

PLANNING COMMISSION
COUNTY OF HAWAI`I

HEARING TRANSCRIPT
JANUARY 16, 2004

A regularly advertised hearing on the applications of **CONTINENTAL PACIFIC, LLC (SLU 03-006/REZ 03-014/ SMA 03-009/ SMA 03-016)** was called to order at 9:07 a.m. in the County Building, Councilroom – Room 201, 25 Aupuni Street, Hilo, Hawai`i, with Vice Chair Earl Fujikawa presiding.

PRESENT: Earl Fujikawa
Bill Graham
Jeffrey McCall
Aurelio C. Mina, Jr.
Francis Smith
Hannah Springer
Bill Thibadeau

ABSENT AND EXCUSED: Fred Galdones
Florence Kubota

Patricia O'Toole, Esq., Deputy Corporation Counsel
Christopher J. Yuen, Planning Director
Norman Hayashi, Planning Program Manager
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner

And approximately 17 people from the public in attendance

APPLICANT: CONTINENTAL PACIFIC, LLC (SLU 03-006/REZ 03-014/ SMA 03-009)
Continued hearing on the following applications:

- a. Application for a State Land Use Boundary Amendment for 4.182 acres of land from the Agricultural to the Urban District.
- b. Application for a Change of Zone for 13.478 acres of land from Limited Industrial – 20,000 square feet (ML-20), General Industrial – 5 acres (MG-5a), Village Commercial – 10,000 square feet (CV-10) and Agricultural 20-acre (A- 20a) to Single Family Residential – 20,000 square feet (RS-20) and ML-20 districts.
- c. Application for a Special Management Area (SMA) Use Permit to allow the development of an 11-lot subdivision, including portion of a roadway lot, and related improvements. The area involved includes the former Hilo Coast Processing Mill complex and surrounding former sugar cane lands at Pepekeo, South Hilo, Hawaii, TMK: 2-8-07: portions of 1 and 53.

APPLICANT: CONTINENTAL PACIFIC, LLC (SMA 03-016)

Application for a Special Management Area (SMA) Use Permit to allow the development of an 11-lot subdivision, ranging in sizes from 2.0 acres to 5.6 acres, and related improvements. The area involved is located approximately 1,900 feet south of the Hilo Coast Processing Co.'s Power Plant and about 150 feet east (mauka) of the shoreline, Pepekeo, South Hilo, Hawaii, TMK: 2-8-07:por. 1.

FUJIKAWA: Applicant No. 2 is the Continental Pacific LLC. That's SLU 03-006/REZ 03-014/SMA 03-009). This is a continued hearing. Staff, go ahead.

HAYASHI: This would be for the Continental Pacific continued applications. This application has been before the Planning Commission since, I believe, August of last year. It has been continued on numerous occasions. The applicant, and just to refresh your memory on this particular application, the applicant is requesting to reclassify approximately 4 acres of land from an Agricultural to an Urban District; and also to rezone that particular property from Agricultural - 20-acre to a Limited Industrial – 20,000 square foot zoned district. The applicant is also requesting that this particular area indicated in orange be rezoned from a General Industrial - 5-acre to a Single Family Residential - 20,000 square foot zoned district.

In the area adjacent to this orange shaded or outlined area, the applicant is also requesting to rezone that property from ML-20 to RS-20; and there is also another area indicated in, outlined in blue that the applicant is requesting to rezone from CV-10 to RS-20.

The applicant is also requesting that along this, in this particular area, 11 lots be created within the special management area.

As I indicated before there are numerous requests to continue the hearing on this particular application. Since the last meeting back in November, I believe, we received some correspondences regarding this application. All of you received copies of those correspondences, so I'll dispense with the reading or identifying what those correspondences are. We also received yesterday a copy of a letter from the applicant's representative, Stephen Lim, requesting that this particular application be continued until such time that they are able to resolve some of the issues with the community. So staff would recommend that this application be continued until we hear back from the applicant as to any kind of settlement or agreement that they had reached with the community. Are there any questions at this time?

Oh, just to let you know, the subsequent agenda item, Item No. 3, is also for Continental's request to do an 11-lot subdivision within the SMA, and that would be on the south side of the Continental's property. That would be in this particular area. Because of noticing problems, excuse me, the surrounding property owners were not notified by the applicant that this petition was filed. We are pulling this application, the second application, from this agenda.

FUJIKAWA: You're pulling it away for now?

HAYASHI: That's correct.

FUJIKAWA: Thank you. Any questions, Commissioners, to the staff? None.

HAYASHI: I'm looking at the Director. He's trying to -.

FUJIKAWA: Director.

YUEN: There's one more thing we wanted to say about that, that you received a recommendation that was sent out by clerical error. That was a draft that was done, a working draft. It was never approved to be finally sent out.

HAYASHI: So if you can dispose of that recommendation that was sent to you on the second application.

FUJIKAWA: Okay. Any questions, Commissioners. If not, the applicant's representative, please step forward.

LIM: Thank you, Mr. Chairman and Members.

FUJIKAWA: You want to raise your right hand? Do you swear or affirm to tell the truth on the matter now before the Hawai'i Planning Commission

LIM: I do.

FUJIKAWA: Thank you, you may proceed.

LIM: Thank you. I'll be, I guess, making my statements relative to Item No. 2 and No. 3. As you know, the applicant in this matter at the Pepeekeo Point area has been trying to work with the community. We've not concluded those discussions. We had agreed to the community's request to continue the hearing and had hoped to meet with them sooner; but that hasn't happened yet. So we're still willing to meet with them. Therefore, we made the request for the continuance of the hearing. We're not asking for a specific time to continue it to because we don't want to create this artificial rush to make this happen, while we do wish that the community would be working with us to hopefully resolve some of these issues.

On the Item No. 3, which is the south lots, SMA, that application was, we were set to notice the adjoining property owners. The reason why we didn't was because the issues with the community came up; and so we thought we didn't want to push another application on them. And so what will happen is, should we proceed with that application, we would then file the required notices prior to coming back with the Commission. And we do understand the Planning Director's statements regarding the, disregarding the background and recommendation that were sent out on those.

FUJIKAWA: Any questions, Commissioners, to the applicant's representative? None. Okay, if not, we do have two people who have signed up, Pat Nimms and Jan Moon. Would you step forward.

Now your testimony, is it based on Item No. 3 or the -?

NIMMS: Actually it's based on the on-going access to the fishing areas, etc. And I guess that's what he's trying to address.

FUJIKAWA: This is mainly now, to clarify, mainly on the continued hearing on this. Okay. And is there Jan Moon?

MOON: Yes.

FUJIKAWA: You want to step forward, too? Okay, both of you may step, sit there. Okay. Do you swear or affirm to tell the truth on this matter now before the Hawai'i Planning Commission?

TESTIFIERS: I do.

FUJIKAWA: Thank you. You want to state your name and your address before you proceed with your testimony.

NIMMS: Patricia Nimms, PO Box 951, Pepeekeo, Hawai'i. And my concern is it seems like every time that Continental Pacific wants something from the community or the Planning Commission, all of a sudden there's plenty of access, driving access. As soon as they get what they want, those gates go shut. I don't mind cause I walk down there, but there are a lot of elderly people in the community that have been fishing there for generations. I don't think that has still been adequately addressed. And, also, I'm concerned about part of the property. Because the way they're running cattle there, they've caused the erosion of the cliffs so much that I'm concerned in ten years that the cliffs are going to be at the property line of the people from the setback. And I wondered what our rights are to access after that.

FUJIKAWA: Any questions, Commissioners, of the testifier? No questions. If not, the next testifier you may give your name and your address, please.

MOON: I'm Jan Moon, 1221 Lokoaka Street, Hilo. And I'm speaking for the Sierra Club Conservation Committee. And we're concerned about the following: The coal ash piles; and we're concerned that it's contributing to the pollution of Hilo Bay. And before Continental Pacific's application is approved, there must be a plan in place to remove the coal ash. And we feel that it may be contaminated, it should not be spread around on the island, unless it has been tested for contamination. And we're also concerned about shoreline access to the fishing and tidal areas. They must be retained and not discouraged. And gaps to allow pedestrians through the fences need to be wide enough to get through, and older people need to be able to access the shore. And then we're concerned about the social and economic justice. The high-priced gated community is not appropriate because it would change the character of the area and drive out people who can no longer afford to live in the area. And then we're concerned about the diminishing of agriculture and agricultural resources. Land prices may rise to where

farmers can't afford to buy there. Buyers may or may not farm land, even if it's zoned agriculture. And thank you for your concerns.

FUJIKAWA: Any questions, Commissioners, to the testifiers? None, thank you very much for your testimony. Will the applicant or representative please come forward. Do you have any comments at this time?

LIM: We've heard these issues raised before, and these are some of the things we'll be working with the community on.

FUJIKAWA: Thank you. Any questions, Commissioners, to the applicant's representative? Thank you. Okay. Do I hear a motion to continue this application? We'll start off with the continuance of the applicant on Item No. 2.

SPRINGER: Mr. Chair?

FUJIKAWA: Yes.

SPRINGER: I move that Continental Pacific LLC, SLU 03-006/ REZ 03-014/SMA 03-009, be continued until -.

FUJIKAWA: You want a Hilo meeting?

SPRINGER: Can that be done?

FUJIKAWA: Staff, would it be the Hilo scheduled -?

HAYASHI: Okay.

SPRINGER: The next scheduled Hilo meeting.

FUJIKAWA: Next scheduled Hilo meeting. Do I hear a second?

MINA: Second.

FUJIKAWA: It has been moved by Commissioner Springer and seconded by Commissioner Mina on this particular application, No. 2, SLU 03-006 and REZ 03-014 and SMA 03-009, to be continued to the next Hilo meeting. Questions?

GRAHAM: Mr. Chairman?

FUJIKAWA: Commissioner Graham.

GRAHAM: My understanding from the applicant's representative is that he didn't really want to schedule the next hearing time. And so that if that's correct, I would like to suggest that Ms. Springer make it contingent until an unspecified future meeting in Hilo.

SPRINGER: Is that acceptable, Mr. Chair?

FUJIKAWA: Yeah, what dawn on me or came to my mind was the, is that okay with the applicant's representative?

LIM: Yes. Normally we don't like to indefinitely continue, but in this particular case, I think, we will need the time. What will happen is once we determine that we would like to return to the Commission, we will renote, you know, work with the Planning Department to schedule a hearing in Hilo; and then we'll renote the property owners as required under the rules.

FUJIKAWA: So that will be okay with you then?

LIM: Yes.

SPRINGER: So this motion will be that this matter is continued until we are contacted by the applicant for scheduling.

FUJIKAWA: Fine. Is that okay with you, Commissioner Graham?

GRAHAM: Yes.

FUJIKAWA: Okay, great. So go ahead, staff.

O'TOOLE: Did Mina, I thought Mina seconded the motion.

MINA: I agree.

FUJIKAWA: Okay. You don't have any -?

MINA: No.

FUJIKAWA: Staff, you may proceed with the roll call.

HAYASHI: Commissioner Mina?

MINA: Aye.

HAYASHI: Commissioner Springer?

SPRINGER: Yes.

HAYASHI: Commissioner Mina?

MINA: Aye.

FUJIKAWA: That will be Graham. Commissioner Graham made, oh, I'm sorry. Mina made the second. I'm sorry. You're correct.

HAYASHI: Commissioner Smith?

SMITH: Aye.

HAYASHI: Commissioner McCall?

MCCALL: Aye.

HAYASHI: Commissioner Graham?

GRAHAM: Aye.

HAYASHI: Commissioner Thibadeau?

THIBADEAU: Aye.

HAYASHI: Chair Fujikawa?

FUJIKAWA: Aye.

HAYASHI: Mr. Chair, motion carries, seven to zero.

LIM: Thank you very much.

The discussion ended at 9:22 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary