

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