

KONA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

COUNTY OF HAWAII

MINUTES

MEETING DATE: August 26, 2009

TIME: 2:07 PM

PLACE: Hanama Conference Room, Suite 103
Hanama Place, Kailua Kona
Kailua-Kona, Hawaii 96740

ROLL CALL:

1. Members Present: Marilyn Herkes, Michael Matsukawa, Ken Melrose, Janice Palma-Glennie Palma-Glennie, Robert Ward
2. Absent/Excused: Fritz Harris-Glade, Bo Kahui, Gretchen Lawson, Deanne Bugado
3. Planning Department: Allen Salavea, Bennett Mark, Marie Hong
4. Recorder: Angie Gee
5. Public: Jennifer Bench (Carlsmith Ball Honolulu), Steven Lim (Carlsmith Ball Hilo), Tom Yamumuto (Forest City), Dickie Nelson, Ruby McDonald, Jim Greenwell, Debbie Hecht, David Kimo Frankel, Fred & Barbara Housel, Race Randle (Forest City), Francis Oda (Group 70 Int'l), Michael Riehm, John Barnett, Kaliko Chun, Riley Smith (Lanihau Properties), Chuck Flaherty (Apono Hawaii – arrived 2:30pm), Tyler Paikuli-Campbell and children Kulani, Kawaimua, Aukele (arrived 2:37pm and left soon after)

Ken Melrose welcomed everyone and stated how wonderful it was to see so many members of the public interested in the Community Development Plan and what's going on in Kona.

STATEMENTS FROM THE PUBLIC REGARDING ITEMS ON AGENDA

1. Richard "Dickie" Nelson: Testimony read in support of the General Plan Amendment which re-classifies lands from urban expansion to open at Kaloko-Honokohau (attached as Testimony 1).
2. Fred Housel: President of Community Enterprises. Stated that the Town meetings that he helps to organize are to start. An invitation to the KCDP Action Committee was extended to do a presentation in the February, 2010 meeting.
3. Debbie Hecht: Testified in support of the General Plan Amendment. Ms Hecht also provided clarification regarding the use of septic tank systems verses sewer systems issue that had come up during the recent public meeting regarding the Proposed General Plan Amendment and emphasized the need to protect the National Park. Proposed the creation of a buffer(s) area around the National Park.

4. Ruby Keaanaaina McDonald for Fred Cachola: Fred is the chair for Makani Hou o Kaloko-Honokohau. Testimony read in support of the General Plan Amendment. (Read attached as Testimony 2)
5. Kaliko Chun: Testified in support of the General Plan Amendment. Mr. Chun related his family ties to the kuleana and the need to protect it. Mr. Chun also stated that there should be no urban expansion of the area and that there is a need to be concerned about the urban development in the area and how it affects the Kaloko-Honokohau National Park in a negative way. Mr. Chun suggested the creation of a conservation designation in the General Plan.
6. Chuck Flaherty: Testified in support of the General Plan Amendment. Mr. Flaherty also spoke regarding the Keahuolu TOD, specifically the Ane Keohokalole Highway. Mr. Flaherty is concerned that there will be a determination on the Environmental Assessment that will not take into account of the critical habitats and historic sites that are near the area and the cumulative effect the highway will have on the environment.
7. David Frankel: An attorney for the Native Hawaiian Legal Corporation, representing Dickie and Kaliko Chun. Mr. Frankel provided information regarding the context of the General Plan Amendment.

Ken Melrose reminded the Committee and audience of that the mandate of the Action Committee is not to be a permit review committee but to encourage and support the implementation of the CDP:

ADMINISTRATIVE MATTERS

Minutes of the Meeting of July 22, 2009. Marni Herkes moved and Bob Ward seconded to approve the minutes. Ken Melrose asked if any discussion. No discussion. Motion carried unanimously.

NEW BUSINESS

Ken Melrose asked for a motion to defer items 1 & 2 to later in the agenda to address items 3 & 4: Bob Ward moved, Marni Herkes seconded. Ken Melrose asked if any discussion. No discussion. Motion carried unanimously.

1. KEAHOLU TOD PRESENTATION: Race Randle with Forest City Hawaii provided the commission with an overview and status of the project as well as the company. Forest City Hawaii has been contracted by Hawaii Housing Finance and Development Corporation to build on 272 acres an affordable mix used housing in the Keahuolu ahu pua'a. An Environmental Impact Statement has been completed by the State in 2008.

Forest City had a kickoff in May and a public meeting in July. They have been having small group discussions and soliciting stakeholder input to get more input into the plan. A general timeline is to submit later this year a plan to the LUC for urban reclassification to the 201H process and beginning the TOD project district rezoning change for the community. Next year, 2010, shall begin on the offsite infrastructure to support the project, the wells and sewer, the electrical systems to support it and will begin the subdivision and permitting process.

Construction will hopefully begin in 2011. And in 2012, for the first affordable homeowners to move in. Total project build out is for over 2,000 dwelling units.

Francis Oda presented a draft of the project site plan and explained the project to the committee. Mr. Oda stated that Forest City is working within the CDP principals to design the project. The hope of the plan is that whatever comes out will reflect the goals which is to protect the land, provide housing choices, provide recreational activities and commercial activities in a mixed use connected and sustainable community

Steven Lim from Carlsmith Ball working on the Forest City project. Working on the concurrent processing of both State land use commission and County zoning under the 201H process and processing a TOD project district zoning ordinance at the same time. Mr. Lim updated the committee on the process of these application and the status of the applications.

PLANNING DEPARTMENT UPDATE

HONOKOHAU VILLAGE CENTER MASTER PLAN. Allen Salavea conveyed that there is a completed a contract with Place Makers and has began the initiation process with the consultant. Preliminary, the plan is to conduct a charrette for the 3rd week of October. Some sessions of the charrette will be more public sector oriented and some government sector oriented. The goals of the contract is to create master plan for the civic center TOD, the 2nd part will be to develop internal processes that we use in reviewing project district applications (of which Forrest City will be the first private one) and the 3rd part is education of government and community to the TOD concept and project district application process.

HONOKOHAU GENERAL PLAN AMENDMENT. Allen Salavea passed out the agenda for the Leeward Planning Commission and pointed out that it is on the agenda to be heard this Friday, August 28th.

Clarification was made regarding the number of parcels and land owners involved in this amendment. Discussion by the committee members regarding the testimony earlier by the public regarding the protection of the land, the National Park and the possible Harbor expansion

Janice Palma-Glennie made a motion that the Action Committee send a favorable recommendation to both the Planning Commissions in support of the Planning Directors' proposal to change the County land use designation of the Kaloko-Honokohau land in question from urban expansion to open. Bob Ward seconded it. Motion carried unanimously.

COUNTY ROAD PROJECTS. Allen Salavea provided an update on behalf of Crystall Atkins. A proposal was made to change the agenda item to Transportation Projects Update.

4. PLANNING DEPARTMENT LIST OF APPLICATIONS. Allen Salavea passed out a list of applications that were submitted to the Department for the Kona area.

KCDP IMPLEMENTATION – SUB-COMMITTEE

LAND USE - Bob Ward passed out a list of projects with the description and current status identified from the CDP.

STATEMENTS FROM THE PUBLIC REGARDING ITEMS ON THE AGENDA

None.

ANNOUNCEMENTS

Ken Melrose notified the committee that Gretchen Lawson has resigned and noted that applications for 2 vacant positions of the Action Committee are available.

Next meeting - Sep 23rd at Liquor Commission office

ADJOURNMENT

There being no further business, at 4:35pm, it was moved by Marni Herkes and seconded by Janice Palma-Glennie that the meeting be adjourned. Motion was unanimously carried by a voice vote of all Committee Members in attendance.

Respectfully submitted,

Angie Gee, Recorder

A T T E S T:

Ken Melrose, Chair

Kona Community Development Plan Action Committee

immediately surrounding Ka-loko Honokohau to compatible activities. Lands further mauka should be restricted in density in order to preserve the integrity of the park and protect its water resources

The State Land Use Commission determined that, "for all proposed development adjacent or near a National Park that raises threats of harm to the environment, cultural resources, or human health, precautionary measures should be taken to protect the National Park cultural and natural resources, even if some cause and effect relationships are not fully established."

In 2006, Hawaii County re-classified the adjacent to and south of Kaloko Honokahau National Historic Park from "open" to "urban expansion". This change to the general plan failed to properly consider impacts to traditional and customary practices and to public trust resources. The change simply reflected a desire to accommodate the demands for development and failed to be based on all the studies documented as a deterrent to destroying the natural resources and cultural beauty of this area. Consequently The Jacoby Development proposed, in partnership with Hawaiian Home Lands, to build a marina and timeshare project. That development project is no longer on the table for consideration.

Kaliko Chun and myself are part of a lawsuit challenging the county's failure to protect Native Hawaiian rights and public trust resources as well as its failure to plan properly. Hawaii County Planning Director Bobby Jean Leithead Todd is proposing to reclassify the area back from "urban expansion" to "open" - a classification that will better protect the natural and cultural resources of the area.

The proposed amendment implements the Kona Community Development Plan's "vision of a 17 mile long protected stretch of open coastline from Makaeo north to Kikaua Point at the Kuki'o development." LU-1.6. is also consistent with the plan's call for a 1000-foot setback from the shoreline. Policy LU-1.5 states, " it shall be a priority of the County to maintain a minimum of 1,000-foot open space no-build setback for undeveloped lands adjacent to the shoreline. On parcels which currently exceed 1,000 feet in depth, Policy LU-1.5. provides discretionary land use approvals such as SMA major permits, rezoning, and state land use boundary amendments."

As a concerned community member, and in particular, a Hawaiian indigenous to these islands, I fully support Hawaii County Planning Director, Bobby Jean Leithead Todd's proposal to reclassify the area in question from urban expansion to open.

Mahalo.

raise the nitrate levels and have caused a diatom bloom. More urban and commercial development in this area will surely increase sources for more pollution input.

3. Urban and commercial expansion on lands adjacent to the Park will forever change the open landscapes, threaten the cultural resources and the traditional practices of Native Hawaiians in the Park. The Park contains nationally significant cultural resources, including two ancient fishponds and a fish trap, burial sites, two heiau, ~~portions~~ of ancient trails, many anchialine pools, petroglyphs, salt pans, endemic plants, ahu (rock platforms), a holua side. . . and is reported in some historical references as a possible burial site for the prominent High Chief Kahekili and the greatest of Hawaiian warrior/statesman - Kamehameha. Native Hawaiian rights protected by the Hawaii Constitution that are practiced within the Park include, pole, net and spear fishing, gathering/harvesting limu, wana, opihi and he'e, gathering opae'ula for bait and chum for offshore fishing, swimming and surfing, and religious ceremonies including pikai ceremonies at certain beaches. A few years ago, the State Land Use Commission concluded that the Kaloko-Honokohau National Historic Park is ". . . a natural and cultural resource of the utmost value both to the State of Hawaii and the nation as a whole, representing some of the States most important natural systems, habitats, and valued cultural, historical and natural resources.

4. The proposed amendment implements the Kona Community Development Plan's "vision of a 17-mile long protected stretch of open coastline from Makaeo north to Kakaua Pt. at the Kuki'o development" LU-1.6. It is also fully consistent with the plan's call for a 1000 foot setback from the shoreline. Policy LU-1.5 states, "It shall be a priority of the County to maintain a minimum of 1,000-foot open space no-build setback for undeveloped lands adjacent to the shoreline, on parcels which currently exceed 1,000 feet in depth, in discretionary land use approvals such as SMA major permits, rezoning, and state land use boundary amendments."

5. In their "Spirit Report" of 1974, the advisory commission of native Hawaiians recommended that the southern park boundary extend to Noio Point, south of Honokohau Small Boat Harbor because this area contains important cultural and natural resources and is a site for certain Hawaiian religious ceremonies. However, the state has not allowed the Kaloko-Honokohau National Historical Park to expand into this south boundary. This amendment may help the Park to finally acquire this area south of the Harbor.

6. The State Land Use Commission "determined that, for all proposed development adjacent or near a National Park that raises threats of harm to the environment, cultural resources, or human health, precautionary measures should be taken to protect the National Park cultural and natural resources, even if some cause and affect relationships are not fully established."

The urban expansion foreseen by the Advisory Commission in their "Spirit Report" of 1974 is happening now, with alarming cumulative results. Supporting this amendment is a clear call to all that the County is fully committed to malama our wahi pana (special places), to protect our cultural and natural resources and to respect the constitutional rights of Native Hawaiians. There is overwhelming evidence that this amendment is sorely needed for this area. We strongly urge the planning commissioners and the Action Committee members to support this amendment. . . to concur with the State Land Use Commission. . . to empower the Kona Community Development Plan. . . to heed the dire warnings of the Kaloko-Honokohau National Historical Park. . . to follow the wise advice of the 1974 Advisory Commissioners. . . and to send a unified, supportive message to the County Council.

Sincerely,

Fred Cachola, President
Makani Hou o Kaloko-Honokohau
91-485 Kuhialoko Street
Ewa Beach, HI 96706
Ph. 808.685.4293
Cell 808.271.0743