

WINDWARD PLANNING COMMISSION  
COUNTY OF HAWAI'I

MINUTES  
JUNE 2, 2022

The Windward Planning Commission met in regular session at 9:03 a.m., in the County of Hawai'i, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i, with Vice Chair Michelle Galimba presiding with a live stream video for the public to observe the meeting.

COMMISSIONERS PRESENT: Michelle Galimba, Gilbert Aguinaldo, Lauren Balog, Louis Daniele III, and Dennis Lin

ABSENT AND EXCUSED: Wayne De Luz

ALSO IN ATTENDANCE: Dakota (Cody) Frenz (Counsel for the Commission left 9:21 a.m.), Malia Kekai, Esq. (Counsel for the Commission from 9:21 a.m.), Jean Campbell, Esq. (Counsel for the Planning Department), Zendo Kern (Planning Director), Christian Kay (Planner), Jessica Andrews (Planner), Tracie-Lee Camero (Planner) and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary)

A quorum was present. Vice Chair Galimba called the meeting to order. She described the public accessibility to this meeting and the protocol for the participants to follow.

Vice Chair Galimba called the roll of the Commissioners and also introduced the staff.

**APPROVAL OF MINUTES**

At 9:05 a.m. the Commission took up the minutes of the May 5, 2022, Windward Planning Commission meeting. No corrections were offered. It was moved by Commissioner Lin and seconded by Commissioner Aguinaldo that the minutes be approved as submitted. A voice vote was taken, and the motion carried with all in favor, and none opposed.

**STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**

At 9:06 a.m. Vice Chair Galimba stated there was one (1) member of the public signed up to testify at the County of Hawai'i Aupuni Center Conference Room. Planner Tracie-Lee Camero confirmed there was one (1) member of the public who wished to provide verbal testimony on Zoom.

Vice Chair Galimba called upon the testifiers, swore the individuals in to tell the truth in their testimony and explained the procedure.

At 9:06 a.m. one individual provided testimony regarding the New Business Item 1, the application of **STEPHANIE BATH (PL-SPP-2022-000010)**. The testimony ended at 9:11 a.m. *[SEE TESTIMONY TRANSCRIPT – EXHIBIT A]*

At 9:11 a.m. one individual provided testimony regarding the New Business Item 2, the application of **YAMADA AND SONS, INC (PL-SPP-2022-000012)**. The testimony ended at 9:16 a.m. *[SEE TESTIMONY TRANSCRIPT – EXHIBIT B]*

It was moved by Commissioner Lin and seconded by Commissioner Aguinaldo that public testimony be closed. There being no discussion on the motion, a voice vote was taken, and the motion carried by unanimous vote of those present.

At 10:30 a.m. Vice Chair Galimba reopened public testimony three (3) individuals provided testimony regarding New Business Item 1, the application of **STEPHANIE BATH (PL-SPP-2022-000010)**. The testimony ended at 10:42 a.m. *[SEE TESTIMONY TRANSCRIPT – EXHIBIT A]*

It was moved by Commissioner Lin and seconded by Commissioner Aguinaldo that public testimony be closed. There being no discussion on the motion, a voice vote was taken, and the motion carried by unanimous vote of those present.

## **NEW BUSINESS**

### **1. APPLICANT: STEPHANIE BATH (PL-SPP-2022-000010)**

Application for a Special Permit to allow a home occupation for a massage therapy establishment on a 3.0-acre property in the State Land Use Agricultural District. The subject property is located at 16-2059 Moho Road, approximately 0.37 miles from its intersection with Ale Road, Hawaiian Acres, Kea'au, Puna, Hawai'i, TMK: (3) 1-6-045:007.

The Commission took up this item at 9:17 a.m. At 9:21 a.m. Deputy Corporation Counsel Malia Kekai joined the meeting and Deputy Corporation Counsel Dakota (Cody) Frenz left the meeting.

**Action:** It was moved by Commissioner Lin and seconded by Commissioner Aguinaldo that the application for Special Permit be approved based on the Planning Director's recommendation and with the applicant's proposed amendment for condition on hours and signage.

*At 9:44 a.m. Vice Chair Galimba called for a recess and the meeting was called back to order at 10:08 a.m. and tabled Item #1 on the agenda until later in the meeting.*

*At 10:40 a.m. Vice Chair Galimba resumed Item #1 on the agenda.*

The motion to approve the Special Permit application with an amendment to limit the dimensions of the sign and the sign to be located no closer to Moho Road than the existing entry gate to the

property. A roll call vote was taken, and the motion carried with five ayes (Lin, Aguinaldo, Balog, Daniele and Galimba).

This hearing item ended at 10:42 a.m. *[SEE HEARING TRANSCRIPT – EXHIBIT C]*

2. **APPLICANT: YAMADA & SONS, INC. (PL-SPP-2022-000012)**

Application for Special Permit to allow the establishment of a quarry operation and related improvements and activities on a 37.882-acre portion of a larger 2,407-acre parcel of land in the State Land Use Agricultural District. The project site is located to the south of the Hilo Sanitary Landfill and adjacent to the east of existing quarries on the subject, State-owned property within the District of Waiakea, South Hilo, Hawai‘i, TMK: (3) 2-1-013:002 (por).

This item was continued by the applicant to the July meeting

**PLANNING DIRECTOR’S REPORT**

**Report on Special Management Area (SMA) determinations, minor permits and enforcement action issued by the Planning Director.**

At 10:09 a.m. Vice Chair Galimba introduced this item. The Short-Form Assessment Log and the SMA Assessment Log were emailed to the Commissioners on June 1, 2022. She asked the Planning Staff if there were any additions to the logs that were received. Planner Christian Kay confirmed there were none and offered to answer any questions regarding those logs. There were no discussions or questions.

**ELECTION OF OFFICERS**

The Commission took up this item at 10:09 a.m.

Vice Chair Galimba stated the former Chair Dean Au had to leave and resign from the Commission and will elect officers for the remainder of 2022. Corporation Counsel Malia Kekai provided a brief overview and opened the nominations for the position of Chair. Commissioner Lin made a self-nomination for Chair and Vice Chair Galimba seconded. It was moved by Vice Chair Galimba and seconded by Commissioner Daniele to close nominations. A roll call vote for the election of Commissioner Lin as Chair for the remainder of 2022 was taken, and the motion carried with five (5) ayes (Lin, Galimba, Aguinaldo, Balog, Daniele) and no noes.

**AGENDA ITEMS FOR NEXT MEETING**

At 10:11 a.m. Vice Chair Galimba called upon staff to provide information on the next meeting on Thursday, June 2, 2022. Mr. Kay said with Item #2 Yamada and Sons moving to July he stated there will be four items on the agenda.

*At 10:13 a.m. Vice Chair Galimba called for a recess till 10:30 a.m. to determine the procedure for Item #1. At 10:30 a.m. the meeting was called back to order [Refer to Statements from the Public on Agenda Items and New Business Item #1]*

## **ANNOUNCEMENTS**

**The Windward Planning Commission's next monthly meeting is scheduled for Thursday, July 7, 2022 at the County of Hawai'i Aupuni Center Conference Room and the public may provide verbal testimony by interactive video conference via Zoom or at the physical location.**

## **ADJOURNMENT**

There being no further business, it was moved by Commissioner Aguinaldo and seconded by Commissioner Lin that the meeting be adjourned. A voice vote was taken, and the motion carried by unanimous vote of those present. Vice Chair Galimba adjourned the meeting at 10:43 a.m.

Respectfully submitted,

*Melissa Dacayanan-Salvador*  
Melissa Dacayanan-Salvador (Jul 11, 2022 07:32 HST)

Melissa Dacayanan-Salvador  
Secretary

ATTEST:

  
Michelle Galimba (Jul 8, 2022 20:13 MDT)

Michelle Galimba, Vice Chair  
Windward Planning Commission

WINDWARD PLANNING COMMISSION  
COUNTY OF HAWAI'I

TESTIMONY TRANSCRIPT  
JUNE 2, 2022

Public testimony regarding the application of **YAMADA & SONS, INC. (PL-SPP-2022-000012)** was called to order at 9:11 a.m. in the County of Hawai'i Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i with Vice-Chair Michelle Galimba presiding.

COMMISSIONERS IN ATTENDANCE: Michelle Galimba, Gilbert Aguinaldo, Lauren Balog, Louis Daniele III, and Dennis Lin

ABSENT AND EXCUSED: Wayne De Luz

ALSO IN ATTENDANCE: Dakota (Cody) Frenz Esq. (Counsel for the Commission), Jean Campbell, Esq. (Counsel for the Planning Department), Zendo Kern (Planning Director), Christian Kay (Planner), Jessica Andrews (Planner), Tracie-Lee Camero (Planner), Clinton Mercado (Planner), and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary)

**APPLICANT: YAMADA & SONS, INC. (PL-SPP-2022-000012)**

Application for Special Permit to allow the establishment of a quarry operation and related improvements and activities on a 37.882-acre portion of a larger 2,407-acre parcel of land in the State Land Use Agricultural District. The project site is located to the south of the Hilo Sanitary Landfill and adjacent to the east of existing quarries on the subject, State-owned property within the District of Waiakea, South Hilo, Hawai'i, TMK: (3) 2-1-013:002 (por).

*Secretary's Note: "—" indicates that there were technical and/or internet difficulties, which made the conversation inaudible.*

GALIMBA: So, I'd like to call on the two (2) testifiers on Zoom. Tracie Camero and Bob Douglas, if I could swear you both in. Oh, just Bob, okay. Okay, just Bob. If you could turn your camera on Bob that would be great if possible.

DOUGLAS: Hi, I think my name was called.

GALIMBA: Yes. Hi Bob. I need to swear you in first.

DOUGLAS: Okay.

GALIMBA: So, raise your right hand please. Do you swear or affirm to tell the truth on this matter now before the Planning Commission?

DOUGLAS: I swear to tell the truth.

GALIMBA: Thank you. Please begin your testimony with your name and the town you live in.

DOUGLAS: My name is Bob Douglas and I live in Pana'ewa or Hilo.

GALIMBA: Please go ahead.

DOUGLAS: Okay. So, Yamada is scheduled to reimburse the State at sixty-five (65) cents a ton when base course is being sold on the open market at twenty-five (25) dollars a ton. My question is how this price has been determined and shouldn't the taxpayers be protected from price increases instead of relying upon a ten (10) year revisit of this price. The price should be tied to the commodity index or to inflation on an annual basis not a decade basis. Second point, as this lease is on DHHL land (Department of Hawaiian Home Lands). Well, it's not really a lease it's a contract on a lease from the State. There should be a stipulation added that no materials, minerals that are extracted from the DHHL lands be used for TMT (Thirty Meter Telescope) or TIO (TMT International Observatory, LLC) contractors or subcontractors to the construction of TMT. These are Hawaiian lands and allowing TMT to use minerals from these lands is adding insult to injury as most Hawaiians are against TMT.

If TMT must use those materials, it should be put to a referendum to the residents of DHHL lands. So, any pre-existing contracts with TMT and TIO must be cancelled for delivery of materials. On operational hours, operational hours must be curtailed between 7:00 a.m. and 4:00 p.m. For the simple fact that if TMT does get their way, that they will have to have an accelerated production schedule and they will force Yamada and Sons into an extended schedule impacting the residents of the DHHL Hawaiian communities.

FRENZ: Mr. Douglas, one minute remaining. Please summarize.

DOUGLAS: Next point is the Hawaiian Hoary Bat is an endangered species and they must respect the lighting, the quiet times, and no use of barbed wire and that includes on pre-existing facilities. In regard to the previously mined area DHHL or Yamada and Sons must ensure that the areas is maintained free of Albizia trees and the property must be restored to the prior Pana'ewa natural endemic species that grew there.

FRENZ: 30 seconds Mr. Douglas.

DOUGLAS: The Hilo air quality station monitoring is located across from the hospital it is too far from this area to make accurate measurements. Furthermore, the current station does not measure particulate composition. We need air monitoring closer to detect and measure the basalt and silica dust. Basalt is a Class 1 carcinogen. Silica causes silicosis. So, these are health issues.

FRENZ: Mr. Douglas?

DOUGLAS: The next point is —

FRENZ: Mr. Douglas?

DOUGLAS: —all Yamada mining equipment and stations must be outfitted with air conditioning and HEPA (High-Efficiency Particulate Air) filters to protect the workers. All Yamada trucks must be hosed down prior to traveling on any County roads to protect the citizens and the workers that are using the rubbish site.

FRENZ: Mr. Douglas?

CAMERO: Mr. Douglas, Mr. Douglas—

FRENZ: Sir, that's been 3 minutes.

CAMERO: Please summarize your thoughts okay you had 3 minutes. So, just try to summarize your thoughts.

DOUGLAS: I've only got one more point. Signs must be posted in the area including the dump stating that the area is subject to basalt and silica dust. Keep windows up and AC on in recirculating mode. Last point is, I'm not sure who should be determining this but the winds. When the winds reach a certain speed, operation must be shut down, so the dust does not kick up and that's my testimony. Thank you.

GALIMBA: Thank you Mr. Douglas. Commissioners do you have questions for Mr. Douglas? Thank you very much, no questions for you.

DOUGLAS: Thank you, mahalo.

The public testimony ended at 9:16 a.m.

Respectfully submitted,

  
Melissa Dacayanan-Salvador (Jul 11, 2022 07:32 HST)

Melissa Dacayanan-Salvador, Secretary  
Windward Planning Commission