

PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
DECEMBER 17, 2004

The Planning Commission met in regular session at 9:05 a.m. in the County of Hawai'i Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i, with First Vice-Chairman Earl Fujikawa presiding.

PRESENT: Earl Fujikawa
C. Kimo Alameda
William Graham
Jeffrey McCall
Rene' Siracusa
Francis Smith
Hannah Springer

ABSENT & EXCUSED: Fred Galdones

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

The Chair introduced the Commissioners and staff to members of the public.

All those testifying were duly sworn in.

USE NO. 126 The Commission took this item up at 9:02 a.m. with approximately
NANI MAU INC. four people from the public in attendance.
WAIAKEA,
SOUTH HILO

APPLICANT: NANI MAU INC. (USE NO. 126)

Request for revocation of Use Permit No. 126 which allowed the establishment of a 9-hole pitch and putt golf course on approximately 15 acres of land. The property is located adjacent to the Nani Mau Gardens complex along Makalika Street, Panaewa Farm Lots, Waiakea, South Hilo, Hawaii, TMK: 2-2-48: portion of 13.

Mr. Hayashi 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 recommended approval of the application with conditions.

The applicant's representatives, Kenneth Fujiyama and Chian Hsu, were in attendance.

Ms. Hsu gave some background information and explained their request to revoke the use permit as they have no intention to pursue the 9-hole pitch and putt golf course.

It was moved by Commissioner Springer and seconded by Commissioner McCall that the hearing be continued to the next Hilo meeting. Motion was unanimously carried by a voice vote of all Commissioners in attendance.

SPP 04-015
JERRY GARDNER/
MARKLYN WILSON
KEAAU,
PUNA

The Commission took this item up at 10:11 a.m. with approximately 26 people from the public in attendance.

APPLICANTS: JERRY GARDNER/MARKLYN WILSON (SPP 04-015)

Special Permit to allow the establishment a 3-bedroom bed and breakfast operation within an existing single family dwelling situated on 3 acres of land within the State Land Use Agricultural District. The property is located along the southwest side of 39th Avenue, approximately 0.85 mile from the 39th Avenue – Orchidland Drive intersection, Orchidland Estates Subdivision, Keaau, Puna, Hawaii, TMK: 1-6-12:121.

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 recommended approval of the application with conditions.

Ms. Siracusa questioned whether the Orchidland Community Association and surrounding property owners were notified about this application. Mr. Darrow noted the first notification to surrounding property owners was on October 12th and the second notification was on November 19th. He said it does not appear the Orchidland Community Association, specifically, was notified.

Commissioner Springer questioned if there were occupancy or room dimension limits. Mr. Darrow responded by saying that there is a limit of 10 guests under Section 25-4-7 of the Bed & Breakfast Ordinance. Mr. Yuen said there is a Housing Code that regulates the size of the bedrooms, noting the Planning Department relies on applicants to comply with County requirements.

Commissioner Springer, noting the difficulty of enforcement, said that although there are County requirements, there is no requirement that there should be “x” number of people in one room, wherein conceivably there could be ten people in one room. She said in the past the Director did say that rather on a case-by-case basis he would like to approach concerns of this nature as a policy matter and questioned whether the Planning Department will develop a guideline of how many people would be allowed in one room. Mr. Yuen said that two people to a standard sized bedroom was a reasonable guideline, but added he would not have any objections to having a 4-person couple- or family-type shared room if guests are trying to save on expenses.

Commissioner Springer noted that what is proposed today is a three-bedroom facility with a maximum of ten guests, and asked the Director for guidance. Mr. Yuen said he would not have a problem if the maximum number of guest would be limited to six people, but noted the Commission should seek the applicant’s comments.

In response to Commission Siracusa's inquiries, Mr. Yuen said that cesspools come under the jurisdiction of the State Department of Health and there is a 5-bedroom limit on cesspools or individual wastewater systems, unless another one is installed. He noted, however, that there is no limit on the number of people.

Commissioner Graham commented he felt dealing with the number of people should be dealt with as a policy item in the future, but he saw no reason to impose a limitation of less than ten guests on the application today.

The applicants, Jerry Gardner and Marklyn Wilson, were in attendance.

Ms. Wilson commented that they did not formally notify the community association of their application; however, they know almost everyone in the association so she did not see notification as a problem. She then requested they be allowed ten guests inasmuch as they plan to advertise their B&B as wheel-chair accessible and child friendly, noting normally there would be two people in each room.

Mr. Gardner informed Commissioner Siracusa said that they do not plan to clear any more of the forest as they have a large grassed section behind the existing home to use for the orchard.

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

In response to Mr. Yuen's inquiry, Ms. Wilson said the upstairs rooms are approximately 14 by 16 and the downstairs room is 15 by 25 feet.

It was moved by Commissioner Springer and seconded by Commissioner Graham that the application be approved based on and incorporating the Planning Director's recommendation, as well as discussion held today. A roll call vote was taken and motion carried with seven ayes (Springer, Graham, Alameda, McCall, Siracusa, Smith, and Fujikawa) and one absent and excused (Galdones).

SPP 04-014
CANDEE CORWIN/
TERESA REYNOSO
KAMAILI,
PUNA

The Commission took this item up at 10:27 a.m. with approximately 28 people from the public in attendance.

APPLICANTS: CANDEE CORWIN/TERESA REYNOSO (SPP 04-014)

Special Permit to allow the establishment of a 2-bedroom bed and breakfast establishment and a massage wellness operation within an existing single family dwelling situated on 5.06 acres of land within the State Land Use Agricultural District. The property is located along the north side of Opihikao Road, Kaueleau Farm Lots Subdivision, Kmaili Homesteads, Puna, Hawaii, TMK: 1-3-10:1.

Mr. Darrow noted that the applicants in their November 24, 2004 letter requested the hearing be continued to the next Hilo meeting as they were off-island today.

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

Commissioner Siracusa noted if the hearing is continued the State Department of Health should be allowed time to comment on the application; and, also, the 15 property owners within the community, even though they are outside the 300-foot perimeter boundary, should be informed of the continued hearing. Mr. Darrow noted the applicants will submit a response to the Department of Health's comments prior to the next meeting. Upon Commissioner Graham's suggestion, Mr. Darrow said he will inform the applicant that the Commission has suggested he notify the 15 property owners within the community of the continued hearing.

It was moved by Commissioner Springer and seconded by Commissioner Alameda that the hearing be continued to the next Hilo meeting. Motion was unanimously carried by a voice vote of all Commissioners in attendance.

USE 04-005
STEPHEN AND
RAE WELSH
ALAE,
SOUTH HILO

The Commission took this item up at 10:33 a.m. with approximately 28 people from the public in attendance.

APPLICANTS: STEPHEN AND RAE WELSH (USE 04-005)

Use Permit to allow the establishment of a 1-bedroom bed and breakfast operation within an existing single family dwelling situated within the Single Family Residential – 15,000 square foot (RS-15) zoning district. The property is at the corner of Nahala Street, Makakai Place and Kahoia Street, Alae, South Hilo, Hawaii, TMK: 2-6-25:5.

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 recommended approval of the application with conditions.

The applicants, Steven and Rae Welsh, were in attendance.

Mr. Walsh requested the Planning Commission's approval of a 600-square foot suite at the lower level of their home for a bed and breakfast operation.

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

It was moved by Commissioner Springer and seconded by Commissioner McCall that the application be approved based on and incorporating the Planning Director's recommendation, with conditions. A roll call vote was taken and motion carried unanimously with seven ayes (Springer, McCall, Alameda, Graham, Siracusa, Smith and Fujikawa) and one no (Galdones).

SPP 04-010
DAVID AND
SHARON PETTUS
KAAUHUUHU,
HAMAKUA

The Commission took this item up at 10:38 a.m. with approximately 23 people from the public in attendance.

APPLICANTS: DAVID AND SHARON PETTUS (SPP 04-010)

Special Permit to allow the establishment of a Wellness Center Retreat and related improvements on 12.157 acres of land situated within the State Land Use Agricultural District. The property is located along the southeast side of Velez Road, approximately 700 feet from the Velez Road – Honokaa-Waipio Road (Highway 240) junction, Kaauhuhu, Hamakua, Hawaii, TMK: 4-7-2:15.

(SEE EXHIBIT B)

ADMINISTRATIVE MATTERS

At 12:24 p.m., the following were discussed under administrative matters:

Status of appeals filed on Planning Commission decisions - Corporation Counsel -

Mr. Torigoe said Ainaloa Development Corp. has filed an appeal of the Planning Commission’s decision to Use Permit No. 106 to the Third Circuit Court, noting he will be preparing a response shortly and the record on appeal is currently being prepared. Mr. Torigoe noted that the contested case for Wayne Blasman’s SMA 02-003 is still pending, there is an effort by the State to purchase the property.

Other Commission Matters – Mr. Hayashi expressed the Planning Department’s appreciation to Commissioners Smith and Fujikawa for serving on the Planning Commission, noting although their term ends on December 31st, they will be asked to serve for another 90 days or until a replacement is named.

ANNOUNCEMENTS

Mr. Hayashi noted the next meeting is scheduled for January 21st in Kona.

ADJOURNMENT

There being no further business, the Chair declared the meeting adjourned at 12:30 p.m.

A T T E S T:

Respectfully submitted,

Earl Fujikawa, First Vice Chairman
Planning Commission

Sharon M. Nomura, Secretary