

HAWAI'I COUNTY PUBLIC ACCESS, OPEN SPACE AND NATURAL RESOURCES
PRESERVATION COMMISSION

MINUTES-REGULAR SESSION

June 8, 2009

Department of Liquor Control Conference Room
101 Aupuni Street, Suite 230
Hilo, Hawai'i 96720

Present: Vice-Chair Hannah Springer
Commissioner Steven Hirakami
Commissioner Larry Komata
Commissioner Terri Markovich
Commissioner Sarah Moon

Absent: Chair Kim Garcia
Commissioner E. Kalani Flores
Commissioner Bill Gilmartin

Others Present: Amy Self, Deputy Corporation Counsel
Daryl Inaba, Acting Property Manager, Finance
Alexandra Kelepolo, Clerk III, Finance

CALL TO ORDER

The meeting was called to order by Vice-Chair Hannah Springer at 10:24 a.m.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

MR. EDWARD RAPOZA

Mr. Edward Rapoza talked on behalf of the Lucile P. Kingman Trust property located across the White Sands Beach Park on Ali'i Drive in North Kona. He feels that this property could be used for additional parking space and restroom facilities to service the two nearby beach parks which are heavily used by the public. The property also has some cultural sites and he is working with Mr. Curtis Tyler, a lineal descendent, for preservation of these sites. In addition, the County has approved an access point to the new bypass road which would provide a direct tsunami evacuation point for the beach parks.

Ms. Springer asked where the access would be. Mr. Rapoza replied that in his opinion, direct access would probably come off the roadway that goes to the pump station. In speaking with Bob Fitzgerald, Director of Parks and Recreation, he supports this proposal and would also like to move the "on street" parking off the road for safety purposes.

Mr. Rapoza noted that 1.5 acres is zoned resort and the landowners are willing to sell the property at the County's assessed value. The back parcel, approximately 4 + acres, is zoned agriculture and the adjacent resort parcel could be subdivided into four lots without going through the Special Management Area (SMA) process and public input, if any for potential development.

Mr. Hirakami asked how much the assessed value is. Mr. Rapoza replied that the current assessed value for all three Tax Map Key's is 4.2 million.

Ms. Springer noted to Mr. Rapoza that she was pleased to see the letters of support from the community and just wanted him to be aware of the moratorium on the 2% fund. Ms. Self added that the moratorium is to suspend future deposits for two years; the money already in the fund is available to spend.

In closing Mr. Rapoza stressed how valuable this property would be, given the proximity of the area to provide open space for picnic areas, possible recreational facilities and additional parking for many families to utilize for generations to come.

APPROVAL OF MINUTES

Ms. Markovich made a correction to Page 2, "Chairperson's Report" to change her comments to read "*Ms. Markovich noted that the Commission should address having the language regarding restoration of the PONC funds included.*"

Mr. Komata made a correction to Page 3, last paragraph, to remove "*in the paper*" and replace with "*which was reported in the newspaper.*"

Commissioner Markovich moved for approval of the minutes of April 13, 2009, regular session, as amended, seconded by Commissioner Komata and carried unanimously by voice vote.

WRITTEN COMMUNICATION

Communication No. 09-003: Department of Land and Natural Resources Legacy Land Conservation Commission Meeting Subcommittee on Rules and Management Funds Agenda for April 14, 2009

Communication No. 09-004: Suggestion Form received on May 13, 2009 from Virginia Aste/Jon Olson, Puna Friends of the Park, re: Acquisition of Acreage for Access to Proposed Cape Kumukahi Regional Park

Communication No. 09-005: Suggestion Form received on May 15, 2009 from Edward J. Rapoza, Island Land Company, Inc., re: Lucile P. Kingman Trust

Communication No. 09-006: Suggestion Form received on May 27, 2009 from RJ Hampton, re: Pāhoa Steam Vents

Communication No. 09-007: Suggestion Form received on May 27, 2009 from Mike Varney, re: Old Coast Guard Road to Hono'ipu Landing

Communication No. 09-008: Suggestion Form received on May 27, 2009 from Toni Withington, re: Lapakahi

Communication No. 09-009: Suggestion Form received on May 28, 2009 from Heidi Jaworski, re: Pōhue Bay

Communication No. 09-010: Suggestion Form received on May 28, 2009 from Toni Withington, re: Pa‘o‘o

Communication No. 09-011: Suggestion Form received on May 28, 2009 from Toni Withington, re: Kaiholena

Communication No. 09-012: Suggestion Form received on May 29, 2009 from Toni Withington, re: Māhukona

Communication No. 09-013: Suggestion Form received on May 29, 2009 from Toni Withington, re: Kukuipahu-Hā‘ena Corridor

Communication No. 09-014: Suggestion Form received on May 29, 2009 from Toni Withington, re: Keawenui Easement (North Kohala)

Communication No. 09-015: Suggestion Form received on May 29, 2009 from Kawika Burgess, The Trust for Public Lands, re: Kahuku Coastal Property (Ka‘ū)

Communication No. 09-016: Suggestion Form received on May 29, 2009 from Lehua Lopez, Executive Director, Ka ‘Ohana O Honu‘apo, re: Whittington Park @ Honu‘apo

Ms. Springer noted that all communications will be received and filed.

Motion: Commissioner Markovich moved to receive and file Communication Nos. 09-003 – 09-016. Seconded by Commissioner Moon. All members voted aye, motion carried.

DEPARTMENT OF FINANCE REPORT

Mr. Inaba reported that the bill to suspend deposits into the 2% fund has been passed by the Council and the County Code has been changed to also suspend the minimum \$250,000 in response to Ms. Markovich’s request at the last meeting.

Mr. Inaba further noted that the 1st reading at Council was approved on April 22nd and the 2nd reading was on May 6, 2009.

Ms. Markovich asked when did Council implement the \$250,000 deposit into the 2% fund. Ms. Self replied that the initial ordinance that created the 2% fund was in 2005 and became effective on December 15, 2005.

Mr. Hirakami commented that he feels that the Commission should’ve been made aware of this before action was taken and noted that in the future it would be good for the Commission to have copies of all related bills and ordinances prior to submission to the Council.

Mr. Komata then questioned the interest deposits of March and May 2009 compared to the deposit made in December 2008 and asked what kind of interest rates are they looking at between those two periods. Mr. Inaba replied that he will need to clarify this information.

Mr. Inaba also reported that Resolution 105-09 was approved by Council for the prioritization of the lands and it was changed to reflect the properties in the following order:

- 1) Kāwā;
- 2) Pa‘o‘o;
- 3) Puapua‘a & Kaiholena;
- 4) Honolulu Landing;
- 5) Wai‘ele

Ms. Self added that Communication No. 257.18 amended the bill and circulated to the Commission for their review.

Mr. Hirakami asked if the Council considers the County assessed values of properties when determining the prioritized list. He feels that this is in the Commission’s pervue to maximize the monies currently in the 2% fund. Ms. Self stressed that the Council is working off of what the Commission submits and prioritizes.

Ms. Self told Mr. Hirakami to have this item listed on the agenda for the next meeting

OFFICE OF THE CORPORATION COUNSEL’S REPORT

Ms. Springer asked Ms. Self if there are any implications for the nature or pace of the Commission’s work for the next two years.

Ms. Self replied that in the 4 years that the Commission has been created, they haven’t spent 8 million dollars during that time since the County was able to get matching funds from state and federal grants. She added that if the budget is better next year, the Council can always go back and amend the suspension to the 2% fund.

Mr. Komata asked what happened to the purchase of the additional properties in Kāwā. Mr. Inaba replied that Mr. Olson was questioning the second appraisal that was done, and noted that with the current regulations to obtain federal grant monies, it will not meet all requirements now. Therefore the County most likely will need to pay for another appraisal to be done.

Mr. Hirakami asked what the amount of the matching funds is and what the last appraised value of these properties was. Mr. Inaba replied that federal is 1 million, state is 1.5 million and the last appraised value was determined to be 3.76 million.

Mr. Komata then questioned why they can’t pursue the purchase of a conservation easement instead. Mr. Inaba replied that he’s not sure that Mr. Olson will agree since his intention is to sell the whole property.

Mr. Komata noted that the former owner, Mr. Thomas Okuna was sued to provide access to the surfing area in Kāwā from the highway to the ocean. In addition he feels that the purchase of an easement would also provide tax breaks.

Mr. Hirakami commented that a fair compromise to the public should've been on a year-to-year basis for the suspension of deposits into the 2% fund.

CHAIRPERSON'S REPORT

Ms. Springer told Mr. Hirakami and Mr. Komata to consider working on language to include in the 2009 Annual Report in regards to County assessed values of properties and conservation easements.

UNFINISHED BUSINESS

- **Commission to discuss procedures for conducting site inspections**

Ms. Springer handed out to the commissioners draft procedures on how to handle site visits.

(The commissioners went into discussion)

Motion: Commissioner Komata moved to approve the proposed site visit policy. Seconded by Commissioner Hirakami. All members voted aye, motion carried.

NEW BUSINESS

- **Commission to discuss "Questions & Answers" for Chair Kim Garcia's radio interview on LAVA 105**

Ms. Springer deferred this item to the next meeting due to Chair Garcia's absence.

- **Commission to discuss creating form letter to respond to suggestion forms**

Ms. Springer asked if anyone would like to prepare a draft and Ms. Moon accepted. Ms. Springer asked if anyone had comments on the form.

Mr. Hirakami commented that it should include acknowledgement of receipt and thank you to the applicant for submission.

Mr. Komata added that there should also be a note to the applicant to submit a complete packet for a higher assessment.

- **Commission to discuss creating new form for assessing public access suggestion forms**

Ms. Springer deferred this item to the next meeting due to Commissioner Flores' absence.

Recess: 12:02 p.m.

Reconvened: 12:10 p.m.

UNFINISHED BUSINESS (continued)

- **Commission to discuss previously submitted suggestion forms regarding public access in the various districts**

(The commissioners went into discussion)

Ms. Self asked Mr. Inaba how the purchase of an access easement would be appraised by the County if it was on the Commission's prioritized list and Council passed a resolution. Mr. Inaba replied that it would be the same process as the purchase of a property whereas the County would pay the appraised value.

Ms. Self told the Commission to think about what the easement is for and where to. If the easement is unimproved there's no liability, however if any changes are made the County is responsible for maintaining the easement.

Mr. Komata asked Mr. Inaba to look up the Thomas Okuna lawsuit file since there was an access granted to the surfing area in Kāwā. Mr. Inaba told Mr. Komata that he will follow-up.

Mr. Hirakami suggested that they create two prioritized lists; one for access easements and one for acquisition.

Ms. Self reminded the Commission that anytime there is a subdivision approval in the SMA, public access to the shoreline is required.

Ms. Springer deferred this item to the next meeting.

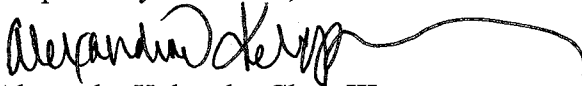
ANNOUNCEMENTS

The next meeting is scheduled for Monday, July 13, 2009, 10:00 a.m., at the Department of Liquor Control Conference Room, 75-5722 Hanama Place, Suite 1107, Kailua-Kona, Hawai'i.

ADJOURNMENT

Vice-Chair Springer adjourned the meeting at 12:42 p.m.

Respectfully submitted,


Alexandra Kelepolo, Clerk III