

May 3, 2019

LAND USE COMMISSION  
STATE OF HAWAII

State of Hawaii Land Use Commission  
Department of Business, Economic Development & Tourism  
P.O. Box 2359  
Honolulu, Hawaii 96804-2359

2019 MAY -6 A 8:16

Attn: Scott Derickson

Dear Scott,

We note on the LUC web site that there exists 3 new postings/links to new documents filed by the LUC;

- 1) a letter dated April 30th to OEQC,
- 2) an *'Order Determining .....*
- 3) a *'Findings of Fact.....'*

We note a possible error in each of the above documents. I first telephoned your office and left a message regarding same and stated that I would follow up with this letter.

Regarding item 1) above.....  
The letter describes.....

*'With this letter, the State Land Use Commission ("LUC") hereby transmits the draft environmental assessment (DEA-AFONSI) for the State Land Use District Boundary Amendment situated at TMK No. (3) 2-9-003: 029 (por.) and 060 (por.).....'*

It is our belief that Petition A18-805 and the Draft EA **do not describe** that only a portion **(por.)** of each of the TMK's be rezoned. They each **rather** describe that the area of each of the TMK lots be rezoned from the State Conservation District to the State Agricultural District. It is true, however, that a **'buffer zone'** is described as **offered to be established** through a likely **'stipulation'** to the Petition, acceptable to the *'parties to the Petition'* regarding both lots which are described in both the Petition and the draft EA. It may also result that a **'stipulation'** may rather result than only a **'portion'** of each of the lots be rezoned as described in the letter..... *item "1)"*, which is referenced above.

Regarding item 2) above .....  
The first page describes .....

*'To Amend the Conservation Land Use District Boundary Into The Urban Land Use District For Approximately 3.4 acres.....'*

The Petition and the draft EA both describe that the petitioned amendment is <sup>to</sup> *'The Agricultural Land Use District'*.

A similar error appears to also describe on the 2nd last page of item 2) which is the 'Certificate Of Service'.

Regarding item 3) above .....  
The first page describes .....

*'To Amend the Conservation Land Use District Boundary Into The Urban Land Use District For Approximately 3.4 acres.....'*

It appears that the error described in item 2) is repeated in this document also in the same two places. If the above described errors resulted from anything that we may have submitted/provided please accept our sincere apology!

We recognize that.....

*The LUC and its Administrative Office have been very accepting and helpful in assisting us, both non professionals, in our submissions, communications etc. **and we appreciate that** as well as that the Commission ordered that its Administrative Office provide its professional staff's assistance to us regarding the proper preparation and submission of documents in form and substance sufficient for processing. Notwithstanding such informal assistance **we also recognize** that the submission of documents is our responsibility and not to be confused by any assistance that LUC staff may so give informally as directed by the Commission.*

*We also note and appreciate that the Administrative Office of the LUC is burdened substantially with its administrative responsibilities and that even professionals can make mistakes. As was/is also the case in the past we will always attempt to correct any errors which we identify may have occurred. Please accept that our intention is simply that the official record of proceedings, documents etc. are correct and that any suggestions that we may make are from an unprofessional, common person's, understanding of documents and conversations etc. in order that our Petition is successful.*

Please advise what corrections, if any, have been made to the described items 1) to 3)?

Sincerely,

Handwritten signatures of Ken Church and Joan Hildal. The signature of Ken Church is on the left, and the signature of Joan Hildal is on the right.

Ken Church and Joan Hildal  
sent by email and USPS