MEETING OF THE PLANNING COMMISSION
Minutes
Wednesday, May 11, 2016

The Planning Commission held a meeting on
Wednesday, May 11, 2016, at 1:35 p.m., at the Mission
Memorial Conference Room, Mission Memorial Building, 550
South King Street, Honolulu, Hawaii. Chair Dean Hazama
presided.

COMMISSIONERS PRESENT: Dean I. Hazama, Chair
Cord D. Anderson, Vice Chair
Daniel S. M. Young
Arthur B. Tolentino
Theresa McMurdo

COMMISSIONERS EXCUSED: Kailulani K. Sodaro
Steven S. C. Lim
Ken K. Hayashida
Wilfred A. Chang, Jr.

COMMISSION STAFF: Gloria Takara,
Secretary-Hearings Reporter

DEPUTY CORPORATION COUNSEL: Jennifer D. Waihee-Polk

PROCEEDINGS

Chairman Hazama: Okay. Good afternoon. Thank you
for your patience. At this time I call the meeting of the
May 11th, 2016 Planning Commission to order. [bangs gavel].
First order of business on the agenda is the approval of our
March 16th minutes. Are there any changes, revisions or
comments regarding the minutes?

Member Tolentino: Approve as circulated.
Member Anderson: Second.
Chairman Hazama: Okay. Moved and seconded for
approval. Any objections? [no response] Any abstentions?
[no response] Okay. Our March 16th minutes have been
adopted.

[It was moved by Tolentino and seconded by
Anderson that the regular and executive session minutes of
the March 16, 2016 meeting, as previously circulated, be
approved by the Commission. Motion was unanimously carried,
5-0.]

Chairman Hazama: Moving on to public hearing,
Koolauopoko zone change request 2015/2-4, Kole Group, LLC.
At this time, I'd like to call up the Department.
Ms. Cole: Good afternoon, Chair Hazama and
members of the Planning Commission. My name is Noelle Cole,
and I'm a staff planner with the Department of Planning and
Permitting. The Department is currently processing a zone
change application from Kole Group, LLC, to rezone an
approximately 8.253 acre property in Waimanalo from AG-1
Restricted Agricultural to AG-2 General Agricultural. The
property is bounded by Kaulukumau Street to the west and its
additional three sides are adjacent to other AG-1 and AG-2
zone properties. The closest cross street to the north is
Kakaina Street. So, you can see on the map here the cross
9 touch property in the center and the mix of the AG-1 and
AG-2 surrounding the property. The property is currently
farmed by the Applicant and apple, banana and other mature
orchard crops that the Applicant harvests and sells it at
farmers markets into restaurants.

There are two existing single-family homes on the
property with street frontage built in the 1950s and the
1970s respectively.
The primary purpose of the rezone request is for
potential subdivision and conveyance purposes to the
individual LLC members. But no change from agricultural use
is proposed with the zone change application.
On January 19, 2016, the Department sent
notification and copies of the application to City and State
agencies for review and comment. The Department received no
statements of opposition or other significant comments. The
zone change was also presented by the Applicant to the
1 With regard to what we're currently doing there, 2 the previous owner used to sell his apple bananas at the 3 City and County's People's Open Market, which is the City's 4 open market, and we've continued to do that since 2014. 5 Twice a week, my husband and I sell bananas at both 6 Waimanalo and Kalihi markets in the morning. So, besides our 7 full-time jobs, we're able to do this as a part-time project 8 and a business. It's been very fulfilling especially 9 because of the customers we serve are really seniors, those 10 that are, you know, not necessarily going to the KCC open 11 markets or the Kaka'ako Farmers Market. So, it's an 12 opportunity to almost give back to the community with 13 regard to selling our local products.

14 So, with that, I think I covered most of the 15 reasons as to why we would request approval of this zone 16 change. It's really--I'm just happy to be here before you 17 because it's been a long, long process. But we appreciate 18 the Department's support and all the feedback from the 19 different Departments, and we hope--You'll see that our 20 plans for the property not only complies with the Oahu 21 General Plan but the Koolau Sustainable Communities Plan. 22 Even with the expected update to the plan that's going 23 before the community. 24 And, I think I would just like to disclose just 25 because I sit on the Waimanalo Neighborhood Board, and

1 Kole Group, LLC. I'm here this afternoon and representative
2 capacity of Kole Group and also as an individual partner in
3 the LLC. And we would thankfully--We would express thanks
4 to the Department for the recommendation of approval for the
5 zone change from AG-1 to AG-2.

6 If I could go into a little bit of history about
7 the property and also our involvement with the property, I
8 would like to at this time.

9 Basically, I grew up in Waimanalo. My father has
10 had property in Waimanalo up the street since the 1980s.
11 This property became available in early 2014. We saw it as
12 an opportunity to own land in Waimanalo through a
13 partnership, Kole Group, was able to purchase a property as
14 now expressed by the Department has two homes.
15 The intent of changing zone would be to allow future
16 conveyance of the property to the individual partners of the
17 LLC. It's a beautiful property. It's at the base of the
18 koolaus.

19 And, if any of you have ever been to Waimanalo you
20 know it's a special place. I grew up there. My intent is
21 to raise my family there. We're currently raising our
22 children there, and I think with the partners involved in
23 this purchase, they too, also come from the Big Island, know
24 the importance of country and just wanting to promote
25 agriculture, both locally and in a small, small way.
1 So, we're just using it for more of an area to cultivate
2 more crops.
3 Chairman Hazama: So, DOA basically told you they
4 were going to abandon the easement or--
5 Ms. Alivado: Yes. They basically said that they
6 have no use for it in the future, and we have it in writing.
7 I don't think it was included in your packets, but, yeah,
8 it has been.
9 Chairman Hazama: Okay. Thank you. Any other
10 questions at this time? [no response] Okay. Thank you
11 very much.
12 Ms. Alivado: Thank you.
13 Chairman Hazama: Okay. Gloria, can we get
14 the--At this time, we'll open it up to public testimony.
15 Any those wishing to provide any testimony to the
16 Commission. Anybody else wishing to testify today? Anybody
17 at all? [no response] Okay. Seeing no one, can I have a
18 motion to close public testimony.
19 Member Tolentino: So move.
20 Member Young: Second.
21 Chairman Hazama: Moved and seconded.
23 response] Okay. Public testimony has been closed.

1 1 respect to it would be just fellow land. The property owner
2 will be allowed to do in any future or current property
3 owners will be allowed to do any activities as permitted
4 under the Land Use Ordinance. With regard to trying to
5 convert it to a nonconforming use, at that time we would
6 have to address it, but they have to be in compliance with
7 the Land Use Ordinance. There is no consequences with
8 respect to decide not to, you continue using it for
9 agricultural use.
10 Member McMurdo: But if something happens to the
11 dwelling.
12 Mr. Takahashi: If the dwelling is considered a
13 farm dwelling, then we would need to address the use at that
14 time, if it is a farm dwelling and if they're collecting
15 revenues or is consistent with the use. As you have seen or
16 mentioned in the application that the dwellings are
17 non-conforming. So, what happens is, it's really a
18 technicality. The definition of farm dwelling was
19 established after these structures were constructed. So,
20 City records, building permit records indicate that a
21 building permit was issued for a dwelling unit because at
22 that time there was no definition of farm dwelling. So, in
23 the future when the property owner decides to do any
24 improvements to the property, at that time they will need to
25 establish the use to make, and we will put as part of our

1 1 record, that would establish it to say, "okay, it is now a
2 farm dwelling, therefore it is conforming." So, what we have
3 of today is a non-conforming use in which these structures
4 were legally established prior to the laws being enacted by
5 both the State and City.
6 Member McMurdo: Thank you.
7 Chairman Hazama: Any other questions? [no
8 response] Okay. I have a couple. For Department, so
9 subdivision of lots under the current zoning is not
10 permitted or is not allowed?
11 Mr. Takahashi: That is correct, it is
12 substandard. Because under AG-1 minimum lot size is 5 acres;
13 under AG-2 is a minimum of 2 acres.
14 Chairman Hazama: Okay. Because of the lot size?
15 Mr. Takahashi: Yes, that is correct.
16 Chairman Hazama: Okay. Let's see, under the
17 Ordinance for AG-2 regarding farm dwellings, I just want to
18 clarify a point, because I know that you're allowed to put
19 on AG-2 land, I think two dwellings, right, versus AG-1,
20 like 1 to 2 or something like that.
21 Mr. Takahashi: There's certain parameters that
22 need to be met, but based on square foot--It's a
23 possibility, but I cannot answer on behalf of another
24 division that makes that formal determination. I apologize.
25 There are parameters that could allow that. Right now--
Chairman Hazama: But under the current law regarding the farm dwellings, if they are allowed and permitted then agriculture component must be there and must remain with the lot, correct?

Mr. Takahashi: Yes. Some revenue generation, that is correct.

Chairman Hazama: Right. Okay. I just wanted to clarify that. But along to Commissioners' comments, in the package, though, under the AG-2 designated zoning, there are non-agricultural uses that are allowed under AG-2. So, I guess--

Mr. Takahashi: Yes. That is allowed pursuant to the Land Use Ordinance; yes. So, they would need to comply with City laws and at any point in time if they're not in compliance, then the City, the Department of Planning and Permitting could look into it. But right now, it's very hard to speculate as to exactly what would happen because there's so many possibilities. But, again with respect to what the Applicant has proposed, it has been determined that it is consistent with respect to the existing policies and plans.

Chairman Hazama: And this lot does not reside in the State's Special Agricultural District, correct?

Mr. Takahashi: It is a State land use ag.

Chairman Hazama: But it's not in a State's Special Ag District, correct?

Mr. Takahashi: No, I believe not.

Chairman Hazama: I just asking; some of them are.

Mr. Takahashi: Yeah. This lot is not one of those that has been designated as a candidate for IAL at this time.

Chairman Hazama: Okay. So--

Mr. Takahashi: Important Agricultural Lands; yes.

Chairman Hazama: Should your request be--What is your plans for the lots?

Ms. Alivado: I expressed it in part of the application, and I really didn't go into my background, which I apologize. I am a graduate of the GoFarm program in 2014. My husband holds an aquaponics, commercial aquaponics certificate. So, we do it part-time, but it's something that we strive to maybe potentially do full-time. I mean, raising three kids in Hawaii is difficult enough. So, it's almost like we need to have jobs at the same time. And, I think this property gives us an opportunity to do both. How we do it, how we go along with it. I think our intent is to always, you know, of course, keep it in agriculture and pursue, supporting local development or local subsistence of produce. So, I think just with that background, as far as what we plan to do we want to incorporate aquaponics there. Where we're currently at we have a 2,300 tank aquaponics with tilapia, full growing.

We're growing taro, we grow lettuce in there. So, it's something we want to expand upon. It's just something we need to get through with regard to financing as well. So, that's our plans going forward, and I think the record will reflect that our intent is to keep it in agriculture as well as other partners of this LLC as well.

Chairman Hazama: Okay. Any other questions, Commissioners? [no response]

Member Tolentino: If no more questions, I'd like to make a motion.

Chairman Hazama: Okay. Go ahead.

Member Tolentino: Okay. I want to approve the Applicant's request for the change in zoning from AG-1 Restricted Agricultural District to AG-2 General Agricultural District, Waimanalo, Oahu, Tax Map Key 4-1-024: 033 and 118.

Chairman Hazama: Okay. So move. Do we have a second?

Member Young: Second.

Chairman Hazama: Moved and seconded. We're in discussion. Any further discussion or questions or comments at this time? [no response]

Okay. We're at a little disadvantage because of the Koolau plan is, I, guess, in the process of hopefully being come to us shortly. However, this particular area is as far as I know strictly agricultural. So, to bring in a non-agricultural component, I think in this area would stick out sort of like a sore thumb. But, I will defer to the Applicant to maintain agriculture use even the lots are subdivided or will be subdivided. So, other than that, I don't have any objections. Okay. Shall we take a vote. All those in favor say, Aye.

All Commissioners: Aye.


[It was moved by Tolentino and seconded by Young that the request for a change in zoning from AG-1 Restricted Agricultural District to the AG-2 General Agricultural District, Waimanalo, Oahu, Tax Map Keys: 4-1-024: 033 and 118, Kole Group, LLC, be approved. Motion was unanimously carried, 5:0.]

Chairman Hazama: Okay. The motion has passed.

Thank you very much.

Mr. Takahashi: Thank you.

Chairman Hazama: Okay. At this time we have no other items on our agenda. Do I have a motion to adjourn?

Member Young: So move.

Member Tolentino: Second.
Chairman Hazama: Moved and seconded. Any objections? [no response] Any abstentions? [no response] [It was moved by Young and seconded by Tolentino that the May 11, 2016 Planning Commission meeting be adjourned. Motion was unanimously carried, 5:0.]

Chairman Hazama: Okay. Thank you very much, Commissioners. This meeting is adjourned. [bangs gavel]

[The meeting was adjourned at approximately 2:02 p.m.]

--End--

Submitted by:

Gloria Takara
Secretary-Hearings Reporter

Approved on May 25, 2016