

PLANNING COMMISSION
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
SEPTEMBER 4, 2009

A regularly advertised hearing on the **PLANNING DIRECTOR INITIATED AMENDMENT TO LUPAG MAP 11** was called to order at 11:26 a.m. in the Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i with Chairman Rell Woodward presiding.

PRESENT: Rell Woodward
Wallace Ishibashi
Takashi Domingo
Zendo Kern
Shelly Ogata

Brandon Gonzalez, Deputy Corporation Counsel
Norman Hayashi, Staff Planner
Phyllis Fujimoto, Staff Manner
Jeff Darrow, Staff Planner
Maija Cottle, Staff Planner

And approximately 8 people from the public in attendance

ABSENT & Andrew Iwashita
EXCUSED:

INITIATOR: PLANNING DIRECTOR

Amendment to Land Use Pattern Allocation Guide (LUPAG) Map 11 of the County of Hawaii General Plan (Ordinance No. 05 25, as amended) by changing the land use designation from "Urban Expansion" to "Open" for the area affecting state-owned lands in the vicinity and south of the Honokohau Harbor, Kealakehe, North Kona, Hawaii.

WOODWARD: We have one more item on the agenda, Item No. 4. Initiator is the Planning Director, Amendment to Land Use Pattern Allocation Guide Map 11 of the County of Hawaii General Plan by changing the land use designation from "Urban Expansion" to "Open" for the area affecting state-owned lands in the vicinity and south of the Honokohau Harbor, Kealakehe, North Kona, Hawaii. Okay, Maija.

COTTLE: Thank you, Mr. Chairman. Okay. So the Planning Director initiated this amendment to the General Plan as a result of a settlement agreement in a law suit of Kaliko Chun/Richard Nelson versus County of Hawaii; and that agreement required that the Planning Director initiate the amendment, but not necessarily support it or not support it. The Department held two public meetings for the community to provide input on the amendment change. Those

meetings were held in Kona on July 7th and in Hilo on July 10th; and about 15 people showed up at the Kona meeting and about 5 members of the public attended the Hilo meeting.

This next slide shows the proposed amendment to the General Plan LUPAG Map; and the area in green is currently designated as Open. The area in horizontal/diagonal cross-hatched is Urban Expansion. And then the proposed amendment area is shown in a red outline, shaped kind of like a shoe and diagonal cross-hatched. This area layout is, matches the 2005 General Plan LUPAG Map. So the Director is amending the Urban Expansion designation back to Open, which is what it was in 2005.

I'm just going to go through some aerial photos that show you the location of the amendment. This is the Honokohau Harbor, and you can see Queen Kaahumanu Highway on the top of the slide running in a left-right direction. This is the road coming off of the Highway to the Harbor. It wraps around right here. And the Kaloko-Honokohau National Park is off to the left of the slide, and then also their property comes right around to here. This is the boundary of the Park. You can also see the Aiopio Fish Trap off in the water here, and this is going a little bit further south. You can see the whole harbor area here. There's a heiau right about here near the fish trap; and that's actually located on the National Park land. And, also, up in the top corner of the slide you can see the Kealakehe Wastewater Treatment Plant.

So the amendment area would begin right about here. It comes from near the shoreline up to the Highway, and then it curves, it includes this entire area here. And then it starts up again right about in this location, and it curves around and includes the wastewater treatment plant. And this is like the boot, the shoe or boot part of the amendment area, and then it curves back up right around here. So, again, most of this area right here is in the amendment area. There are also some anchialine pools that you can make out a little bit right about in this area; and those pools are in the amendment area.

This is a LUPAG Map from 1971. It shows the Land Use Designations at that time which were Urban Expansion near the Highway, Open along the coastline, and then you can kind of make out that similar boot shape. There were also three Resort areas at that time that are shown here in red. And then in 1989 there were no changes made during the General Plan Comprehensive Update. In 2005, however, the three Resort areas were taken out, and the Open and Urban Expansion areas remained. And then in 2006 the Planning Director initiated an amendment, an interim amendment, that pulled all of that Open area out into Urban Expansion. So, again, this request is to revert the Urban Expansion area back to the 2005 layout. And the State Land Use Designation for that area is Urban, that's shown here in pink. And the current County Zoning Designation is Open; and that is shown in the dark green.

The Planning Director is recommending that the Planning Commission send a favorable recommendation for the amendment request to the County Council. And you should have received three new letters in your package this morning. One is from Makani Hou Kaloko Honokohau, one is from the State DLNR, and another is from the National Park Service. Are there any questions?

WOODWARD: Commissioner Domingo.

DOMINGO: So then what you're saying is the Planning Director changed the LUPAG Map from Open to Alternate Urban Expansion near the Harbor?

COTTLE: Yes.

DOMINGO: Yeah, but that, south of that it's still Open?

COTTLE: South of the -?

DOMINGO: This particular area that we're considering today.

COTTLE: The amendment area, actually south of that area is Urban Expansion.

DOMINGO: I thought I saw in the map that the bottom part of that portion was in green also.

COTTLE: Okay, that was probably -.

DOMINGO: Yeah, that part -.

COTTLE: This is the County Zoning Map.

DOMINGO: Okay, so that is the County zoning.

COTTLE: Yes.

DOMINGO: So from the perspective of County zoning, that being left Open then will not provide for any more expansion of Urban or Resort kind of operations, uses?

COTTLE: That would be true, unless the landowner came in for a change of zoning.

DOMINGO: Yes. And that needs to be further deliberated by the Planning Commission and the Council?

COTTLE: That's correct.

DOMINGO: Okay. But only, but in 2005 that dot, shaped shoe that you showed us, the Planning Director initiated a change from Open to Alternate Urban and Resort, in 2006?

COTTLE: Actually, yeah, in 2006 -.

DOMINGO: Okay.

COTTLE: It was just a change to Urban Expansion.

DOMINGO: And then the County was sued because of that action, was taken to Court. What was the Court's rationale in ordering the County to initiate steps to bring that to the original designation of Open? What was the Court's rationale?

COTTLE: I don't believe it was the Court that ordered it. It was a settlement agreement; and part of the settlement agreement was for the Planning Director to initiate an amendment back to the 2005 layout, because it was felt that the Director at that time in 2006 when the Director initiated that interim amendment that the cultural and historic resources of that property and the nearby National Park were not considered when that change was made. Did that answer your question?

DOMINGO: Yes. Thanks.

WOODWARD: Any further questions? Okay. We do have four people from the public signed up to testify. If they could come up and have a seat, Kevin Moore, Geri Bell, Isaac Harp and Kaliko Chun. Okay, if I could swear you all in first. If you'll raise your right hand. Do you swear or affirm to tell the truth today before the Windward Planning Commission?

TESTIFIERS: Yes. I do.

WOODWARD: Okay, very good. I would like to ask you keep your testimony to five minutes. And I know a lot of you have submitted volumes of things, so if you have please don't read your testimony, just summarize for us. So, again, and please try to hold it down to five minutes. First thing, if you'll give us your name and address then we'll begin. Mr. Moore, you signed up first so -.

MOORE: Thank you, Mr. Chairman, Commissioners, counsel. My name is Kevin Moore. I'm the District Land Agent for the Department of Land and Natural Resources, Land Division based here in Hilo. The address of our office is 75 Aupuni Street, that's Room 204 here in Hilo. And the DLNR basically wanted me to come here today to make sure that the Chairperson's letters have been received; and I understand now that they have been, and especially the September 2, 2009 letter. And those letters state the Chairperson's objections to the General Plan Amendment. The gist of the objection is that, you know, the amendment appears to be in response to a law suit to which the State was not a party. It was a law suit against the County. The State did not participate in the settlement negotiations or the proceedings. So the County's proposed action seems to place the burden of the amendment solely on DLNR without any consideration of DLNR's interests.

Apart from that and despite the impact of the proposed action falling squarely on DLNR no notice of today's hearing or last week's hearing before the Leeward Planning Commission was sent to DLNR, either locally or through our central office in Honolulu. DLNR only learned of the hearings after receiving a letter from the Native Hawaiian Legal Corporation. So DLNR objects to this process to the extent that the County fails to provide notice of proceedings directly to the State. That's the extent of my testimony.

WOODWARD: Okay. Thank you. Any questions?

DOMINGO: Yeah, Mr. Chairman.

WOODWARD: Commissioner Domingo.

DOMINGO: Sir, the lands that are being considered here for changing, does it belong to the State of Hawaii?

MOORE: Yes, it does.

DOMINGO: So what are the plans, future plans, of the State with regards to the use of these lands?

MOORE: Well, there had been an agreement in place which was cancelled by the Land Board earlier this year, that was with the Jacoby Group for the development of that area. So that contract has been cancelled. To the extent that you're asking about future plans, I'm not really in a position to answer that because the planning for the Department's, you know, projects, especially commercial projects in that area, come out of our central office.

DOMINGO: So the agreement with the Jacoby Group was a lease of those properties for development by them?

MOORE: Correct.

DOMINGO: Not the sale of lands?

MOORE: Correct.

DOMINGO: I see. So what you're saying is that you folks should have been included with this kind of deliberation leading to this change before us?

MOORE: Right, that's our position.

DOMINGO: Is it a matter because of pride has been hurt or you guys just were left out?

MOORE: No. I think the State's entitled to due process, just like an ordinary citizen. I think the State had plans for its property. And to find out that a law suit that does involve the State is changing the very nature of what the State can do with that property is significant to the State.

DOMINGO: You know, I'm reminded on two occasions when Governor Lingle was inaugurated into office. The first speech that she made was let us not make the selling of our lands an industry, I guess, interpreting that so that no developments come in and the density of our islands are increased thereby probably causing more demands for improvements and the State and the County having have to foot the bill. And she made that same remark in the second inaugural speech, let us not make selling of our lands an industry. I think the DLNR didn't get

her message, you know. That's the way I feel right now, because it's, it contradicts her comment with what, you know, the concerns you folks are expressing. And I don't know what, you know, I don't know what the plans of the DLNR or the State is. But since you folks made an agreement, since the State made an agreement with the development group, you know, it seems obvious that, you know, the State is open for development of their lands for other uses than the preservation of the cultural and the historical values of the lands that we, what little lands we have remaining on the islands today. So, you know, that's just thinking out loud. Thank you for being here.

WOODWARD: Okay. I did happen to ask our counsel, Mr. Gonzalez, what effect any county zoning regulation would have on the State and asked him to address that, and several other issues regarding notification of the State. So he has got some information for us. Mr. Gonzalez?

DOMINGO: Right on.

GONZALEZ: Okay. Oh, Maija.

COTTLE: The General Plan requires that the Planning Director hold a public workshop whenever the Director initiates an amendment. And the public workshop was held in Kona and Hilo; and both DLNR and DHHL, which are the two landowners whose properties are within the amendment area, were also notified of the public workshop in writing. The General Plan does not require that individual property owners are notified of amendments other than the public workshop.

WOODWARD: Thank you. You had something else, Mr. Gonzalez?

GONZALEZ: Yes. Additionally, the Department is abiding by a settlement agreement, the terms of the settlement agreement, by putting forth this proposed change. And, additionally, the Planning Commission is operating within its jurisdiction and power to make amendments to the designations within the County. So I think that's the primary issue for the Commission to be concerned with, is if, whether or not you're violating your powers and authorities in this case; and you're not.

WOODWARD: All right. Thank you. Any further questions for Mr. Moore? Okay, seeing none, Geri Bell is the next person. If you could give us your name and address, and then begin your testimony.

BELL: Aloha, I'm Geri Bell. I'm the Superintendent at Kaloko-Honokohau National Historical Park, address 73-4786 Kanalani Street, Kailua-Kona. And thank you for giving me the opportunity to address you this morning. The National Park's southern boundary adjoins the lands included in the proposed amendment to Map 11, and that includes 15 1/2 acres of State lands in the Kealakehe ahupua'a. Kaloko-Honokohau is one of 391 areas in the National Park System established by the Congress of the United States for its nationally significant cultural and natural resources. The National Park Service is strongly supportive of the proposed

amendment to change the land use designation from “Urban Expansion” to “Open”, especially those lands immediately adjacent to the National Park boundary.

Kaloko-Honokohau was created in 1978, through the efforts of the Kona community, to preserve, interpret, and perpetuate traditional Hawaiian activities and culture. In particular, the community was concerned that this place of great significance to Hawaiians would be lost to urban development. These concerned citizens prevailed in 1978, but even today the imminent threat to the Park’s resources from urban development continues. Any large-scale development project on lands adjacent to the National Park will significantly impact its cultural landscape, traditional and customary practices by Hawaiians in the Park, and cultural and natural resources.

In 1974 the Hono-kō-hau Study Advisory Commission recommended in their report to Congress, “The Spirit of Ka-loko Hono-kō-hau,” that the Hono-kō-hau National Historical Landmark and its adjacent waters be preserved for the benefit of the Hawaiian people and the nation as a part of the National Park System. Even at that time in the early seventies, in their recommendations to Congress, the Advisory Commission was concerned about future land uses adjacent to the National Park. The Advisory Commission’s report and the Park’s 1994 General Management Plan/Environmental Impact Statement point out that Kaloko-Honokohau is a small and fragile portion of the larger environment that has influenced its history, and that continues to affect it today.

The Park Service is seriously concerned that urban development projects on lands adjacent to the Park and the Historic Landmark, especially the cumulative effects of these projects, will result in a long-term degradation of the Park, threaten the integrity of the Honokohau Settlement National Historic Landmark, and further diminish the rapidly disappearing Hawaiian cultural landscape. Large-scale urban development adjacent to the Park will fundamentally affect the water, air, sounds, sights, and traditional and customary practices by native Hawaiians.

The urban expansion foreseen by this Advisory Commission 35 years ago is now underway. This proposed amendment to the General Plan provides a rare opportunity for outright protection and preservation of the last remaining undeveloped coastal lands in Kona.

As you are well aware, commitment of coastal lands for development has irreversible and far-reaching consequences. The National Park Service greatly appreciates your careful consideration of zoning of these sensitive and fragile lands. We strongly support the proposed amendment; and we respectfully urge the County of Hawaii to take further steps and increase the proposed area of Open designation in the General Plan to more closely reflect the current zoning of “Open” for the makai coastal lands. Preservation of coastal open space will benefit the quality of life in the Kona community, Native Hawaiian values, and traditional and customary practices, and nationally significant natural and cultural resources. Mahalo for the opportunity to speak to you on this important issue.

WOODWARD: Thank you. Do we have any questions for Ms. Bell?

BELL: No more, Mr. Chairman?

WOODWARD: I guess you must have snowed them. They're speechless. Okay, next we have Isaac Harp. Okay, Mr. Harp, if you can give us your name and address; and then you're free to begin your testimony.

HARP: Aloha. My name is Isacc Harp. I live in Waimea, 64-217 Wailani Place. First of all, I want to thank you all for volunteering your time. I know this is not a paid position that you take on but volunteer for the community; and I appreciate all of your time and effort. I'm presenting this testimony on behalf of the president of Makani Hou Ō Kaloko Honokohau, Mr. Fred Cachola. I am the Vice-Chair.

We are an organization from the community that has taken on the role that started up nearly 40 years ago to create a cultural education living center within the park; and we're working closely with Ms. Bell on making that happen. There were several kupuna involved in the effort years ago and most of them have passed on, and our president Fred Cachola is one of the remaining kupuna. He's in his late seventies now and we hope to make this happen during his lifetime. And I'm excited for that to occur.

Mr. Cachola was working on the feasibility study back in the early seventies for the Park and he was one of three members that went to the Department of Interior in 1994 to present "The Spirit of Ka-loko Hono-kō-hau" report. And I just want to read a small excerpt from that report, and I quote, "...since most of the land in the ahupua'a of Kealakehe is owned by the state. Its use will have a direct impact on Kaloko-Honokohau...lands that are designated or owned by the state in the area should be given special zoning limiting their uses to activities compatible to a cultural park. The County General Plan and zoning ordinances of the area should limit the uses of the lands immediately surrounding Kaloko-Honokohau to compatible activities. Lands further mauka should be restricted to density in order to preserve the integrity of the Park and protect its water resources."

And I'd just like to wrap it up with a final paragraph in his letter, "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," which they have already adopted this, "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." Mahalo.

WOODWARD: Thank you, Mr. Harp. Any questions for Mr. Harp?

HARP: And my mom also grew up in the area before it was a park.

WOODWARD: Okay, thank you. All right, next testifier is Kaliko Chun. If you'd speak in the microphone, name and address; and then you're free to begin.

CHUN: Good morning. Thank you very much for attending the meeting this morning and allowing us to present our case. I am Kaliko Chun, Kona resident, Post Office 823, Kailua-Kona 96745. First I would like to say that I am the party of this settlement. Our attorney, David Frankel, of the Native Hawaiian Legal Corporation is here with me today. I did attend both public workshops in Kona and in Hilo. And the Department of Hawaiian Home Lands did send a staff member having to do with leases and land development to the Kona meeting; and Mr. Moore beside me attended the Hilo workshop.

My family and I first became aware of this aina in the late sixties, it's just beyond Kailua. And as we grew, we grew to know how important it is, so culturally and critically significant. And in approximately 1962 because of this an area of it was designated a National Landmark. However, the Kona community didn't think that was enough and sought to preserve it. The fact that there is the Honokohau Harbor there and that it is in Urban and Resort area should not let one say, well, let's let it go, it's Urban, we can add anything to it. Because the Kona community turned out in strong protest and objection to the construction of the Harbor, and they still object to it becoming a larger harbor. It has a designation of a small boat harbor. And the community that objected to it before -- which was large, many have passed on -- do not want to see it become a marina or a development, such as that proposed by the Jacoby Development which had leased it from both Department of Land and Natural Resources and Department of Hawaiian Home. The Department of Hawaiian Home received their, it's all ceded land. But in the settlement of 1990's the Department of Hawaiian Home got approximately 200 acres; and then the rest of the area that Jacoby leased was from DLNR, which Mr. Moore has mentioned.

But I'm here to wholeheartedly support, vehemently advocate based on my family's connection and history with this aina, to advocate that this is the only way to protect the area. And to further protect it will only take even more constant vigilance by Members of this Commission and by the Leeward Commission when further interest is shown in the area for Urban expansion. But it is awfully necessary, critically necessary, to put this back into Open. And, hopefully, we can, even though the State Land Use Commission has stated that it is a significant area and it should be having, have a special zoning, as was noted by the map when the presentation that had for some reason an Urban designation. We will need to go and change that. But there are historical sites, burials, flora and fauna habitat, artifacts, burials, ocean and land, off shore and on shore geological resources, and natural systems. As was mentioned the anchialine ponds are on the southern side. Studies have been made of that area by study teams from MIT, the University of Maine and Tech (phonetic), who declared that an endangered area, the ecological systems are landlocked, they are endangered. What was not shown is the great Kaloko Fishpond, a fishpond from the 16th century and noted for its outstanding and extraordinary engineering skills, that's the 16th century. So this whole area is covered with so many sites and fragile, a fragile nature that it demands as much protection as we can, and it only starts with an Urban Expansion.

I would like to, "The Spirit of Ka-loko Hono-kō-hau", which I believe report you have there, it opens with a poem. And I would like to quote a phrase from it, "Bound by the spirit of Honokohau to our kupuna when settled in the sacredness of the living honua, which says that this land is living within the spiritual context for us today and to our kupuna that spiritual context lives." And we can feel this connection. And when you go to the area you might say, gee, this is

kind of dry and I don't see anything. But if you sit down at the shoreline, which by the way is a marine preserve, the on-shore and off-shore area; and, additionally, may I add that the park extends 600 acres into the ocean because Hawaiians lived that way, caring for the aina mauka to makai, heavens to the sea. This is a living area. You'll note the quiet of the area and the spiritualness of the area. If you have any questions, I'd be happy to answer them.

WOODWARD: Thank you very much. Commissioner Domingo.

DOMINGO: There are other living areas of similar significance throughout the island, especially along the coast of Kona, aren't there?

CHUN: Yes, I believe we should save all of them when we can.

DOMINGO: Very good. When was the Jacoby Development proposed?

CHUN: Let's see -.

DOMINGO: You have any idea what year?

CHUN: No, I don't. I am aware that the lease was cancelled sometime this past year with DLNR, and I think sometime in 2009 with Department of Hawaiian Home Lands. I don't know when it was originally presented to, you know, with its development plans presented.

DOMINGO: I see. Thank you.

WOODWARD: Okay, Commissioner Ishibashi.

ISHIBASHI: Thank you, Mr. Chair. Thank you all for your manao. Thank you for being, vigilantly guarding the Honokohau. I remember, cause my family come from Milolii. I remember going to Honokohau and never have road, never had anything. And we parked and walked in; and we'd spend the weekend with my grandfather, and walked all along the places in there.

CHUN: I'm sure your grandfather must have testified then because in 1972 or thereabouts after many trips to Congress a Federal Commission, Study Advisory Commission, was organized with 14 native Hawaiians and they went to every island, and different communities on the islands, to speak with descendents of the area of Honokohau and Hawaiians who practiced these traditions that were known to be practiced at Honokohau; and I'm sure your kupuna must have been present because there were so many, and many tears.

ISHIBASHI: That was back in '68 when we used to walk in there, so that was quite a while back. But, no, I appreciate that and -.

CHUN: You must have helped to get to that point of 1978 and the creation of the Park.

ISHIBASHI: So I just wanted to thank you, yeah. Thank you.

CHUN: Thank you.

WOODWARD: Okay, we have one other testifier today. You could all have a seat back in the audience. We have Mr. Frankel signed up to testify. Okay, if I can swear you in. If you will raise your right hand. Do you swear or affirm to tell the truth today before the Windward Planning Commission?

FRANKEL: Yes, I do.

WOODWARD: Okay, if you'd give us your name and address, and then take your best shot.

FRANKEL: Sure. My name is David Frankel. My office is in Honolulu, 1164 Bishop Street, My home address here is in Volcano, PO Box 1185. I wasn't planning to testify but I wanted to address a few things that came up. Our office represents Kaliko Chun, or represented, I should say, Kaliko Chun. We've settled the law suit and the dismissal is already in the works. Bill Brillhante represented the County in the case and the settlement. And the dismissal is all before the Judge to sign.

I wanted to address a few things that came up to just make things clear. The 2006 proposal that amended the General Plan changed an area that had long been Open to Urban Expansion. And it was at that time that the Jacoby project was proposed. So it was in the timeframe when the Jacoby project was, 2006, I mean, there's not, you know, a number of years, but 2006 is when things were happening, and they were testifying and lobbying for their project. The 2006 amendment was one of many that went, that were passed; and there's not opportunity to actually separate this one from the package, but there was a lot of opposition in the Kona community from, to that 2006 General Plan Amendment.

The settlement of the law suit does not require you folks or the Planning Director at this point to do anything; but we were thrilled when Bobby Jean testified before the Leeward Planning Commission last week Friday strongly in support of this General Plan change in the settlement. You know, we had hoped to get a recommendation, but that wasn't part of the settlement at all. All it was is that the plan would be, the General Plan change would be initiated. But we were thrilled to get that recommendation. And I'm also happy to tell you that the Kona Community Development Plan Action Committee unanimously supported this proposal about a week and a half ago; and last week the Leeward Planning Commission meeting in Kona unanimously voted in support of this change.

I did nearly two weeks ago send notice to the Department of Land and Natural Resources, cause I was actually concerned that we would be ambushed at some point with DLNR saying, hey, we didn't get notice. But, in fact, as you heard, they did get notice. I went out of my way to make sure they got extra notice. And I would advise the DLNR representative to get on the County Council's mailing if they'd like to fully track this before the County Council. It is incumbent

upon them to follow-through now that they've been participating, just as it's incumbent upon us to get County Council agenda notices.

There is a provision in the Hawaii Revised Statutes, I can't give you the exact citation, 226 something, that essentially requires that the State follow the County General Plan designation in how it uses lands; and, you know, there is a way you can get around that by getting legislative approval. But I think it's important that the County do this to protect the cultural and natural resources that are there. Thank you.

WOODWARD: Thank you, Mr. Frankel. Do we have any questions for Mr. Fankel? Okay, seeing none I would entertain a motion. Commissioner Domingo.

DOMINGO: Mr. Chairman, I move for the amendment to the Land Use Pattern Allocation Guide Map 11 of the County of Hawaii General Plan (Ordinance No. 05 25, as amended) by changing the land use designation from Urban Expansion to Open for the area affecting State-owned lands in the vicinity and south of Honokohau Harbor, Kealakehe, North Kona, Hawaii.

WOODWARD: So you're recommending a favorable recommendation to Council?

DOMINGO: Yes, sir. Yes.

WOODWARD: Okay. Do we have a second?

KERN: Second.

WOODWARD: Okay, any discussion?

DOMINGO: I was, Mr. Chairman?

WOODWARD: Yes.

DOMINGO: I was concerned when the Jacoby development was struck with the State and naturally this would have been a part of the County's responsibility in reviewing those issues. I was only concerned because I thought I was a part of it, being on the Council for 20 years. But I'm glad it was done in 2005. But thereby, -.

WOODWARD: Dodged that bullet.

DOMINGO: But if I had done that, my action today in approving this hopefully will negate some of the actions that were taken in the past in, you know, taking historical lands and giving it to other developers for other uses. Now as all these years passed I finally see the light, you know. What is right is right; and I have a deeper respect for those lands which are historical which are a part of Hawaii and its people, yeah. Like, for instance, you know, that individual who wanted to build an addition and hold, do a bed and breakfast over cemetery lands which the

Hawaiians had buried their ancestors. That's really against what I believe in and against my philosophy. So, you know, I strongly support this issue.

WOODWARD: Thank you, Commissioner Domingo. Any further discussion? Okay, seeing none, Maija, if you'll call the vote.

COTTLE: Thank you, Mr. Chairman. Commissioner Domingo.

DOMINGO: Aye.

COTTLE: Commissioner Kern?

KERN: Aye.

COTTLE: Commissioner Ishibashi?

ISHIBASHI: Aye.

COTTLE: Commissioner Ogata?

OGATA: Aye.

COTTLE: And Mr. Chairman?

WOODWARD: Aye.

COTTLE: Motion passes, five-zero.

WOODWARD: All right, thank you. So a favorable recommendation will be submitted and you'll be notified. Thank you.

CHUN: Thank you very much.

The discussion ended at 12:10 p.m.

Respectfully submitted,

Sharon M. Nomura, Secretary