

DARROW: Thank you, Mr. Chairman. Good morning, Members of the Planning Commission and Mr. Chairman. If I can direct your attention to the location map, the area of this application is located within the North Kohala District of the Big Island, more specifically we're looking at the area of Hawi and Kapaau. This road moving in a east-west direction is the Akoni Pule Highway. If you recall, previously we had a Special Permit in the area of this location, the Watkins-Sunderland Special Permit for a Hawaiian Perma-culture Retreat Center. This application is near that facility. It's identified in yellow on the map. Access to the property would be from the Akoni Pule Highway down what is called Union Market Road or a road near Union Market. They would travel down to Pratt Road, and then they have an access easement to their property located in yellow.

The Applicant in this case, Alliance Redwoods Conference Grounds, Inc., is requesting a Special Permit for a camping and retreat center on six acres of land. This is the entire property identified here, 30-plus acres. The area identified in blue would be the permit area. As you can see in this particular location, we have the access road to the property. This access road also travels down makai to the other facility we spoke about earlier.

If I can just list off some of the items that'll be a part of this camping retreat facility. They are proposing the facility will consist of 14 cabins, 4 farm worker staff cabins, 4 open air hales, a meeting and eating pavilion, an art-and-crafts center, a bathhouse, a tent campsite with a maximum capacity to accommodate 30 guests, a snack shack, a prayer cabin, an office, an additional facility, including recreational area with rope course, climbing wall, pool, organic vegetable garden, plant nursery and pasture area.

The Planning Department has received several letters since this application has come to the Commissioners, including a late comment letter from the Department of Land and Natural Resources, also, numerous letters, mostly, mainly of support for this project. We did receive one letter this morning from Mike Isaacs concerning this application. And, additionally, at the time that this application was submitted to the Planning Commission, we had one Petition for Standing in a Contested Case submitted by Jean Sunderland; additionally, since that time, we've receive another one from Kamakani O Kohala Ohana, Inc. or Kako'o.

The Planning Director is recommending that the Planning Commission approve the request to establish a camping and retreat facility on six acres within the State Land Use Agricultural District. Are there any questions?

ALAMEDA: Fellow Commissioners, any questions? Commissioner Graham?

GRAHAM: Jeff, I just had one question about the soil 'cause, you know, in our special permit, depending on the agricultural capability, we sometimes take different looks at things. And in the Background Report, I think it says on the Land Study Bureau Soil Rating, "Soils within the project site are classified as 'B' or 'good' and 'E' or 'poor.'" Do you have any breakdown on what portion of that property is the "B" soils?

DARROW: There are two gulches that run through the property. If I can, let me see if I actually have a picture for the identification of those areas. If I could pass this out to the Planning Commission, this is a copy of the floodway on the property. The area identified in red is the "A" Zone, "AE" Zone; and that's the area where it identifies the "E" soils. So the area

outside of that would be the area identified as “B” soils. That would include the permit area. I believe the gulch area is located somewhere in this area. So as far as the “B” soils, you’re going to have the area here and an area over here.

GRAHAM: Thank you.

ALAMEDA: Any questions? Mr. Darrow, I understand that there’s a Contested Case request?

DARROW: We have two Petitions for Standing.

ALAMEDA: Okay. Seeing no further questions, Applicants come forward. Could I swear you in, all of you. Please raise your right hand. Do you swear or affirm to tell the truth now before the Hawai`i County Planning Commission?

TESTIFIERS: I do.

ALAMEDA: Thank you. I’m guessing that you all are going to be saying something today. Sir?

NISHIMURA: Not necessarily all of us but the Applicant would like to have an opportunity to make a statement.

ALAMEDA: Okay. Then can I ask you to please state your name and address for the record?

NISHIMURA: I’m Brian Nishimura, planning consultant, 1174 Awiki Place in Hilo. With me here is Jim Blake, the Executive Director of Alliance Redwoods. We also have Jennifer and Bernard Sullivan, who are the landowners of the subject property and who will also serve as on-site resident managers of the project.

ALAMEDA: Okay. Thank you. Mr. Blake, please state your name and address for the record?

BLAKE: Name is Jim Blake. Address is 2063 Peterson Lane, Santa Rosa, California.

ALAMEDA: Thank you. Sir, could you please state your name and address for the record?

B. SULLIVAN: Bernard Sullivan and my address is P.O. Box 1203, Kapaau.

ALAMEDA: Thank you. Ma’am?

J. SULLIVAN: Jenny Sullivan, P.O. Box 1203, Kapaau.

ALAMEDA: Did you get a chance to see the Department’s Recommendation and Conditions?

NISHIMURA: Yes, we did.

ALAMEDA: Okay. Do you have any responses or comments towards that?

NISHIMURA: No. We've reviewed the proposed conditions and find them acceptable.

ALAMEDA: Okay. Fellow Commissioners, do you have any questions for the Applicants or the representative? Okay. All right. We do have a lot of testimony today. Is there anything you'd like to add?

NISHIMURA: Could I ask for an opportunity for Mr. Blake to make a statement, please?

ALAMEDA: All right. Okay, just a point of order. I'd like to ask that, you can make a statement regarding this application; and then because of the Contested Case request, we need to have the Intervenors come up and also kind of state their, I guess, reasons for the request; and then we can entertain the possibility of testimony following that. So, Mr. Torigoe?

TORIGOE: I was just kind of looking at your rules and the rules basically, it says that "The Presiding Officer shall afford all interested persons an opportunity to present testimony on the matter prior to the commencement of the hearing and prior to proceedings on any subsequent day." So according to your rules it seems like public testimony ought to, you know, come before you go on to anything else; and then the first order of actual business would be to deal with the Contested Case procedure, under Rule 4-7.

ALAMEDA: Okay. By the way, that's why we have Mr. Torigoe, he's making sure that we're following the rules. Sir, if you can make a brief statement, and then I'll move forward.

BLAKE: Sure. I appreciate the opportunity to address the Board. Predominately, I want to cut to the heart of the issue why we're here. Alliance Redwoods Conference Grounds, I think all of you received information about us, I won't reiterate that. But why we're here, what's the intent? I think it's very helpful for you folks, ladies and gentlemen, to understand our intention as an organization as a non-profit organization, is educational in nature. We serve approximately 6,000 to 8,000 public school children, as we speak, doing environmental education in the State of California, the district. The organization is a faith-based organization and the district that I represent includes Hawai'i. So we're here primarily to give back to the Hawaiian people, especially the island residents, the church community, the educational community, the at-risk population. That's really the intention. There's no economic gain or benefit. And my biggest concern, I guess, that I would share with the Board here is if there's, every intent has been made for quite a few years here to make this a possibility for the Hawaiian people. I stayed in this hotel the last few nights. It's the people that work in this hotel that live in this community that we intend to serve at an affordable rate. Not too many people are targeting that population; and that's why we're here, that's the intent of us pursuing this.

And so my hope would be that we would not make it prohibitive by finding restrictions and cost-prohibitive for us to continue as a non-profit organization. We're truly non-profit, and this venture will be the same. So I want that to be laid out. What is the intention? What's the goal? What's the real agenda here? The agenda is to serve the disenfranchised people of the

population of the islands, and particularly here on the Big Island and the at-risk population. That's what we've done for 60 years in the State of California.

So I just wanted that to be kind of laid, you understand who I am, where my heart is at and what are intentions are. Thank you.

ALAMEDA: Thank you. Thank you very much. Okay? All right, you can be seated at this time and we can go into testimony. All right. We have a lot of testifiers today. We have 19, 20 testifiers. So, because of that, I'd like to ask that you be brief, to the point, and if you can limit your testimony to three minutes. Commissioner Galdones?

GALDONES: Mr. Chair, thank you. In consideration of the Petition for Standing in a Contested Case Hearing, if it pleases the Chair, perhaps we should address whether the petitions do have standing.

ALAMEDA: Mr. Torigoe?

TORIGOE: Yeah. We were just kind of looking at the rules and it seems like we should allow for the testimony before we go to that; and the public testimony may actually, some of them may actually address some of the standing issues as well.

ALAMEDA: Commissioner Galdones?

GALDONES: Well, if that is what the rules say then we have rules to follow. But where I was coming from is that I wanted those who were going to be making testimony understand and realize whether there will be a Contested Case Hearing, and they may want to reserve their comments for the Contested Case Hearing before the Hearings Officer, who will make a recommendation based on those testimonies. That is where I was coming from. But if the rules provide that the public testimony precedes the Petition for a Contested Case Hearing, then so be it.

ALAMEDA: Mr. Torigoe?

TORIGOE: Yeah, I think that's basically how the rules read, although, you know, the point is well taken that the public should be informed that if there is standing granted to the proposed Intervenors there will be a formal Contested Case; and at every meeting on the Contested Case, there will also be an opportunity for public testimony. So bear that in mind. Thank you.

ALAMEDA: Okay. So the public, so testifiers, you're hearing our discussion. So there is a possibility that this, that you may be testifying again if you so choose, if we as a Commission grant the Intervenor Standing in a Contested Case. So that being said, again, I'd like to limit the testimony to three minutes. And some of you we've actually received letters from, so I ask that you not read your letter. If you could just state kind of your feelings toward the application, we'd appreciate that.

Okay, let me call on Mark Grandoni, forgive me if I mispronounce your names, Mike Isaacs, and -. I have several names here but then I have a little quotation, "Give my time to Lani

Bowman,” so I don’t know what that means. But there’s a Carles Adams, Yumiko Hedlund and Eugene Dempsey, and it has a little quotation that says, “Give my time to Lani Bowman.” Staff, is that, am I reading it right?

STAFF: Yes.

ALAMEDA: Okay. So I guess there’s a Lani Bowman?

PUBLIC: I haven’t seen her.

ALAMEDA: Okay. How about, so then, Carles Adams, Yumiko and Eugene, they’re not here either, or they’re here? So you want to give your time to Lani, she’s not here so I don’t know how we -. Would you want to come up?

GRANDONI: Sure.

ALAMEDA: Okay. How about Carles Adams?

PUBLIC: He had to go to work.

ALAMEDA: Okay. And then Eugene Dempsey?

PUBLIC: He had to go to work with Carles.

ALAMEDA: Oh, they work together. So you must be Yumiko?

HEDLUND: Yes.

ALAMEDA: Okay. How about Monika Hennig? I have another chair there. How about Grady Keystone. Okay, and one more. Kahu Karl? All right. Okay, we’ve filled up the chairs. Please raise your right hand? Do you swear or affirm to tell the truth now before the Hawai`i County Planning Commission?

TESTIFIERS: I do.

ALAMEDA: Thank you. I can start off from my far left. Could you please state your name and address for the record, ma’am? And could you speak close to microphone ‘cause our recorder has got a hard time picking up.

HENNING: My name is Monika Hennig and P.O. Box 1401, Honokaa.

ALAMEDA: All right. Go ahead.

KEYSTONE: Grady Keystone, P.O. Box 1401, Honokaa.

ALAMEDA: Okay.

ISAACS: Mike Isaacs, P.O. Box 116, Hawi.

ALAMEDA: Thank you.

GRANDONI: Mark Grandoni, P.O. Box 1269, Kapaau.

ALAMEDA: Thank you.

HEDLUND: Yumiko Hedlund, P.O. Box 1006, Kapaau.

ALAMEDA: Okay.

RAGAN: Karl Ragan, P.O. Box 1257, Kamuela.

ALAMEDA: Okay, Karl, you can old the mike. We can start with you for your testimony. Go ahead.

RAGAN: I'll try to be really short, surf is up.

ALAMEDA: Okay.

RAGAN: I'm the pastor, the kahu of First Baptist Methodist Church, Waimea, and every year we take quite a few or try to take quite a few young people. Almost all of my church are local and our only camping area right now for us to go to is on Oahu; and we go every year, and it cost us a lot of money to fly them over there for a camping experience. And it's my hope that we can have a camp like this here so that we can take more young people. It takes us all year for them to raise the money and for the church to raise them. We made a commitment that every child or youth that wants to go will go regardless of the cost and that has become very expensive for us as a church. Simply, make it affordable, and I think this would do it for our local people here.

ALAMEDA: All right. Thank you, sir. Any questions for Karl? Seeing none, you may be seated. Thank you very much. Surf's up. Yumiko?

HEDLUND: Yes.

ALAMEDA: Go ahead.

HEDLUND: I represent my church, Kohala Baptist Church. We live, our church located on coastline, very close to ocean. So we do manage to take our children to camping trip quite often, but the very small number of children, we can't handle large amount of that. We do want to invite all the children from the community. But so far we aren't able, there's not enough facility. The people, power, we don't have it. But the project like that would allow us to invite the people, the children from outside of church; and we do need to approach very much, you know, the children from community. So affordable and very convenient. And there's scholarship allowed, so that will give us great opportunity to reach out to children, very wonderful.

ALAMEDA: Thank you, thank you, Yumiko. Any questions for Yumiko? Seeing none, you may be seated. Sir?

GRANDONI: I'm going to save most of my comments for later in the Contested Case, I'm one of the applicants for Contested Case, our organization. But I just, right now I just want to say that we really don't have a problem with the concept of Camp Hawai'i Alliance Redwood. It's just the special permit process to allow something like that is I don't think it's the way to go. So that's all I want to say for now, and I'll save the rest for later for the contested case.

ALAMEDA: Okay.

GRANDONI: Unless you have any questions?

ALAMEDA: Any questions? Okay.

MCCALL: I have.

ALAMEDA: Oh, Commissioner McCall?

MCCALL: If you could elaborate, if you don't think the special permit route is the right way to go, I assume you're thinking the rezoning is the right way?

GRANDONI: Yes.

MCCALL: Thank you.

ALAMEDA: Okay. Thank you.

ISAACS: Mike Isaacs.

ALAMEDA: Okay.

ISAACS: Commissioners and Planning Director, the proposed Special Use Permit for Redwoods Conference Grounds, Inc. - on important Agricultural Land - is an unusual and unreasonable use and should be denied for the following reasons:

North Kohala already has a substantial inventory of like or better accommodations - based on the same ideology - open to all organizations - youth groups, etc.

Makapala Christian Retreat - open since 1960 - capacity 100 or more visitors.

New Moon Foundation - capacity 100+ - 40 or more tent platforms - total 140-plus visitors.

Hawaii Insight Meditation Center - capacity 116 visitors - in addition to 40 tent platforms - total 156 visitors. H.I.M.C. has not been built as yet but has all the permits to start building.

Hawaii Perma-culture and Wellness Center - capacity approximately 40 or more.

Without A.R.C.G. Inc. North Kohala already has an inventory of 436 or more like conditions.

No. 2, Applicant states: To address the extreme shortage of affordable housing in North Kohala - the Applicants plan to include 4 separate (1,000 square foot) farmworker/staff cabins (4 people per cabin) within the project area. It seems they intend to hire people who do not live in North Kohala - results in no new jobs created.

Applicant states: The project area is not associated with nor valued by Native Hawaiian people or any other ethnic group. The North Kohala coastline and adjacent lands ARE highly regarded and valued by all North Kohala people. The wire fences and locked gate have prevented access to the ocean for subsistence.

There's a total consensus against the use of Union Mill Road by the applicant. Every family adjacent to the Union Mill Road - including the commercial businesses at the top of Union Mill Road - has signed a petition stating A.R.C.G. Inc. must improve the road if they intend to use it. Individually - after reviewing Alliance Redwoods building plan -, they all stated - we don't want this resort. These are the families and businesses that will be impacted by this resort.

The Land Study Bureau classifies the subject property as Class "B" soils. The subject property is designated - Prime Agricultural Land under the ALISH classification system.

Class A and B soils are specifically protected under State Land Use Law - HRS 205-4.5, (6) - overnight camping retreats are **specifically prohibited** on lands that's in the S.L.U. District with A or B soils.

The subject property is going through a consolidation and resubdivision - which will result in a formation of two lots, Portion 13: 22.218 acres, Portion 12: 36.856 acres (subject property). HRS Section 205-5(b) states, if the subject property is a result of a subdivision after 1976 - The uses on the lot have to be primarily in pursuit of an agricultural use.

The lease agreement calls for a lot split - this is an illegal subdividing of prime agricultural land.

The proposed use is an unreasonable and illegal use of Prime Agricultural Land, which would be contrary to the objectives sought by the State and County Land Use laws and regulations.

The proposed special permit request by A.R.C.G., Inc. to allow a camping retreat center - must be denied.

Thank you.

ALAMEDA: Thank you, Mr. Isaacs. Any questions? Commissioner Graham?

GRAHAM: I just wanted to ask Mr. Torigoe about what Mr. Isaacs said about overnight camping retreats being specifically prohibited in the State Land Use District with A or B soils; and he references HRS 205-4.5(6). Can you give us any background on that?

TORIGOE: Let me try and give you a really brief read on that. There has been a Hawai'i Supreme Court case, I think it's the Malama Maha'u lepu versus Land Use Commission in which a similar argument was made with respect to golf courses. And the Hawai'i Supreme Court basically said that the special permit power the Commission has under 205-6 HRS allows

you to go ahead and allow for unusual and if you consider them reasonable uses within even A and B soils. So under the law at that time and I think, you know, for practical purposes, it's the same in this case, you do have the ability to consider granting a special permit for this kind of use. The golf course in the Malama Maha'u lepu case actually was I think about a 202-acre golf course. So it was a pretty big project as opposed to this one.

ALAMEDA: Any other questions for the testifier, Mr. Isaacs? Seeing none, thank you, sir. You may be seated.

KEYSTONE: My name is Grady. I work for, I work with Project Venture and we work with 13-year old youths from North Kohala. And we do, every year at the "Right for Passage Camp" time scramble for a location to take the kids. It rains a lot out there so you need, we want it to be wild and remote and beautiful; and, yet, we need some shelter sometimes. And last two years it has been down to the wire finding a place to take our children. And I know Sully and Jenny are very wonderful, generous people, and the land is beautiful; and for that I think for Project Venture it'd be a great asset to have that available.

ALAMEDA: Okay. Thank you, sir. Any questions? Seeing none, ma'am?

HENNIG: Yes. My name is Monika and Grady is my husband and, so, I'm aware also what he said about scrambling for locations to provide for the 12- and 13-year old children that are served by Project Venture in North Kohala. I also know Jenny and Sully as very generous people; and I've been to their land on many occasions, and it is indeed very beautiful. And I think it's a wonderful place to have the much-needed programs for Kohala children, and not only Project Venture children but other children in the community in other programs that would be for them.

As to the land being agricultural, it is my understanding that agriculture and environmental programs would be very much a part of what is going to be offered at this camp, that the children would be learning about agriculture, about organic farming, composting, all the techniques involved in agriculture and environmental protection, conservancy and so on. And it seems like a very good use to me for agricultural lands or a portion of agricultural lands. That's all I have to say today. Thank you.

ALAMEDA: Okay. Thanks, Monika. Any questions? Seeing none, you may be seated. All right, next round of testifiers. Susan Reid Lewis, and I understand Lani Bowman is in the house, Ms. Bowman. Okay, and how about Todd Lewis, J. Todd Lewis, Pamela Lutz, Kathie Pomeroy, Ralph Blancato.

BLANCATO: Good job.

ALAMEDA: All right. Let's see, that's it. Okay. Let me swear you all in. Could you please raise your right hand? Do you swear or affirm to tell the truth now before the Hawai'i County Planning Commission?

TESTIFIERS: I do. Yes.

ALAMEDA: Thank you. Starting from my left, could you please state your name and address for the record?

LEWIS: Susan Reid Lewis, 74-5046 Lapa Nui Street, Kailua-Kona.

ALAMEDA: Okay, I tell you what. Susan, you can start, and then we'll just go down the line. So, go ahead, Susan.

LEWIS: Oh, okay. I'm on the council of Holualoa Chapel. And one of the things that we have had in the past are silent retreats, but it's very difficult to find a place to have a silent retreat that is truly silent. We've gone to the military camp; and that is not ideal. So we really do long for a place to be able to have silent retreats, family retreats, men's retreats, women's retreats. It would work very, very well for our community. I also know Jen and Sully and the property, and it is an ideal place; and they are totally committed to seeing this vision fulfilled. Thank you.

ALAMEDA: All right. Any questions for the testifier? Seeing none, you may be seated. Sir, could you state your name and address for the record and then you may proceed with your testimony.

BLANCATO: Ralph Blancato, P.O. Box 1135, Kapaau. Aloha mai, thank you for all coming today to address this very important issue. I'm a Big Island resident since 1965. I'm a captain, a farmer, and I own coastal property close to Bernard and Jenny Sullivan. We're losing our ag lands, we're losing our conservation lands. If we want the Big Island to remain a good and pono place for us to live, then it's your responsibility to keep it that way. I think shoreline rights for Native Hawaiians and coastal hiking trails need to be addressed and provided for. We need to keep our kids on kaaina and off the streets. Bernard and Jenny Sullivan are good, honorable people. They've been good neighbors and they have listened to the requests and concerns of their neighbors. I have personally entertained their youth groups on a day use basis on my coastal property. I'm doing a native tree restoration, thank you for that approval; and we've got over 300 native trees in the ground. Their kids have always been trustworthy, they've been hard-working, they've been pono. They've really appreciated the time that they've had on kaaina.

What else? If I had any recommendations to the Council, it would be an approval, but with a maximum number of bodies scaled down. The road access is, of course, a consideration. And as of yet there has not been an adequate ingress and egress to the Watkins-Sunderland resort; and I feel that that needs to be addressed. I also feel that Watkins-Sunderland special use permit was approved and on ag and conservation land, then in all fairness this proposal should also be approved. It's a lot less impactful and it is designed for the poor and people with modest means to allow their children to get on the land. So, mahalo for your time today. Aloha.

ALAMEDA: Mahalo, Ralph. Thank you. Any questions for Ralph? Thank you for your testimony, thank you very much. You may be seated. Ma'am?

BOWMAN: Aloha, I'm Lani Bowman, P.O. Box 295, Hawi, Hawai'i. I was born and raised in Kohala, graduated from Kamehameha Schools. I am Hawaiian, also, from University of Puget Sound with a degree in environmental science. And I vowed to come home and help

my community; and I've been pretty active for the last 30 years. I'm the coordinator of Project Venture, which I'm glad that Grady was here and Ralph has helped our program. We've been in existence for five years. It's a substance abuse prevention program for middle school kids. I also work at the middle school and am really active with the Community Development Plan. I just was reading what the kids said they want Kohala to look like in 20 years; and a lot of their comments were, you know, "no fast foods," believe it or not. These are 8th graders.

Our program, like Grady alluded to, really stresses outdoor adventure. In the last five years not only for our "Right of Passage Camp," we've had trouble finding places just to take the kids. Jenny and Sully also worked at our camp for two years. I've seen them in action, I've seen their desire. I grew up in Union Mill, I played on the land that is their land now. I told them it's a little red flag for some people that it's a Christian camp; but I have seen the way they work with all people. Our program stresses spirit, connections to spirit; and I've seen where I think sometimes the word Christian can be very, you know, for people -. I feel that they will be really open to all, you know, all facets of life.

I realize there are, and I'm glad, I'm very interested in Mike's testimony. There are a lot of other kinds of accommodations, including Makapala and New Moon. We use New Moon. But I grew up as a Girl Scout counselor at Kilohana and I know, I know what camping experience is, how they can mold young people. And I really feel that this is one type of opportunity that's missing in Kohala. We plan to be very involved with them. We have lots of experience with camps and, again, we need places not only for our kids but for our families. With the privatization of land in Kohala, you know, it's becoming scarcer to be able to go to the ocean. You know, we're glad Ralph is very open and other land owners, so that's all I have to say. Thank you.

ALAMEDA: Thank you, Ms. Bowman. Any questions? Seeing none. Thank you. Sir?

LEWIS: I'm Todd Lewis at 74-5046 Lapa Nui Street, Kailua-Kona, administrator-facilitator of the Kona Fellowship of Home Churches, an informal fellowship of the church in the home. And I want to say that I have known the Sullivans, and I know their integrity, and I know their heart. And it's a heart for the people who would come, it's a heart for Kohala as well. In the Kona Fellowship of Home Churches, we do have retreats, we do have time away; and we've had to search for that facility, that place, that atmosphere. We're not just looking to go away to any camping spot or any hotel. We often try to find a home next to Kona, but it's not ideal. Because compared to what the Sullivans have there in that particular location, they just fail in comparison in terms of silence and beauty, the opportunity to be in an environment that takes care of the earth. They have excellent gardens there and they weave in the agricultural component of what they're doing into the very nature of the life that they live and the life that they invite others into. I believe this is a unique resource for certainly the people of West Hawai'i, if not the whole of the Big Island, as well as people in North Kohala. We highly support it.

ALAMEDA: Thank you, sir. Questions? Seeing none, ma'am? You may be seated.

LUTZ: Well, this is embarrassing but I have a nervous condition. So for me to even talk publicly you're going to see a lot of shaking going on.

ALAMEDA: No problem. You can speak into the mike.

LUTZ: And holding this just isn't going to work because it will be flying back and forth. So speaking to you as a handicapped individual -.

ALAMEDA: I wonder if maybe Ralph can help hold it.

LUTZ: Oh gosh. Probably, if not I'll knock myself out on it.

BLANCATO: Here we go, I got it.

LUTZ: Okay, my name is Pamela Lutz. I live at P.O. Box, not in the box, but that's where my mail is, P.O. Box 466, Holualoa. I've been a resident, myself and my husband, my children grew up here, we've been here for over 30 years. And I've been involved in a lot of different venues. I've worked in, okay, I'm just going to do this.

ALAMEDA: That's fine.

LUTZ: Okay, I'm not going to fly or anything.

ALAMEDA: That's okay.

LUTZ: Oh, brother. I've worked in a private school environment, I've worked with Makualani for a number of years. I've worked, I currently work in the public school in Holualoa Elementary. I'm involved in yoga in Kealakekua; and I'm involved in another ladies' group that consists of some professors at Hawaii Community College. And the common thread to all of that is whenever I've been a part of trying to bring a group of people together, be them adult women or children for whatever activity, be it retreat, team building activities, whatever, the facilities have been almost non-existent. We've used Makapala before but it's pretty run down. And so I'm saying, basically, what everybody else is saying, just more shakingly so, that a place where we can bring the children and bring the adults for we middle-class Americans would be really helpful. So thank you, and thank you for your patience.

ALAMEDA: Thank you, Pamela, did great, very articulate.

LUTZ: Yeah.

ALAMEDA: All right, ma'am.

POMEROY: I'm Kathie Pomeroy.

ALAMEDA: And your address?

POMEROY: And my address is P.O. Box 1556, Kapaau. I'm speaking as a neighbor and a member of the same community association as Jenny and Sully. And I have great confidence in their integrity and ability to work out any issues that arise regarding access, or any other thing that could come up. As a mother, my kids are 10 and 13, the 13-year old was in Project Venture, they're public school children. And I really want to support Project Venture because it did a lot for my son, and the next one that's going to be in 6th grade. And a wider

implication is for farming, we're starting a farm. We've received two USDA grants so far; and anything that supports agriculture on this island, my husband and I are in great support of. Hawaii imports 95 percent of its food. This camp is a venue to teach children about ag-related activities, and not just ag-related but sustainable and organic. There's a lot of grant money available for such things, especially when it's related to you, and that's money coming into the State; and I'm talking about hundreds of thousands of dollars that are available for these kind of things. Even from the Department of Defense and the USDA, food security is a national issue. So I urge you to support anything that is going to advance agriculture in the State. Thank you.

ALAMEDA: Thank you. Any questions for our testifier? Seeing none, you may be seated. I also want to thank the previous testifiers for your brief testimony. And we're moving right along, so I want to continue in that motion. Let me ask Michael Perry to come forward. Thomas Andersen, Jovani Diaz, Michael Beatty. All right. And how about Debbie Trump, Debbie? Isidora Manzo?

MANZO: Isidoro.

ALAMEDA: Isidoro, thank you. Okay, that fills up the chairs. Could you all please raise your right hand? Do you swear or affirm to tell the truth now before the Hawai'i County Planning Commission?

TESTIFIERS: I do.

ALAMEDA: Thank you. I guess we can start off from my far left. Sir, could you please state your name and address for the record?

MANZO: Isidoro Manzo, in Italian it means farmer, manzo is a beef. So I grew up with the name that means farmer of beef. But anything with agriculture I'm in support of; and I'm teaching kids about them. I'm very much in support of it coming from my, I'm named after my grandfather and in Sicilian culture you name your first grandson after the grandfather on the Dad's side. So my grandfather taught me a lot about the land, about, you know, growing things; and I think teaching children about it is wonderful if they can do this in a camp environment. I went on to go into scouts, became an Eagle Scout through a Mormon Church in Arizona where I was born and raised, and had a great time learning these things and being able to help others. I teach it to my children so -. I've been a resident in Hawai'i for 15 years; and I also serve here as a pastor of a local church in Kona. I don't know, I forgot to tell you my address, it's 75-5577 Kakalina Street, Kailua-Kona.

ALAMEDA: Thank you, thank you.

MANZO: So I've also been asked to represent the Kona Ministers Fellowship. They voted me to be the leader. It's a group of, a community of pastors in the Kona side here. We pray together once a month and have a meeting. On the September 5th meeting we had a show of support or against for this type of camp. We asked, surveyed all of them, had a vote. There's 23 different churches represented. And I'll read them real quickly for you so you know who they are, and I can leave a list if you need. The Kona Central Union Church, Calvary Chapel, Kona Calvary Community Church, Cornerstone Christian Fellowship, Grace Community Church, Holualoa Chapel which is who I represent, Hope Chapel of Kailua-Kona, Kona Baptist Church,

Kona Church of God, Kona Church of the Nazarene, Kona Coast Chaplaincy, Kona Gospel Chapel, Lanakila Congregational Church, Life Church, Mokuaikaua Congregational Church, the oldest church in Hawai`i, also Solid Rock Ministries, University of the Nations, the Lutheran Church of the Holy Trinity, Salvation Army, Sunlight Ministry of South Kona, Assembly of God, and the Tongan Church, and Thy Word Ministries. Every church represented were in total unanimous favor for something like this for the same reasons, seeing what it could do to help the children in our community. We think it's a wonderful experience for kids to be able to go to these kinds of things, so we're in full support.

ALAMEDA: Thank you, sir. Any questions for Mr. Manzo? Seeing none, thank you. Sir, could you state your name and address for the record?

BEATTY: I'm Michael Beatty. My address is my church address, 75-5713 Ali`i Drive in Kailua-Kona. I'm representing the youths of Kona; and we also have some other youths here. For the Hawaiian aspect, it is the oldest church. My wife is 75 percent Hawaiian so we understand the customs and values that Hawaiians place on the land. I rarely come out to speak in public but my heart is with the youths, our youths that come to the youth group at Mokuaikaua. It's open to the community so we have youths coming from all different cultures and life each week to be able to have fellowship, community with each other and all. And so my concern has always been that the Big Island has never had sufficient number of camp sites for youths to go to. I have been in youth ministry for 31 years and those 31 years have been at Mokuaikaua Church. Earlier on in the youth ministry it was fairly easy to be able to call up the County or the State and get a place to camp, have retreats and learning centers, and things. More recent in the last 10 years, it has been mostly impossible. We've had to cancel, reroute our schedules. And even rerouting our schedules, there still has not been sufficient areas to hold these things. And so most of our stuff is held at Mokuaikaua Church because we don't have the facilities on this island; and it's really a shame, and that's why I came. Because when I heard that there was a couple that was willing to open up their property to camp sites, I'm 100 percent in favor of that. And for anybody speaking out because of the land use, I am really upset because I see these multi-mega golf courses going in and, you know, I think we have more than enough. But we really need some camp sites; and if that means that the Sullivans are willing to open up their land to a camp site, we are so much for that. Our youths in talking to them Monday night, they're in favor of going out and doing whatever it takes to make that camp site happen.

ALAMEDA: Thank you. Thank you, Mike. Any question for Mr. Beatty? Seeing none, thank you. All right, can you state your name and address for the record?

DIAZ: My name is Jovani Irizarry-Diaz, and my address is 74-977 Manawalea Street. And I'm with his youth group, and I came because this camp could be good for a lot of people like my age. 'Cause I go to school where there is like kids fighting and smoking and stuff; and this would give them like something to do instead of doing all the things that can hurt their bodies. And the kids at our school, they talk about how they go camping with their families; and it could bring their families together with their kids so they can get to do something. And we have a lot of people at our youth group that think the same thing, that this would help like a lot of kids from all the other different churches too, 'cause, like all, every time we try to get a camp, it's always like booked or they always like take them all. So that's why, yeah.

ALAMEDA: Okay. Any questions for Jovani? I like that name Jovani. Awesome. Good job.

PERRY: My name is Michael Perry and not "W." My address is -. I know, my Mom named me after that guy, I don't know why. But my address is 74-5085 Kealapua Street, Kailua-Kona.

ALAMEDA: Okay, right on.

PERRY: And what's that, 2003, July 4, 2003, I always take my family camping down Makalawena in the camping area there, which is past the gates. But just beyond the gate, every 4th of July weekend, big huge party; and all the youths in Kona and young adults in Kona, they party every year. You know, every year my frustration just, and I see my kids and they're like, "Dad, what's going on?" So my kids they don't have a place to go -- that's all they do, you know. And the next morning, every morning, you know, when we're about to leave, we clean up 'cause there's glass bottles, everything down there. It's pretty crazy, you know. So, you know, every year it just disgusts me, every year, every year. And I just want to echo Jovani's words on how the youths in Kona, and it's just not the youths -. We have to look at these families, this is where the youths come from; and if we don't concentrate our focus on the family, the father, the mother, that's the two right there. If we don't get the family a place where they can go -- 'cause we do family camping trips, -- you know, if we don't get the family in a place where, you know -. This is pono, this is good for us to be together, you know. And if that doesn't happen, guess what's going to happen? The youths are going to do what they want to do, you know; and they'll wreck up the aina, like we see Makalawena. But if we have a camp where there is a place where we can go, you know, as us, the public, have a place where we can take our families, our kids and youths to go, then that's a good start. Then from there, it's going to grow to something bigger, you know. And it's just going to be good for the island, it's good for the people, you know, and all, so -.

ALAMEDA: Thank you. All right. Any questions for Michael Perry? Thank you, thank you for your testimony.

ANDERSEN: My name is Thomas Andersen, 74-5103 Kealapua Place, Kailua-Kona.

ALAMEDA: Okay. All, right. Thomas, go ahead.

ANDERSEN: And I'm for this, all 100 percent, because I came out of the environment they were talking about and I just sort of -. Like being with them and being out in the public sort of like it kept me away and out of the trouble, because I have a very large past of trouble. And these guys basically like saved me from a life of torment with all this stuff. And then I think it was 2003 I was camping with them that year and then, yeah, that morning we had to clean up everything after everybody just left after their partied. And just looking at it, it made me sick because they were just torturing everything. And then maybe if we give them this camp like they might just keep everything clean and maybe like not like, what is that, party all the time and just stay out of trouble.

ALAMEDA: Thank you. Thank you, Thomas. Any questions for Thomas? Good job. Good to know you're back on track. Keep it going. Awesome. Ma'am?

TRUMP: Yes, I'm Debbie Trump and my address is P.O. Box 25, Hawi 96719. And thank you for having us here today, giving us the opportunity to speak; and I am representing the Kohala community as a member of the Kohala community. My husband and I have been in Hawai'i since 1979; and we have two teenagers, and they have been involved with Project Venture. I'm also representing the Pregnancy Center. With the Pregnancy Center, I come in contact with at-risk children as young as 13 years old. And I know that the more wholesome opportunities that we provide for young people, the better we are; and I have full confidence that Jenny and Sully and Camp Hawai'i will provide a wholesome opportunity for families and youths. And I'd also like to say that I am familiar with the Alliance group and I know them to be of very high integrity and purpose. Thank you.

ALAMEDA: Thank you. Any questions for the testifier? Seeing none, you all may be seated, and thanks for coming today. We have three more testifiers. Everybody is doing really good in terms of keeping it brief and to the point. So let us call up Keoni Sugimoto, Richie Lambeth and Alex Scarpetta. All right, please raise your right hand? Do you swear or affirm to tell the truth now before the Hawai'i County Planning Commission?

TESTIFIERS: I do.

ALAMEDA: Thank you. I guess the microphone is on your side so we get to start with you, first. Could you please state your name and address for the record?

SCARPETTA: My name is Alex Scarpetta. I live on Union Mill. My mailing address is P.O. Box 796, Kapaau. And I'm one of the families that will be impacted by this decision. The idea sounds nice. But, I lived most of my life on Maui as well. And I'm against any special use permit for agricultural land 'cause, I'll start with one, sets precedence for everybody else. You approve this guy, you know, I mean, you can do other permits for non-agricultural use and the whole flavor of the community is changed. And, yeah, so, I'm against this decision so -.

ALAMEDA: Okay. Any questions for Alex? Seeing none, thanks for coming and testifying today. Appreciate your testimony. You may be seated. Sir?

LAMBETH: My name is Richie Lambeth and my address is Post Office Box 5076, Kailua-Kona. I've been here for 40 years. I had five kids that were all made here. I have 10 grand kids, half of which are hapa; and I might be white on the outside but I'm Hawaiian on the inside. I love this place; and I've given a lot back to it because of that love for it. I've been a pastor, I've been a youth worker, I coach T-ball, I coach soccer, I spend a lot of my time here working with young people. I worked for two years with special needs children at Kona Crafts. And one of the main disappointments, one of the main longings of the youths here is that there's nothing to do. That's one of their main complaints. And because there's nothing to do, like those guys said Makalawena, you can go down to Long's on the weekend at night and the kids are hanging out in the parking lot 'cause there's nothing to do.

This opportunity will give kids something to do; and with all due respect to the gentleman who said there was umpteen places to camp in Kohala, meditation centers and I don't remember all of

them. But most of those are not for youths. And this, as well as for adults, will be mainly for young people, a place where they can go and learn about agriculture, where they can camp and hang out with kids their own age. And I think it's a wonderful thing; and I fully support it.

ALAMEDA: Thank you, Richie. Any questions for Richie? Seeing none, you may be seated. Last but not least -.

SUGIMOTO: My name is Keoni Sugimoto. My mailing address is P.O. Box 6763, Kamuela, Hawai'i. I grew up here, I went to Waimea School, graduated from Honokaa, living in Kona now. And there's been, just growing up here I used to be able to go camp down at Liliuokalani with my family. So we're part Hawaiian. And just those times was just so memorable and just such a good thing to take as a kid. And even now growing up with all the kids from school and seeing the same stuff that these guys have talked about, about the drugs and the people that they go, it's hurting; and there's not many places for kids to go. A lot of places are being more closed off. Private roads, so you can't go to the ocean to go do the recreational things, to go camping down there, to go surf, or whatever it may be. And they are just depleting the camping sites. So this would only increase the availability; and they can hold bigger numbers than just like five or six kids going on a trip on a weekend. So I'm in full support of this; and I hope you guys are, too. Thank you.

ALAMEDA: Thank you, Keoni. Any questions for Keoni? Seeing none, thank you very much. Well, Fellow Commissioners, there are no more testifiers. I'd like to thank all the testifiers today for coming forward on this particular agenda item. Mr. Torigoe, please remind me of protocol.

TORIGOE: At this point, you can go ahead and take up the request for standing in a Contested Case.

ALAMEDA: Okay. Is there any Commissioner that needs to take a five-minute recess or -?

MCCALL: Sure.

ALAMEDA: Okay. Five-minute recess.

RECESS The Chair called a recess at 10:35 a.m.

RECONVENED The meeting reconvened at 10:45 a.m.

ALAMEDA: The Hawaii County Planning Commission is back in session. Okay. At this time, I'd like to call the Applicant, the Petitioner and the County. All right. I guess there's some folks still outside so we'll wait. All right. I think that's almost everybody. Will the Applicant or his representative, please come forward for Alliance Redwoods. And would the two Petitioners, please come forward, too. I think the Petitioners were -. Who hasn't been sworn in? Okay, can I swear you in at this time. Do you swear or affirm to tell the truth now before the Hawai'i County Planning Commission?

PARTIES: I do.

ALAMEDA: Thank you. The Petitioner for Kamakani, we did receive your request for standing. Is there anything that you'd like to add or -? Sir?

GRANDONI: No.

ALAMEDA: Okay. And then the Petitioner for Sunderlund. We did receive your request for standing. Is there anything that you'd like to add to that?

SUNDERLAND: Thank you for being here.

ALAMEDA: Thank you. Could you please state your name and address for the record?

SUNDERLAND: Yes.

ALAMEDA: Thank you.

SUNDERLAND: I'm Jean Sunderland, Post Office Box 63, Hawi 96719. Even though this particular, these are concerns that I won't read to you, you've already read them, I'm sure, have been submitted a number of months ago, at no time have the Petitioners ever entertained the opportunity for us to discuss some of these concerns. We, too, recognize the need for a camping opportunity. Our concerns are extremely specific; and we absolutely want those concerns addressed.

ALAMEDA: Okay.

SUNDERLAND: We are creating a serene, peaceful experience. And, as the plan is designed, much of the noisiest facilities are right down on top of us. The Petitioners requested that we move our facilities, all of our facilities more than 500 feet away from the property line. We did, with just their request. And we're requesting a similar thing, particularly the swimming pool. The swimming pool, as we all know, is an extremely, noisy place; and, so, it should be children. And we need that moved to a new location. We'd like to see the whole facility moved away from our property line, away from the road, and that it's smaller. It's about three times the size of our healing retreat and it feels excessively big.

ALAMEDA: Okay. Anything else to add on top of that, sir?

WATKINS: No.

ALAMEDA: All right. Okay, now, I guess we'll turn over to the Applicants, or questions? Go ahead, Commissioner Graham.

GRAHAM: I just want to ask a question of Kako'o, if I could, at this point. Mark, it seemed like, we only read what you submitted this morning, so it seem like it was largely based on the content of your folks' problem. I just wondered if you could give us a few words as to why you should be granted standing, based not on the issues with this but just how you're different than the general public; and I think you understand where I'm coming from.

GRANDONI: Can you define for me general public, Bill?

GRAHAM: No. But I think you need to have something on the record that gives the other Commissioners as well as myself a sense for why you should be granted standing, or your group should be.

GRANDONI: Well, as you know, you live in Kohala, our organization has been involved in a lot of community activities, and we have been granted standing in front of the County before; actually, in front of the Board of Appeals we were granted standing. That was a, we were defendants along with the Planning Director trying to provide public access, Chapter 34. Our organization has also been given granted standing on the State level and Contested Case Hearings with the DLNR. So, we are members who actually live in Kohala, we are affected by decisions of this Planning Commission, more so than, say, someone living in Ka'u, or Waikoloa, or Hilo. So we actually live in Kohala so we are affected. We can be harmed by the decisions of the Planning Commission and the Planning Director, so that's why are asking for standing.

ALAMEDA: Commissioner Graham, follow-up?

GRAHAM: No. Thank you.

ALAMEDA: Commissioner Galdones?

GALDONES: Thank you, Mr. Chair. Mike, in the Petition that was submitted, I see a reference here of 101 people living on Union Mill Road. What is the proximity of Union Mill Road to the proposed application?

GRANDONI: Union Mill Road right now is the access that people use to go down to the property of the subject, of this place here. That's the access that everyone uses.

GALDONES: Thank you.

ALAMEDA: Thank you, Commissioner Galdones. Any other questions? Okay. Now, we turn to the Applicant. Do you have any comments regarding the two Petitions for Standing? And this is just limited to the standing issue.

NISHIMURA: Okay. With regard to, you know, the issues being raised by Mr. Grandoni, he, one of the issues being raise is the impacts generated by the use of Union Mill Road. The proposed conditions from the Planning Department would prohibit the use of Union Mill Road for access, so that is not going to be utilized as an access point.

Secondly, the issue related to agricultural or the appropriateness of the special permit process to consider this request is being raised by him; and the Deputy Corporation Counsel and the Planning Department have determined that the special permit procedure is appropriate for this type of a request. So we believe that the points being raised by Mr. Grandoni's request are not valid.

Additionally, with regard to the Petition from Mr. Watkins and Ms. Sunderland, a point-by-point response to their Petition, the issues being raised by them, was addressed, and sent in to Director Yuen; and that is on the record.

ALAMEDA: Okay. All right. Mr. Yuen?

YUEN: This is a comment and a question addressed to Mr. Grandoni. I have to tell you that, as presented, your Petition for intervention lacks some of the elements that we normally would see in order to establish standing. I'm telling you this to be, not because I have a position on whether you, or not you, Kako'o should be involved in this. But this is just to be fair to you and your organization 'cause this is a technical question of, to establish standing. And to establish standing you need to show that the interest of the organization and its members are different from that of the general public. So it's not enough to say that your organization represents a number of families in North Kohala. I think the Commissioners who, Mr. Graham and Mr. Galdones asked questions out of this same sense of fairness. You have to, when you're seeking standing on behalf of an organization, you have to show that the organization has, that the purposes of the organization or the interest of its members are somehow specifically affected by this application. And I'm sure that when, so that there's some statement of how the org -, just to give an example, if the Sierra Club seeks Standing in a Contested Case involving an environmental issue, they will say, "We are involved in," let me be a little bit more specific, if they seek standing in the case involving Mauna Kea, they will say, "We are an organization that's involved in environmental issues and we want to preserve natural resources that the application may affect endangered species. That's the purposes of our organization and that's the basis for providing standing."

At this point, your Petition has only said about the organization that it represents a certain number of families in North Kohala; and that's all that's in the Petition and that's all in your testimony.

GRANDONI: Actually, in the Petition it says that the harm that will be done to us is the quality of life in Kohala. If you look at the cumulative impacts of special permits in Kohala, this is, I think, now the third organization that has come into Kohala. There was, what, about five years ago, there was Vipassana Insight Meditation Retreat Center; and that's almost 200 visitors per night allowed on that special permit on important agricultural land. And then we have the Hawaiian Perma-culture Wellness Center, the Watkins, which is actually a nice size. It's 40 people per night. And now we have this one here which has a capacity of over 100 people per night. So basically when you look at the cumulative impacts, the wishes of the people in North Kohala in the last revised General Plan, the desires of our community was not to turn our back yards into a visitor resort center. The wishes of the North Kohala community is to keep Kohala country, keep it rural, protect our important agricultural lands. So, therefore, the cumulative impacts of all these special permits, it's like a frontal assault on Kohala. The proper way we feel to do this is through the rezoning, go boundary amendment. So, yes, I feel, our organization feels that the quality of our life is going to be affected by decisions made via the special permits when you don't address the impacts socially, culturally, environmentally on we who live in Kohala.

All those people, you're talking 600 people a night now in Kohala through special permits that can be living in some type of hospitality-type lodge. That's the size of a hotel like this. This is a

300-room hotel. And this is all in our back yard. Over the years, I've lived in the North Kohala community for 20 years, I've been involved in a lot of issues here. The desires of the people, the majority of people in North Kohala, we welcome the visitor industry, we want it the leeward side of Kohala (Mahukona, Akoni Pule Highway, that area). We're not saying come in our back yards. All the traffic that's going to be generated by all these extra people, we have gridlock now in North Kohala without all these places. So who's responsible for addressing these impacts? Who's addressing these? They're really not being addressed. So, yes, the quality of life, and that's what I put on our application, that's the harm that'll be done to the members of our organization.

ALAMEDA: Thank you, Mark. Commissioner Graham?

GRAHAM: If I don't try your patience, Mark, I want to kind of pursue the same line that we're on here about your standing and not about, you know, your feelings about North Kohala at this point. That would all come out later in the hearing.

I don't doubt that you deserve standing here; and the fact that you tell us that you had standing in the Land Use Commission and other State issues is a good indication that you probably do. However, we don't have the record here of why you got standing in those, so we can't just sort of assume that. So, a couple of things is, one, you're speaking of land and maintaining agricultural land and all. Is the maintenance of agricultural land or the future of agricultural land in Kohala, is that a special focus and concern of your organization as opposed to maybe more so than people in general?

GRANDONI: The wishes of the North Kohala community in the revised General Plan was to protect and preserve important agricultural land. That's what the people desired. It wasn't like we all came -. You were at the hearings, Mr. Yuen was at the hearings, it's not like major organizations or people come and say, "Yeah, let's rezone Kohala and make it a visitor industry." People in Kohala want to keep Kohala country. You have to look at the big picture here. I have, there's nothing wrong with the concept of Camp Hawai'i, it's a great thing. It's just special permits are not the way we believe that it should be done. And if I can go back to regarding standing, I mean, are you guys objecting, are you guys objecting any legal precedence why we should not have standing? Is there anything in your rules or anything?

ALAMEDA: Commissioners, let me ask, well, just for the public, right now we're just discussing. And as Commissioners we have an opportunity whether or not grant standing to either of the Petitioners, so that's why we're having this discussion, to see if we feel that the request for standing is appropriate and justified, and just so you know. But Commissioner Graham had raised a good point and, also, Director Yuen. Mr. Torigoe, remarks?

IWASHITA: Mr. Chair?

ALAMEDA: Yes?

IWASHITA: Can I ask a question of the Applicant, I mean, the Petitioner?

ALAMEDA: Okay.

IWASHITA: Thank you. Mr. Grandoni, is that correct?

GRANDONI: Yes.

IWASHITA: I'm sure you know what the purpose is in the, of your organization, it's Kamakani O Kohala Ohana. Can you tell me what the purpose of Kamakani O Kohala Ohana is?

GRANDONI: Well, we have many, our mission statement is varied. One of the mission statements is to promote smart growth for the North Kohala community; and I feel this is where the issue of smart growth comes in as one of our mission statements. We're also, we are an environmental group, and we're involved in social issues, and, also, in Hawaiian cultural issues, also.

IWASHITA: Is part of your organizational purposes in promoting smart growth, does that include preservation of important agricultural lands?

GRANDONI: Yes, as well as promoting open space.

IWASHITA: Thank you.

ALAMEDA: Thank you, Commissioner Iwashita. Mr. Torigoe, you have any thoughts?

TORIGOE: Thank you, Mr. Chairman, very briefly. The question of standing is almost always a judgment call on the part of the Commission and, as the Director noted, there has to be something that is, some kind of interest of the Petitioner that is distinguishable from that of the general public, generally. The Hawai'i Supreme Court has addressed these issues in a couple of cases. One of them that is very well known is Public Access Shoreline Hawai'i or the PASH case. And here's some notes that they gave us from, in talking about standing: There's a distinction that needs to be made between when people are coming and asserting what the court called "value preferences," just as, you know, any member of the public or a group even might be expressing value preferences about the way that society should be. That, generally, is not a basis for standing. What clearly would be a basis for standing would be when members of the group can show that there's kind of injury in-fact that members of the group are going to suffer or could suffer from the proposed development or there's, No. 1, an actual or threatened injury which would be traceable to the challenged action, and which could be remedied by the Commission or judicial action. So, basically, if there are members of the group that can show that there's some kind of actual or threatened injury that they would suffer from the granting of the permit, then that clearly would be giving them an interest that's different from the general public and would be a basis for standing.

The Planning Director had mentioned if there's an organization that has a very specific focus and that that focus is being or could be threatened or impinged upon by the particular project, then that could also be a basis of standing. That's pretty generous, I would say. But, at the same time, the Supreme Court has also instructed that we do need to be careful not to prevent parties that have genuine interest that are going to be affected by a project from participating. In other words, standing barriers should be kept fairly low because we want to make sure that the people with interest are able to come and present their case. So it's a judgment call on your part.

There's a continuum, you know, if somebody is just coming in expressing value preferences then that generally is not standing, if they can show that there's going to be specific threatened or actual injury, then that clearly would be standing.

ALAMEDA: Okay.

GRANDONI: Can I answer that?

ALAMEDA: Sure.

GRANDONI: I'm not a lawyer. I can't cite court cases but there are two that were used when we received standing before. One of them was a Hawai'i Supreme Court decision called "Dalton versus the City and County of Honolulu," and the plaintiffs were given legal standing, given to the fact that they had gone before the Legislature and testified about an alleged harm and injury to their specific interest that would be impacted by the City and County of Honolulu's decision.

Now, as our organization has been before the County, especially during the General Plan, and we have asked to protect important agricultural lands, so therefore we have already been before the Legislature, we're asking you to do this, we feel that this is a project on important agricultural lands and there could be injury.

A second one was Citizen's case. Standing was upheld where the plaintiffs resided in close proximity. They were nearby, although they weren't adjacent properties. Same with members of our organization, even though we're not adjacent properties, we are in close proximity, we're nearby. As I said before, we are actually living in Kohala. We are, we will be more impacted than, say, someone living in Waikoloa, someone living in Hilo; and, therefore, someone in Hilo would be more the general public than we would be living in Kohala. I mean, we are the first ones impacted by all these, the extra possible impacts that could happen from the cumulative effects of the special permits that are coming into Kohala.

So it's the process, gentlemen. You've got to look at the big picture. After the Sullivans, who's next? The precedent was set in Kohala with Insight Meditation Retreat five years ago by not asking them to rezone their land. So people are coming in. You all know the history of Kohala. Surety Kohala sold off all this important agricultural land, now people are buying it. Agriculture is hard to do, you know, it's hard work. So people are trying to get creative and everyone is getting into the hospitality business, the visitor industry. They're turning our rural community into a major visitor center. They're doing urban-type projects on important agricultural land; and we feel that the cumulative effects of these special permits are affecting, harming our standard of living, our quality of life in Kohala. That's a direct harm right there.

ALAMEDA: Okay. Well, we get to make that decision. Commissioner Galdones?

GALDONES: Thank you, Mr. Chair. Mr. Grandoni, out of the 101 people that had signed on to this Petition, would you know how close is the closest Petitioner to the site of the Applicant?

GRANDONI: In close proximity, I don't know exactly.

GALDONES: To be fair with you, Mr. Grandoni, this is where I'm going with this, you know -- because what we see, what I have before me and the rest of the Commissioners have is in Question A, "Is there interest in this matter clearly distinguishable from that of the general public?" The information that you have shared with us so far, I do not see it meeting that criteria. I see the statements that you have made, however, has its place; and that would be through the public testimonies that we have been receiving today. I do not see it fit into a Contested Case Hearing, so I'm having some difficulty trying to distinguish your group from that of the general public. A lot of statements that you have made would also impact the general public and not so much, as counsel had mentioned, a harm to one of those individuals. And that is what I was trying to extract from you so that I can make a clear, I have in my mind clearly when I make my decision that you have or have not met test No. A.

GRANDONI: Okay. Let me tell, give an example. The Planning Commission here granted a special permit to the Watkins here a few years back and they were asked not to use Union Mill Road as an access to the retreat center. They had two other accesses that they could use, one was Union Market Road, the other was King Kamehameha Park. After a large amount of people realized that the park was not a good place for an access into their retreat center, five community groups went before the County Council, Parks and Rec, and we lobbied them, we wrote letters to the Mayor. And the Watkins, along with their planning consultant, Sidney Fuke, decided to let go of that access and use just Union Market Road. It has been five years, not one delivery truck has brought anything down Union Market Road. I live on Union Mill Road. For five years I've seen the construction trucks, the workers, the daily workers going up and down Union Mill Road. The County has done nothing to enforce your decisions. The only thing, I was in the records, I mean, the County just granted them a five-year extension of their permit. I mean, that seems like a reward. So the quality of our life on Union Mill Road has definitely been impacted by the decisions of the Planning Commission giving out a special permit. So, to this day, Union Market Road sits idle. There's a lot of technicalities I understand that's happening on that road; but, again, it's like putting the cart before the horse. Why wasn't that road built first before everything else? So who's to say if the County lacks enforcement with the Watkins, if these folks next to me decide to, "You bring the delivery trucks up and down Union Mill Road," then who's going to stop them, who's going to enforce those rules? You guys have proven to us already you don't have the capacity to do that. So, yes, we have definitely been impacted on Union Mill Road.

And, also, to go back to standing, pretty much the precedent. I feel that because our organization has been granted standing in similar situations where we don't, are not adjacent property members, the precedent has been set that we have received standing both on the State and County level. For the Planning Commission not to grant us standing would be pretty unprecedented, setting a new precedent. So that's all I would like to say.

ALAMEDA: Thank you. Commissioner Graham and then Commissioner McCall.

GRAHAM: Just one further thing, I think particularly for Commissioner Galdones' knowledge. We heard from the Applicant's representative, Brian Nishimura, before that the County in their recommendation is indicating that use will not be made of Union Mill Road and the Applicant is agreeing to that. However, the application that was put in by this Applicant did specifically say Union Mill Road is one of two options they would use. And even if the Director

recommends something different, it is there on the application; and we can choose to allow them to use Union Mill Road. So I think for that reason the Petitioner here, all his efforts with the Union Mill residents as well as being a Union Mill resident himself, is still in play with this application.

ALAMEDA: Thank you. Commissioner McCall?

MCCALL: Okay. You mentioned you live on Union Mill Road.

GRANDONI: Yes.

MCCALL: How far do you live from their property?

GRANDONI: On Union Mill Road, I live half way on Union Mill Road.

MCCALL: About how far -?

GRANDONI: A quarter of a mile from the property, according to Mr. Watkins here.

MCCALL: About a mile?

GRANDONI: Quarter.

MCCALL: A quarter mile?

GRANDONI: Yes.

MCCALL: Okay. Thank you.

ALAMEDA: All right, Commissioners. There's going to be a point where we'll have to make a motion and decide on each of these requests. So, I'm feeling ready to discuss it. Who's ready to make a motion? Commissioner Iwashita?

IWASHITA: Thank you, Mr. Chair. I move that the -.

ALAMEDA: There are two requests. You could do both at the same time or one at a time.

IWASHITA: One at a time.

ALAMEDA: One at a time. Okay. Thank you.

IWASHITA: I move the Petition for Standing in Contested Case Hearing presented by Jean Sunderland, received by the Planning Department on August 11, 2006, be granted.

ALAMEDA: Motion made by Commissioner Iwashita -.

GRAHAM: Second.

ALAMEDA: Seconded by Commissioner Graham. Discussion? Commissioner Galdones?

GALDONES: Thank you, Mr. Chair. In light of the last response by Mr. Grandoni, that he lives about a quarter mile from the Applicant's site -.

ALAMEDA: Commissioner Galdones, we're on the, the request right now the table is for Sunderland.

GALDONES: Oh, there's the Sunderland one.

IWASHITA: Yeah, there are two.

ALAMEDA: There are two Petitioners, so right now we're keeping the discussions specifically for Sunderland-Watkins.

GALDONES: I'm sorry, excuse me, then I'm out of order.

ALAMEDA: No problem. Any other discussion items? Commissioner McCall, you have something to say?

MCCALL: No.

ALAMEDA: Motion is on the table to grant standing right now; and we're in discussion mode. Seeing none, no further discussion. Okay, staff.

DARROW: Thank you, Mr. Chairman. Commissioner Iwashita?

IWASHITA: Yes.

DARROW: Commissioner Graham?

GRAHAM: Yes.

DARROW: Commissioner Galdones?

GALDONES: Aye.

DARROW: Commissioner McCall?

MCCALL: Aye.

DARROW: Commissioner Rho?

RHO: Aye.

DARROW: And Mr. Chairman?

ALAMEDA: Aye.

DARROW: The motion passes to grant Standing in a Contested Case to Jean Sunderland six to zero.

ALAMEDA: Now, is there anyone who would like to entertain a motion for our other Petitioner? Commissioner Iwashita?

IWASHITA: Thank you, Mr. Chair. I move that Special Permit No. 06-000033, Applicant Alliance Redwoods Conference Grounds, Inc., the Petition for Standing in a Contested Case Hearing filed by Kamakani O Kohala Ohana, Inc., received by the Planning Department on September 15, 2006, be granted.

ALAMEDA: Motion made by Commissioner Iwashita to grant standing for the second Petitioner. Is there a second?

GRAHAM: Second.

CHAIR: Seconded by Commissioner Graham. Discussion? Commissioner Galdones?

GALDONES: Thank you, Mr. Chair. As I was stating, I will give the Petition for Standing introduced by Mr. Grandoni the benefit of the doubt, being it's about a quarter of a mile away from the Applicant's site. I would like to make, I would like to state that so it doesn't seem like I'm just being wishy-washy in my position. But the last statement made by him influenced my decision to change my position.

ALAMEDA: Okay. Thank you for not being wishy-washy. All right. Any other discussion items? Seeing no further discussion, staff?

DARROW: Thank you, Mr. Chairman. Commissioner Iwashita?

IWASHITA: Yes.

DARROW: Commissioner Graham?

GRAHAM: Aye.

DARROW: Commissioner Galdones?

GALDONES: Aye.

DARROW: Commissioner McCall?

MCCALL: Aye

DARROW: Commissioner Rho?

RHO: Aye.

DARROW: And Mr. Chairman?

ALAMEDA: Aye.

DARROW: The motion passes six to zero to grant Standing in a Contested Case to Kamakani O Kohala Ohana, Inc.

ALAMEDA: All right. And, so, moving to the next step is do we want to farm this out? Commissioner McCall?

MCCALL: Yes. I would like to make a motion that we hire a Hearings Officer to hear this case.

IWASHITA: Second.

ALAMEDA: Okay. Motion was made to hire a Hearings Officer to hear this application and seconded by Commissioner Iwashita. Discussion? Commissioner Iwashita?

IWASHITA: We have sufficient funds?

ALAMEDA: Mr. Director?

YUEN: Yes.

ALAMEDA: Okay. All right. Motion made on the table, seconded. Seeing no further discussion, staff?

DARROW: Thank you, Mr. Chairman. Commissioner McCall?

MCCALL: Aye.

DARROW: Commissioner Iwashita?

IWASHITA: Yes.

DARROW: Commissioner Galdones?

GALDONES: Aye.

DARROW: Commissioner Graham?

GRAHAM: Aye.

DARROW: Commissioner Rho?

RHO: Aye.

DARROW: And Mr. Chairman?

ALAMEDA: Aye.

DARROW: The motion passes to hire a Hearings Officer for this Contested Case proceeding.

ALAMEDA: All right. Thank you. And just for the public, so you know, the testifiers, what that means is that this will go to a different level of deliberations. A Hearings Officer will kind of be in a more formal setting, hear both sides of the story, and come up with a recommendation for us to look at again, so then there's an opportunity for us to see this application again before us. And we'll take the Hearings Officer's report and recommendations along with all the other evidence, and then we'll make a decision then. So, it's a process and you can testify again at that time. All right. Mr. Torigoe, did I miss anything?

TORIGOE: I don't think so. I think all of the parties are all familiar with Contested Case procedures. So you all know to follow Rule 4 of the Planning Commission Rules; and once the Planning Department has hired a Hearings Officer, then I believe the Hearings Officer will be in contact with you.

ALAMEDA: That's it. Thank you very much for your time, and thank you, testifiers, for coming today.

The discussion ended at 11:27 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary

