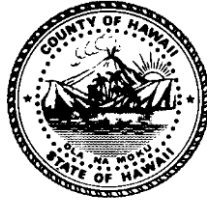


C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i PLANNING DEPARTMENT

Jeffrey W. Darrow
Director

Michelle S. Ahn
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

April 29, 2026

Tara Brandon, President
Orchidland Community Association
P. O. Box 280
Kea'au, HI 96749
VIA EMAIL

Dear Tara Brandon:

**SUBJECT: Acknowledge Petition for Standing in Contested Case Hearing
(PL-CCH-2026-000032)
Petitioner: Orchidland Community Association
Special Permit Amendment Application
(PL-SPP-2026-000115/Amend SPP 870)
Applicant: 130 Holdings LLC
Tax Map Key: (3) 1-6-010:083, Orchidland Estates, Puna, Hawai'i**

This is to acknowledge receipt of the Petition for Standing in Contested Case Hearing that you filed with the Planning Department on April 28, 2026, in a complete and timely fashion. The petition will be forwarded to the Windward Planning Commission for discussion and action prior to their hearing on the subject Special Permit Amendment application.

Your petition will be addressed at the next scheduled Windward Planning Commission hearing on **Wednesday, May 6, 2026, at 9:00 a.m.** Your presence will be required at this hearing to respond to questions that the Windward Planning Commission may have regarding the petition for standing. The hearing notice is attached herein for your convenience.

Please refer to Planning Commission Rules of Practice and Procedure, Rule 4 (Contested Case Hearing Procedure) for information about the contested case process. The rules can be found on the Planning Department website at: <https://www.planning.hawaiicounty.gov/about-us/boards-committees/planning-commission-applications>.

Tara Brandon, President
Orchidland Community Association
April 29, 2026
Page 2

If you have any questions, please feel free to contact Maija Jackson at Maija.Jackson@hawaiicounty.gov or via phone at (808) 961-8159.

Sincerely,

Maija Jackson for
Maija Jackson for (Apr 29, 2026 10:13:07 HST)

JEFFREY W. DARROW
Planning Director

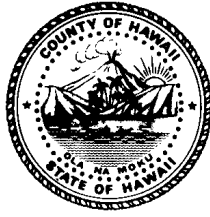
CRK:rms
P:\wpwin60\pc\letters\2026\pl-cch-2026-000032-acknowledgment_130holdingsllc_sppamend.docx

Enclosures: Hearing Notice
 Petition for Standing

cc via email w/ enclosures: Greg Gadd, 130 Holdings LLC
 John Pipan, Pipan Consulting LLC
 Kai McGuire, Big Island Lawyer, LLLC
 Windward Planning Commission
 Deputy Corporation Counsel for Planning Commission
 Deputy Corporation Counsel for Planning Department

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director



Louis Daniele III, Chair
Chantel Perrin, Vice Chair
Lauren Balog
Thomas E. Fratinardo
JoNelle Fukushima
Kanoë Wilson

Ke Komikina Ho'olālā Hikina, Kalana 'o Hawai'i
County of Hawai'i
WINDWARD PLANNING COMMISSION
Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

AGENDA

NOTICE IS HEREBY GIVEN of the following matters to be considered by the Windward Planning Commission of the County of Hawai'i at a regular meeting in accordance with the provisions of Chapters 91 and 92, Hawai'i Revised Statutes, Section 6-7.5(a) of the Charter of the County of Hawai'i and Planning Commission Rules of Practice and Procedure.

DATE: Wednesday, May 6, 2026

TIME: 9:00 a.m.

LOCATION: Hawai'i County Council Chambers in Hilo
25 Aupuni Street, Hilo, Hawai'i 96720

Public Participation: This is an in-person meeting, and the Windward Planning Commissioners will participate in person. The primary way for the public to view or testify at this meeting is in-person; however, as a courtesy to the public, the Commission provides the following additional ways to view or testify remotely at this meeting.

Optional Alternative to Provide Remote Oral Testimony: The public has the option to provide verbal testimony at the meeting by joining Zoom. To provide verbal testimony via Zoom, please use the link below to register prior to the meeting:

<https://www.zoomgov.com/meeting/register/nygeAMvrQkKTj7L4KZ9uOg>

Optional Alternative to View Meeting:

https://www.youtube.com/channel/UCAFoRMb3rfWLQMPd6TAkEGA?view_as=subscriber

Please note, as this is an in-person meeting, the hearing may proceed if the Zoom and/or YouTube connections fail.

Submitting Written Testimony: To ensure timely delivery to Commissioners prior to the meeting, written testimony must be submitted no later than 4:30 p.m. on Friday, May 1, 2026, by: (1) email to WPCtestimony@hawaiiicounty.gov, (2) mail to the Windward Planning Commission at 101 Pauahi Street, Suite 3, Hilo, Hawai'i or (3) drop-off at the Planning Department offices in Hilo at the address above or Kona at 74-5044 Ane

Keohokālole Highway, Building E, 2nd Floor, Kailua-Kona, Hawai'i. If you are submitting written testimony at the meeting, provide twelve (12) copies. All written testimony, regardless of time of receipt, will be made part of the permanent record. Please submit separate testimony for each item.

Meeting Materials/Board Packet: Pursuant to Hawai'i Revised Statutes Section 92-7.5, the meeting materials provided to the commission are available for public inspection three business days before the meeting date during regular business hours at the Planning Department offices in Hilo and Kona and by clicking 'Board Packets' at the following Planning Department website link: www.planning.hawaiicounty.gov/about-us/boards-committees/planning-commission-applications. This information can also be requested by sending an email to WPCtestimony@hawaiicounty.gov or by calling (808) 961-8288.

CALL TO ORDER

APPROVAL OF MINUTES

Review and approval of the minutes of April 2, 2026 regular meetings.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

Members of the public may provide public testimony regarding any agenda item now or at the time the agenda item is called to order.

OLD BUSINESS

1. **INITIATOR: COUNTY COUNCIL (PL-CCI-2026-000015)**
Bill 126, an ordinance amending Chapter 25, Articles 1, 3, 4, 5, and 7 of the Hawai'i County Code, relating to Special Districts. The proposed amendments will establish new zoning code requirements related to permitted uses, building height limit, minimum site area and average width, parking, and minimum yards for the Downtown Pāhoa Commercial District (DPC).
2. **INITIATOR: COUNTY COUNCIL (PL-CCI-2026-000013)**
Bill 124, an ordinance amending Chapter 25-8-26 (Pāhoa Zone Map), Article 8, Chapter 25, by changing the zoning districts from Village Commercial-10,000 square feet (CV-10) and Single-Family Residential-10,000 square feet (RS-10) to Downtown Pāhoa Commercial (DPC) at Waiakahi'ula, Pāhoa, Puna, Hawai'i. The proposed bill will establish the Downtown Pāhoa Commercial District and change the zoning of various properties in Pāhoa Village.
3. **INITIATOR: COUNTY COUNCIL (PL-CCI-2026-000014)**
Bill 125, an ordinance amending Chapter 25, Article 7, Division 4, of the Hawai'i County Code, relating to the Pāhoa Village Design District. The proposed amendments will update zoning code requirements pertaining to the Pāhoa Village Design District.

NEW BUSINESS

4. **APPLICANT: 130 HOLDINGS LLC (PL-SPP-2026-000115/ AMEND SPP 870)**
Request to amend Special Permit No. 870 to reduce the size of a proposed regional trade center to two buildings totaling 10,400 square feet; add a 600 square foot volunteer fire truck parking area; amend Condition No. 3 (Complete Construction) for a 5-year time extension to complete construction; delete Condition No. 5 (Water Supply); delete Condition No. 6 (Improvements to Orchidland Drive), and delete Condition No. 7 (Highway 130/Orchidland Drive Intersection Improvements). The subject property is located at 16-1678 34th Avenue in Orchidland Estates Subdivision, approximately 1,000 feet west of the intersection of Orchidland Drive and the Kea'au-Pāhoa Road, Kea'au, Puna, Hawai'i, TMK: (3) 1-6-010:083.
5. **APPLICANTS: HAUNANI KANE PHD, CLIFF KAPONO PHD, AND JOHN H.R. BURNS, PHD (PL-SMA-2025-000083)**
Application for a Special Management Area Use Permit to allow for the development of an educational and research facility consisting of a hālau, cabins, an on-site caretaker residence, accessory mixed-use support buildings, along with approximately 20 parking stalls, internal access driveways, pedestrian pathways, riverfront walking paths, a floating pier, and related improvements on three (3) parcels totaling 1.97 acres within the Special Management Area. The subject property is located along Pu'ueo Street, approximately 300 feet makai of its intersection with Wailuku Drive, and approximately 70 feet mauka of Hawai'i Belt Road (State Highway 19) near the Wailuku River crossing, Pu'ueo, South Hilo, Hawai'i, TMKs: (3) 2-6-002:001, 002, and 003.
6. **APPLICANT: SCOTT SHRADER (PL-SMA-2025-000084)**
Application for a Special Management Area Use Permit to allow for the construction of a two-story, four-bedroom single-family dwelling, swimming pool, and related improvements on a 0.57-acre shoreline parcel within the Special Management Area. The subject property is located makai of Beach Road, between Paradise Drive and Maku'u Drive, Hawaiian Paradise Park, Puna, Hawai'i, TMK: (3) 1-5-032:060.
7. **APPLICANT: JACK AND MARK KRZYZANOWSKI (PL-SPP-2025-000113)**
Application for a Special Permit to establish a four (4)-bedroom bed and breakfast within a proposed five (5) bedroom dwelling on a 1.0-acre property within the State Land Use Agricultural District. The subject property is located on the west (makai) side of Iwalani Parkway, 140 feet north of its intersection with Outrigger Drive, Hawaiian Ocean View Estates, Ka'ū, Hawai'i, TMK: (3) 9-2-040:002.

UNFINISHED BUSINESS

8. Discussion of Planning Commissioners' suggestions for future amendments to the Planning Commission Rules of Practice and Procedure.

PLANNING DIRECTOR'S REPORT

Report on Special Management Area (SMA) determinations and minor permits issued by the Planning Director for April 2026.

AGENDA ITEMS FOR NEXT MEETING

The Commissioners will comment on matters not on the current agenda, for consideration at the Commission's next meeting.

ANNOUNCEMENTS

The Windward Planning Commission's next regular meeting is scheduled for Friday, June 5, 2026, at the County Council Chambers in Hilo and the public can also testify via Zoom. The date and venue of the meeting are subject to change.

ADJOURNMENT

Contested Case Procedure: Pursuant to PC Rule 4, Contested Case Procedure, of the County of Hawai'i Planning Commission Rules of Practice and Procedure, any person seeking to intervene as a party to a contested case hearing on Agenda Item Nos.4, 5, 6, and 7 above is required to file a written request which must be received by the office of the Planning Department no later than seven (7) calendar days prior to the Planning Commission's first public meeting on the matter. Such written request shall conform with the PC Rule 4-6(a), relating to Prehearing Procedure on a form as provided by the Planning Department entitled "Petition for Standing in a Contested Case Hearing." The notarized petition form and a filing fee of \$200 shall be submitted online via County of Hawai'i Electronic Processing and Information Center (EPIC) at the following website: <https://hawaiicountyhi-energovpub.tylerhost.net/Apps/SelfService#/home>

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist {Article 15, Section 2-91.3(b), Hawai'i County Code}. A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." {Article 15, Section 2-91.3(a)(6), Hawai'i County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk, 25 Aupuni Street, Room 1402, Hilo, Hawai'i 96720.

Anyone who requires an auxiliary aid or service, or other accommodation due to a disability, please contact the Planning Department at (808) 961-8288 or WPCtestimony@hawaiicounty.gov as soon as possible. If a request is received later than five working days prior to the meeting date, we will try to obtain the auxiliary aid/service or other accommodation, but we cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Hawai'i County is an Equal Opportunity Provider and Employer

WINDWARD PLANNING COMMISSION
LOUIS DANIELE III, Chair

(Hawai'i Tribune Herald: Friday, April 10, 2026)
(West Hawai'i Today: Friday, April 10, 2026)

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 1 of 2)

NAME: ORCHIDLAND COMMUNITY ASSOCIATION (OLCA)

ADDRESS: P.O. BOX 280
Keaau HI 96749

PHONE NO.: (808) 896-2821

APPLICANT/

DOCKET NO.: 130 HOLDINGS LLC (PL-SPP-2026-000115/ AMEND SPP 870) - MAY 6, 2026 DOCKET 4

A. Is your interest in this matter clearly distinguishable from that of the general public?

Yes ☒ No ☐

If the answer is "yes", please explain:

1. OLCA holds a recorded Notice of Lien on subject parcel (Doc. No. T3380017) arising from Applicant's failure to pay dues
2. OLCA is legally mandated to maintain Orchidland Drive and all roadways within Orchidland
3. OLCA is liable for the safety and structural integrity of Orchidland Drive and all roadways within Orchidland

If the answer is "no", please explain how the proposed action will nevertheless cause you actual or threatened injury:

B. Are you a government agency whose jurisdiction includes the land involved in the subject request?

Yes ☐ No ☒

If the answer is "yes", please explain the nature of the agency's jurisdiction:

C. Do you lawfully reside on or have some property interest in the land involved in the subject request?

Yes ☒ No ☐

If the answer is "yes", please explain:

1. OLCA holds a recorded Notice of Lien on subject parcel (Doc. No. T3380017)

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 2 of 2)

- D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?

Yes _____ No x _____

If the answer is "yes", please submit any genealogical evidence and historical evidence showing the exercise of those rights to support your statement:

Orchidland Community Association

Tara Brandon

Petitioner's Signature

Tara Brandon -President

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this _____ day of APR 27 2026, 20____, before me personally appeared TARA BRANDON, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Doc. Date: APR 27 2026 # Pages: 2
Angela P Costa Third Circuit
Doc Description: PETITION FOR STANDING
My Commission Expires: MAY 28 2027
APR 27 2026
DATE
NOTARY CERTIFICATION



[Signature]
Notary Public, State of Hawaii

My commission expires: MAY 28 2027



Appendix A



STATE OF HAWAII
OFFICE OF THE ASSISTANT REGISTRAR
RECORDED

September 25, 2023 12:19 PM

Doc No(s) T - 12320171

on Cert(s) 810000

Issuance of Cert(s)

Doc 1 of 1
Pkg 12242118 MLK

/s/ LESLIE T KOBATA
ASSISTANT REGISTRAR

Orchidland Community Association, Inc.
c/o Hawaii Accounts Processing
70 Leimamo Street
Hilo, Hawaii 96720

CLAIM OF LIEN FOR NONPAYMENT OF ROAD MAINTENANCE FEES

KNOW ALL MEN BY THESE PRESENTS:

ORCHIDLAND COMMUNITY ASSOCIATION, INC., a Hawaii nonprofit corporation, whose address is c/o Hawaii Accounts Processing, LLC, Hilo, Hawaii 96720, claims a lien against the real property identified as follows:

Lot 9734, 2.311 Acres, Block E-E-E, as shown on Map 53 and an undivided 1/2490 interest in Lot 8215 as shown on Map 602 as filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1053 (amended) of W.H. Shipman Limited. Together with an undivided 1/2490 interest in Roadway Lot 8215, area 313.284 acres, more or less, as shown on Map 53 to be used in common with all others entitled therein as a right of way and for road purposes only and situated in Orchidland Estates Subdivision, District of Puna, Island, County and State of Hawaii, and further identified as Tax Map Key Number **(3) 1-6-010-083**, being the land covered by and described in Transfer Certificate of Title No. **788,679**, Land Court Document No. **3380017** issued to **130 Holdings LLC**, whose address is c/o **Big Island Homes and Land Company LTD, 1251 Kilauea Avenue, Suite 194, Hilo Hawaii 96720-4293** and whose Federal Identification Number is unknown.

As of **June, 2023** the amount of this claim of lien is **\$4910.00** including late fees and interest as of said date, plus such additional amounts, penalties, late fees and interest as may accrue from the date of filing hereof.

This claim of lien is asserted by virtue of the covenants running with the land to pay annual road maintenance and repair fees, which covenants are described in the deed conveying title or by the rulings of the Third Circuit Court, State of Hawaii, entered on April 3, 1992, in that certain matter known as Orchidland Community Association vs. Hilo Development, Inc., Civil No. 91-0269.

Dated: 28 July, 2023 Hilo, Hawaii

ORCHIDLAND COMMUNITY ASSOCIATION, INC.

By: 

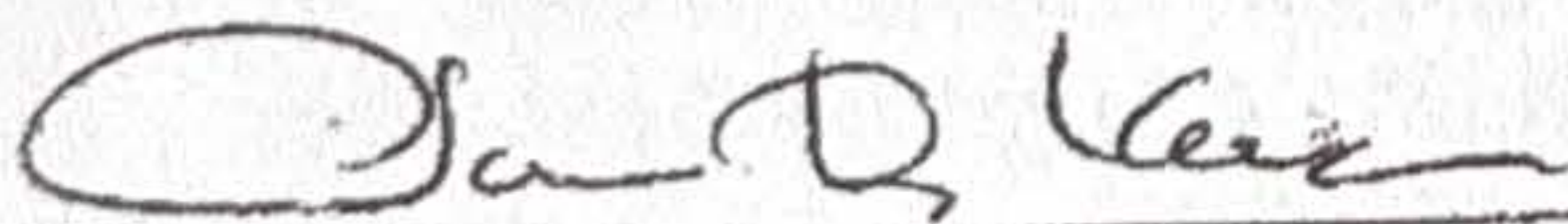
Printed Name: Michael A Colson
Its Representative

STATE OF HAWAII

COUNTY OF Honolulu)

SS

On this 28th day of July, 2023, before me appeared Michael A. Colson, to me personally known who, being by me duly sworn, did say that he is the representative of ORCHIDLAND COMMUNITY ASSOCIATION, INC., a Hawaii non-profit corporation, and that said instrument was sign on behalf of said corporation by authority of its Board of Directors, and said representative acknowledged said instrument to be the free act and deed of said corporation.



Patricia A. Kawachi

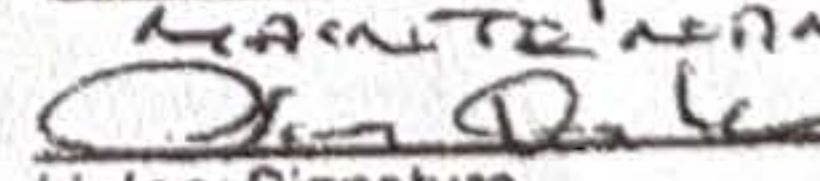
Notary Public, State of Hawaii
My commission expires: 10-27-2023

Doc. Date: 7-28-23 # Pages: 1

Notary Name: Patricia A. Kawachi 3rd Circuit

Doc. Description: CHANGE OF ROAD

MAINTENANCE FEE 7-28-23

 Date

NOTARY CERTIFICATION
Commission No. 83-394



2 of 2

CURRENT CT # 810000



Orchidland Community Association, Inc.

Website: www.orchidland.org

Email: [REDACTED]

PO Box 4548 Hilo, HI 96720

Statement

130 Holdings, LLC (10-083)
c/o Big Island Homes & Land Co. LTD.
1251 Kilauea Ave. Ste. 194
Hilo, HI 96720-4293

Account /TMK #	10-083
Date	4/24/2026
Due Date	6/8/2026
Amount Due	\$4,750.00

Amount Enclosed: \$ _____

Please update my address! Here is my new mailing address:

Please cut on the line below and return top portion with your payment. Mahalo!

Payment Options:

Pay by mail: Please make check payable to: Orchidland Community Association, Inc. OR **OLCA *NO FOREIGN CHECKS***

Mail payments to: OLCA c/o JB Services, LLC **PO Box 4548 Hilo, HI 96720**

Pay online: www.orchidland.org ***A 5.5% Convenience Fee applies to ALL Credit/Debit card payments as of 08/2024 per OLCA Board of Directors Motion***

Account /TMK #	10-083
----------------	--------

For billing inquiries ONLY, such as requests for a detailed statement or a receipt, please contact our bookkeeper, JB Services, LLC at jbsolca001@gmail.com Mahalo!

DISHONORED PAYMENTS RESULT A FEE OF \$35. CREDIT CARD DISPUTES OR REFUNDS RESULT A 3.5% FEE OF TOTAL PAYMENT. NEW LATE FEES ARE \$25 & ARE APPLIED ON JANUARY 1ST JB Services, LLC is NOT allowed to remove Late Fees per OLCA Board of Directors

Date	Description	Amount	Balance
06/30/1990	Balance forward		0.00
10/01/2005	INV #6th paving. Sixth paving assessment 2005	50.00	50.00
06/30/2006	INV #interest. Late Payment Interest	2.50	52.50
07/01/2006	INV #mrma 2006. MRMA Road Maintenance 2006	65.00	117.50
10/01/2006	INV #7th paving. 7th special paving assessment 2006	100.00	217.50
07/01/2007	INV #mrma 07. MRMA Road Maintenance 2007	65.00	282.50
10/01/2007	INV #8th p. 8th special paving assessment 2007	100.00	382.50
05/27/2008	CREDMEM #mrma 53. transferred from 10-082 combined with this TMK	-130.00	252.50
05/27/2008	CREDMEM #mrma 54. transferred from 10-082	-200.00	52.50
06/10/2008	PMT	-117.50	-65.00
07/01/2008	INV #mrma 08. MRMA Road Maintenance 2008	65.00	0.00
10/04/2008	INV #9th P. 9th paving assessment due for fiscal 2008-2009	100.00	100.00
10/23/2008	PMT #1059.	-100.00	0.00
03/21/2009	INV #Legal Fund. Funds to be collected from Lot Owners for Legal Defense.	50.00	50.00
06/29/2009	PMT #1131.	-100.00	-50.00
07/01/2009	INV #mrma 2009. MRMA Road Maintenance 2009/2010	85.00	35.00
07/10/2009	INV #unearned. Paving Donation	100.00	135.00
07/10/2009	PMT #1136.	-135.00	0.00
07/01/2010	INV #mrma 2010. MRMA Road Maintenance 2010/2011	85.00	85.00
07/03/2010	PMT #1175.	-85.00	0.00
10/25/2010	INV #Paving. 2010/2011 Paving fiscal year	75.00	75.00
11/16/2010	PMT #1208.	-75.00	0.00
07/01/2011	INV #mrma2011. Mandatory Road Maintenance Assessment fee 2011/2012	85.00	85.00

Orchidland Community Association, Inc (A Non-Profit Corporation)

Amount Due

In addition to your annual billing, donations are welcome! Please let us know which fund you would like to donate to: COMMUNITY LOT Fund, PAVING Fund, or ROAD MAINTENANCE Fund. Mahalo!

\$4,750.00

Orchidland Community Association, Inc.

Website: www.orchidland.org

Email: [REDACTED]

PO Box 4548 Hilo, HI 96720

Statement

130 Holdings, LLC (10-083)
c/o Big Island Homes & Land Co. LTD.
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Mail payments to: OLCA c/o JB Services, LLC **PO Box 4548 Hilo, HI 96720**

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Date	Description	Amount	Balance
07/28/2011	PMT #1257.	-85.00	0.00
07/01/2012	INV #mrma2012. MRMA Road Maintenance 2012/2013	150.00	150.00
07/13/2012	PMT #1307.	-150.00	0.00
07/01/2013	INV #mrma2013. MRMA Road Maintenance 2013/2014	150.00	150.00
09/03/2013	PMT #1379.	-150.00	0.00
07/01/2014	INV #MRMA2014. MRMA year 2014/2015	85.00	85.00
07/16/2014	PMT #1422.	-85.00	0.00
07/01/2015	INV #3238.	200.00	200.00
08/24/2015	PMT #325.	-200.00	0.00
07/21/2016	CREDMEM #3133 PAVE.	-100.00	-100.00
07/21/2016	INV #MRMA 3683.	100.00	0.00
07/30/2016	PMT #297.	-100.00	-100.00
07/01/2017	INV #13630. MRMA Year 2017/2018	200.00	100.00
07/15/2017	PMT #334. Thank you	-100.00	0.00
07/01/2018	INV #5399. MRMA Year 2018/2019	200.00	200.00
08/23/2018	PMT #346.	-200.00	0.00
07/01/2019	INV #8050. MRMA Year 2019/2020	200.00	200.00
07/16/2019	PMT #360.	-200.00	0.00
07/01/2020	INV #8998. MRMA Year 2020/2021	200.00	200.00
07/21/2020	PMT #374.	-200.00	0.00
07/01/2021	INV #10363. Annual Commercial Mandatory Road Maintenance Assessment (MRMA) 07/01/2021 - 06/30/2022	2,000.00	2,000.00
01/01/2022	INV #1593. Late Fee	10.00	2,010.00

Orchidland Community Association, Inc (A Non-Profit Corporation)

Amount Due

In addition to your annual billing, donations are welcome! Please let us know which fund you would like to donate to: COMMUNITY LOT Fund, PAVING Fund, or ROAD MAINTENANCE Fund. Mahalo!

\$4,750.00

Orchidland Community Association, Inc.

Website: www.orchidland.org

Email: [REDACTED]

PO Box 4548 Hilo, HI 96720

Statement

130 Holdings, LLC (10-083)
c/o Big Island Homes & Land Co. LTD.
1251 Kilauea Ave. Ste. 194
Hilo, HI 96720-4293

Account /TMK #	10-083
Date	4/24/2026
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Mail payments to: OLCA c/o JB Services, LLC **PO Box 4548 Hilo, HI 96720**

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Account /TMK #	10-083
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DISHONORED PAYMENTS RESULT A FEE OF \$35. CREDIT CARD DISPUTES OR REFUNDS RESULT A 3.5% FEE OF TOTAL PAYMENT. NEW LATE FEES ARE \$25 & ARE APPLIED ON JANUARY 1ST JB Services, LLC is NOT allowed to remove Late Fees per OLCA Board of Directors

Date	Description	Amount	Balance
07/01/2022	INV #3013. Annual Commercial Mandatory Road Maintenance Assessment (MRMA) 07/01/2022 - 06/30/2023	2,000.00	4,010.00
01/01/2023	INV #4082. Late Fee	10.00	4,020.00
07/01/2023	Annual Commercial Mandatory Road Maintenance Assessment (MRMA) 07/01/2023 - 06/30/2024	2,000.00	6,020.00
01/17/2024	GENJRNAL #10083. Remove Commercial Fee and charge for "Ag" Road Fees per BOD HH & TB	-2,000.00	4,020.00
01/17/2024	GENJRNAL #10083 2022. Remove Commercial Fee and charge for "Ag" Road Fees per BOD HH & TB	-2,000.00	2,020.00
01/17/2024	GENJRNAL #10083 2023. Remove Commercial Fee and charge for "Ag" Road Fees per BOD HH & TB 2021/2022	-2,000.00	20.00
01/17/2024	GENJRNAL #10083 2021a. Remove Commercial Fee and charge for "Ag" Road Fees per BOD HH & TB	200.00	220.00
01/17/2024	GENJRNAL #10083 2022a. Remove Commercial Fee and charge for "Ag" Road Fees per BOD HH & TB 2022/2023	250.00	470.00
01/17/2024	GENJRNAL #10083 2023a. Remove Commercial Fee and charge for "Ag" Road Fees per BOD HH & TB 2023/2024	250.00	720.00
01/17/2024	GENJRNAL #LFR. Remove Late Fee 2023 & 2024 per BOD HH & TB	-20.00	700.00
02/23/2024	PMT #616.	-700.00	0.00
07/01/2024	Annual Mandatory Road Maintenance Assessment (MRMA) 07/01/2024 - 06/30/2025	250.00	250.00
01/24/2025	PMT #730.	-250.00	0.00

Orchidland Community Association, Inc (A Non-Profit Corporation)

Amount Due

In addition to your annual billing, donations are welcome! Please let us know which fund you would like to donate to: COMMUNITY LOT Fund, PAVING Fund, or ROAD MAINTENANCE Fund. Mahalo!

\$4,750.00

Orchidland Community Association, Inc.

Statement

Website: www.orchidland.org

Email: [REDACTED]

PO Box 4548 Hilo, HI 96720

130 Holdings, LLC (10-083)
c/o Big Island Homes & Land Co. LTD.
1251 Kilauea Ave. Ste. 194
Hilo, HI 96720-4293

Account /TMK #	10-083
Date	4/24/2026
Due Date	6/8/2026
Amount Due	\$4,750.00

Amount Enclosed: \$ _____

Please update my address! Here is my new mailing address:

Please cut on the line below and return top portion with your payment. Mahalo!

Payment Options:

Pay by mail: Please make check payable to: Orchidland Community Association, Inc. OR **OLCA *NO FOREIGN CHECKS***

Mail payments to: OLCA c/o JB Services, LLC **PO Box 4548 Hilo, HI 96720**

Pay online: www.orchidland.org ***A 5.5% Convenience Fee applies to ALL Credit/Debit card payments as of 08/2024 per OLCA Board of Directors Motion***

Account /TMK #	10-083
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For billing inquiries ONLY, such as requests for a detailed statement or a receipt, please contact our bookkeeper, JB Services, LLC at jbsolca001@gmail.com Mahalo!

DISHONORED PAYMENTS RESULT A FEE OF \$35. CREDIT CARD DISPUTES OR REFUNDS RESULT A 3.5% FEE OF TOTAL PAYMENT. NEW LATE FEES ARE \$25 & ARE APPLIED ON JANUARY 1ST JB Services, LLC is NOT allowed to remove Late Fees per OLCA Board of Directors

Date	Description	Amount	Balance
07/01/2025	Annual Commercial Mandatory Road Maintenance Assessment (MRMA) 07/01/2025 - 06/30/2026	5,000.00	5,000.00
01/01/2026	Late Fee BOD Motion Approved 2023	25.00	5,025.00
04/07/2026	PayPal Fee to be paid by customers per BOD's 08/2024.	10.62	5,035.62
04/07/2026	Credit Card Processing Fee to be paid by customers per BOD's 08/2024.	4.51	5,040.13
04/07/2026	PMT #CC. Thank you for your online payment by Nani Vermillion. Trans ID: 74J27462RY3314800	-290.13	4,750.00

Orchidland Community Association, Inc (A Non-Profit Corporation)

Amount Due

In addition to your annual billing, donations are welcome! Please let us know which fund you would like to donate to: COMMUNITY LOT Fund, PAVING Fund, or ROAD MAINTENANCE Fund. Mahalo!

\$4,750.00

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
APRIL 3, 2014

A regularly advertised hearing on the application of **130 Holdings, LLC (Amend SPP 870)** was called to order at 9:05 a.m. in the County of Hawai'i, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i with Chairman Ronald Gonzales presiding.

COMMISSIONERS PRESENT: Ronald Gonzales, Charles Heaukulani, Gregory Henkel, Wallace A. Ishibashi, Jr., Myles Miyasato, Raylene Moses, and Stephen Ono.

ALSO PRESENT: Duane Kanuha (Planning Director), Margaret Masunaga (Deputy Corporation Counsel for the Windward Planning Commission), William Brillhante (Deputy Corporation Counsel for the Planning Director), Daryn Arai (Planning Program Manager), Jeff Darrow (Staff Planner), Maija Cottle (Staff Planner), and Sarah Hata-Finley (Secretary).

And approximately 19 people from the public in attendance.

APPLICANT: 130 HOLDINGS LLC (Amend SPP 870)

Amendments to Special Permit No. 870, which allowed the establishment of the Orchidland Trade Center on 2.311 acres of land situated within the State Land Use Agricultural District. The request seeks various amendments to Condition Nos. 2 (time to complete construction), 3 (design guidelines), 4 (water storage), 5 (access), 6 (intersection improvements), and 7 (hours of operation). The property is located within the Orchidland Estates Subdivision on the northwest corner of Orchidland Drive and 34th Street, Orchidland Estates, Kea'au, Puna, Hawai'i, TMK: 1-6-10: 83.

GONZALES: Item No. 1, 130 Holdings LLC. Jeffrey. Oh, and I'd also like to add that we are having a little bit of a technical difficulties today so please speak clearly into the mikes if you testify, and for us Commissioners, and I'm probably the worse one all this—gotta be careful with all the background noise, so thank you. Hey, and there's our friend Stephen Ono. Good morning.

DARROW: Thank you, Mr. Chairman. Good morning members of the Planning Commission. Welcome. Looks like we have quite a few items on the agenda today, so we'll try to get through them as quick as possible.

Our first applicant is 130 Holdings LLC. They're requesting quite a number of amendments to their special permit, Special Permit No. 870. The area of the subject property and application is within the Puna district of Hawai'i. More specifically, we're looking in the area of Orchidland Subdivision. Just for reference, the white line running through the middle of the map running north-south is Highway 130 or Kea'au-Pāhoa Highway. We have Hawaiian Paradise Park on the upper right hand portion of the map identified in green, and we have Orchidland on the lower portion of the map identified in blue and also in green. Access to the subject property would be

from Orchidland Drive, and the subject property is identified with a black outline. This is a closer view. Again, for reference, we have Highway 130. We have Paradise Drive in Paradise Park, and we have Orchidland Drive which provides access to the subject property. The subject property is 2.311 acres in size.

This is, just for reference, these are previous special permits that were approved in the area except for this one right here which was actually denied for a telecommunication tower. But, the subject application, was approved to allow a regional trade center. This was back in May of 1994. We also have the Orchidland Convenience Center which consists of Wiki Wiki Convenience Mart, Blane's Drive Inn, and also the True Value General Store. Additionally, there is a church along the highway and, more recently, there was another commercial use approved right on the highway for Brooks Maloof, and this is going to include a restaurant and different types of commercial uses.

This is an aerial photograph. It identifies, again, Highway 130 running on the top portion of your map with Orchidland. The subject property is identified with a red outline. Currently, there are two shells that are constructed on the property as well as quite an extensive retaining wall. This is the Orchidland Convenience Center consisting again of Blane's, Wiki Wiki Mart, gas station, and the general store.

The church is located along the highway and at this time, the special permit for Brooks Maloof has not started construction. They have some conditions that have to happen before they can begin. This is the General Plan Land Use Allocation Guide Map for the area showing the future development that they'd like to see. The darker yellow represents rural General Plan designation. The orange represents medium density urban which is the first step in an applicant to be able to come in to change their zoning to commercial so this is one of the nodes that were approved back in 2005 to begin to allow these commercial developments in these subdivisions. There were several in Orchid-a, in Hawaiian Paradise Park as well as one in Orchidland. The subject property is right on the fringe of this, medium density urban node.

In 2008, the Puna Community Development Plan was approved by ordinance. This identifies the area within Orchidland that they would like to see their village center occur. This is Orchidland Drive running in an east-west direction and the highway running in a north-south direction on the right side of the map. The subject property would be this particular area here so it falls within their village center area.

The applicant is requesting amendments to Special Permit No. 870 which originally allowed the establishment of the Orchidland Trade Center on 2.311 acres of land. The request seeks various amendments to Condition No. 2 which is for a time extension. Condition No. 3 which with changes, they're asking to delete the design guideline agreement between the association and the applicant. Condition No. 4 which was a water storage condition. Condition No. 5 that has to do with access. Condition No. 6 which is intersection improvements at the highway. And lastly, Condition No. 7 for hours of operation.

The project was originally approved to allow a regional trade center including a variety of home, garden, and animal supplies, catchment supplies, sales service, solar water heaters, office space

for service businesses such as electrical, plumbing, landscaping, garden, auto repair, farmer cooperative, and home business outlet. It was meant to kind of work together with the Orchidland Convenience Center so they wouldn't duplicate uses. So this was more for trades; the other one was more for retail type services. Additionally in 2003, the permit was amended to allow for food service uses, mainly for restaurants.

This is the applicant's site plan. I apologize that it's not very clear, but basically it's to give an understanding what the layout is. Orchidland Drive is on the lower portion of your map. Access to the property would be from Orchidland Drive. It's not identified to provide access on 34th. Currently, the two buildings on the right side of the map have been, the shells have been constructed. The applicant is proposing three more buildings for a total of five buildings on the property.

This is a site photo looking makai, or looking towards Highway 130 intersection. The subject property is on the left. You can see the condition of the road at this time. This is looking mauka. The subject property would be on your right. Again, the condition of the roadway. This is on Orchidland Drive looking on 34th, so you'll notice 34th is unpaved. The subject property is on the left. The retaining wall we spoke about earlier—this is the retaining wall that the applicant has constructed between their property and the nearest adjoining neighbor. Again the shells that are constructed. This is the remainder of the property on the mauka side.

The Planning Director is recommending the following. For Condition No. 2 which is a five year time extension to complete construction, the Planning Director is recommending approval of this condition. For Condition No. 3, the applicant is requesting that this condition be deleted. The Planning Director is recommending that this condition remain, and I believe that we also had received comments from the Orchidland Community Center yesterday, and so those have been passed out. And they also agree that they should, this condition should remain. Condition No. 4 which is a condition regarding water storage. Originally, the project was proposed to be connected to County water. There was a lot of problems that happened with that, and so there was an amendment to the permit to allow the applicant to have on-site storage. Since then, the applicant has come into an agreement with Gulsons, which is the owner of the Orchidland Convenience Center, to be able to sub-meter the water that's currently there, and provide water to this property. If that agreement continues, that's our, the Planning Director's recommendation is that, it's not either or. It sounds like the amendment request is to allow either on-site storage or connect, but if, the way that we'd like to keep it is that if County water can be made available, that would be priority. We'd like to see that connect. Condition No. 5 access, we're recommending that, what, there was some confusion on how that condition was worded. We've changed the wording on the condition to be more clear as what is required for the applicant in regarding to access improvements on Orchidland Drive. Number 6, this is the intersection improvements for Highway 130. We have just received a, an email from Department of Transportation and basically, they are asking that the condition remain as it is. And that also is within your packet there. So, basically, we're, the request was to delete that condition but because DOT is asking that it remain, the Planning Director is recommending that it remain as it is. And lastly, the hours of operation. Now since we've submitted this recommendation to the Planning Commission, there has been some discussion between the community association and the applicant. Both of those letters have been provided to the Planning Commission. Our

condition did not change that, and so we had recommended denial because we hadn't heard from the association. But since then, it sounds like they're amenable to the change to allow hours of operation to change to 11 p.m. And so, that can be something that the Planning Commission can consider in their recommendation for this. But, currently, it's, the condition remains as it is.

Just for reference, just to let you know, that since the recommendation was passed out to the Commission, there have been several correspondence that did come in, and hopefully, everybody received those. One was a response from the applicant regarding the recommendation to the Planning Commission. There's really not a date or a name on that, but basically, it starts off and it says response to the County of Hawai'i Planning Department Recommendation by 130 Holdings, LLC. So that's one, and then we had received a letter from Orchidland Community Association dated April 2nd, and that identifies their concerns. And then lastly, there was two emails, one from Department of Transportation and one from the Department of Water Supply, and those might be stapled together. Just identifying issues regarding the intersection improvements and water.

Sorry about that, it is a complicated request but hopefully we can get through it. With that, that concludes our presentation. Thank you.

GONZALES: Thank you, Jeffrey. Any questions for staff from the Commissioners?

ONO: Just for clarification. Condition Number 6—I'm not, I thought the pictures had indicated an unpaved road. Is that, the surfacing of the road. I don't quite understand the need for an intersection denial with the condition of the road.

DARROW: Condition number 6 has to do with the intersection improvements at Highway 130 and Orchidland Drive. Because a majority of the people that come to these commercial operations are coming elsewhere, Department of Transportation, when they originally had commented on this application, wanted the applicants to participate in improving the intersection. It, you know, there will be discussion about this, I'm sure, from the applicant, but it--it at this time, we were looking possibly changing it to make it as a pro-rata share of improvements but again, Department of Transportation was firm that they want to keep the condition as is. Currently, in fact, why don't I do this. This is a picture of the intersection, and it shows currently there is no signalization, but there has been improvements to the intersection. It's providing a right-turn lane into Orchidland Drive. There is a storage lane heading towards Kea'au as well as a left turn lane coming from Pāhoa side into Orchidland Drive. There isn't a, a storage lane coming off the right turn, but many people kind of use the shoulder to come into traffic going towards Pāhoa. So mainly at this time, the only thing that needs to be done as far as improvements would be the, the signal, but again, until such time that DOT either improves this or, you know, comes right out and specifies exactly what the applicant should do in regards to improvements, we're kinda unclear about this condition, so we keep it as it is.

ONO: Thank you.

DARROW: Thank you.

GONZALES: Any other questions for staff from the Commissioners? Thank you.

DARROW: Thank you.

GONZALES: Will the applicant and/or their representatives come forward? Yes, please. Could I please have you raise your right hand? Do you swear and affirm to tell the truth before the Planning Commission today?

GADD: I do.

GONZALES: Thank you.

GADD: My name is Greg Gadd, and I'm president of the managing partner. And I'm largely in agreement with the recommendations of the Planning Director. Really, I have, want to clarify numbers 3, 6—6 I'm in contention with, and 7. Three is to, let me get my notes here, to comply with the Orchidland Community Association letter, which I believe you have a copy of. They're, the letter basically states project design to fit aesthetically with the rural atmosphere of the subdivision. It's pretty ambiguous. Um, it's hard to really comply with it. It also says all customers parking to be in front of the proposed buildings. Well, if you look at their plan of the buildings, they're—one of the buildings doesn't even have a front. Says no repairs, manufacturing, or work to be conducted from the front of the project, again, the same point. There is, you know, it really doesn't pertain. And no deliveries to be to the front of the project. No uncovered storage, that's okay. Business hours, limited to daylight. I believe we resolved that. Extension of paved road to mauka end of property. We already addressed that. The project to operate on County water. We already addressed that. And developer to provide proof of funds sufficient to complete. Really, this letter is totally obsolete and it stays in there but there's nothing to really comply with. So, I don't know, if we could maybe talk, there representatives from Orchidland here. We might be able to clean it up or enter into a new agreement or we just keep it in there, but it's, it doesn't serve as any purpose really. And then Condition No. 6 is that the burden, or the possible burden, of having to put a traffic light at the intersection of Orchidland Drive and 130 really cripples the project. The County and the State can't afford to put a traffic light. How can a private business person be held to put a traffic light in at Orchidland Drive? We'd have trouble getting tenants. It's taken six months for the Department of Transportation to respond saying that they want this to stay in this extension request, so we find somebody that wants to lease the property, we'd have to wait six months for them to even tell us if we have to contribute to the traffic light, and then it's probably years from there. It basically leaves these buildings empty for maybe years. It's unfair burden to put on a private person.

And then, Condition No. 7, I believe, we reached an agreement with Orchidland and the hours of operation till 11. The other, Condition No. 9, is applicant shall provide an 8-foot high chain link fence or comparable security along the border. There was an 8-foot chain link fence which we had to take down to put in the retaining wall. Along the other portion of the property, we had the chain link fence into our property because if you look at the aerial photo, two of the neighbors' buildings are encroaching onto our property, and we had to clear right up to the line. We've asked them to move the buildings or remedy it some way, and they haven't. I don't know. We

may have to go into some kind of litigation or reach some kind of agreement, but they have buildings encroaching onto our property, and that's the reason we haven't put the fence back up. That's pretty much, I'm available for questions. I'm in agreement with everything else.

GONZALES: Okay, sir, so you have received the Planning Director's Background Report, and it seems like your big issues are with number 3 and number 6.

GADD: Yeah and number, and then the fence, but those are, they're minor issues.

GONZALES: Okay, any questions from the Commissioners for the applicant? I have a question that's actually probably for you, Jeff. There's been reference to Conditions 8 and 9 but I don't see anything about those in the Recommendation.

DARROW: The, Condition No. 8, when you look at Exhibit No. 1, which is the applicant's original request, we kind of were looking at his request and when he would say the applicant requests, then we would put that in. Under No. 8, he really wasn't requesting anything. It was basically just information that he was providing. He may, for us the conditions still remains the same. The chain link fence was required to be there, it's not there. So, what he said was within his request it says, the chain link fence which was previously installed was removed for construction. A retaining wall was constructed along the adjacent properties. The retaining wall is only along a portion of the properties. It doesn't go along the entire adjoining properties that's required for the chain link fence. So again, it was unclear that he was asking for anything originally so at this point, we would recommend that the condition remain as it is.

GONZALES: Okay, and I have a question on Condition No. 6 with the traffic signal. You said that at this point, there is no plans by Department of Transportation or anybody to even put a signal in there?

DARROW: We've inquired extensively regarding plans for Orchidland Drive and, unfortunately, we have not received any specific information as to that. There, there has been studies done, and assessments or impact statements done regarding the improvements. They are improving a portion from Kea'au to the beginning of Paradise Park, but at this point, it's unclear as to the specific improvements that will be, that are proposed for Orchidland Drive. We've asked and we just haven't been provided direct information.

GONZALES: Okay, so if we hold him to Condition No. 6, are we really even holding him to anything?

DARROW: It's going to be up to the Department of Transportation at the time of certificate of occupancy if they require anything of the applicant to make a, a request at that time.

GONZALES: And so when do you anticipate applying for your certificate of occupancy?

GADD: Hopefully within six months.

GONZALES: Okay, is there a chance when he does that that, that's when they're going to decide they do want a signal? Or, hard to say? We can't tell it or think it?

DARROW: We've, we're just not, I mean as the applicant had mentioned, it took some time to be able to get a response for the comments for this application, and basically, it was—we had to make an extra effort, and that's why we received an email stating that they want the condition to remain the same.

GONZALES: Does his certificate of occupancy, does that come before the Planning Department?

DARROW: It is an administrative process that is signed off by numerous agencies for him to receive the certificate of occupancy, so it's not anything that goes before the Planning Commission.

GONZALES: It clears my—

GADD: --really long day.

GONZALES: All right, thank you.

DARROW: Thank you.

GONZALES: Commissioners, one more time, any questions for the applicant? Okay, thank you.

GADD: I think Orchidland's going to come up and we could discuss this—

GONZALES: Okay, we do have some public testimony. If anybody wants to come up and you haven't signed up, you need to come sign up with Sarah.

GADD: Should I stay here while they—

GONZALES: No, you can have a seat so we'll bring you back up if we need you. At this point, I only have one person signed up to testify and that's a Mr. Bob Dexter. Are you Bob?

DEXTER: Yes.

GONZALES: All right. Could I get you to raise your right hand please? Do you swear to affirm and tell the truth before the Planning Commission today?

DEXTER: I do.

GONZALES: Thank you. You may state your name, where you reside, and then you will have three minutes.

DEXTER: Robert Dexter—

HATA-FINLEY: Mike please.

GONZALES: Use your microphone too, please.

DEXTER: Robert Dexter. I reside in Orchidland Subdivision on Auli'i. You need the actual address? We support this. On Condition 3 we agreed that the language was, is somewhat ambiguous and we, we've discussed entering into discussions to clarify that language better. We had no objection to the extensions, for the 5-year extension, for the additional hours. With the, on Condition 5 with the roads, we basically, we're getting ready to resurface the Orchidland Drive. It's chipseal right now. You see, saw the pictures. It's you know not the best condition, but we're getting ready to resurface it with asphalt. So, our major concern is, is that as this project comes in, that, particularly the shoulders of the roads are protected so that when it's developed, Mr. Gadd will ensure that patrons and everything are put in properly, and any drainage that's necessary so we don't have additional problems with water. So, you know, basically, our investment that we put into resurfacing this road isn't damaged. Also, one of the things that we're concerned about is you know we have very limited resources within our association. We have 42 miles of road, and we're trying to bring up the standards. We would like that if you know when this comes up for rezoning potentially in the future that we'd like to turn over this segment of road to the County, and that way, we're not putting a burden on the commercial properties with trying to collect higher fees for their commercial uses, and it would just clear up a lot of issues we have in-- So on the mauka side of Mr. Gadd's property, we'd like to take that whole segment and eventually turn it over to the County. It would just be simpler and easier for everybody because there's too many players in this, and we also agree that it would, you know as far as signalization, you're basically putting all of this on one individual. You know, so if it's a million dollars to put in a signal light, is that fair and reasonable to ask of one business to come in that he gets a million dollar bill to enter into the market? So, we confer with Mr. Gadd's position on the signalization. Any questions?

GONZALES: Commissioners, any questions for Mr. Dexter?

HEAUKULANI: I might have misunderstood your position. You're saying in your testimony this morning that the association is in agreement with the modification of Condition 6?

DEXTER: We agree that, you know, it's a problematic intersection. You know, it needs to be addressed. We don't feel that it should all be put on this one particular person. You know I mean everybody pays taxes to the State and everything. But, we're basically, it's a showstopper for this whole project, if you're looking at how much money it takes to put in the signal and why does one person get that. So, you know, there should be some way to either solve it by everybody contributing or the State standing up because everybody is a taxpayer and paying for it. What it is, is a problematic intersection. It's not a very safe as all the traffic—it's much like all the other intersections on the whole highway.

GONZALES: Any other questions? Thank you. Thank you, Mr. Dexter. We have one more person signed up. Mr. Bob Arthurs. Would you like to come forward please?

ARTHURS: I'm Bob Arthurs. I'm one of the Directors on the Orchidland Board. I asked Bob Dexter—

GONZALES: Could I get you to raise your right hand real quick so we can swear you in?

ARTHURS: Sorry.

GONZALES: Do you swear and affirm to tell the truth before the Planning Commission today?

ARTHURS: I do.

GONZALES: Thank you. Go ahead.

ARTHURS: Bob Arthurs. I'm the Director with the Board of Orchidland Community Association. I've asked Bob Dexter to stay so he can backstop me. In no way does the association, and we met on this, talked extensively at our last Board meeting. We would like to see this project go ahead, and the showstopper as Mr. Dexter pointed out, for the traffic light. There's no way that one can lay that burden on a latecomer into the show. Everybody's a stakeholder on that quarter, and he just happens to be a new guy coming in at the top of, that would be the traffic light. The traffic light is not a new issue. When I was active on the Board almost 20 years ago, we had asked the State at that time to work on it, and I don't know how many accidents they've had, deaths and so forth. It is a dangerous intersection. And I woke up one morning, I don't even use that drive. I come out Kurtistown and Ola'a Road and I go to the post office, there's brand new traffic lights there. And I thought how does that little business rank? And I you know this State seems to pick and choose, but that's another issue. Regarding the road and Orchidland Community Association's primary business, is the road and trying to maintain with inadequate funds, the County has been very good about the way they grant the permits, and with the rezoning and so forth, I see no reason why the County cannot pick up that section of the road going down to the traffic light. That would mitigate an undue burden on the remaining shareholders in Orchidland Community Association in maintaining that road. A lot of the vehicle movements going down, the heavy vehicles cause slippage or cracks on the road. You see that on the main highway, and it's, it's just a bit much for a little association to try and maintain something that extensive. We don't even have the expertise to put lineage in the middle of the road. So, you see Orchidland Drive doesn't have a centerline, does it? At the intersection. And, you know that really should be there. That type of signalization would be a great help even if the County can't take up the black top. That's all I have. Thank you for listening.

GONZALES: Commissioners, any questions for Mr. Arthurs.

MIYASATO: Yeah, I have a question.

GONZALES: Very good.

MIYASATO: Mr. Arthurs, were you present at this September 4th meeting?

ARTHURS: That was the general meeting? Is that--

MIYASATO: 2013, September 4th, Orchidland Community Association, Board of Directors.

ARTHURS: --what—

MIYASATO: --reviewed--

ARTHURS: --I don't believe so, no.

MIYASATO: Okay, in this letter that was submitted by Marti Morishige, in Condition 6, it states that "we believe a traffic signal at Orchidland Drive and Highway 130 is essential" and you just stated that the Directors are agreeing that Condition 6 can be deleted.

ARTHURS: No, that condition needs to be, needs to stay. That is a safety issue. It's a serious safety issue. It is unfair that the burden of that light be laid on one person.

MIYASATO: Okay, thank you.

ARTHURS: Is that what we're saying?

DEXTER: Well, I think if I understand correctly—

HATA-FINLEY: Mike, please.

DEXTER: I think if I understand that question correctly, because the condition is attached to this specific owner—is that correct? Then maybe it should be rescinded but the fact remains that, that is an unsafe intersection. So it depends, I look at it, cause we, we need the problem fixed. But it is unfair that Mr. Gadd's whole project is held up because of this condition, so that, I think it's a condition for his permit—it basically should be dropped for his permit because he should be able to go forward with his business, but the problem needs to still be solved.

GONZALES: I understand, but if Condition 6 remains then, it's on him, so Commissioner Miyasato, you don't want Condition 6 in there then.

ARTHURS: We realize, the Board realizes that the special permit request which you're considering today is but a stop gap until the rezoning goes forward, and at that time, these issues will have a more serious take I guess you would say.

GONZALES: Any questions? Commissioner Henkel?

HENKEL: Yeah, I, you know, Mr. Gadd's project I don't think is going to create a dangerous intersection there. It's already a dangerous intersection, and I think it's the State's kuleana to remedy that. Actually, I agree with them that it shouldn't fall all onto this one person. If anything, I think Jeff Darrow mentioned there's some kind of a shared plan with some of the

other developers in Orchid, you know? Absorb some of the cost. But still, it's the State's kuleana. Highway 130, it's already a dangerous intersection. We're going through this in Pāhoa, with you know, the Woodland Center we went through it, and they had the funds to step up and help fund intersection improvements there, but you know, the DOT is still putting in the roundabout and to remedy it there.

GONZALES: Okay, we'll get all that going in discussion, but any other questions for Mr. Arthurs from anyone?

ONO: Question.

GONZALES: Commissioner Ono.

ONO: Is this on?

ARAI: Yes.

ONO: Yes, just for clarification, I tend to disagree slightly. I would assume that this being a commercial development, there would be an increase in traffic because it's a commercial development so the intent of that intersection having the intersecting lights would be because of the added traffic, not, not to alleviate the present traffic problem. But my question really is directed to the previous speaker. Was that an exaggeration on the million dollar traffic light system? I'm not sure, but I heard a million dollars so I just wanted to have that clarified.

ARTHURS: Ever since I can remember about 15 years back when it was first broached with the State, they look at every traffic light as one million dollars. Any bridge, one million dollars. Any mile of pavement, one million dollars on their contracts, and I think Mr. Darrow would be more exact on the costing of it.

ONO: Do you have an answer?

DARROW: All, well I mean, basically all I can say is that, that's a figure that usually is used when they talk about traffic lights. The--at least a million dollars I would say that, that would be a conservative figure at this time. But, again, that's only guesstimating.

ONO: Thank you.

GONZALES: All right. Any other questions for Mr. Arthurs? You gentlemen can be seated. Thank you very much.

DEXTER: Thank you.

GONZALES: Unless there's any objections, I'm gonna close the public part of the hearing. No objections? Okay, I believe we need a motion and then we can go into discussion. Good luck.

HEAUKULANI: Can we take that in reverse order? Can we go into discussion now. I just wanted to point out that Condition No. 6 as it presently reads doesn't necessarily mean that this particular applicant is going to shoulder all of this burden. What it says is that the channelization, signalization and street lighting improvements shall be provided by the applicant if required by the DOT, and I don't know enough about that process or what else is going on, on or around Orchidland Drive to know that in fact the entire financial burden of providing those intersection improvements are going to fall on this particular applicant. There might be others around. There might be other negotiations going on, and I note that the communication from DOT is that they want to leave that provision in place for now, I think the language was. Or at least for the time being. I don't feel comfortable stepping into the place of DOT on in something as important as that intersection.

GONZALES: Jeff, if at some time, the Department of Transportation in the future decides yes now today we decided we want a light there, would Mr. Gadd have the opportunity to come back and request another amendment to his permit?

DARROW: The applicant can always request an amendment at any time for that. Just as Commissioner Heaukulani had mentioned about other applicants in the area may be required to pay a particular fair share, there was the Orchidland Convenience Center that came in originally, and there was a condition placed on them that says the applicant shall pay their reasonable share for infrastructure improvements that may be required of other commercial development in the immediate area, so it sounds like the intention was from the beginning to kind of cost share improvements for anything that would be required to cover the infrastructure. But, yes, in answer to your question, they could come in the future for an amendment.

GONZALES: Thank you.

KANUHA: Mr. Chairman, you know, one option the Commission may entertain is to continue this hearing and ask us to have a representative from the Department of Transportation, Highways Division, come before the Commission, and you can ask them directly what plans they have, if any, how receptive they would be to some kind of pro rata condition, etc., but you know for now, all we have on the record is their statement. So that's you know, that's a suggestion.

GONZALES: Mr. Gadd, would you have a problem if we continued this until we could get somebody from DOT here?

GADD (*from audience*): Yah, I rather not continue it. I'd rather not stay (inaudible).

GONZALES: Okay, all right, well then I guess I'm back to a--I need a motion from one of my fellow Commissioners.

ONO: I'm sorry, what was their request now. Are you amenable to us, a stay on this?

GADD: (*from audience*): I'd rather not.

GONZALES: I think he'd rather not.

ONO: He'd rather not? So he wants it decided today?

GONZALES: I think he rather just get it over today.

MIYASATO: I make a motion, Mr. Chair. I make a motion that the request for the amendment on Condition No. 2 and Condition No. 5 of the Special Permit No. 870 be approved by the Planning Commission. And that the request for the amendments for Condition No. 3, Condition No. 4, Condition No. 6, Condition No. 7 be denied by the Planning Commission.

DARROW: Could I interject? Just for clarification, it appears that on Condition No. 7, the change to 11 p.m. appears to be amenable to both parties, and the Planning Director would be supportive of that change as well. The reason why the, again, the Recommendation didn't reflect that, is that we just received this information.

MIYASATO: Okay—

DARROW: Thank you.

MIYASATO: Yeah, ok, take 7 out. Put Condition 7 after Condition No. 5 for approval.

GONZALES: Very good. Could I get a second?

ISHIBASHI: Second.

MOSES: Second.

GONZALES: All right, it has been moved by Commissioner Miyasato and seconded by Commissioner Ishibashi.

HEAUKULANI: I'm sorry e kalamai, could you restate the motion so, I mean, I want to make sure that we get this one right.

MIYASATO: Okay, for amend Condition No. 2, Condition No. 5, and Condition No. 7 of the Special Permit 870 be approved and that the request for the amendments in Condition No. 3, Condition No. 4, Condition No. 6 be denied.

HEAUKULANI: Thank you.

GONZALES: And Chairman Ishibashi, are you all right with that with your second?

ISHIBASHI: Yeah, I second.

GONZALES: Any discussion, any more discussion? I guess we go to vote.

DARROW: Okay, I'll just reflect the motion again. It, the motion I believe is to approve the amendment requests for Conditions No. 2, No. 5, and No. 7, and to deny the amendment request for No. 3, 4, and 6. Correct? With that, we'll take the roll call. Commissioner Miyasato?

MIYASATO: Aye.

DARROW: Commissioner Ishibashi?

ISHIBASHI: Aye.

DARROW: Commissioner Heaukulani?

HEAUKULANI: Aye.

DARROW: Commissioner Henkel?

HENKEL: Aye.

DARROW: Commissioner Moses?

MOSES: Aye.

DARROW: Commissioner Ono?

ONO: Aye.

DARROW: And Mr. Chairman.

GONZALES: Aye.

DARROW: The motion passes seven to zero.

GONZALES: Thank you. You will be notified in writing of the Commissioner's decision. Thank you.

The discussion ended at 9:55 a.m.

Respectfully submitted,

Sarah Y. Hata-Finley, Secretary
Windward Planning Commission