our community wants to preserve the natural beauty and tranquility of our area. So I ask you, given that the Planning Department and Commission know what our community wants, why is the opposite being done?

I will not try, at this point, to know why it's being done, but I do believe that you have aggrieved the public that you've been entrusted to serve. And I will pray that you will implement the will of the people from this moment forward.

I did just recently move to Kona in 1996, and so in many ways I am not that familiar with being here, but in other ways I have. I'm from Louisiana, which is famous for its politics, and I've also watched it being destroyed by chemical plants that emit 23 million pounds of toxic waste into the air alone each year. I've watched the swamps being destroyed, fish with sores, oyster beds closed down, no longer fit for human consumption. I know what uncontrolled and unplanned development can do to an area very intimately.

I hope that you will consider in your future, when you making plans for development, that you will think about controlling the nature of the growth and maintain the agricultural lifestyle, the rural lifestyle that exists here. I also take exception with the testimony that has been made here today about wealthy people being somehow superior to those who are poor and faced with social problems, whether they be drugs or whatever. I don't, again, try to know the answers to our problems, but I know that there are problems. And I think that this is a democracy and all people should be considered equal. And the citizens who've lived here should be considered, the Hawaiian people who've been here should be considered, and I'm sure that in the future, you will do that. And I thank you for your time, very much.

BAKER: Any questions for the testifier? Thank you. Next speaker.

MEIERDIERCKS: Afternoon, Chairman, Commission Members, and Planning Director, my name is Robert Meierdiercks. I live at 83-5397C Mamalahoa Highway, Captain Cook, actually the area is just below Honaunau School.

I have lived in South Kona for the past 30 years; I grew up in Kailua, Oahu, so the majority of my life I've spent here in the Islands. I represent the Hawaii Carpenters' Union for the Island of Hawaii; I'm their Senior Service Representative. I represent about 500 people Island wide, and we are just in favor of this 1250 project and granting the SMA use permit for the lodge, wastewater treatment plant, shoreline park improvements, and the portion of the Mamalahoa Highway, the 2,500 feet. Thank you.

BAKER: Any questions for the testifier? Thank you. Our next person to testify, Nancy Pisicchio.



PISICCHIO: Good afternoon, Chairman and Members of the Planning Commission, my name is Nancy Pisicchio. I live at 78-7240 Kuakini Highway, Kailua-Kona.

I'll be brief. The first thing I'd like to address is the shoreline park application. In addition to representing this district on the Hawaii County Council, I'm also a member of Na Ala Hele Advisory Council for the DLNR. And it was brought to my attention through one of the staff of the Na Ala Hele that the subject of the Old Cart Road located within the shoreline park has not been addressed in this application. I've got here information prepared from the DLNR regarding the State's ownership of the Cart Road, so I suggest that somehow in this application this fact be noted. If anybody wants to borrow this, look it over, here it is. Any questions regarding that?

BAKER: Commissioner Giffin.

GIFFIN: That's not to be confused with the Old Government Road.

PISICCHIO: No, no, it's a separate -.

GIFFIN: That they were speaking of.

PISICCHIO: It's a separate right-of-way.

GIFFIN: Okay.

BAKER: Maybe, Staff, you would like to highlight on that question.

PISICCHIO: The State Abstractor reviewed the status of the Cart Road, and the conclusion they came to is that the State owns it in fee simple and -. Any other questions regarding that?

GIFFIN: How far, how long is that road?

PISICCHIO: It intersects the Old Government Road and then goes down into the shoreline park and then travels parallel, relatively, to the shoreline.

GIFFIN: Is it north or south of the property? I mean what part of the park are we speaking of, Phase I?

PISICCHIO: I don't, maybe Mr. Moore has a, do any of the maps here show the alignment of the Cart Road? Mr. Stite, maybe he can address that on one of these maps.

STUIT: The Cart Road is essentially coterminous with an existing jeep road.

PISICCHIO: Oh.

STUIT: That forms the mauka boundary of that park in this area.

NOMURA: Excuse me, could you just -.

BAKER: Use the mike.

STUIT: Oh, sorry.

BAKER: No, right there on the podium.

STUIT: The Cart Road is essentially coterminous with an existing jeep road that forms the mauka portion of the park through this area. Nancy also mentioned that it goes into the shoreline park.

GIFFIN: Yeah.

STUIT: We believe that remnant that the State was not able to locate is located through this area.

GIFFIN: Oh, I see.

STUIT: But essentially it forms this boundary.

GIFFIN: Okay.

BAKER: Planning Director.

GOLDSTEIN: So that, in terms, excuse me, Mr. Stuit.

STUIT: Yes.

GOLDSTEIN: In terms of the shoreline park, then it is your intent just to leave the Cart Road as it is?

STUIT: That's correct.

GOLDSTEIN: Okay.

BAKER: So does that, does that solve your concerns?

PISICCHIO: Yes. I just think it probably should be included, mentioned in the application somewhere as the State property regarding Hokukano Village, as State property, is referenced. I think this, the identity of this as State property should be referenced, also.

GIFFIN: Yeah.

SOUZA: What does -? Excuse me, can I -?

BAKER: Yeah, go ahead, Commissioner Souza.

SOUZA: What is the significance of that road?

PISICCHIO: It's an old trail, but legally it was determined under the Highway Act of 1892 to be State property.

SOUZA: And the State owns the land now, is that what I heard? Who owns the land?

STUIT: We own the land, but the State is claiming ownership although it formally has not taken ownership of the property. Keep in mind that it was not able to identify a section of the road -.

BAKER: Can you use the mike?

STUIT: In the middle of that alignment so it owned, it claims ownership of a piece on the north side and a piece on the south side with a piece in the middle that's missing. I think the significance of the road is that it was probably used for horse and wagon trail between Keauhou and Ka'awaloa.

GIFFIN: Yes.

STUIT: And may overlay an older foot trail built by the Hawaiians some time ago, that's what I -.

SOUZA: And when you said that you will keep that road, you're going to maintain the road and everything?

STUIT: The road would be maintained because it's within the shoreline park, and we are responsible for maintenance in the shoreline park, yes.

BAKER: So we don't see a major problem with that. Okay. Thank you.

PISICCHIO: No, I didn't consider it a problem, I just thought it should be referenced somewhere.

BAKER: Well, it's in the record now.

PISICCHIO: Okay.

BAKER: Thank you.

PISICCHIO: Thank you.

PARIS: You know, I think clarity has to be made here. The Cart Trail, the principle use at one time, Ka'awaloa was used as a principle port for shipping wool, coffee and other items out of Kona. And the reason you have that little jog going down, you have a cave that goes in from the shore just in the, you know, that Ke'eke'e-Kalukalu area, where the wool was loaded there for a while. The life, the wool boats would come in under the shelter of the cliff there, and they'd drop the wool in from up above. So you have one little spur going down to the wool landing, but that was principally used for the shipment of oranges, pineapple, wool, and coffee at Ka'awaloa, that's why you have the Cart Road.

GOLDSTEIN: So the wool landing then refers to the fact that that's where the wool was?

PARIS: That's right.

GOLDSTEIN: Literally. Ah, okay. Okay.

GIFFIN: Literally.

GOLDSTEIN: I thought it meant somebody -.

BAKER: Well, that's a good education. Okay.

PISICCHIO: Now he's giving us more information about the significance of the Cart Road.

BAKER: Anything else?

PISICCHIO: Not regarding the shoreline park. My other major concern, first of all, I'd like to say that I also feel considerably older since my involvement with this project has begun. But my other major concern at this point is similar to that of many people that addressed the subject earlier and many people that have addressed this project over the years, is the need for the bypass highway. And when this project originally was approved, the condition of approval hammered out over, in many drafts of the ordinances, required that Phase I of the road be opened to the public prior to granting subdivision approval. And this is because, and this is a very big benefit to the community to receive this highway and, at the same time, that condition was used as a lever to make certain that the road was expedited prior to the development of the property. And, but also within a clause in the ordinance, it stated that in lieu of actual construction of infrastructure, the value of the alignment could be bonded and then, therefore, subdivision approval could be granted and construction of the project could proceed prior to the beginning of

construction of the bypass. And I, personally, as the Planning Director knows, I personally was quite concerned about this. Because since the bypass is probably the major reason why the community has supported this project, I don't think that that option should have been permitted. And I want to state that as many times as I have the option to.

And if there's any way within the SMA regarding the bypass highway that we can insert language stating exactly what the lever is to make certain when this road will be completed, or especially Phase I, I think it would be, because it's rather, it's rather ambiguous. The only thing that I can find anywhere that actually says when Phase I of the bypass will be open for the public at this point is a clause in one of the ordinances that says that the bypass shall be open for public use prior to the occupancy of any of the dwellings. But even that is included within the context of a clause that says that final subdivision approval can be granted prior to the construction of the road. So it's all kind of, and I've asked Corp. Counsel and I've asked a couple of other lawyers, the whole thing is very ambiguous. So if this SMA permit is an opportunity to exactly pin that down, I think it would be a good idea.

And also regarding the lodge, I couldn't find anywhere where, answer to the question as to whether the lodge itself can be open for members and their guests prior to completion of Phase I of the bypass. And I think that if that's possible to add a clause in that section regarding the lodge, that the lodge shall not be open for members' use or their guests prior to the completion of the first phase of the bypass, I think that would be a good idea to protect the public's interest in this respect. And I don't think that's unreasonable.

BAKER: Okay. Well, we'll take that in consideration and when the Applicants and their representatives come forward, we can talk about that. Any other -?

PISICCHIO: That's -.

BAKER: Things to bring to our attention?

PISICCHIO: Those are the only points I have to make.

BAKER: That's all?

PISICCHIO: I -.

BAKER: Commissioner Souza.

SOUZA: I have a question. You're the representative of this district.

PISICCHIO: Yes, I am.

SOUZA: Statement was made in testimony earlier about the will of the people. In your opinion, what do you think the will of the people of your district is on this project?

PISICCHIO: Boy, that's a loaded question if I ever heard one. I think, of course, I was quite involved in this process from the first day. I think that a number of the feelings that have been expressed today are probably, would represent the majority of the people in that people really feel that they need this highway, and I think that the need for this highway is probably much more apparent over the last six months than when this project was initially proposed. And I think I would have, I guess I would say that if you went door-to-door and talked to the majority of the people, they do not particularly like the concept of the project in that community. But I would also say that if the road is going to be a benefit as a result of the project, then they're willing to accept it. That's my opinion, if you could ask everyone living in District 7. And that's why it's very important to me to make certain that the road is finished as quickly as possible and any ambiguity regarding when the phasing of the road is finished regarding opening of any phase of the development, it's very ironclad.

SOUZA: Thank you.

BAKER: What about the employment that it has brought?

PISICCHIO: Pardon?

BAKER: This project has brought employment, a lot of work opportunity and job opportunity for the people in your district, in your area of Kona.

PISICCHIO: I think the, my answer to the question is pretty much addressed. That would get into something that I could get into for about an hour regarding planning. Obviously, we need jobs. How the jobs are provided and where they're -

BAKER: Yeah.

PISICCHIO: Provided is a discussion that could go on for hours.

BAKER: Well, I think that, I think this planning here, what we presented and what the Planning Department presented was a well worked on plan and there's a lot of conditions. So I think that the planning process has gone and done a, with all the input it has done, is done, it's a fair job.

PISICCHIO: Yeah. My purpose in coming today is to try to iron down the conditions of getting this road completed.

BAKER: Okay.

GIFFIN: Mr. Chairman, maybe this question is for Staff. But I thought I understood one of the slides that they showed us earlier as a projected date for that Phase I road

to begin and then a projected completion of that portion of the road -. Maybe Staff, Eleanor, you or Pam could reiterate that information.

BAKER: It was four or five years or something.

MIRIKITANI: Just a minute, Commissioner.

PISICCHIO: Before that, I want to read you a section in one of the ordinances. Is that all right?

GOLDSTEIN: Yes.

PISICCHIO: In, let's see, Condition L of Zoning Approval, it says, "Roadway improvements and accesses to the subject property, including all plans and construction, shall meet with the approval of Department of Public Works. Prior to the issuance of final subdivision approval for any" subject, "portion of the subject property, the Applicant shall," let's see, where's it say, "construct in its entirety between the approximate vicinity of Keauhou and Captain Cook, consisting of two lanes with the sufficient right-of-way for a total of four lanes, the bypass highway between Keauhou and Haleki'i Street which shall be completed and available for public use prior to the occupancy of any dwelling within the entire project area." But in the same breath, it says that this bond can be -.

GIANNINI: Construction can be -.

PISICCHIO: Provided.

GIANNINI: Provided, yeah.

PISICCHIO: And so it leaves, to me, it leaves a lot of ambiguity.

BAKER: So you want some kind of commitment from the, as to when the road. So we can have that discussion.

PISICCHIO: Okay.

BAKER: So you want some kind of commitment; and we can bring the project person up. What do you say to that as far as commitment on the road and what her questions are, her concerns?

STUIT: You may not know, but we've already bonded the complete roadway, and that bond is for \$27 or \$24 million and change. So the construction of the road is guaranteed.

GIFFIN: Right.

STUIT: And the dates on the bond suggest that the road must be completed by 2005. We have told our owners that the first phase of the road would be open no later than the end of next year, and we've done that in writing. I don't know what other guarantee we can give. That sounds pretty ironclad to me.

BAKER: Sounds good to me. How about you?

PISICCHIO: Well, all of the information allows for sort of extensions, and I just think, you know, whatever he's representing to owners, whatever anything is being represented, I think it should be very black and white in what the government is signing off on, that's all. I'm not saying they're not going to do it.

BAKER: Okay.

PISICCHIO: I'm just saying that there shouldn't be any ambiguity in language that's being approved by government bodies.

BAKER: Okay.

KUBOTA: Mr. Chairman?

BAKER: Would you have problems with a condition on that?

STUIT: Condition on -?

BAKER: That -.

STUIT: There is no need for a condition. It's very clear in the conditions of approval already.

NOMURA: Excuse me. The microphone -.

STUIT: Sorry. Excuse me, Mr. Chairman. I don't believe there's a requirement for additional commission, or a condition. I believe the guarantee of the completion of the bypass is well covered in the existing conditions for other approvals in the project, as well as the development agreement.

BAKER: Yeah, I see that, too, but she's raising a concern about extensions or whatever, and I know those things do happen in business. I mean, there are times when they may have a good reason. But to address the concern that she has, do you have any suggestions?

STUIT: Well, the reason we're here today is to get moving on the bypass.

BAKER: That's right.



STUIT: And we've been trying to move along with the bypass for four or five years. It involved negotiations with all the land owners, that took over two years to complete. It involved an extensive archaeology inventory survey that took over a year to complete. It involved a full EIS process that took over two years to complete. And we are here today to complete the next step, that's a requirement before we can construct. So we've done everything humanly possible to build this road. I don't believe there's anything left to do but move on.

PISICCHIO: In that case, I would like, if possible, within the SMA approval for the bypass, to add "No occupancy of any dwelling can occur prior to Phase I being completed." If that could be repeated into the SMA, I -. And, also, I think that the lodge, I think that a condition should be in there saying the lodge cannot be open to members or their guests prior to the completion of Phase I of the highway. If those two things are added, I'll be, feel more comfortable.

BAKER: Planning Director.

GOLDSTEIN: So what you're asking is that the condition of approval under the rezoning be carried also in the SMA?

PISICCHIO: Yes. Because the one condition regarding the dwelling occupancy only appears in one of the zoning approvals that I can find.

BAKER: So according to what we are being instructed here, that's not an SMA issue, in approving SMAs. And I think that assurance has been granted in their testimony here and the developer's plans to go ahead of it, so we think it's covered.

PISICCHIO: But the issue of the phasing of when the lodge can be opened regarding the highway doesn't appear anywhere that I can find in any ordinance, but I may have missed it.

BAKER: Ben.

TSUKAZAKI: Yes.

BAKER: Can you -?

TSUKAZAKI: I need to add my two bits in here. I, let me -.

BAKER: Yeah. Do you swear or affirm to testify truthfully before the Hawaii County Planning Commission?

TSUKAZAKI: Yes, I do. For the record, Ben Tsukazaki representing the Applicant in this matter, these variance applications.

I need to say, at this point, that I believe that it would be improper to add those kinds of conditions to the SMA permits that have been referred to here. The suggestion has been made to add a condition to the SMA permit relating to the lodge to prohibit occupancy before the first phase of the bypass is built. You know, I think the Commission has been advised in the past that, I believe the case was Topliss that, you know, that it's inappropriate to impose conditions relating to traffic improvements and road improvements. That, essentially, is what that particular condition would be.

And, also, what was pointed out to me just a second ago is that in the ordinance, in the rezoning ordinance for the lodge, that's Ordinance 97-36, Condition K, contains wording already that requires the bypass to be constructed in its entirety between Keauhou and Captain Cook, I'm sorry, Keauhou and Haleki'i Street shall be completed and available for public use before the issuance of an occupancy permit for the lodge development.

Lastly, I'd like to say, you know, another ground of why these kinds of conditions in the SMA permit for the bypass or the lodge or anywhere else, why I believe it's improper, is because as stated in the earlier presentation to you, the County and Oceanside entered into a development agreement, okay, based upon all of the ordinances, all of the permits which had been granted up until that time. Those ordinances and permits lay out what the legal requirements for performance are by Oceanside. The development agreement provides legal assurance to Oceanside from the County that the County is not going to impose any more burdensome requirements after that development agreement for the things that Oceanside has agreed to do in that development agreement. And construction of the bypass was a major part of that development agreement, and it refers to the timeframes in which that bypass has to be built. So it, the very purpose of that development agreement, to me, would be violated if the Commission begins now to change the rules or the requirements of performance. So I wish for you to consider that before, you know, getting into any discussion about whether these kinds of conditions should be imposed. If you need to get more specific information from me on this, I can give it, but I don't want to get into more detail right at this point.

BAKER: I think the Commissioners understand it. As I said to her, I think we have it covered, it's just that she didn't agree with me. Commissioner Giffin.

GIFFIN: Maybe I can ask the Councilwoman a question. Like you, I had some reservations, and the timetable was a big one. But the bonding dates and the dates that they did show on the slide presentation earlier, especially the bonding dates, the begin and end, were very convincing to me in terms of whether or not they would complete it. And that's what I was concerned about, that this wasn't just a lot of talk over nothing but that, in fact, they were going to do what they said. I don't know if that's enough for you, but it did satisfy my curiosity and my concern.

PISICCHIO: I believe they have an intention to build the road, otherwise we wouldn't be here today. But I've had, you know, asked questions of Corp. Counsel, I had an attorney

review all of this, and I think that the timing of it is what's still ambiguous, that it's not really nailed down. That's my concern is the timing of it.

GIFFIN: I know you have the -.

PISICCHIO: And there are a number of places where extensions of time -.

GIFFIN: Yeah.

PISICCHIO: Can be given, even to the bond, and that's my concern, not that I think they're going to fly away and -.

GIFFIN: Right.

PISICCHIO: You know, leave the County to build the road. That's, my concern is to screw down the timing of completion, that's all. If it can't be done through adding conditions to SMA, that I don't have legal -.

GIFFIN: Right.

PISICCHIO: Experience with.

GIFFIN: Right.

PISICCHIO: But -.

GIFFIN: I know you have this pamphlet on the members' lodge.

PISICCHIO: Yes.

GIFFIN: And on Page 5, where it talks about the phasing and the timing, it says that it was anticipated to begin in the year 2000, and that the initial phase would be completed by 2001. That was another specific that caught my eye and made me feel that this project had credibility. Because, like you, I wanted to make sure that the different segments and the different things that they were asking for would indeed be done and in a timely manner.

PISICCHIO: I'm not being argumentative. But the only things that really matter are what's in legal terms of the permitting process, not in background reports or, that's all. Anyway, I think -.

BAKER: Okay. Well, I -.

PISICCHIO: That there's -.

BAKER: I mean -.

PISICCHIO: That really is no reason to -.

BAKER: Yeah, I think we cannot be beating the issues.

PISICCHIO: Yes, exactly.

BAKER: You know. We're not here to argue. Commissioner Fujikawa.

FUJIKAWA: Yeah, I guess Councilwoman Nancy, I know that you would like to have the highway in first. But I think that they are looking in the construction phase, is that it might have an interference, right, in the construction phase? If you put in the highway first, would it interfere with your construction site work?

STUIT: No, construction of the bypass won't interfere with site work, no.

FUJIKAWA: Okay.

STUIT: No.

BAKER: Okay. No further questions, I want to thank you.

PISICCHIO: Thank you for your time.

BAKER: Okay. Anyone else in the public wishing to come forward to testify? Please come forward. Did you, were you sworn in? Please give your name and -.

LESLIE: Good afternoon, Mr. Chairman, Corporate Counsels and Members of the Planning Commission and my long time friend Virginia. I, first of all, I've been with the project also -.

BAKER: Can you identify yourself.

LESLIE: Yes, my name's Gordon Leslie. My address is 82-6012 Manini Beach Road, Captain Cook, Hawaii 96704.

Like Bob Stuit, I feel very old today. It's been a long, long, long road. But all through that process, one of the things that we were, we knew what we needed to do for this project, and that was to be absolute good neighbors, and we have tried the very best to do that. And I hope that in the process up to now we have not offended any of our neighbors. It's, I don't know what to do with truck noise or Jacob brakes, but it was either Yamagata pasture or Haleki'i Street. It was either putting a hardship on two people rather than putting a hardship on 200 people. And I have

apologized to the gentleman that had to endure this; and we will certainly look into seeing what we can do to eliminate his grief.

We here all know that this project has been on the books before you came and so the Planning Commissioners before you have already gone through all this process, I understand this. And yesterday, the people that you see in the back of me are people that work down on the project. And yesterday after pau hana, I says, "You know, tomorrow there is this public hearing. I did not encourage them prior to yesterday's date to be here, but at pau hana, I says, you know, if you want to, tomorrow's your day off, they work four days, ten hour days, tomorrow's your day off. You want to show appreciation to Oceanside of how much you appreciate the job, show up." Well, I told them show up to company parties before and maybe 20 or 30 showed up, so I really didn't expect as many people to be here but they're here.

And I'd like to address, I think, the reason I got up to speak is I'd just like to touch base on some of the things that the previous speakers had talked about, their concern; and I'd like to address, usually I go from the top back, but I'd like to take from the bottom. I'd like to commend Councilperson Pisicchio. When we first discussed bypass with her, she had nothing to do with it, "I don't want no bypass. You would put a bypass, and we'll stop your project." And today she's telling us if we don't do the bypass, she's not going to be happy. So I thank her for the change of mind and considering and understanding that we are trying to do the best that we can for the community.

The benefits that I see this project has provided for the company, yes, we have probably more than 250 people employed on this project, many of them come from around the Island. We have men working on the project from Hilo all the way to Kohala. We have guys from Hilo renting homes in Kau together, four or five guys at a time, and then commuting there and going back. So the project is not only serving the Kona District, but it's serving the entire community. All of the truckers come from all over the counties.

In addition, when we talked to the County, County Council years ago about what we felt this project will do for the community, we knew one, for sure, that we would be providing jobs. And little did I know, even then, that along with providing jobs, there comes a whole other things that is necessary to have people be stable citizens of the community. So as we speak today, not to get into a large explanation, but we now provide ATV programs down on Oceanside's project for the hundred, well, there's over 250, but there's about 130 people that all they do is maintain the land, take care of the land, clean the land. And a lot of these people that work there have been idle for a long time prior to their employment here. And some of them have gotten into some troubles with the courts and have failed to respond to the court orders, such as ATV programs or report to probation office, and some of them were recognized as in serious trouble. And we have now counsel on site. We have Kahu Davis from Kahikolu Church, he comes every Wednesday. And this group, there's 135 kanaka maolis every morning, seven o'clock, holding hands and praying to God and thanking God that they have a job, asking God to keep them safe out in the field. And on Wednesdays, we have Kahu Davis come and perform the service for them, every Wednesday.

We, also, Oceanside had provided for all of these men conditions that they can go to night school. They can go to, then we have guys in computer school now. There's about 20 guys in computer school at Konawaena School at night, and I'm one of those guys because I never knew how to turn it on. But now I can understand your high tech. I got to commend the County for their high tech presentation. And so all of these type of conditions comes with providing jobs for people. And I just want all of you to understand that as we progress with this project, as we get permits to do more on the project, I'm sure there will be more opportunities for employment for all the people in Kona as well as the people in the entire County. And I urge that you support this project, support the application before you; and Bob Stuit and myself will be sure that the conditions that you request or that's been requested of the developer be kept.

BAKER: Thank you, Gordon Leslie.

KUBOTA: Mr. Chairman?

BAKER: Well said. Go ahead.

KUBOTA: Mr. Leslie, Leslie, was it?

LESLIE: That's correct.

KUBOTA: Thank you for your testimony. You make my job easier this afternoon.

LESLIE: Thank you.

BAKER: Commissioners, any other questions? If not -.

PARIS: Mr. Chairman, I'm probably recognized as one of the historians of Kona. I hate geographic miscues. The terminus, southern terminus of this road is not at Napo'opo'o. The southern terminus of this road is not at Napo'opo'o. It's at Napo'opo'o Road Junction. It's in the land of Ka'awaloa. And the place name of that bluff up above is Kuapehu. So it terminates at Kuapehu portion of Ka'awaloa in South Kona.

The Kapuohau, the hill you referred to, is also significant. It was the main triangulation station for survey in Kona. Auwe, I've blown the lights out.

GIFFIN: Auwe.

PARIS: A'oe ia. It was the main triangulation station for Central Kona for many, many years before our, with the modern tech and survey and everything else. But it is the boundary of North and South Kona at the ocean. Haleki'i is on one side, that's in South Kona, and they've, Hokukano is on the north. However, that portion of Kona they call Hokukano wasn't, before was Kanaeue. Kanaeue. But upon a sale between my great grand, my

grandfather and W. H. Greenwell, the Greenwells consolidated the Kanaeue with Hokukano, and so you have a difference there. But I just wanted to point out the road terminates at the Napo'opo'o Road, yes, formerly called Palipoko Road, and it's in Ka'awaloa, not Napo'opo'o.

BAKER: Thank you.

GOLDSTEIN: Thank you.

BAKER: Commissioner Giffin.

GIFFIN: Mr. Chairman, I know that the afternoon is getting away from us, but I wanted to go through some of the background information that was given to us and I had some questions that I marked throughout that. And so if it's possible, either the Applicant or the Applicant's representative to come forward again so I could have some of the questions answered.

BAKER: And are you going to start with the numbered, as our agenda item and address them that way, and are we going to take a motion that way and work on them?

GIFFIN: I wasn't going to make any motion yet, I was going to -.

BAKER: Okay.

GIFFIN: Ask some questions if I could.

BAKER: Okay. Thank you.

GIFFIN: Okay. Your last name is Sites?

STUIT: Stuit.

GIFFIN: Stuit.

STUIT: Believe it or not.

GIFFIN: Mr. Stuit.

STUIT: I had nothing to do with it.

GIFFIN: I'm referring to the Department of Public Works' memorandum dated April 10<sup>th</sup>, and that's, they're not numbered, I'm sorry.

STUIT: You're talking about -.

GIFFIN: It's in the Background -.

STUIT: Excuse me.

GIFFIN: Report. And maybe you don't even have to look at the page.

MIRIKITANI: Exhibit A.

GIFFIN: It's regarding the bypass road.

STUIT: Okay.

GIFFIN: One of the first things they talk about is the drainage study. Was that done?

STUIT: The drainage report is being completed as we speak as part of the engineering plans for the roadway.

GIFFIN: Thank you. In that same memorandum under traffic, they wanted a TIAR. Was that done?

STUIT: I'm not familiar with that expression.

GIFFIN: It's a Traffic Impact Analysis Report.

STUIT: Yeah, Traffic Impact Analysis Report was done as part of the bypass EIS.

GIFFIN: Okay.

STUIT: And, as well, for the project EIS.

GIFFIN: Okay. As you can tell, I was not on the Commission initially when that was passed. This was a letter to Virginia from the Department of Health on September 18<sup>th</sup>. It goes back to '96. Solid wastes. They talk about, I know that your sewage treatment plant is going to be big into recycling, but this is the solid waste.

STUIT: Solid waste plant has been prepared and actually been submitted to the County for their review and approval. I don't believe it has been approved yet though.

GIFFIN: Okay. And that still is to be trucked to Pu'uanahulu?

STUIT: There will be some material brought to the landfill, yes.



GIFFIN: Okay. This is a memorandum from the Department of Land and Natural Resources, March 14, 2000. The mitigation measures regarding the archaeological sites, and I was really interested in hearing Mr. Paris and his reaction to how you people were handling those sensitive and numerous archaeological historic sites.

STUIT: There are many sites on the project, including the shoreline park, the wastewater treatment plant, and there are a few sites in the lodge parcel as well and, yes, the mitigation plan has been completed for all of that work. We've done an inventory survey of the bypass alignment and are currently in preparation of the data recovery plan and -.

GIFFIN: Okay.

STUIT: Preservation plan and all of the other plans that are part of the overall mitigation for the road.

GIFFIN: Another memorandum from the Department of Land and Natural Resources, April 13, 2000, to Director Goldstein. This is Exhibit G, Don Hubbard's memo. He talks about the site clearing and the construction needs in terms of when you are actually construct, you know, under construction, and that those needs, he suggested, needed to be more specific and clarified.

STUIT: I think what he's referring to there is that some of the sites need to be accurately located -.

GIFFIN: Right.

STUIT: By survey.

GIFFIN: Right.

STUIT: And, yes, we will do that as part of the mitigation work before we get underway with the bypass construction.

GIFFIN: Will that be done in phases?

STUIT: No, that will be done overall because all of the data recovery work has to be done before construction can begin.

GIFFIN: Okay. This is my last marked area for the Background Report, but this one was a memo from Kazu Hayashida. And although his first and second recommendations I did not think were quite serious, the third one I did; and I wondered whether or not there was going to be any consideration. He says, "We recommend that the proposed road provide for scenic pull-outs and make every effort to preserve the scenic view planes."

STUIT: We thought about that, too, because we heard that from some people, as well. And we discussed that with the landowners, we discussed it with the Department of Land and Natural Resources, I don't know if we discussed it with the Department of Transportation, and the response we heard more than often was that they would not like to see that because there was a concern for trespassing.

GIFFIN: Oh.

STUIT: There was a concern for access to sensitive sites where the sites might be damaged or destroyed, and it was felt like scenic pull-outs would only encourage that. I think it's a matter of opinion, but we have not put those into our plans at this time.

GIFFIN: And finally, regarding the lodge, this was not the first booklet that I read, and so I was kind of puzzled, and maybe you can help me. On Page 28 of your booklet from the members' lodge, this is when you have an issue and you talk about recreation and then you give your response. And in this one in particular, it is in response to the subsection Recreation. I was concerned that the response had to do with the park, the shoreline park, rather than the lodge itself. Was this deliberately done? And if so, why?

STUIT: Well, I believe because the objectives that are contained in the Coastal Zone Management Program refer to coastal recreation opportunities accessible to the public, and since the lodge is not a coastal property -.

GIFFIN: No.

STUIT: We did want to address coastal recreation opportunities. There isn't really public recreation -.

GIFFIN: Right.

STUIT: Opportunity within the lodge itself except for the State-owned Old Government Road that passes directly through it. So certainly there is an opportunity for hiking and walking along that trail; but within the lodge itself, there is no public recreation opportunity.

GIFFIN: Thank you.

STUIT: Thank you for reading. Appreciate that.

GIFFIN: That's my job.

BAKER: Any other questions? Hearing none -.

FUJIKAWA: Can I make a motion?

BAKER: Okay, Commissioner Fujikawa, Item No. 9, I guess.

GIFFIN: Would you like me to do it?

MIRIKITANI: That would be No. 8 on your agenda, the lodge, private members' lodge.

BAKER: Isn't it renumbered 9? We had renumbered it; it says No. 9.

GIFFIN: Mr. Chairman?

BAKER: Yes, Commissioner Giffin.

GIFFIN: You know that I had a lot of questions.

BAKER: Yes.

GIFFIN: And I feel that -.

BAKER: Thank you.

GIFFIN: My questions have been adequately answered, and I think that Members of the Commission feel that way, too. And so it is without any reservations that I move that Special Permit, the Special Management Area Use Permit Application 005 be approved.

KUBOTA: I second the motion.

GOLDSTEIN: With the amended conditions.

GIFFIN: Oh, I'm sorry, yes, as the Director has reminded me, with the amended conditions.

KUBOTA: Oh, yes, okay. I second the motion.

BAKER: Okay. A motion has been made by -.

KUBOTA: As corrected.

BAKER: Commissioner Giffin and a second by Commissioner Kubota to approve Special Management Area Use Permit Application SMA 00-05 with the amended conditions. Staff, roll call. Or any discussion first? Hearing none, roll call.

MIRIKITANI: Commissioner Giffin?

GIFFIN: Aye.

MIRIKITANI: Commissioner Kubota?

KUBOTA: Aye.

MIRIKITANI: Commissioner Fujikawa?

FUJIKAWA: Aye.

MIRIKITANI: Commissioner Smith?

SMITH: Aye.

MIRIKITANI: Commissioner Souza?

SOUZA: Aye.

MIRIKITANI: Commissioner Togashi?

TOGASHI: Aye.

MIRIKITANI: Chairman Baker?

BAKER: Aye.

MIRIKITANI: Seven ayes, the motion has been carried.

BAKER: Commissioner Giffin.

GIFFIN: Mr. Chairman, I move that Special Management Area Use Permit Application 006, referring to the wastewater treatment plant be approved.

KUBOTA: I second the motion.

GIFFIN: With -.

KUBOTA: With -.

GIFFIN: As my Director has said, with the amended conditions.

BAKER: Okay. It has been moved and seconded with the amended conditions that Special Management Area Use Permit Application SMA 00-006 be approved. Any discussion?

GIANNINI: Excuse me. There has been an objection raised that you are not putting on the record that you are considering all of the information you've heard and that you are voting, and that you are moving to approve the, excuse me, approve the permits for the reasons as presented before this Commission and your, based on the findings, what you have found and heard here and on the recommendations of the Director. So you have to express, for the record, that you have taken into account everything you've heard here and for the reasons that you, that have been stated on the record, that you are moving to approve the permit with the conditions as recommended by the Director.

GIFFIN: Then I so move.

KUBOTA: And then I so second.

BAKER: Ben, you want to come forward? You have a problem with that, objection?

TSUKAZAKI: Yes, I apologize for being so picky, but in order for your motions to be valid on the SMA permit application, there must be a connection between the legal criteria and your motion. So I believe it's been customary for the Commission to make a motion for approval based upon the recommendation of the Planning Director with the conditions. That's because the critical findings on the legal criteria are in the recommendation of the Planning Director. If you don't do that, then you have to restate your findings for every legal criterion. So that's why, and I just, since you're, I know, you know, what you're trying to do, and I just want to make sure that legally, Oceanside is protected. So I noted that that was not in the form of your motion from the very first application on the lodge. I just wanted to say something now so that we wouldn't have a problem later.

GIFFIN: So was that sufficient, your verbiage?

TSUKAZAKI: Yes. For the reasons and with the amended conditions as stated in the Planning Director's recommendation.

BAKER: Can you -?

GIFFIN: I so move.

BAKER: Repeat that? Can you repeat that?

GIFFIN: No, I don't want to repeat it. Have him stand here and say it. But thank you, and I -.

BAKER: Okay.

SOUZA: Mr. Chairman?

GIFFIN: I so move.

BAKER: Okay. Yes, Mr. Souza, Commissioner Souza.

SOUZA: If we can, I was just going to suggest for a 10-minute recess.

BAKER: Okay.

SOUZA: I mean -.

BAKER: Okay. Ten-minute recess.

KUBOTA: I would like to finish this off. It's just going to take a few minutes more.

BAKER: Maybe the man got to go, got to go, so if he got to go -.

SOUZA: I, it's not that I got to go; I went already.

BAKER: Oh, okay. Okay, what's the point then?

KUBOTA: Mr. Chairman, I object to breaking.

SOUZA: The point I was trying to do was clear up the legal language; that was the real reason for the recess.

BAKER: I think that it's been stated for the record the intent that was brought up by Ben, and so our motions are in line with the -.

TOGASHI: Right.

BAKER: SMA and with the Planning Director's recommendation. So it's stated in the record, so I think you're protected legally. You probably got, we are just confirming it. As the Chair, I'm saying that our recommendations that we are making are in line with the Planning Director's -.

GIFFIN: Recommendations.

BAKER: Recommendations. And based on the record that was presented today. Okay. So you had made a motion, it was seconded by Commissioner Kubota. Are there any other discussions?

SOUZA: No.

BAKER: Hearing none, then Staff, can you call for roll call.

MIRIKITANI: Commissioner Giffin?

GIFFIN: Aye.

MIRIKITANI: Commissioner Kubota?

KUBOTA: Aye.

MIRIKITANI: Commissioner Fujikawa?

FUJIKAWA: Aye.

MIRIKITANI: Commissioner Smith?

SMITH: Aye.

MIRIKITANI: Commissioner Souza?

SOUZA: Aye.

MIRIKITANI: Commissioner Togashi?

TOGASHI: Aye.

MIRIKITANI: Chairman Baker?

BAKER: Aye.

MIRIKITANI: Seven ayes, the motion has been carried.

BAKER: Nobody wants to make a motion now?

GIFFIN: Okay, Ben, I'm going to need your help. Mr. Chairman.

BAKER: Commissioner Giffin.

GIFFIN: From the Director's recommendation and from the testimony that we have heard today, is there anything else I'm supposed to include?

KUBOTA: Yes.

GIFFIN: What else?

GIANNINI: Amended conditions.

KUBOTA: Amended conditions.

GIFFIN: And the amended conditions, I move that Special Management Area Use Permit Application 003, referring to the shoreline park, be approved.

KUBOTA: Excuse me, 004, huh?

MIRIKITANI: It would be special permit for the wastewater treatment plant.

GIANNINI: Yeah, there are two permits for that wastewater.

GIFFIN: Oh, that's right, there were two -.

BAKER: That's right, there's two.

GIFFIN: Thank you.

BAKER: We need to do 10, it was 10-A and 10-B. Ten-B was special permit first.

MIRIKITANI: That was Special Permit No. 008.

BAKER: Yes.

GIFFIN: I got it.

BAKER: Okay. Go ahead, Commissioner Giffin.

GIFFIN: From the, no, from the recommendation that we have covered today and the testimony that we have heard, and with the revised conditions, I move that Special Permit Application 008 be approved.

KUBOTA: I second the motion.

FUJIKAWA: Second.

BAKER: Okay. It has been moved and seconded, it's moved by Commissioner Giffin and seconded by Commissioner Fujikawa that Special Permit Application SP 008 recommendation by the Planning Director and with the amended conditions be approved. Any discussion? Staff.

MIRIKITANI: Commissioner Giffin?



GIFFIN: Aye.

MIRIKITANI: Commissioner Kubota?

KUBOTA: Aye.

MIRIKITANI: Commissioner Fujikawa?

FUJIKAWA: Aye.

MIRIKITANI: Commissioner Smith?

SMITH: Aye.

MIRIKITANI: Commissioner Souza?

SOUZA: Aye.

MIRIKITANI: Commissioner Togashi?

TOGASHI: Aye.

MIRIKITANI: Chairman Baker?

BAKER: Aye.

MIRIKITANI: Seven ayes, the motion has been carried.

BAKER: Now the next one is the SMA 003.

GIFFIN: I move that the Special Management Area Permit Application 003 be approved for the reasons and with the conditions as contained in the Planning Director's recommendation.

KUBOTA: I second the motion.

BAKER: Okay. A motion has been made by Commissioner Giffin and a second by Commissioner Kubota to approve Special Management Area (SMA) Use Permit for the development of a shoreline park and its related uses, with the amended conditions.

KUBOTA: And that's the one she forgot to say.

GIFFIN: Thank you.

BAKER: Okay. All in favor? Any conditions? I mean any discussion? There's too many SMAs. Any discussions from the Commissioners? Okay, hearing none, Staff, roll call.

MIRIKITANI: Commissioner Giffin?

GIFFIN: Aye.

MIRIKITANI: Commissioner Kubota?

KUBOTA: Aye.

MIRIKITANI: Commissioner Fujikawa?

FUJIKAWA: Aye.

MIRIKITANI: Commissioner Francis?

SMITH: Aye.

BAKER: Commissioner Smith.

FUJIKAWA: Francis. Commissioner Smith.

MIRIKITANI: Smith, sorry. Excuse me. Commissioner Souza?

SOUZA: Aye.

MIRIKITANI: Commissioner Togashi?

TOGASHI: Aye.

MIRIKITANI: Chairman Baker?

BAKER: Aye.

MIRIKITANI: Seven ayes, the motion has been carried.

BAKER: Okay. Commissioner Giffin, one more.

GIANNINI: The bypass road.

BAKER: The bypass road.

KUBOTA: Bypass.

BAKER: Commissioner Giffin, the SMA 004.

GIFFIN: Hang on.

KUBOTA: Commissioner Giffin, if I may borrow that piece of paper, I will -.

GIFFIN: I'll gladly give it to you. Take it.

KUBOTA: I was just teasing.

GIFFIN: No. Take it. Take it.

KUBOTA: Yeah, I'll give it a try. Mr. Chairman, I move that Special Management Area Use Permit Application SMA 00-004 be approved with the conditions, for the reasons and with the conditions as contained in the Planning Director's recommendation, and with the amended conditions.

FUJIKAWA: Second.

BAKER: Okay. It has been moved by Commissioner Kubota and a second by Commissioner Fujikawa that we grant the Special Management SMA Area Use Permit for the development of the Mamalahoa Highway Bypass Road with the conditions and recommendations from the Planning Director. Any discussions? Staff, roll call.

MIRIKITANI: Commissioner Kubota?

KUBOTA: Aye.

MIRIKITANI: Commissioner Fujikawa?

FUJIKAWA: Aye.

MIRIKITANI: Commissioner Giffin?

GIFFIN: Aye.

MIRIKITANI: Commissioner Smith?

SMITH: Aye.

MIRIKITANI: Commissioner Souza?

SOUZA: Aye.

MIRIKITANI: Commissioner Togashi?

TOGASHI: Aye.

MIRIKITANI: Chairman Baker?

BAKER: Aye.

MIRIKITANI: Seven ayes; the motion has been carried.

BAKER: Okay.

GIANNINI: Excuse me, if I could mention, since there was an objection about the voting on SMA 005, would anyone like to make the motion again and revote just to make sure that you have it clarified?

GIFFIN: Was that on the lodge?

GIANNINI: Yes, that was the very first one.

FUJIKAWA: The first one.

GIFFIN: Maybe Commissioner Kubota could, because she has the yellow paper.

GIANNINI: You have the paper. Would you pass it back. There you go.

GIFFIN: Mr. Chairman, I move that the Special Management Area Use Permit Application 005 be approved for the reasons and with the amended conditions as contained in the Planning Director's recommendation.

KUBOTA: I second the motion.

BAKER: Okay. It has been moved by Commissioner Giffin and seconded by Commissioner Kubota that we approve the Special Management Area SMA Use Permit Application for the development of an 80-unit members' lodge and related uses for approval by the Planning Commissioner, by the Planning Commission as directed by the Planning Director and amended conditions. Any discussion? Roll call.

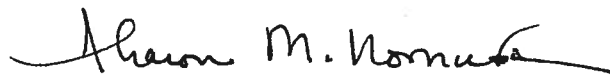
MIRIKITANI: Commissioner Giffin?

GIFFIN: Aye.

MIRIKITANI: Commissioner Kubota?  
KUBOTA: Aye.  
MIRIKITANI: Commissioner Fujikawa?  
FUJIKAWA: Aye.  
MIRIKITANI: Commissioner Smith?  
SMITH: Aye.  
MIRIKITANI: Commissioner Souza?  
SOUZA: Aye.  
MIRIKITANI: Commissioner Togashi?  
TOGASHI: Aye.  
MIRIKITANI: Chairman Baker?  
BAKER: Aye.  
MIRIKITANI: Seven ayes, the motion has been carried  
BAKER: Thank you, and we will be sending you out the documents in the mail.  
Good luck!

The discussion ended at 4:40 p.m.

Respectfully submitted,



Sharon M. Nomura, Secretary  
Planning Commission



**RECORD OF VOTING**

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**PLANNING COMMISSION  
COUNTY OF HAWAII**

005

DATE: May 5, 2000

APPLICANT: 1250 Oceanside Partners – SMA TMK 8-1-4:por 3 (private members' lodge, etc.)

- PUBLIC HEARING:  CLOSE 1<sup>ST</sup> \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_
- CONTINUE 1<sup>ST</sup> \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_
- REOPEN 1<sup>ST</sup> \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_
- OTHER \_\_\_\_\_
- REMARKS \_\_\_\_\_

- ACTION:  APPROVE 1<sup>ST</sup> Giffin 2<sup>ND</sup> Kubota
- APPROVE WITH AMENDMENTS
- DENY [scribble] Second vote again
- AFFIRM [scribble]
- OTHER \_\_\_\_\_
- REMARKS With amend #3 + #8

COMMISSIONERS: 22 AYE NO EXCUSED ABSTAIN

COMMISSIONERS:	AYE	NO	EXCUSED	ABSTAIN
BAKER, Richard	<input checked="" type="checkbox"/>			
FUJIKAWA, Earl	<input checked="" type="checkbox"/>			
GIFFIN, Geraldine	<input checked="" type="checkbox"/>			
KUBOTA, Florence	<input checked="" type="checkbox"/>			
MOSHER, Mildred				
SMITH, Francis	<input checked="" type="checkbox"/>			
SOUZA, James	<input checked="" type="checkbox"/>			
TOGASHI, Grant	<input checked="" type="checkbox"/>			

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THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

5300 S. LINDSAY DRIVE

CHICAGO, ILL. 60637



1250 Oceanside Partners (dba Oceanside 1250)  
Special Management Area Use Permit Application (SMA 00-005)  
Members Lodge and Related Uses

Condition of Approval

3. Construction of **Phase I** of the proposed development shall be completed within five (5) years from the effective date of this permit.
  
8. Construction of the lodge shall be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code. A detailed drainage study shall be prepared by the applicant for review and approval by the Department of Public Works prior to submittal of plans for Plan Approval. A drainage system shall be installed meeting with the approval of the Department of Public Works. If required, a Conditional Letter of Map Revision (**CLOMR**) shall be [applied for an approved by] **obtained from** the Federal Emergency Management Agency (FEMA) prior to issuance of affected building permits for the lodge and related improvements[. A], **and a** Letter of Map Revision or a Physical Map Revision shall be required from [(FEMA)] prior to approval of any Certificate of Occupancy.

Amended by PD  
5/5/08 Htg

