

PLANNING COMMISSION  
COUNTY OF HAWAI'I

MINUTES  
APRIL 4, 2008

The Planning Commission met in regular session at 9:15 a.m. in the County of Hawaii, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawaii, with Chairman Rodney Watanabe presiding.

PRESENT: Rodney Watanabe  
Takashi Domingo  
Shelly Ogata  
Alvin Rho  
Rene' Siracusa  
Rell Woodward

ABSENT & EXCUSED: C. Kimo Alameda  
Lani Bowman  
Andrew Iwashita

Ivan Torigoe, Deputy Corporation Counsel  
Christopher Yuen, Planning Director  
Norman Hayashi, Staff Planner  
Phyllis Fujimoto, Staff Planner  
Jeff Darrow, Staff Planner

REVOCAION OF  
SPECIAL PERMIT 05-009  
ISSUED TO  
MELVIN MIRANDA  
PLANNING DIRECTOR  
KAPOAULA,  
HAMAKUA  
AND  
TIME EXTENSION TO  
SPECIAL PERMIT 05-009  
MELVIN MIRANDA  
KAPOAULA,  
HAMAKUA

The Commission took these two items up simultaneously at 9:18 a.m. with approximately 12 people from the public in attendance.

**INITIATOR: PLANNING DIRECTOR**

Continued hearing on the revocation of Special Permit No. 05-009 (Melvin Miranda), which allowed the establishment of a contractor's base yard on approximately one acre of land situated within the State Land Use Agricultural District. The property is located along the north side of the Hawaii Belt Highway (Highway 19) at the 47.5-mile marker, Kapoaula, Hamakua, Hawaii, TMK: 4-7-7: portion of 55.

**APPLICANT: MELVIN W. MIRANDA (SPP NO. 05-009)**

Request to amend Condition No. 2 (time to secure Final Plan approval) of Special Permit



Mr. Lim explained that the Hawaiian Ocean View Community has been very receptive to their plans, noting the various letters of support submitted into the record. He added that the Applicant will be providing a service to the community by grading the area of the HOVE community center and granting free storage space for the Ocean View Volunteer Fire and Disaster Response Team.

For Commissioner Domingo's information, Mr. Lim explained that the managers, husband and wife, who will live on the top floor) and one full-time employee will be working at the facility and they will be using a catchment system to service the Managers' residence on the top floor of the facility, noting there was a water variance granted for the initial 7-lot subdivision that they will use for their 2-lot subdivision.

Commissioner Woodward said the rainfall this year for the area is below the average 30-inch rainfall, and a water well is being considered since there is no water piped in and most of the people have water trucked in when needed. He added that there are no homes in the immediate area; and he pointed out that Ocean View residents use the highly efficient drip irrigation system where they run it off a water tank with a timer.

In response to Mr. Yuen's inquiry, Mr. Lim said since the facility is occupied during the day and there are no immediate surrounding residents in the area he did not think there were special fireflow requirements.

For Commissioner Domingo's information, Mr. Lim said the storage units are 8 x 10 to 10 x 10.

In response to Commissioner Siracusa's inquiries, Mr. Lim said the applicant will be consulting with the Planning Department on having the walls painted in a fairly attractive color and pattern. He noted that the permit was approved in 1998, one of the original owners is no longer involved and the current three owners are under contract to sell to Mini-Pro Construction. He said Mini-Pro Construction has been working to develop such a facility for the past 25 years, and they have sufficient funding to build the whole project in one phase without any loans. He added that the applicant is willing to provide landscaping on the Kona Garden Estates side of the property.

In response to Commissioner Woodward's suggestion Mr. Lim stated that the applicant, along with the 10-foot wall, plant tall bushy trees as illustrated in their submittal toward Kona Gardens, and landscaping perhaps along the makai border of the property. Mr. Yuen then suggested Condition 2 be amended by adding to the second to the last sentence “, or a textured 10-foot high concrete wall around the perimeter of the property plus landscaping as approved by the Planning Director.”

Mr. Lim then clarified for the staff and Commission that the 10-foot wall is really the exterior face of the self-storage unit and they will have landscaping within the setback area.

Frank Guistiniani said they are willing to work with the Planning Department in coming up with a pattern for the wall that will satisfy the Planning Department, noting they have over 100 patterns which are very attractive and elegant looking.

Mr. Yuen stated the Department will be looking for a considerable amount of landscaping, particularly along Mamalahoa Highway frontage, and Mr. Justiani said they would like to have landscaping that will make the facility look very attractive.

It was moved by Commissioner Woodward and seconded by Commissioner Domingo that the application be approved as recommended by the Planning Director, inclusive with the Planning Director's proposed Conditions 2, 3, 4 and 7 as revised. A roll call vote was taken and motion carried with six ayes (Woodward, Domingo, Ogata, Rho, Siracusa and Watanabe) and three absent and excused (Alameda, Bowman and Iwashita).

RECESSED

The Chair recessed the meeting at 12:22 p.m.

RECONVENED

The Chair reconvened the meeting at 1:58 p.m.

REZ 738  
HILO HILLSIDE  
CORPORATION  
KUKUAU 1<sup>ST</sup>  
SOUTH HILO

The Commission took this item up at 1:58 p.m. with approximately 5 people from the public in attendance.

**APPLICANT: HILO HILLSIDE CORPORATION (REZ 738)**

Amendment to Condition C (time to secure Final Subdivision Approval) of Change of Zone Ordinance No. 93-36, which rezoned 153.479 acres of land from Agricultural 20-acre (A-20a), Agricultural 10-acre (A-10a) and Agricultural 3-acre (A-3a) to Residential and Agricultural 1-acre (RA-1a) district. The property is located mauka (southwest) of the Sunrise Estates Subdivision, Increment I, Kukuau 1<sup>st</sup>, South Hilo, Hawaii, TMK: 2-4-8: portions of 14 and 26.

(SEE EXHIBIT B)

RECESSED

The Chair called a recess at 3:02 p.m.

RECONVENED

The Chair reconvened the meeting at 3:11 p.m.

SPP 1194  
ROBERT & RUBY  
KOBAYASHI  
KEAAU,  
PUNA

The Commission took this item up at 3:11 a.m. with three people from the public in attendance.

**APPLICANT: ROBERT & RUBY KOBAYASHI (SPP 1194)**

Amendment to Condition Nos. 2 (life of permit), 3 (time to finalize building permits) and 10 (time to secure final plan approval) of Special Permit No. 1194, which allowed 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 Keaau-Pahoa Road (Highway 130) and Ilima Street intersection, Orchidland Estates Subdivision, Keaau, Puna, Hawaii, TMK: 1-6-9:166.

Mr. Darrow oriented the Commission and public of the subject and surrounding properties on the location map and site plan, summarized the request, and noted the Planning Director has recommended approval of the request.

Commissioner Siracusa said she thought Vern Wood's approved special permit request would have created a commercial node for the type of business the applicants are proposing. Mr. Darrow said there have been a number of special permits granted in the area; however, there have been numerous requests for time extensions. He emphasized that there have not been any areas within a 5-mile radius that have been rezoned to commercial and industrial in which the applicants could locate to.

Commissioner Siracusa questioned whether the applicant has complied with Rule 17 on landscaping, noting many of the approved special permits, especially along the boundary of the Keaau-Pahoa Road, have not complied with this rule. Mr. Darrow said the applicant has just submitted plan approval and will work with the Planning Department to comply with this condition, noting Mr. Kobayashi's project is a little different in that it is quite an area away from the highway and there is quite a bit of vegetation blocking them from the highway which would be identified as part of the landscaping, noting access will be from Ilima Street and not the highway.

Mr. Darrow stated that Frances Chittenden, surrounding property owner, has clarified that although she sent in a petition for a contested case her intention was to just express her opposition to the request, noting the Commissioners have a copy of the Director's response letter to her.

The applicant, Robert Kobayashi, stated he has received and agreed with the Planning Director's background and recommendation.

In response to Commissioner Siracusa's inquiry, Mr. Kobayashi said as he did everything himself, there was a lot of paperwork involved, and the Building Department told him there was no time limit for the permit, he did not realize he had these conditions he had to comply with. He said he expects completion of the project within a month and would like to continue operating for another five years.

Mr. Darrow noted that since the applicant is now aware of the time conditions he is making great effort to comply with the conditions previously imposed.

In response to Commissioner Rho's inquiries, Mr. Kobayashi said he found out about the time conditions of the permit when he met with Mr. Darrow in January to ask for the five-year extension to operate his business; and from the time he received the special permit to the time he met with Mr. Darrow in January he did not receive any notification letter that the special permit conditions were not being complied with. He clarified that he just wanted to do an extension to the existing structure by putting in beams and posts on the open garage to store his backhoe; and when the permit was granted, material was hard to come by and he was having difficulty finding a licensed contractor. He reiterated that when he went to the Building Department and asked

how long he could have the permit, they told him there is no time limit and so he had the mistaken impression he had no time limits on any permits.

Commissioner Woodward sympathized with the applicant as he was attempting to obtain the permit himself and was not well versed in reading the paperwork or familiar with the procedure, adding the applicant had no notice that he was approaching his deadlines. He said he felt the request should be approved as the applicant took immediate action to comply with the conditions imposed as soon as he was made aware of the situation.

Commissioner Siracusa strongly urged the Planning Department to devise a check list for applicants on what steps need to be done to obtain a permit using plain language so those who cannot afford lawyers or someone to advise them can understand.

Commissioner Rho said it would really help if the Department staff actually followed up with applicants on their progress, but because of limited financing perhaps a check list would be an easier route.

There was no one from the public wishing to testify on the application.

It was then moved by Commissioner Rho and seconded by Commissioner Woodward that the request be approved as recommended by the Director, inclusive of amendments to Conditions 2, 3, 10, 11, 12 and 14. A roll call vote was taken and motion carried with six ayes (Rho, Woodward, Ogata, Domingo, Siracusa and Watanabe) and three absent and excused (Alameda, Bowman and Iwashita).

REZ 06-000053  
CLARK REALTY  
CORPORATION  
WAIAKEA,  
SOUTH HILO

The Commission took this item up at 3:37 p.m. with three people from the public in attendance.

**APPLICANT: CLARK REALTY CORPORATION (REZ 06-000053)**

Amendment to delete Condition G (connection to existing County sewer line) of Ordinance No. 07-40, which rezoned 21,050 square feet of land from a Limited Industrial – 20,000 square feet (ML-20) to an Industrial-Commercial Mixed Use – 20,000 square feet (MCX-20) district. The property is located along the west side of Kanolehua Avenue, approximately 95 feet north of the Kanoelehua Avenue – Hualani Street intersection, Waiakea House Lots, First Series, Waiakea, South Hilo, Hawaii, TMK: 2-2-35:47.

Mr. Darrow oriented the Commission and public of the subject and surrounding properties on the location map and site plan, summarized the requested, and noted the Planning Director’s favorable recommendation to the County Council that rather than delete Condition G it be amended to read, “Individual wastewater systems shall be installed, meeting with the approval of the Department of Health.”





beyond the highway itself for a future road widening. Mr. Nishimura said the frontage between the building and actual highway right-of-way appears to be roughly 120 feet.

Mr. Nishimura stated the applicant has reviewed the Planning Director's background and recommendation and will be able to comply with the proposed conditions.

In response to Commissioner Rho's inquiry, Mr. Yamamoto said the County is considering subdividing the property and having a park on the bottom portion and selling the remaining upper portion, noting the land is rather steep. Mr. Nishimura added that there has not been any active use of the property since the County obtained the property from Hamakua Sugar Company for real property taxes that were unpaid.

Commissioner Rho questioned whether the applicant considered locating the facility further mauka as he felt the area in question is prime real estate property. In response Mr. Yamamoto explained that as Highway Maintenance protocol is after a disaster they go onto the highways to starting clearing immediately, they needed close access to a roadway, noting if they put it further back their access might be blocked in the front. Mr. Yamamoto added that a flat area is needed in order to build a maintenance facility, otherwise it could be extremely costly.

It was moved by Commissioner Domingo and seconded by Commissioner Woodward that the request be approved as recommended by the Planning Director, with conditions. A roll call vote was taken and motion carried with six ayes (Domingo, Woodward, Ogata, Rho, Siracusa and Watanabe) and three absent and excused (Alameda, Bowman and Iwashita).

SPP 08-000049                      The Commission took this item up at 4:25 p.m. with  
HAWAIIAN VANILLA                      one person from the public in attendance.  
COMPANY, INC.  
PAAUILO HOMESTEADS,  
HAMAKUA

**APPLICANT: HAWAIIAN VANILLA COMPANY, INC. (SPP 08-000049)**

Special Permit to allow a facility to market agricultural products, host educational tours, conducts culinary presentations, and operate a certified kitchen on 29,925 square feet of land situated in the State Land Use Agricultural District. The property is located along the south side of Paauiilo Mauka Road, directly across from the Paauiilo Mauka Road and Kaapahu Road junction, Paauiilo (2<sup>nd</sup> Series) Homesteads, Hamakua, Hawaii, TMK: 4-3-13:27.

Mr. Darrow noted submitted into the record are the applicant's March 7, 2008 correspondence requesting the hearing be continued to a specified date, and the Planning Director's March 18, 2008 correspondence informing the applicant the Commission will be making a decision on the request for a continuance of the hearing to the next Hilo meeting.

The applicant's representative, James H. Reddekopp, Sr., was in attendance.

Commissioner Siracusa at this time made a correction to the application as the HVC's operation is **NOT** the only vanilla farm in the United States and the first USDA organic vanilla farm in the county as she knows of another organic vanilla farm in the Waawaa Subdivision.

There was no one from the public wishing to testify on the agenda item.

It was moved by Commissioner Woodward and seconded by Commissioner Domingo that the hearing be continued to the next Hilo meeting. A roll call vote was taken and motion carried with six ayes (Woodward, Domingo, Ogata, Rho, Siracusa and Watanabe) and three absent and excused (Alameda, Bowman and Iwashita).

PLANNING COMMISSION The Commission took this item up at 4:29 p.m. with  
RULE 9 (SMA) one person from the public in attendance.

PLANNING DIRECTOR  
ARTIFICIAL LIGHTS

**INITIATOR: PLANNING DIRECTOR**

Amendment to Planning Commission Rule 9 (Special Management Area) by including requirements to mitigate the adverse impacts of light pollution in coastal areas and artificial lights on the shoreline and ocean waters by prohibiting the positioning of artificial lights in a manner causing direct illumination of the shoreline and ocean waters. This amendment is mandated by Act 224, Sessions Law of Hawaii 2005.

Mr. Darrow briefly described the proposed amendment, noting the Legislature found light pollution can be disruptive to avian and marine life.

Commissioner Siracusa commented she felt this proposal is overdue and referred to her experience with the death of an endangered shearwater, which was a loss of not only that shearwater but her future progeny.

Commissioner Domingo felt the County should also address the activities that will take place at the Pohakuloa training area, such as use of the Stryker vehicles where it will create dust pollution that will affect the earth's atmosphere and impede the ability of the astronomers to look into the night sky and also create additional housing and developments where it would generate more lights.

Commissioner Woodward agreed that the proposal is a great idea as there are a number of impacts of light pollution including enjoyment of night sky, noting he felt the biggest impact is probably on turtle hatchlings as they get attracted to high beams instead of moon beams and would be headed not to the sea but inland and perish.

Commissioner Siracusa noted there were numerous alternatives so that there can be lights for safety and yet not impact endangered species along the shoreline such as pointing the lights downward or having lights along a pathway at knee level. Commissioner Woodward suggested the County consider using low intensity red fluorescent lights as an alternative, such as those currently being used on Mauna Kea.

MINUTES

The Planning Commission took up the following minutes at this time, 4:38 p.m.

February 1, 2008 – It was moved by Commissioner Siracusa and seconded by Commissioner Woodward that the minutes be approved. Motion was unanimously carried by a voice vote of all Commissioners in attendance.

March 6, 2008 - It was moved by Commissioner Siracusa and seconded by Commissioner Woodward that the minutes be approved. Motion was unanimously carried by a voice vote of all Commissioners in attendance.

ANNOUNCEMENTS

Staff announced the next meeting is scheduled for April 18<sup>th</sup> at the Waikoloa Marriott.

ADJOURNMENT

There being no further business the Chair declared the meeting adjourned at 4:39 p.m.

Respectfully submitted,

Sharon M. Nomura, Secretary

A T T E S T:

Rodney Watanabe, Chairman  
Planning Commission