

LEEWARD PLANNING COMMISSION  
COUNTY OF HAWAI'I

HEARING TRANSCRIPT  
SEPTEMBER 18, 2009

A regularly advertised hearing on the applications of **HU-KO-PA, LLC (SLU 09-22/REZ 09-96)** was called to order at 9:50 a.m. in the King Kamehameha's Kona Beach Hotel, Ballroom I, 75-5660 Palani Road, Kailua-Kona, Hawai'i with Chairman Rodney Watanabe presiding.

PRESENT: Rodney Watanabe  
Lani Bowman  
**Geraldine Giffin**  
Frederic Housel  
Wayne Iokepa

Brandon Gonzalez, Deputy Corporation Counsel  
**BJ Leithead Todd, Planning Director**  
Norman Hayashi, Planning Program Manager  
Maija Cottle, Staff Planner  
Kiran Emler, Engineering Division, Department of Public Works

ABSENT & EXCUSED: Brandi Beaudet

And seven people from the public in attendance

**APPLICANT: HU-KO-PA, LLC (SLU 09-22/REZ 09-96)**

- a. State Land Use District Boundary Amendment from Agricultural to Urban for 14.437 acres of land.
- b. Change of Zone from Agricultural 5-acre (A-5a) to Single-Family Residential 10,000 square feet (RS-10) for 14.437 acres of land.

The property is located approximately 1,400 feet mauka of the Hawai'i Belt Road/Queen Ka'ahumanu Highway and 1,100 feet makai of Hienaloli Road, adjacent to and north of the Pualani Estates Subdivision, Kahului 2<sup>nd</sup>, North Kona, Hawai'i, TMK: 7-5-17: 42.

WATANABE: Agenda Item No. 2 is a State Land Use, yeah, a request for State Land Use change and rezoning. This would be Hu-Ko-Pa, LLC: SLU 09-22 and REZ 09-96. So Maija, it's all yours.

COTTLE: Thank you, Mr. Chairman. We -.

WATANABE: Oh, technical difficulties?

COTTLE: We lost our projector, so if you could just hold on a second.

WATANABE: Okay.

COTTLE: Okay. The next item is a request by Hu-Ko-Pa, LLC for a State Land Use Boundary Amendment from Agricultural to Urban and a Change of Zone from Agricultural 5 acres to Single-Family Residential 10,000 square feet. The subject property is shown on this slide outlined in black. It's mauka of Queen Ka'ahumanu Highway and just north of the Pualani Estates Subdivision and just south of Hualālai Road. And most of the property surrounding to the north, east and west are zoned Agricultural with the exception of Pualani Estates and another subdivision to the south-east, which are zoned Residential.

This is an aerial photograph of the property. The land is currently undeveloped. And you can see there is development of the Pualani Estates Subdivision going into the south; but most of the surrounding properties are vacant.

The State Land Use Boundary Designation for the property is Agricultural that's shown in light green. And the areas on the slide in pink are Urban. The areas in yellow are Rural. And the General Plan LUPAG Designation for the property is Urban Expansion that's shown on the slide in the crosshatch. The areas in orange are Medium-Density Urban. The areas in the light green are Important Agricultural Lands. And then this area down here in the dark green is Rural.

The Kona CDP identifies the project site in their Urban Area, the Kona Urban Area. And the property is on the periphery of the Kahului-Puapuaa Village Neighborhood Transit Oriented Development Center, which is shown here by this big blue circle.

The applicant is proposing to create a 53-lot subdivision mainly of 10,000-square foot size lots; however, they will be submitting a Planned Unit Development application to allow for some smaller lot sizes of approximately 7,000 square feet, as well as variances from the Subdivision Code regarding the roadways.

And I just wanted to put this slide in to show how the property will be accessed. There will be two accesses: one from Hualālai Road, as well as an access through the Pualani Estates Subdivision off of this road stub-out here called, I think it's Paulehia Street, yeah, right through here. And then the next slide shows the preliminary lot layout. Again, this is the stub-out from the Pualani Estates Subdivision to the south. The applicant is also proposing a stub-out for future development of the property to the west, as well as development of the property to the north and to the east, and then the access off of Hualālai Road.

The Planning Department is recommending a favorable recommendation for both the State Land Use Boundary Amendment and the Change of Zone applications.

WATANABE: Thank you, Maija. Fellow Commissioners, do we have any questions of staff? Seeing none, then, Mr. Lim, are you representing -?

LIM: Good morning, Mr. Chairman, Members of the Commission. Steve Lim representing Hu-Ko-Pa, LLC. With me today are Lee Barrett who is a manager of the limited liability company -.

WATANABE: Mr. Lim, maybe I can swear you guys in, I'm sorry. Yeah, right hand, please. Do you swear or affirm to tell the truth now before the Planning Commission?

APPLICANTS: I do.

WATANABE: Thank you. And then of course, you know, I know your name, but name and address for the record.

LIM: Steven Lim, P. O. Box 121, Hilo 96721. Good morning again. I'm representing Hu-Ko-Pa, LLC. With me to my left is Lee Barrett who is a manager of the company, and his brother Al Barrett who is a member. We are here on the State Land Use and County Change of Zone application for this parcel of about 14.5 acres.

We received the Planning Director's background and recommendation documents and we have no comments. We'd appreciate your support on this application. What we'd like to do is to, I'll turn the mike over to Lee to give you a little bit of background of who they are -.

WATANABE: Okay -.

LIM: And then I can go back into the details of the application and the compliance with the Kona CDP.

WATANABE: Okay, before we do that, though, you did mention that you are in agreement with the conditions; however, we do have a revised Condition D, which indicates that restrictive covenants in the deeds will reflect that the property cannot be further subdivided. And I assume you've already gotten a copy of that?

LIM: Yes, we have. So we reviewed that new condition, and have no comments. We understand that's a standard condition.

WATANABE: Right.

LIM: I don't know if we have been in agreement with all of the conditions. We will continue, on the traffic and roadways and on the drainage improvements that we would be required, we are going to continue our discussions with Mr. Emler at Public Works as we go through the process.

WATANABE: Okay, thank you.

BARRETT: Good morning. I'm Lee Barrett, Hu-Ko-Pa, LLC. Address is 16541 Gothard Street, Huntington Beach, California 91709 – I don't know if you need all the info. We are developing this land as a part of our involvement in Hawai'i here. My parents have had a house here about 15 years and we've been coming to the island for about 20. And we've just been starting the business about five years ago. Originally, we got in with Phil Tinguely and we bought this land with him. And since then we've bought him out, and just developing on our own now. I don't know, just looking at the PUD, we like the look of the PUD a little bit better than the standard streets. And we just like the feel of how this looks and we'd like to move forward with that.

WATANABE: Okay. Fellow Commissioners, do we have any questions of Mr. Barrett?  
Mr. House.

HOUSEL: I had a question just to make sure I understand what you are proposing.  
You are proposing 53 lots, right?

BARRETT: Yes.

HOUSEL: Okay. Average of this lot size will be 10,000 square feet, is that correct?

BARRETT: Yes.

HOUSEL: Okay. However, you want to reduce some of those to 7,000 square feet.  
Is that what the plan is?

BARRETT: Yes. Some of the lots will be smaller in size and some of them will go up  
a little bit over the 10,000.

HOUSEL: Okay, but the total lots will stay at 53?

BARRETT: Yes, it will.

HOUSEL: Okay, okay, that's what I wanted to clarify. The other question I had was  
the Condition R; it says the applicant will comply with the requirements of Chapter 11, Article 1,  
Hawai'i County Code relating to Affordable Housing Policy. How do you plan to do that?

BARRETT: As of right now we plan on complying with the rule and we don't know if  
that's still incorporating 53 lots – I believe there will be 11 lots that will be for affordable  
housing – so we are not sure if we are going to incorporate some of that into our subdivision or if  
we are going to buy the available credits.

HOUSEL: I see, okay. So that's why it's not defined in the applica-.

BARRETT: It's not defined, yeah. We are still unsure of how we want to incorporate  
it into the property.

HOUSEL: I see, okay. The roadways that you show here in your plan, do those  
include bicycle trails?

BARRETT: There are sidewalks on all sides of the street except the makai of the road  
moving through there. And there will be no access to those lots; that's a pretty steep portion of it  
right there, so we are going to access it from the top lots. But the rest do have sidewalks.

HOUSEL: They will.

BARRETT: Yes.

HOUSEL: Okay. Now, there will be no gates, is that correct?

BARRETT: No.

HOUSEL: Okay, so you know, there will be free access through the property.

BARRETT: You will have a smooth flow running from Pualani and up to Hualālai Road.

HOUSEL: Okay, thank you very much.

BARRETT: Thank you.

WATANABE: Any further questions? Is your brother, Al, going to testify also? No? So then we are back to you -. Oh, Ms. Giffin.

GIFFIN: Mr. Lim, do you plan or have you already held community meetings?

LIM: We have held no community meetings. They've talked to people in the area, but nothing formal. This is, we think, and that's part of the Kona CDP discussion is that this is an infill project within the Kona Urban Area; so it's supposed to be given a priority in development. We feel that the big thing that it gives community also is north-south connectivity -.

GIFFIN: Right.

LIM: From the Pualani Estates Subdivision back out to Hualālai Road. And also they are providing the connectivity that the Kona CDP requires.

GIFFIN: Thank you.

WATANABE: Okay. Ms. Bowman.

BOWMAN: I have a question. And I'm sorry I didn't notice this. Do you own any of the other lots right there? I'm not sure what the ownership is.

BARRETT: No, my brothers and I do own Lot D, 42.

BOWMAN: Lot D 42, which would be -?

BARRETT: Which is the Hu-Ko-Pa property.

BOWMAN: Okay.

BARRETT: And my father owns the lot right above it – Lot E.

BOWMAN: Lot -. Sorry, I'm looking at the Tax Map, so -.

BARRETT: Just mauka of it.

BOWMAN: Mauka from the Belt Road, right?

BARRETT: From the Hu-Ko-Pa lot. It's up, yes.

BOWMAN: Okay.

BARRETT: Then that it's all right there.

BOWMAN: Okay. And the other two lots are held by someone else.

BARRETT: Yes, somebody else.

BOWMAN: Thank you.

BARRETT: You're welcome. Thank you.

WATANABE: Okay, Mr. Housel.

HOUSEL: Mr. Chair, I had one question regarding Condition L – and I'm not sure who the right person to ask is – it says, "If required, a drainage study shall be prepared by a licensed civil engineer...." If required by whom?

LEITHEAD TODD: That's typically by Department of Public Works.

HOUSEL: Okay, Department of Public Works. Is there a reason why they wouldn't ask for a drainage study?

LEITHEAD TODD: If there have been prior drainage studies, if they are very familiar with this area, they might feel that it isn't necessary. They will take a look at the topography, they'll look at the information provided by the applicant, and then they'll make a determination on what's required.

HOUSEL: I see.

LIM: And we understand that Public Works does have drainage issues; so we'll be, we've already submitted a preliminary drainage study and we'll be further working with Public Works on the drainage issues.

HOUSEL: Okay, thank you.

WATANABE: Okay. Looks like we are done with the questions. So I guess we are back to you and your presentation, Mr. Lim.

LIM: The design as you can see is a non-standard subdivision design; we'll be processing a Planned Unit Development to modify the lot sizes and the roadway standards. The north-south road will be designed to be dedicable, and even though that's not going to be full County standards, that'll be a decision that's made by the Planning Director as to what is dedicable standard and what is not. So we have been working with Mr. Emler of Public Works on both the roadway and the drainage issues, and we are going to continue to work with him as we go through the process. So we'd ask for your support. This is an infill project of the Kona CDP. And we want to see if we can get this thing entitled and hopefully get set out for hopefully the return of our real estate market.

WATANABE: Okay, thank you. Any further questions? Okay, then I do have one person who signed up to testify. So you all may be seated and I'll call up Mr. Robinson. I do need to swear you in, Mr. Robinson, so raise your right hand, please. Yes. Do you swear or affirm to tell the truth now before the Planning Commission?

ROBINSON: I do.

WATANABE: Thank you. And could you speak into the mike, and for the record state your name and address.

ROBINSON: Okay. My name is Rick Robinson and my address is P. O. Box 430, Kealahou 96750. And -. Should I go ahead?

WATANABE: Yes.

ROBINSON: Okay. Mr. Chairman, I've been asked by Margaret Joye who is president of Uluwehi LLC. Margaret Joye is the owner of a neighboring property that's referred to as Sugar Cane Lane. I believe that you saw earlier the map that was on there – if we had that map back, it may help for me to identify Mrs. Joye's property. If I could point out -.

WATANABE: Sure. I think she has a pointer for you.

ROBINSON: Mrs. Joye's property is Sugar Cane Lane, which is right here, and the subject property is right here. Mrs. Joye is in Australia. She has lived here. She had her children here. She and her husband, Ian Joye, still own property here. When their children became of age to go to school, they relocated back to Australia so that their children could go to the same school that Mr. Joye went to in Sydney.

They have developed Sugar Cane Lane. They bought the property a while back. I believe it's 21 lots. They have not put it on the market to sell; they've just developed it and let it sit. They in their development extended the street into their property with the understanding that there would be through streets connecting straight through Hualālai and actually continuing on so that they will line up with the other roads in Kailua View Estates. Mrs. Joye has sent me the email and she is really concerned over this project, and had asked me to appear on her behalf today. The concern primarily deals with the access, the access into Hualālai Road, that the road I believe it's Paulehia – I'm not sure of that pronunciation – that goes into the project does not continue straight but instead kind of meanders through the property to connect with Hualālai Road, which

I believe all the other streets are shown as lining up and being straight streets so they would be safe to travel. Her concern is also about traffic, additional traffic that would be generated to Hualālai Road. When they did their project, even though there was an access point at the top, they took access off of the other street that comes in directly from Puapuanui that is the access mauka-makai through the neighboring subdivision -.

WATANABE: Pualani?

ROBINSON: Pualani, Pualani Estates. And that was the source of her concern. So she had asked me to appear today on her behalf and testify as to her concerns before this Commission today.

And I do have to say one thing: It's on a personal note for many years testifying before the Planning Commission on different items, it's really a first for me to testify before the Leeward Planning Commission and I want to tell you that's a great step forward. Thank you.

WATANABE: Okay. Fellow Commissioners, do we have any questions of Mr. Robinson? Okay then, Mr. Robinson, thank you for your testimony.

ROBINSON: Okay, thank you, Mr. Chairman.

WATANABE: Let's see, shall we open this up for discussion or are we, or could I have a motion?

HOUSEL: Mr. Chairman, I'd like to make a motion.

WATANABE: Let's start with the LUC first, I believe.

HOUSEL: Okay. Do you want me to do them separately or together -?

GIFFIN: Yeah, you know, excuse me, Mr. Chairman, I'm sorry. May I ask another question before we entertain a motion?

WATANABE: Sure. Your question -.

GIFFIN: I'm sorry. I was -.

WATANABE: Would be directed towards -?

GIFFIN: Actually it was to the last speaker.

WATANABE: Oh, Mr. Robinson?

GIFFIN: Yeah, it just now occurred to me. I'm sorry, Rick, could you please come back up? Thank you. If I understood your concerns or the concerns of the woman that you represent, it's access, right?

ROBINSON: Correct.

GIFFIN: Okay, and specifically, would you go over again what her concern is?

ROBINSON: Okay. Maybe I meandered a little bit, but primarily if you look at the road that goes into her project -.

BOWMAN: If you could use the -.

GIFFIN: Could you use the pointer?

ROBINSON: Which is right here -.

GIFFIN: Yes, okay, okay.

ROBINSON: Yeah, and then if you look at the road that goes into this project, which is here -.

GIFFIN: Correct.

ROBINSON: And then if you look at the overlay that shows the project in its entirety – that one – this is where the road comes in. But instead of going straight on through as planned and eventually connecting up so it would align with all the other roads that are through the mauka portion above Queen Ka‘ahumanu Highway, you’ll see that this, you know, goes in and then it kind of meanders through the subdivision; so it takes away from the integrity of the other roadways. That’s one concern.

The other concern is in traffic on Hualālai Road, if this is the access. I think we all know that Hualālai Road is a substandard road, and if we’re throwing more traffic onto it -. When Mrs. Joye did her project, her access was off of the Puapuanui Road that goes through Pualani Estates.

GIFFIN: Was that part of her conditions, or did she have any conditions that she had to comply with?

ROBINSON: I don’t know. I don’t know the answer to that question; I just know that, you know, she constructed the road so that it’s continuation of a road that will, you know, has curbs and gutters and sidewalks and will have the ability to be a continuation, if the property next door to her property is developed; but in this case the road stubs out into their project and then meanders through their project before accessing Hualālai rather than continuing as a straight shot as it should.

WATANABE: Okay. Does that pretty much answer your question, Ms. Giffin?

GIFFIN: Yes, thank you.

WATANABE: Okay. Then you may be seated, Mr. Robinson.

ROBINSON: Okay.

HOUSEL: Mr. Chair?

WATANABE: Yes.

HOUSEL: If I could ask, if we have a representative from the Department of Public Works here, that we could ask for a little more information.

GIFFIN: Yeah.

WATANABE: Okay. Yeah, that's -. I didn't notice you, I'm sorry. You are hiding behind the projector, Mr. Emler.

EMLER: Good morning, Members of the Planning Commission.

COMMISSIONERS: Good morning, Ki.

WATANABE: Go ahead. You don't need to, you are quasi -.

EMLER: Would you like to ask me a question?

HOUSEL: Hi Ki. The question is, obviously Hualālai Road is substandard as far as current standards and -.

EMLER: We've stated that on the record.

HOUSEL: And I believe I read in here as far as your recommendations or the Department of Public Works that that road has to be improved as a condition of this rezoning, is that correct?

EMLER: What we asked for was not real specific as far as what exactly they had to do as far as road improvements were concerned. What we asked them in general to do was to give us a proper right-of-way line that we can work with to make improvements, if they are necessary in the future – a uniform, properly, geometrically established right-of-way line. As you can see, it varies; it kind of pops in and out there alongside. It's the roadway along the mauka side of the exhibit there; it does not have a uniform width we would be looking for. We try to establish uniform width as these properties develop, and that's what we were asking for in our recommendations. I -.

HOUSEL: Now, the existing streets in Pualani Estates, how wide are those roadways?

EMLER: In Pualani Estates -. Can I just go on with what I was saying, too?

HOUSEL: Sure.

EMLER: Yeah, we also ask that they provide a setback along that side to establish a possible future collector road width of 60 feet – that’s not entirely in their property, just their share of it, right – and to stay back from that with any grading efforts that they do to, and possibly do some grading along there, to establish a proper foundation for a roadway there that could be improved in the future. That is what we were looking for.

HOUSEL: I see.

EMLER: And also obtain the additional width for a possible turn lane there in the future, if that’s necessary.

WATANABE: Could I interject a second? So just for clarification, then you are looking for the rights so that potentially you could realign to some degree Hualālai Road and also provide a 60-foot wide north-south connector?

EMLER: North-south, I wouldn’t use those directions but, because Hualālai Road is basically a mauka-makai connector road.

WATANABE: Yeah, right, right, okay.

EMLER: That’s, what you’re just asking about, yes, that’s what we are looking for.

WATANABE: Okay. And would regard -?

EMLER; The General Plan what is establishes it as a collector road and it gives -. Collector roads in the Subdivision Code are generally, and in our specifications, are 60 feet – that’s why.

WATANABE: Okay. And you also heard the concern about the north-south road through this proposed subdivision meandering, and I’m wondering if you have any feedback on that.

EMLER: Well, certainly I think the former testifier pointed out an inconsistency in the layout of this subdivision as opposed to the layout in the adjacent subdivisions. We made that clear to the developer that that is something that might concern us because, you know, connectivity is an issue, that we are looking for connectivity. We wouldn’t want to necessarily be discouraging people from driving through this way; that’s possibly what could occur in something that’s very tight, and somebody might choose to go the other way instead, if they didn’t want to take a circuitous route. But technically what we are looking for is a safe road, too, and you need to establish proper sight distances at intersections along the route based on what the -.

WATANABE: Grade is, too.

EMLER: Appropriate design speed for the road would be. It should be designed, you know, generally similar to what the adjacent roadways would be designed for us.

WATANABE: Okay -.

EMLER: As far as your, oh, I'm sorry -.

WATANABE: I don't want to get too technical in this here, so -. Mr. Housel.

HOUSEL: I guess that was my question. Are the roadways proposed in this subdivision consistent with the roadways in Pualani Estates?

EMLER: I would say no. The answer to that is no because, well, the roads in Pualani Estates have fairly straight alignment, larger curves, it's 50 feet wide, fully developed right-of-way with curb, gutter and sidewalk; this one obviously is showing landscaping in the right-of-way, which unless it was approved specifically by that ordinance, would have to be approved by the Planning Director through the PUD process – it's a variance process. So that would be something that would be under the jurisdiction of the Planning Director to make that discretionary decision whether that would be acceptable, if the condition is that the roadways be dedicable.

WATANABE: Okay, I have a follow-up question to that, though, because originally you said connector roads generally are 60 feet and it seemed like you indicated Pualani is 50 feet.

EMLER: Collector roads are 60 feet. Collector roads, it's a class of roadway defined in the Subdivision Code and other national standard design guidelines. Collector road is something that not only serves as a connecting road between properties but also serves adjacent properties – that's basically the definition of a collector road. In this case the adjacent roadways are 50-foot wide right-of-way; it does not meet the minimum standard of a collector roadway in the Subdivision Code, although it does connect through. One also might use the term "minor road" but -. I'm not sure I'm answering your question fully.

WATANABE: And so the proposed roads in here are, what, 50 or 60 feet roadways?

EMLER: After, well, I think that is something that the developer's representative should answer. I've only scaled them, and so I think I know based on the scale; but I think specifically they should answer the question.

WATANABE: Okay. Mr. Lim, you did indicate that you're still in negotiations with Public Works; so maybe you can enlighten us.

LIM: Right, that's correct. You know, as you realize this is at the State Land Use and the County Zoning stage where you don't design roadways -.

WATANABE: Right, right, I understand.

LIM: But the proposal is to use the Planned Unit Development tool to address, I mean, how do I word this, the roads that are not the north-south connector road. And the reason why you're seeing -. This is a revised concept plan; we've met with Mr. Emler numerous times and one of the things he did raise or he wanted us to move the connection to Hualālai Road from where we had it originally here to the area that's further mauka, which provides the best sight

distance, and so we had our engineer do the calculation and he says based upon the speed and the design of Hualālai Road that the location that you see at the upper mauka piece, mauka portion of the property will provide adequate sight distance for the Hualālai intersection. We plan to work with the Planning Department and Public Works on the actual design of this north-south road because the ordinance that you have now before you requires it to be dedicable to the County; so they'll have to approve the standards by which we build it. The other roadways in the project are probably going to be private roads, if that's what we are going to develop, they're probably going to be narrower. The ordinance that you have before you for the, what we call a north-south connector road, is mandating that the road be designed to minor street standards, which is a 50-foot wide right-of-way. That's in Condition No. 1 that's before you.

The other issues about the improvements to Hualālai Road that Mr. Housel brought up, that's going to be for the portion of the property that abuts Hualālai Road, which is a section here; the developer is going to have to – and this is according to Condition E that's proposed by the Director – we're going to have to do the improvements to the Hualālai Road, give up a half of the difference in the right-of-way, if Mr. Emler decides that he wants, and additionally give another five feet for a road-widening easement for later-on improvement by the County. So I think that the Hualālai Road improvement issues are going to be covered under E.

WATANABE: Okay. Does that -?

HOUSEL: Mr. Chair?

WATANABE: Yes, Mr. Housel.

HOUSEL: Mr. Lim, question. On the current slide it shows a stub-out going probably east, I guess. Now, do your clients also own the property mauka of this property?

LIM: No, Hu-Ko-Pa, LLC does not own the mauka parcel; it is owned by a related company by family. This is Mr. Ted Barrett and his investors. So they have two separate investment groups – the son and, you know, their family, and then the father and his business partners.

HOUSEL: The question I have is from the previous slide regarding the Sugar Cane property there is a road planned to go north-south through that. Would that road lining alignment – I can't read the name of the road but – would that go, that would go through, if it went all the way to Hualālai Road, that would go through your client's relative's property, is that right?

LIM: Right, that's correct. We've been working with Mr. Emler on the road connections for the last year and a half probably. So the proposal would be, this property is owned by Mr. Tincher and we are assuming that the extension of this north-south road will come through Mr. Tincher's property, then head into what we call Laii (phonetic), then meeting the connection into Hualālai Road.

HOUSEL: Okay, so it'll eventually join the stub-out you are proposing there?

LIM: That's correct. We've already pre-, rough-designed that road in for the mauka parcel.

HOUSEL: Okay. For the entrance that you are proposing to this new subdivision, how wide will that roadway be?

LIM: The entrance right-of-way will be 50 feet wide. The pavement is going to be pursuant to Public Works standards.

HOUSEL: Will that be signaled or, how would that be -?

LIM: At Hualālai, no, it will be stop-sign controlled.

HOUSEL: I see. Okay.

LIM: I think what we are expecting that most people will do is they are going to come out – and that's why we call it the main entry – the Paulehia entry here, they'll come down and hit the traffic signal to get out to Queen Ka'ahumanu Highway.

HOUSEL: Is there, looking at the mauka lot, is there another owner that owns the land on that curve shown on Hualālai Road?

LIM: Yes, we believe that's owned by either Dan Bolton or one of his LLC companies; it's part of a water tank site that's going to be used during the development of water system for these projects.

HOUSEL: I see, okay, okay. Thank you very much.

WATANABE: Any -? Ms. Bowman.

BOWMAN: I just have a question because I don't live in Kona. And I think you answered it, Steve. Most people then would access it through the existing subdivision rather than Hualālai, right, because it's kind of winding. I mean, those of you who live in Kona, would that be -?

WATANABE: Yeah, that's a -.

LIM: That's correct, yeah.

WATANABE: Reasonable assumption.

BOWMAN: Okay, thank you.

LIM: We are, initially we planned not to connect up to Hualālai because as you can see we are picking up some significant roadway improvement conditions on that side; but because of the Kona CDP and the connectivity issues and then the discussions with Mr. Emler,

you know, we came to realize that that was something that was very important to the County, so we put that in.

BOWMAN: Thank you.

WATANABE: All good? Very good. Thank you, Mr. -.

GIFFIN: Mr. Chairman?

WATANABE: Yes.

GIFFIN: Since his name was mentioned earlier in some discussion, the letter that we have from Richard and Leslie Tincher, has that been forwarded onto the applicant?

LIM: That's correct. We received Mr. Tincher's letter and we analyzed it. We understand his issues and we believe that what he'll find is when Mr. Ted Barrett's company comes in to apply for the entitlements, that they'll be doing the RS-20 that he was proposing. We feel that the Kona CDP, you know, intends that denser development will occur more makai, and it's more, the proposed project, the Hu-Ko-Pa project at RS-10 is more consistent with the Pualani Estates' RS-7.5, which is just all that, all the last to the south, and that perhaps the more mauka lots should be more RS-20.

GIFFIN: Okay.

WATANABE: All good? Okay, thank you for your explanation, Mr. Lim. I believe we were about to address a motion on the State Land Use Boundary Amendment. Mr. Housel.

HOUSEL: Yes, Mr. Chairman, I'd like to make a motion for the first request that we give a favorable – this is a recommendation, is that correct?

WATANABE: That's correct. It will go to the Council.

HOUSEL: Okay, a favorable recommendation to the Council for the State Land Use District Boundary Amendment from Agricultural to Urban for the 14.437 acres of land for the Ho-Ku-Pa (sic), LLC, SLU 09-22.

WATANABE: Thank you. Any second on that?

IOKEPA: Second.

WATANABE: Mr. Iokepa, thank you. Just for the record, it's Hu-Ko-Pa, right, I think? I'm struggling with it also. Any discussion on the matter? Maija?

COTTLE: Thank you, Mr. Chairman. Commissioner Housel?

HOUSEL: Aye.

COTTLE: Commissioner Iokepa?

IOKEPA: Aye.

COTTLE: Commissioner Bowman?

BOWMAN: Aye.

COTTLE: Commissioner Giffin?

GIFFIN: Aye.

COTTLE: And Mr. Chairman?

WATANABE: Aye.

COTTLE: Motion passes, five-zero.

WATANABE: Thank you. Would you care to continue, Mr. Housel, on the Change of Zone?

HOUSEL: Sure, I'll be happy to. I'd like to make a motion that we give a favorable recommendation to the County Council for the applicant's Change of Zone request from Ag-5 to Single-Family Residential 10,000 square feet, RS-10, for the 14.437 acres of land for the rezone request 09-96.

WATANABE: Okay, that will be inclusive of the Director's recommendation, recommendations and conditions, also including the recent revision to Condition D, yeah?

HOUSEL: Right, including the last conditional addition.

WATANABE: Oh, I'm sorry, it was not a revised D; just for the record it's in addition, Condition D and re-numbering of, re-lettering, excuse me, of the other Conditions. Mr. Iokepa?

IOKEPA: I was just going to second his motion.

WATANABE: Thank you. Any further discussion on this? Ms. Bowman.

BOWMAN: I do have just maybe clarification because I – and I don't know this may not be the right time to bring it up – but I know that the Office of Hawaiian Affairs had a rather lengthy letter with the water commitment, with the water development, and I try to understand the, yeah, I try to understand the planning consultant's reply. So maybe someone could enlighten us a little bit about this.

WATANABE: Well, let me, I remember reading that. Give me a second.

BOWMAN: Okay, so on Page 2 of 3 of Mr. Namuo's, no, Yukie Ohashi's reply, "the Applicant will be paying 68.8 percent of the total cost to build the transmission system to DWS standards, and in exchange, will receive 1,500 units, or 33 percent of the Waiaha well resource over a 20 year time period," and what I think I read was that the Water Board agrees with this because Kona needs the water.

WATANABE: Well, I could be wrong but my interpretation was that they're overbuilding for their subdivision so that, and the Board (sic) of Water Supply was going to pay for the overbuilding, so that other parts of Kona could also use that infrastructure – that was my interpretation.

BOWMAN: Okay, cause it -.

WATANABE: And if -.

BOWMAN: The applicant, it does say that the applicant -.

WATANABE: Bobby Jean, you want to -?

LEITHEAD TODD: Perhaps Mr. Lim.

LIM: I believe what Ms. Bowman is referring to is April 3, 2008 letter by OHA to Yukie Ohashi and Yukie Ohashi's July 2 response. This is not part of our project; this is the water project and this is the environmental assessment that was processed for the Waiaha Water System project. But I guess what I'm hearing is that you just want to kind of understand what that means is that -.

BOWMAN: Thank you.

LIM: The private water system will be developed by Waiaha System LLC using one of the Department of Water Supply's existing wells; they didn't have the money to develop the well out and the biggest thing they didn't have was they didn't have the land easements around the pipelines and everything else. So what happened was the, it was Dan Bolton and many of the property owners in the area got together to form Waiaha System LLC, which is the developer of the water system, they'll build that out. They were able to get all the easements from various landowners, and in exchange for their share of the payment of the cost they will receive water commitments. At the point in time when they finish the water system, DWS will be forcing, you know, they'll make them design to their standards, they'll inspect and then they will dedicate the system to DWS; it will be part of the County's water system -.

BOWMAN: So 30, about 33 percent, I guess, then will be the County and the other will be private.

LIM: That's correct. That's a negotiated deal that was done between DWS, the Water Board and the developer of the water system.

BOWMAN: And of this then your applicant will be getting seventy – I can't remember what was the -.

LIM: It's about 74 – I forgot the exact number – but seventy-some, yes, that's correct.

BOWMAN: Okay. And basically the concerns of the Honokōhau National Park was because of the Waiaha Water System, not this development, correct?

LIM: That's correct. Their concerns, especially from National Park Service in the past two years or so have been over new well sources, and this is an existing well source that the Department of Water Supply has just sitting up there, just is unable to, you know, develop the transmission lines necessary to bring the water down.

BOWMAN: Yeah, cause I understand their concern. But thank you very much.

WATANABE: Are we okay with this? Ms. Bowman?

BOWMAN: Yes, thank you.

WATANABE: Yeah, okay. Do we need any further discussion? I believe we have a favorable recommendation.

HOUSEL: Mr. Chair?

WATANABE: Yes.

HOUSEL: I guess I'd like to make a comment.

WATANABE: Yes.

HOUSEL: You know, it seems like, you know, we've asked a lot of questions about roadways and connectivity and things that, you know, the CDP requires that are undefined so far in this project as far as how the roads are going to be done, how Hualālai Road is going to be improved – that's all still being negotiated. It seems like, you know, bringing this to the Commission for approval without those details already determined is premature.

WATANABE: I think often times when you are looking at the entitlements, the site plans that we are looking at are not really set in stone; they are conceptual by nature. And depending on, again, like how Mr. Emler described, we do want it to be a safe road and so they are moving the locations of the road depending on the topography, sight distance and potential grade. That's why you don't really, my interpretation is that's why you don't really get something that's very concrete. In addition, in particular with Hualālai Road, it being such a narrow and meandering road, it may be, and having more than one property owner to work with, it may be rather difficult to have a fixed plan before you even have the entitlements.

HOUSEL: Well, as a commissioner I feel very uncomfortable being asked to approve something that's undefined.

WATANABE: Uh huh. Any further discussion on that? Madam Director.

LEITHEAD TODD: Mr. Housel's concerns are typically addressed at subdivision and not at rezoning. At subdivision the applicant comes in with their preliminary map on how they are going to create lots and where the roads are going to go, and then that map is sent out for comment by all of the departments and we incorporate those comments including comments from Department of Public Works in terms of the road alignment, sight distance and necessary infrastructure as delineated, one, in the rezoning ordinance, and as required by the Subdivision Code. Generally speaking, when somebody is coming in for entitlements, the reason you don't see something set in stone is you don't go and hire the engineers and everybody else to do all of that work, if you don't know whether you are going to have an entitlement to develop the property, because that's frankly from our property owner's standpoint that's pretty much throwing money away because you don't know if you have a right to develop it. So typically what happens in this process is that you have a conceptual plan that gives you kind of an idea of what may or may not look like; but when it ultimately comes to the Department for subdivision approval, it may look different as already what they had initially envisioned is starting to change.

Maija, can you go back to the map of, where it shows Hualālai? Yeah. If you look at that and sight distance, if you are familiar with Hualālai, the DPW's request to basically move the entrance to the mauka portion of the land makes sense because wherever you are going to have an entrance in or out and left and right turn lanes, you need to be looking at sight distance. And given the piece of property, moving it to the far mauka corner makes the most sense in terms of the sight distance. The difficulty that we sometimes have when we are looking at things is where you site something may not be the ideal spot on Hualālai Road. But we are not dealing with the other properties; we don't have those other properties in front of us – what we do have is this. So given this particular application, the Public Works is trying to get it sited as best as they can to try and take care of those issues of sight distance; but by moving it as far mauka as you can on one hand it makes it difficult to line that up in any kind of a straight line to the existing stub-out in Pualani, and given topography in this area, the applicant's problem is going to be putting in a road that has the appropriate slope and grade, works in all the drainage features, and to meet County dedicable standards. And so sometimes especially in Kona it's really hard to do straight lines. You end up having to do something that's a little bit more meandering in order to get the requisite slope that you need so that you aren't basically redoing Ka'iminani Drive. And so there are some unique issues and typically it's addressed at subdivision. I understand your concern that it's kind of, well, is this what it's really going to look like. What you know is that there will be a maximum of 53 lots, and that the size may vary because they are trying to do a PUD, and you have assurances from the conditions of the rezone that they have to build to a certain standard, and you have assurances from the rezone that they have to build their intersection with Hualālai meeting with the requirements of the Department of Public Works as to sight distance and requiring additional right-of-way so that we can preserve the ability to possibly improve Hualālai in the future. But if you've driven on Hualālai, you know that it presents some very difficult problems in terms of improving it partially – sight distance, the way it curves, some of the areas mauka of this the property drops off significantly from the road. And so I don't know how much in the future Hualālai because I think it'll be a very expensive project especially the

mauka areas. So what we have is the project in front of us and we are trying to do the best we can with it. And luckily for us it is in an area where Hualālai is relatively straight; so we can try to accommodate some of the sight distance issues. Thank you, Mr. Chairman.

WATANABE: Thank you. Does that pretty much -?

HOUSEL: Thank you for the explanation. That helps. I understand it better.

WATANABE: Okay. So -.

BOWMAN: I have a -.

WATANABE: Ms. Bowman.

BOWMAN: I just -. Maija, can you go to the Kona Community Development Plan map? Okay, so the project site – and pardon my ignorance but – is considered an infill development located adjacent to the Transit Oriented, TOD, right there, right? But it's adjacent to it; so it's not included in the TOD, right, which -.

LEITHEAD TODD: I think I want to comment that the circles on the Kona CDP are not necessarily meant to be set in stone; they are guidelines. And you recognize that, particularly in Kona because of topography and where existing roads are laid out, that you have to have certain flexibility. Obviously you don't take that circle two miles out, but areas that are close to it, you know, you want to try and accommodate. And the purpose of the TOD is really to try and make sure that we've got connectivity, and that we plan for public transportation opportunities, so that we can have corridors that will accommodate buses, and try to, I want to say, concentrate development in those TOD areas. And then outside of the TOD areas then you would probably be looking at bigger lots; but within the TOD areas what you are trying to do is concentrate development so you can avoid urban sprawl is my understanding of why we are trying to set up these TOD areas.

BOWMAN: Thank you. I guess I just have one comment and that is we are, you know, to me setting the precedents right here with this rezoning, if it goes through, because it's kind of isolated, and I guess, you know, the mauka lots and the two makai lots are well within the Urban Expansion area also. So, and I notice that the stub-out leads to the mauka lot, which I assume upon development would probably go into Hualālai Road, if they do develop it. I'm not sure about the topography of this area – maybe too steep. But this is just something to consider. I mean I definitely believe that this is setting the precedents for urban expansion in this area. So that's just my comment. Thank you.

WATANABE: Any further discussion? Maija? I believe we have, yeah, we are ready, I think.

COTTLE: Okay, thank you, Mr. Chairman. Commissioner HouseL?

HOUSEL: Aye.

COTTLE: Commissioner Iokepa?

IOKEPA: Aye.

COTTLE: Commissioner Bowman?

BOWMAN: Aye.

COTTLE: Commissioner Giffin?

GIFFIN: Aye.

COTTLE: And Mr. Chairman?

WATANABE: Aye.

COTTLE: The motion passes, five-zero.

WATANABE: Okay, thank you. So good luck at the Council level, Mr. Lim, and also with your discussions with Public Works.

LIM: Thank you very much. For Commissioner Bowman's benefit, it is consistent with the Kona CDP because it's within the Kona Urban Area. So it's not really setting a precedent; it's just meeting the established standard.

BOWMAN: Thank you.

The discussion ended at 10:48 a.m.

Respectfully submitted,

Noriko Sauer, Secretary  
Leeward Planning Commission