

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
FEBRUARY 2, 2023

The Windward Planning Commission met in regular session at 9:01 a.m., in the County of Hawai'i, Council Chambers, 25 Aupuni Street, Hilo, Hawai'i, with Chairman Dennis Lin presiding with a live stream video for the public to observe the meeting.

COMMISSIONERS PRESENT: Dennis Lin, Gilbert Aguinaldo, Lauren Balog, John Cross, and Louis Daniele III.

ABSENT AND EXCUSED: Wayne De Luz.

ALSO PRESENT: Sinclair Salas-Ferguson, Esq. (Attorney for the Commission), Jean Campbell, Esq. (Attorney for the Planning Department), Zendo Kern (Planning Director), Jeffrey Darrow (Deputy Planning Director), Jessica Andrews (Planner), Clinton Mercado (Planner), Janice Hata (Zoom Host), Maija Jackson (Planning Program Manager) and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary).

Thirteen public members were in the audience.

A quorum was present. Chairman Lin called the meeting to order and introduced Commissioners and staff.

At 9:03 a.m. Director Zendo Kern gave a brief introduction of the guests present in the audience. He stated he is honored and proud to host a delegation from Palau with doing a zoning exchange. A total of twelve (12) members of the delegation were present in the audience. Director Kern mentioned the Planning Department has been sitting with them and going through the Department's processes from zoning, subdivision, and other various processes such as Special Management Area (SMA) to Chapter 343 as they enact additional zoning. The delegation members included various Governors, Planning Commissioners and Planners across multiple different states in Palau. He reiterated it has been an honor and privilege to sit down and work, learn, and teach with them and thanked the Planning Department staff.

APPROVAL OF MINUTES

At 9:04 a.m. the Commission took up the minutes of the January 6, 2023, Windward Planning Commission meeting. No corrections were offered. It was moved by Commissioner Daniele and seconded by Commissioner Aguinaldo that the minutes be approved as submitted. A voice vote was taken, and the motion carried with all in favor.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:05 a.m. Chairman Lin explained the procedure and Planning Commission Rule 1-5 regarding decorum.

There were no in-person and Zoom testifiers for this agenda item.

NEW BUSINESS

1. **APPLICANT: ACADEMIA SINICA INSTITUTE OF ASTRONOMY AND ASTROPHYSICS (PL-SPP-2022-000025)**

Application for a Special Permit for the temporary operation of an array of ten (10) satellite dishes and a 50-foot x 50-foot dipole antenna array and related improvements to conduct research on Fast Radio Bursts (FRBs) on an approximately 2.0-acre portion of a larger 10.7-acre property in the State Land Use Agricultural District. The subject property is located approximately 1,375 feet southeast (makai) of the Wood Valley Road/Makakupu Road intersection, Ka‘ala‘ala-Kapalapala, Ka‘ū, Hawai‘i, TMK: (3) 9-6-011:007 (por.).

The Commission took up this item at 9:07 a.m. with fifteen public members in the audience.

Chair Lin stated Commissioners Cross and Daniele are recused and both left the Council Chambers. Therefore, due to the lack of quorum to hear or act on the matter the application was deferred to the Commission’s March 2, 2023, hearing.

There were no public members in-person to provide testimony and there were four (4) public members on Zoom that provided testimony regarding this agenda item. *[SEE TESTIMONY TRANSCRIPT – EXHIBIT A]*

2. **APPLICANT: ROBERT AND RUBY KOBAYASHI (PL-SPP-2022-000027)**

Request to delete Condition No. 2 (life of permit) or amend Condition No. 2 for a 10-year time extension of Special Permit No. 1194, which was approved by the Planning Commission on January 17, 2003 to allow the establishment of an auto repair shop on approximately 3,500 square feet of land within the State Land Use Agricultural District. The property is located at the northwest corner of the Kea‘au-Pahoa Road (Highway 130) and Ilima Street intersection, Orchidland Estates Subdivision, Kea‘au, Puna, Hawai‘i, TMK: 1-6-009:166.

The Commission took up this item at 9:31 a.m. with fourteen public members in the audience.

There were no public members in-person and Zoom testifiers for this agenda item.

Action: It was moved by Commissioner Daniele and seconded by Commissioner Aguinaldo that the application for Special Permit, Docket No. 2022-000027, be approved based on the Planning Director’s recommendation. A roll call vote was taken, and the motion carried with five ayes (Daniele, Aguinaldo, Balog, Cross, Lin) and one excused (De Luz).

This hearing item ended at 9:43 a.m. *[SEE HEARING TRANSCRIPT – EXHIBIT B]*

PLANNING DIRECTOR'S REPORT

Report on Special Management Area (SMA) determinations, minor permits action issued by the Planning Director.

At 9:43 a.m. Chairman Lin introduced this item and stated the Short-Form Assessment Log and the SMA Assessment Log were emailed to the Commissioners. There were no questions about the log from Commissioners.

AGENDA ITEMS FOR NEXT MEETING

At 9:43 a.m. Chairman Lin introduced this item. Program Planning Manager, Maija Jackson stated there is one (1) agenda item for March 2023.

ANNOUNCEMENTS

At 9:44 a.m. Chairman Lin mentioned Commissioner Aguinaldo's last Commission meeting was possibly today's one. He stated there has been a nomination for his seat and we will be awaiting that person's confirmation. Program Planning Manager, Maija Jackson stated the Mayor had made two (2) nominations for the Windward Planning Commission and the nominee's will be heard at the Council Committee on Tuesday, February 7, 2023. She stated she is hoping they will be confirmed and seated for the March hearing.

The Windward Planning Commission's next monthly meeting is tentatively scheduled for Thursday, March 2, 2023, at the County of Hawai'i County Council Chambers and the public may provide verbal testimony by interactive video conference via Zoom or at the physical location.

ADJOURNMENT

There being no further business, it was moved by Vice Chair Daniele and seconded by Commissioner Aguinaldo that the meeting be adjourned. A voice vote was taken, and the motion carried by unanimous vote of those present. Chairman Lin adjourned the meeting at 9:45 a.m.

Respectfully submitted,

Melissa Dacayanan-Salvador

Melissa Dacayanan-Salvador (Apr 7, 2023 09:32 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:

A handwritten signature in black ink, appearing to read "Dennis Lin", with a stylized flourish at the end.

Dennis Lin, Chairman
Windward Planning Commission

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

TESTIMONY TRANSCRIPT
FEBRUARY 2, 2023

Public testimony regarding the application of **APPLICANT: ACADEMIA SINICA INSTITUTE OF ASTRONOMY AND ASTROPHYSICS (PL-SPP-2022-000025)** was heard at 9:07 a.m. in the County of Hawai'i Council Chambers in Hilo, 25 Aupuni Street, Hilo, Hawai'i with Chair Dennis Lin presiding.

COMMISSIONERS PRESENT: Dennis Lin, Gilbert Aguinaldo, John C. Cross, Louis Danielle III, and Lauren Balog.

ABSENT AND EXCUSED: Wayne De Luz.

ALSO PRESENT: Sinclair Salas-Ferguson Esq. (Counsel for the Commission), Jeffrey Darrow (Deputy Planning Director), Clinton Mercado (Planner), Jessica Andrews (Planner), Janice Hata (Zoom Host), Maija Jackson Planning Program Manager), and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary).

And fifteen members from the public in attendance.

APPLICANT: ACADEMIA SINICA INSTITUTE OF ASTRONOMY AND ASTROPHYSICS (PL-SPP-2022-000025)

Application for a Special Permit for the temporary operation of an array of ten (10) satellite dishes and a 50-foot x 50-foot dipole antenna array and related improvements to conduct research on Fast Radio Bursts (FRBs) on an approximately 2.0-acre portion of a larger 10.7-acre property in the State Land Use Agricultural District. The subject property is located approximately 1,375 feet southeast (makai) of the Wood Valley Road/ Makakupu Road intersection, Ka'ala'ala-Kapalapala, Ka'ū, Hawai'i, TMK: (3) 9-6-011:007 (por.).

Secretary's Note: [indecipherable] indicates that there were technical and/or internet difficulties, which made the conversation inaudible.

LIN: Okay, in that case. Zoom testifiers we will move, since they're testifying on agenda Item #1, Item #1 then we will move on to agenda Item #1. Which is applicant Academia Sinica Institute of Astronomy and Astrophysics, PL-SPP-2022-000025. Application for a Special Permit for the temporary operation of an array of ten (10) satellite dishes and a 50-foot by 50-foot dipole antenna array and related improvements to conduct research on Fast Radio Bursts or FRBs on an approximately 2.0-acre portion of a larger 10.7-acre property in the State Land Use Agricultural District. The subject property is located at approximately 1,375 feet southeast (makai) of the Wood Valley Road/Makakupu Road intersection, Ka'ala'ala-Kapalapala, Ka'ū, Hawai'i, TMK: (3) 9-6-011:parcel number 7 a portion of. Please note that this agenda item Commissioners Cross and Daniele have expressed a conflict of interest and are recused themselves from this item. Therefore, we do not have quorum to proceed with this

agenda item and will be heard at a later commission hearing. However, I will be taking public testimony for this item.

So, Commissioners Cross and Daniele if you could please recuse yourself and leave the hearing room for now. *[At 9:09 a.m. both commissioners left the Council Chambers]* And due to a conflict of interest with Planning Director Zendo Kern, Deputy Planning Director Jeffrey Darrow will be representing the Planning Department.

So, let's begin with Zoom testifiers. Janice?

HATA: Yes, our first testifier on Zoom is Noa Caiserman. Mr. Caiserman if you could turn on your camera and audio, you'll have three (3) minutes to provide your testimony. Thank you.

CAISERMAN: Um' can you hear me?

LIN: Yes, *[indecipherable crosstalk]* I'm sorry but I also have to swear you in, and actually could I swear in all 3 of the Zoom testifiers at one time, is that possible?

TAYLOR: Hello, my name is Stefan Taylor and I've been talking to —

LIN: Mr. Taylor?

TAYLOR: Yeah.

LIN: If I could swear all of 3 testifiers first and then you'll have your turn.

TAYLOR: Yes, I think that another testifier is having a trouble with audio, Ms. Sandra Reha. So, I'm going to try to instruct her how to call in. Just to let you guys know. Thank you.

LIN: Okay, but can everybody hear me?

TAYLOR: Yes.

LIN: Okay. If you could please raise your right hand. Do you swear or affirm to tell the truth on this matter now before the Windward Planning Commission?

TESTIFIERS ON ZOOM: Yes.

LIN: Okay and then we'll start with, sorry Janice, which was the first testifier?

HATA: Noa Caiserman.

LIN: Okay, Noa Caiserman, you may please —

CAISERMAN: Yeah, can you hear me?

LIN: Yes, yes. Please go ahead, you have 3 minutes.

CAISERMAN: Hi, I'll try to be brief, but, from my heart. Aloha to all and respectful to all. I've lived here for 40 years and 22 years on upper Wood Valley and now only one mile for the last 18 years to exactly where you're proposed planning to do this project. So, because this a natural agricultural advancement about where the proposed plan is scheduled to the best soil for raising animals. It's silent and beautiful environment using natural agriculture to feed us. I apologize, I have some difficulty speaking sometimes so, please be patient.

I'm asking why would you come to one of the most fertile zones here on the Big Island. When there are other places that are already desecrated with that sort of thing. I'm not saying desecrate other places. But I'm saying this is an honorable and awesome area that has no electricity. It's remote. It's silenced. The best agriculture for animals, growing, cattle I said that already and without frequency of wavelengths, radio frequency, the FRS. It is most people's highest desire of a wonderment of a place to live. This is why I raised my children here and that's why they are amazing children. They're not into the internet, they're not into all of that stuff. They're natural! Just like this whole surrounding. I send love to all of you. We know you want the most quiet but that's why we live here. Less electric advances.

If I'm not mistaken, you want to put two 20-foot containers as well as all of those things that you just mentioned and 20-foot 10-foot-wide satellite that receive radio frequency and more. This raises my heartbeat, not only changes my mood, and makes me shake. I want to stay here because of the remoteness beauty and quietness and non-advanced in the electronic new world that we live in. Electronic, electro and cellular radio frequency. It's abhorrent. It's a desecration to this beauty where I live. I hope I expressed myself. Although, it upsets me and makes me angry I will say that but not to each person. I'm sending love to all of you, love from my heart. Please consider what I'm saying, it's really a desecration what your plan is.

LIN: Thank you Ms. Caiserman. Thank you for your testimony. Can we go on to the next testifier, please.

HATA: Yes, the next testifier is Stefan Taylor.

TAYLOR: Hello County Council. Thank you for hearing me. Can you hear me, okay?

LIN: Yes, go ahead, you have 3 minutes Mr. Taylor.

TAYLOR: Thank you sir. Well thank you all for your time in directing this meeting. This has been an unfortunate presentation to our community. I am a resident up in Wood Valley and it seems it's been my mission to represent other folks who don't have the technological education in order to gather materials, get notarized and apply a CCH for something like this through the EPIC portal. We are just not trained to that so; it seems I am the representation of other community members. There's concern that as a historically agricultural zoned area this

could very well open the door for similar explorations and permits on a commercial level. Our main concern is that this area would evolve further from something that would be a land that serves its people. And as Noa mentioned an exploitation of this quiet isolated arguably sacred space.

Imagine this area that was once occupied by historic sugar agriculture and founding community turning into a space known for these metal structures. Instead of an organic Mamaki tea farm which is actually thriving these days, grazing cattle and agricultural stimulation that exists today. It could be something that what looks like has happened on South Point Road or Upper Road. This road between we call it Upper Road in between Pāhala and Na‘ālehu where similar satellite structures have been placed. Are now sites for gawking, where you know, other travelers, tourists, locals come to see and disturb the local area. We pride ourselves in being able to be diligent in our work. We are in a very isolated space, so we're vulnerable to vandalism and theft.

There's been a previous permit that has taken place or an application that was taking place last spring, that was denied by the Commission due to public concern. We weren't able to get as many constituents involved in contesting because of the time of the year that it was placed, and the sign was hard to noticed on the side of the road. The last conclusions of the past the recommendation of the Planning Department for the same issue proposed that it would not promote effectiveness of the objective Chapter 205.

HATA: Stefan, I'm sorry you have 30 seconds, thank you.

TAYLOR: Thank you so much. The request would be contrary to General Plan of Ka'ū Community Development Plan which has been historically placed within this area. It will work against preservation of important agricultural land elements that I can list but do not have time to. It would also and this involves with Policy 38 to reinforce existing protections and to create areas where economy can be created within this agricultural zone. And it will adversely affect the surrounding properties. That's my 3 minutes, I was timing myself so, shoot. Thank you for taking the time to listen to this.

LIN: Thank you for your testimony.

TAYLOR: Thank you sir.

LIN: Janice if we could move to the next testifier, please.

HATA: Yes, the next testifier is Michelle Weil.

LIN: Ms. Weil —

WEIL: Hi.

LIN: — you have 3 minutes. Thank you.

WEIL: Thank you so much for letting me speak today. My family owns about 50 acres in Wood Valley on North Road, almost directly across the street from where this proposed project is. I want to register my opposition to this project for a couple of reasons that maybe not exactly in line with the other people who had the opportunity to speak here today. But also, just things that are important to us. For one, being across the street, and having our property go up the hill from that area. We would be able to see the satellite dishes, and the shipping containers from our location. I am just aesthetically it's not aligned with the existing agricultural heritage of the area. So, we are quite concerned with the aesthetic impact. I know that they'll be trying to cover the area from the road so it won't be quite visible from the road, but it is visible from some the locations like across the street.

Another really important thing what I wanted to register is that when we heard Dr. Chen speak about the project. He said the main reason they selected this area is because of the lack of cell service and the lack of existing radio waves and signals in the area. I understand completely, I'm fully in support of science, but I just am opposed to having this in this area. In part because it precludes any sort of advancement in terms of bringing cell service to the area in the future. Currently, there is no cell service there, we've tried Verizon, AT & T, and different services. You can't get cell service, which means in an emergency you can't contact the outside world. We're also very subject to vandalism and theft on our property. Personally, we have had a lot of items stolen and bringing more awareness to the area and bringing more visitors I think will increase the prevalence of that. So, that's all I have to say. Thank you so much for hearing me and I hope that you'll deny this project.

LIN: Thank you so much for your testimony. Janice, are there any other testifiers on Zoom?

HATA: Not at this moment. We have one testifier Sandra Reha. She wasn't able to connect so I'm not sure if she will be testifying today. Other than her, we don't have any testifiers in the Zoom room.

TAYLOR: If I can approach the Council here, I gave her one of the Zoom numbers and the code to try to dial in through the phone.

LIN: Okay. Do we see her on the Zoom yet, Janice?

HATA: No, not yet.

LIN: Okay. I will —

TAYLOR: I have a question if it's —

LIN: Yes.

TAYLOR: — it's at all possible. We weren't informed of deadlines in submitting our contested cases. Was there a deadline for this for this issue?

LIN: I will refer that question to Planning Department's staff or Deputy Planning Director.

DARROW: There is a deadline. It's normally seven (7) days prior to the first hearing. This is the second hearing on the matter, but both hearings have been, we've not had quorum and so it is not, I mean, we are trying to kind of determine if that qualifies as a first hearing or not. Based on the fact that we did not have quorum to hold the meeting which is normally not the fault of the applicant. It's just circumstances that happen. You're petitions have been received and that question is being posed to our Corporation Counsel to be able to determine whether they are timely. Hopefully, in our March, Windward Planning Commission hearing we will have quorum to be able to work on this agenda item and at that time if it is opined that the contested case petitions are timely then they will be brought up at time.

TAYLOR: Sir if I may ask what qualifies as timely.

DARROW: Prior to 7 days from the first hearing on the matter.

TAYLOR: And so, you're trying to determine, you're determining if this is a official hearing or not. Am I correct?

DARROW: First meeting. I'm sorry. Yes, we're trying to determine —
[*indecipherable*]

TAYLOR: Yes.

DARROW: This guy, Stefan, is it Mr. Taylor.

SALAS-FERGUSON: Hi Mr. Taylor, this is Deputy Corporation Counsel Sinclair Salas-Ferguson. I advised the Windward Planning Commission there will be determination made on the petition that you submitted at the next meeting.

TAYLOR: Okay and that's in March, Sir?

SALAS-FERGUSON: That's correct.

TAYLOR: Okay, thank you so much for your attentiveness. Thank you for receiving my question. I was able to get Sandra Reha, she called me on my device. Is it possible for her to give a testimony through my connection with you guys cause I can hear her talking right now.

LIN: If we can hear her properly Mr. Taylor then that will be sufficient. But if we cannot hear her then it would be hard to receive her testimony.

TAYLOR: Okay, if I can just have 5 seconds to tell her to turn her volume down so you'll be able to hear her on her device. I'll get right with you. Thank you.

REHA: Oh.

TAYLOR: Alright, this is Sandra, County Council men and women.

REHA: Is that working now?

LIN: Yes, ma'am, please go ahead. You have 3 minutes.

TAYLOR: You have 3 minutes left, here we go.

LIN: Oh sorry, sorry ma'am I do have to swear you in. So, if you could please just respond to my question here. Do you swear or affirm to tell the truth on this matter now before the Windward Planning Commission?

TAYLOR: As we're swearing you in here. Can you get your right hand up for the screen my friend.

LIN: I'll would just need a yes or no. It's a little difficult to see.

TAYLOR: Can you say yes for us please.

REHA: I'm trying, am I in?

TAYLOR: Yes, and you're being sworn in. You have to agree to being sworn in.

REHA: Oh, okay.

TAYLOR: If you can say yes.

REHA: Alright.

TAYLOR: Maybe she needs to hear it one more time sir.

LIN: Okay, can you hear us ma'am?

REHA: Yes.

LIN: Okay, do you swear or affirm to tell the truth on this matter now before the Windward Planning Commission?

REHA: Yes, I do.

LIN: Okay, you may start testimony. You have 3 minutes.

REHA: Alright, thank you. This means so much to me and so all the people around here really, it's frustrating because we don't have the skills to get on this. Anyway, I've been involved several times now with events that Mr. Olson has attempted to offer, and one was

the biofuel locale right there on the corner of his property by the Coffee Mill. And there was a lot of effort put into it, but he saw that there was so much dissension in the community in Pāhala, all Wood Valley, all around that he cancelled it. Then we had another like [*indecipherable*] he offered that space so that we could go and have ceremony and there were moments the most beautiful moments up there. But there were people that complained about it, and he cancelled it.

So, I would hope that he, I'm not sure of his involvement at this point but I hope that he knows this area and that is all Ka'ū. We aren't just talking Wood Valley, Pāhala, Na'ālehu, it's the whole thing and the community development commission worked years and years to establish all this as and the benefits of honoring this as an agricultural zone. It needs to be perpetuated. We don't know what's going to be happening. I've heard that we get 85% of our food from outside the island. Well, it's ridiculous. We should be the most self-sufficient. We should be sending it out to everybody else not the other way around and in times where there might be problems with the boats getting here, with the planes getting here. We need to be more self-sufficient. Not offering our land out to other things that might come in and once we open up to that who knows what will be next. It's not right. It's not what we are about. It's not what we believe in. It's not why we're called there to live and to have our crops and all the agricultural things. We need to enlarge this. We need to make it a greater —

HATA: I'm sorry Sandra, 30 seconds remaining.

REHA: — and gee I had some other things, but I didn't know I was going to speak. So, now, again, so anyway I just hope, I hope that you're listening and that this committee does not even begin to think that they have the right to change this agricultural zone. I don't think anybody does at this point. Thank you.

LIN: Thank you so much for your testimony. Any other testifiers on Zoom, Janice?

HATA: No, there are no other testifiers in the Zoom room.

LIN: Okay. Seeing that there are no other testifiers on Zoom, public testimony for this item is closed and as stated due to a lack of quorum this agenda item will be heard at a future Windward Planning Commission hearing.

The item ended at 9:31 a.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Apr 7, 2023 09:32 HST)

Melissa Dacayanan-Salvador, Secretary
Windward Planning Commission

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

HEARING TRANSCRIPT
FEBRUARY 2, 2023

A regularly advertised hearing on the application of **ROBERT AND RUBY KOBAYASHI (PL-SPP-2022-000027)** was heard at 9:31 a.m. in the County of Hawai‘i Council Chambers in Hilo, 25 Aupuni Street, Hilo, Hawai‘i with Chair Dennis Lin presiding.

COMMISSIONERS PRESENT: Dennis Lin, Gilbert Aguinaldo, John C. Cross, Louis Danielle III, and Lauren Balog

ABSENT AND EXCUSED: Wayne De Luz

ALSO PRESENT: Sinclair Salas-Ferguson Esq. (Counsel for the Commission), Zendo Kern (Planning Director), Clinton Mercado (Planner), Jessica Andrews (Planner), Janice Hata (Zoom Host), Maija Jackson Planning Program Manager), and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary)

And fourteen members from the public in attendance.

APPLICANT: ROBERT AND RUBY KOBAYASHI (PL-SPP-2022-000027)

Request to delete Condition No. 2 (life of permit) or amend Condition No. 2 for a 10-year time extension of Special Permit No. 1194, which was approved by the Planning Commission on January 17, 2003, to allow the establishment of an auto repair shop on approximately 3,500 square feet of land within the State Land Use Agricultural District. The property is located at the northwest corner of the Kea‘au-Pāhoa Road (Highway 130) and Ilima Street intersection, Orchidland Estates Subdivision, Kea‘au, Puna, Hawai‘i, TMK: 1-6-009:166.

Secretary’s Note: [indecipherable] indicates that there were technical and/or internet difficulties, which made the conversation inaudible.

LIN: Moving on to Item #2 and at this point we’ll bring back Commissioner Daniele and Cross and Director Kern. *[Commissioners Daniele, Commissioner Cross and Director Kern returned to the hearing]*. Okay Item #2. Applicant is Robert and Ruby Kobayashi, application number PL-SPP-2022-000027. Request to delete Condition No. 2, Life of Permit or amend Condition No. 2 for a 10-year time extension of Special Permit No. 1194, which was approved by a Planning Commission on January 17, 2003, to allow the establishment of an auto repair shop on approximately 3,500 square feet of land within the State Land Use Agricultural District. The property is located at the northwest corner of the Kea‘au-Pāhoa Road (Highway 130) at Ilima Street intersection, Orchidland Estates Subdivision, Kea‘au, Puna, Hawai‘i, TMK: 1-6-009 parcel number 166. Okay at this time I’d like to bring up staff, Clinton, please go ahead with your presentation.

MERCADO: Thank you Chair Lin. Aloha and good morning, everyone. We will begin the Kobayashi presentation with the location map. The subject parcel indicated in blue is in the Puna District, more specifically in the Orchidland Estates Subdivision. The parcel is approximately 100 feet mauka of Kea‘au-Pāhoa Highway 130 and the Ilima Street intersection. From the intersection Kea‘au-Pāhoa Highway runs in the north and west and while Ilima Street runs in the southwest and northeast direction.

The applicant’s request. The applicant is requesting an amendment to Special Permit No. 1194 to either delete Condition No. 2 which is the life of the permit or to amend Condition No. 2 for a 10-year time extension. Condition No. 2 states “The life of the permit for the auto repair shop shall be for 10 years from the effective date of this amendment, or upon new commercial/industrial zoned lands become available within the vicinity of Hawaiian Paradise Park Subdivision and Orchidland Estates Subdivision, with a reasonable period to effect the relocation, whichever occurs first.”

The purpose for the request. The business was created to provide a convenient light industrial service to the growing community. The applicant would like to continue operating their auto repair shop that was established 20 years ago at the subject property. The life of permit condition was added to ensure that the business would move when suitable industrial-zoned lands became available. However, since the Special Permit was approved in 2003, no industrial-zoned lands have become available in Hawaiian Paradise Park or Orchidland Estates Subdivision to allow the business to relocate, thus the applicant had a 10-year time extension approved by the Windward Planning Commission in 2013, and now is requesting to delete Condition No. 2, or receive another 10-year time extension.

Next, we’ll move on to the County zoning map. The subject property outlined in blue, and its surrounding properties are zoned Agricultural-1 shown in green. Next is the State Land Use Boundary. The subject property and all surrounding properties are designated Agricultural by the State Land Use Commission shown in green. Here is the General Plan LUPAG Map. The General Plan Land Use Pattern Allocation Guide map designates the subject property and surrounding properties as Rural shown in the mustard yellow.

I provided this for clarification. Here a couple of the Puna CDP maps of the area indicating the extent of a Regional Town Center and a Neighborhood Village Center. On the left is the Hawaiian Paradise Regional Town Center located approximately 2.5 miles from the subject property and the right is the Orchidland Neighborhood Village Center located approximately 1.5 miles from the subject property. Both CDP maps were developed and adopted 5 years after the business was established in 2003. These are all old maps, but we are working on updating it. Here is a site plan provided by the applicant showing the existing auto repair shop area and the existing dwelling on the right. Yeah, existing dwelling and auto repair shop area with the Kea‘au-Pāhoa Highway on the left side and Ilima Street here.

Here are couple aerial photographs. In the upper left corner is the subject property outlined in blue and to then to the right, the bottom right is a zoomed in version of the subject property showing all the improvements and the surrounding areas. Excuse me, the top left aerial shot shows the single-family dwelling farms in the area. Here we have more photographs. The top

left image is looking southwest through the intersection of Kea'au-Pāhoa Highway and Ilima Street with the subject property on the right. The bottom left image looking northeast from Ilima Street with the subject property on the left and the image on the right is looking northwest from Ilima Street of the subject property.

Our last slide is the Director's recommendation, the Planning Director is recommending deleting Condition No. 2 in order to allow the Special Permit to run with the land. That concludes my presentation. If you have any questions, I'll be very happy to answer them.

LIN: Thank you Clinton. Commissioners any questions for staff? Okay, seeing no questions we'll move on to the applicant. So, may I please ask the applicant or the applicant's representative please come up.

[Male from audience went to the testifier table]

LIN: If I could please swear you in please.

[Male from audience at the testifier table]: Sure.

LIN: Please raise your right hand. Do you swear or affirm to tell the truth on this matter now before the Windward Planning Commission?

[Male from audience at the testifier table]: Yes, I do sir.

LIN: Please speak directly into your microphone and state your name, the area you reside in and whom you represent.

FUKE: Good morning, Mr. Chairman, and members of the Commission. My name is Sidney Fuke. I live in Hilo. I'm here assisting the applicant Mr. and Mrs. Kobayashi.

LIN: Sorry, Mr. Fuke. Have you received the background and recommendation reports from the Planning Department? And do you agree with the recommendations including the proposed conditions?

FUKE: Sure, before directly responding to that, I'd like to kind of make a full disclosure. The applicants, one of the applicant's family member works for the Planning Department but I can assure this Commission that staff member has never had any substantive discussion with members of staff neither the Director nor Deputy. All of the discussions have been through me. So, I just wanted to make that as a disclosure on behalf of the applicant and that staff member. Yes, we have received the staff's background report, the recommendation. I've had a chance to discuss it with the applicant and who is here, Mr. Relan Midel, his here. He is a family member of the Kobayashi's. They've reviewed it and they're very appreciative that the staff is recommending that the condition be deleted. We're here to answer any further questions that you may have.

LIN: Thank you Mr. Fuke. Commissioners any questions for Mr. Fuke?
Alright, if not, oh, okay. If not, may I entertain a motion?

DANIELE: Okay, I move that the application for Special Permit Docket No. 2022-000025, be approved based on the Planning Director's recommendation, which shall be adopted.

AGUINALDO: I second.

LIN: Just a clarification I see here as it's 27. Okay, staff is that correct 25 or 27 application number.

MERCADO: Application number is 27.

LIN: 27, okay.

AGUINALDO: On the paper says 25.

DANIELE: Yeah.

LIN: Okay, yeah, commissioner Vice-Chair could you please just amend your motion with the proper application number.

DANIELE: Yes, I will amend the approval application with 2022-000027.

AGUINALDO: I second.

LIN: Thank you. It's been moved by Vice-Chair Daniele and seconded by Commissioner Aguinaldo. Oh, Director Kern.

KERN: Thank you. Before you folks get into discussion. I just wanted to share. As you may have recall we had a similar application a few months back Curlee's Auto Repair in Hawaiian Paradise Park. This location of this project has been there much longer than 2003. For us that grew up in Puna, it's been there for quite a while and as we've seen the settlement patterns in the area have not provided for that industrial type of usage in space. Therefore, that was the reason to really just eliminate this condition with the timing, allow them certainty to move forward and continue to operate as a business that they been operating for many years. We don't have issues and complaints with it. So, that's the reason for it just give them that peace of mind in that space. So, any questions, I'm happy to answer. Thank you.

LIN: Thank you Director Kern. Any other questions? No, any discussion on this motion? Seeing none, staff, roll call vote please.

MERCADO: Thank you Chair. Commissioner Daniele?

DANIELE: Aye.

MERCADO: Commissioner Aguinaldo?
AGUINALDO: Aye.
MERCADO: Commissioner Balog?
BALOG: Aye.
MERCADO: Commissioner Cross?
CROSS: Aye.
MERCADO: And Chair Lin?
LIN: Aye.
MERCADO: Thank you. The ayes have it, five to zero.
LIN: Thank you.
FUKE: Thank you very much.

The item ended at 9:43 a.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Apr 7, 2023 09:32 HST)

Melissa Dacayanan-Salvador, Secretary
Windward Planning Commission