

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

MINUTES
DECEMBER 5, 2024

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The Windward Planning Commission met in regular session on Thursday, December 5, 2024, at 1:10 p.m., in the County of Hawai‘i, Council Chambers, 25 Aupuni Street, Hilo, Hawai‘i, with Interim Louis Daniele presiding. This meeting was streamed live on YouTube.

COMMISSIONERS PRESENT: Louis Daniele III (Vice and Interim Chairman), Lauren Balog, Wayne De Luz, Chantel Perrin, and Gordon Takaki.

ALSO PRESENT: Suzanna Tiapula, Esq. (Counsel to the Commission), Jean Campbell, Esq. (Counsel to the Planning Department), Jeffrey Darrow (Acting Planning Director), and Planning Department staff.

Seventeen members of the public were in the audience.

A quorum was present. Vice and Interim Chairman Louis Daniele III called the meeting to order and introduced the Commissioners. [SEE YOUTUBE TIMESTAMP 0:26] Vice and Interim Chairman Louis Daniele III noted during testimonies or discussions that when the Commissioners look at their laptop screens, they are doing research and are still actively listening. [SEE YOUTUBE TIMESTAMP 0:52] Staff introductions were made noting that Chairman Dennis Lin had resigned to join the Hawai‘i County Mayor’s administration and the Vice and Interim Chairman welcomed new Commissioner Gordon Takaki, representing the At-Large seat for South Hilo, which became vacant after Commissioner Mathias Kusch resigned. [SEE YOUTUBE TIMESTAMP 1:32]

At 1:13 p.m. Vice and Interim Chairman Louis Daniele III asked each Commissioner to confirm they had an opportunity to review all materials, including written public testimony related to the applications being reviewed today. Each Commissioner verbally confirmed they had done so. [SEE YOUTUBE TIMESTAMP 3:05]

APPROVAL OF MINUTES

At 1:14 p.m. the Commission addressed the minutes of the November 1, 2024, regular and the November 4, 2024, special, Windward Planning Commission meeting. The approval of the minutes was postponed to the next meeting in January. *[SEE YOUTUBE TIMESTAMP 3:53]*

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 1:14 p.m. the Commission took up this item with seventeen public members present in the Council Chambers. Vice and Interim Chairman Louis Daniele III explained the procedure for testifying and referenced Planning Commission Rule 1-5 regarding decorum. Testifiers were given the option to speak at this time or later when the specific agenda item was called to order. *[SEE YOUTUBE TIMESTAMP 4:12]*

At 1:15 p.m. the Commission proceeded with in-person public testimony on agenda items. *[SEE YOUTUBE TIMESTAMP 5:27]*

Two individuals provided testimony in-person:

1. W. Mapuana Waipa *[SEE YOUTUBE TIMESTAMP 6:33]*
2. Nancy Cabral *[SEE YOUTUBE TIMESTAMP 10:54]*

Three individuals provided testimony on Zoom:

1. Naomi Melamed *[SEE YOUTUBE TIMESTAMP 14:55]*
2. Debra Greene *[SEE YOUTUBE TIMESTAMP 22:12]*
3. Ila Jhaveri *[SEE YOUTUBE TIMESTAMP 29:17]*

With no further testifiers or public testimony, this agenda item was concluded.

UNFINISHED BUSINESS

1. APPLICANT: TIELI WANG (PL-SMA-2024-000058)

Consideration and Adoption of Proposed Findings of Fact, Conclusions of Law and Decision and Order for denial of a Special Management Area Use Permit to construct three (3), three-story, single-family dwellings and related improvements; one single-family dwelling will be constructed on each parcel. The three (3) parcels total 24,250 square feet and are located within the Special Management Area. The subject properties are located at the end of Machida Lane, approximately 300 feet east of Onekahakaha Road, Keaukaha, South Hilo, Hawai'i, TMKs: (3) 2-1-014:044, 045 and 046.

The Commission took up this item at 1:43 p.m. with approximately twelve public members in the audience. *[SEE YOUTUBE TIMESTAMP 32:51]*

Action: Vice and Interim Chairman Louis Daniele III moved to approve and adopt the Findings of Fact, Conclusions of Law and Decision and Order for the denial of Special Management Area Use Permit No. PL-SMA-2024-000058. The motion was seconded by Commissioner Gordon Takaki. *[SEE YOUTUBE TIMESTAMP 35:05]*

For the record, Planning Program Manager Maija Jackson noted that there were no in-person testifiers. *[SEE YOUTUBE TIMESTAMP 35:47]* Planner Alex Roy clarified to testifiers opposing the agenda item that these were the denials of the applications, and not the applications themselves. *[SEE YOUTUBE TIMESTAMP 35:54]* Later, Planning Program Manager Maija Jackson corrected herself, stating that two individuals had signed up to testify in-person the agenda item. *[SEE YOUTUBE TIMESTAMP 38:28]*

Vice and Interim Chairman Louis Daniele III called a recess at 1:47 p.m. *[SEE YOUTUBE TIMESTAMP 36:40]* and the meeting was reconvened at 1:50 p.m. *[SEE YOUTUBE TIMESTAMP 40:21]* He asked each Commissioner to confirm they had reviewed the additional information received and each Commissioner verbally confirmed they had done so. *[SEE YOUTUBE TIMESTAMP 40:25]*

The Commission proceeded with testimony from the two individuals who had signed up for in-person testimony on this agenda item:

1. Skye Czember *[SEE YOUTUBE TIMESTAMP 41:32]*

Deputy Corporation Counsel Suzanna Tiapula clarified for the audience that the purpose of the meeting was to memorialize and review the actions taken on September 5, 2024, and to conclude those actions. She emphasized that there would be no change in the outcome. *[SEE YOUTUBE TIMESTAMP 45:37]*

Acting Planning Director Jeffrey Darrow responded to the testimony. He clarified that the applicant initially proposed building three dwellings. However, under HRS 205A and Planning Commission Rule 9, only a single dwelling in the SMA (Special Management Area) qualify for an exemption. The applicant was informed that submitting three dwellings as one project would require an SMA major permit, which involves the Planning Commission review. The applicant proceeded to apply for an SMA major permit, but it was denied based on the reasons within the Findings of Fact and Conclusions of Law.

He mentioned the testifier referenced Rule 9-11, which prohibits resubmitting a similar project to the Planning Commission within two years. However, the applicant instead submitted an assessment application directly to the Department, which wasn't required since the property was not a shoreline parcel. He stated the applicant received an SMA exemption for constructing a single-family dwelling, as allowed by law and clarified that any future application involving additional dwellings by the same applicant would trigger the major permit process, unless submitted by a different landowner. He concluded by noting that the current issue raised by the testifier is a departmental matter, and not one for the Planning Commission. *[SEE YOUTUBE TIMESTAMP 46:08]*

2. Denise Colgrove *[SEE YOUTUBE TIMESTAMP 48:33]*

Public testimony for this agenda item was closed. *[SEE YOUTUBE TIMESTAMP 49:44]*

The Commission resumed deliberation on the motion to approve and adopt the proposed Findings of Fact, Conclusions of Law, and Decision and Order. A roll call vote was taken, and the motion carried with five ayes (Daniele, Takaki, Balog, De Luz, and Perrin), and no noes. *[SEE YOUTUBE TIMESTAMP 50:48]*

This hearing item ended at 2:01 p.m.

2. **APPLICANT: NIEL JAYASINGHE (PL-SMA-2024-000060)**

Consideration and Adoption of Proposed Findings of Fact, Conclusions of Law and Decision and Order for denial of a Special Management Area Use Permit to construct a four-story, 41,600 square-foot apartment building containing seventeen rental units and related improvements on a 0.445-acre parcel within the Special Management Area. The subject property is located on the north side of Kalanianaʻole Street, approximately 350 feet southwest from its intersection with Onekahakaha Road, Keaukaha, South Hilo, Hawaiʻi, TMK: (3) 2-1-014:002.

The Commission took up this item at 2:01 p.m. with eight public members in the audience. *[SEE YOUTUBE TIMESTAMP 51:16]*

There were no in-person testifiers or Zoom testifiers for this agenda item.

Action: Commissioner Chantel Perrin moved to approve and adopt the Findings of Fact, Conclusions of Law and Decision and Order for the denial of Special Management Area Use Permit No. PL-SMA-2024-00006. The motion was seconded by Commissioner Lauren Balog. *[SEE YOUTUBE TIMESTAMP 52:52]* A roll call vote was taken, and the motion carried with five ayes (Perrin, Balog, De Luz, Takaki, and Daniele), and no noes. *[SEE YOUTUBE TIMESTAMP 53:49]*

This hearing item ended at 2:04 p.m.

It was moved by Commissioner Lauren Balog and seconded by Commissioner Chantel Perrin to continue Item #3 Initiator: Planning Director (PL-PDI-2024-000008) until after Item #4 Initiator: County Council (PL-CCI-2024-000009) so that a comparative analysis of the two bills can be presented to the Commission. *[SEE YOUTUBE TIMESTAMP 54:54]* A voice vote was taken, and the motion carried with all in favor. *[SEE YOUTUBE TIMESTAMP 55:09]*

4. **INITIATOR: COUNTY COUNCIL (PL-CCI-2024-000009)**

Bill 194, an ordinance amending Chapter 25 (Zoning), Article 1, 2, 4, 5, and 7 of the Hawaiʻi County Code 1983 (2016 Edition, as amended), relating to telecommunication antennas and towers. The purpose of this amendment is to implement a uniform and comprehensive regulatory framework for the development, siting, installation, and maintenance of telecommunication antennas and telecommunication towers.

The Commission took up this item at 2:05 p.m., with seven public members in the audience. *[SEE YOUTUBE TIMESTAMP 55:29]*

Tracie-Lee Camero gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 56:33]*

Former Councilmember Cindy Evans, who was the introducer of Bill 194 provided testimony to the Commission. *[SEE YOUTUBE TIMESTAMP 1:10:23]* There were no other in-person testifiers or Zoom testifiers for this agenda item.

It was moved by Commissioner Wayne De Luz and seconded by Commissioner Chantel Perrin that the Commission go into executive session to consult with its attorney regarding legal questions on procedure and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities pursuant to HRS 92-5. A voice vote was taken, and the motion carried with all in favor and the room was cleared. *[SEE YOUTUBE TIMESTAMP 1:15:45]* The Commission went into executive session at 2:26 p.m. At 2:33 p.m. it was moved by Commissioner Chantel Perrin and seconded by Commissioner Lauren Balog that the Commission go out of executive session. A voice vote was taken, and the motion carried with all in favor.

At 2:36 p.m. Vice and Interim Chairman Louis Daniele III called the hearing back to order. *[SEE YOUTUBE TIMESTAMP 1:25:47]* He stated that the Commission had gone into executive session, during which Counsel answered their legal questions.

It was moved by Commissioner Chantel Perrin and seconded by Commissioner Gordon Takaki for a recess. *[SEE YOUTUBE TIMESTAMP 1:26:09]* A voice vote was taken, and the motion carried with all in favor.

At 2:40 p.m. Vice and Interim Chairman Louis Daniele III called the hearing back to order. *[SEE YOUTUBE TIMESTAMP 1:30:34]*

Action: It was moved by Commissioner Wayne De Luz and seconded by Commissioner Chantel Perrin that a favorable recommendation be forwarded to the County Council on the proposed amendments to Chapter 25,(Zoning), Articles 1, 2, 4, 5, and 7 of the Hawai'i County Code 1983 (2016 Edition, as amended) for PL-CCI-2024-000009. *[SEE YOUTUBE TIMESTAMP 1:31:02]* A roll call vote was taken, and the motion carried with five ayes (DeLuz, Perrin, Balog, Takaki, and Daniele), and no noes. *[SEE YOUTUBE TIMESTAMP 1:32:05]*

This hearing item ended at 2:42 p.m.

3. INITIATOR: PLANNING DIRECTOR (PL-PDI-2024-000009)

The Planning Director has initiated an ordinance to amend Chapter 25 (Zoning), Article 5 of the Hawai'i County Code 1983 (2016 Edition, as amended) relating to hospitals, sanitariums, old age, convalescent, nursing and rest homes. The purpose of this ordinance is to promote the establishment and development of hospitals within the Industrial-Commercial Mixed zoning district to improve access to healthcare services while ensuring compatibility with industrial and commercial land uses.

The Commission took up this item at 2:43 p.m., with six public members in the audience. *[SEE YOUTUBE TIMESTAMP 1:32:32]*

Tracie-Lee Camero gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 1:33:40]*

There were no other in-person testifiers or Zoom testifiers for this agenda item.

Action: It was moved by Commissioner Chantel Perrin and seconded by Commissioner Wayne De Luz that a favorable recommendation be forwarded to the County Council on the proposed amendments to Chapter 25,(Zoning), Article 2, Article 4, Article 5, and Article 7 of the Hawai‘i County Code 1983 (2016 Edition, as amended) for PL-PDI-2024-000008. *[SEE YOUTUBE TIMESTAMP 1:36:47]* A roll call vote was taken, and the motion carried with five ayes (Perrin, De Luz, Balog, Takaki, and Daniele), and no noes. *[SEE YOUTUBE TIMESTAMP 1:37:34]*

This hearing item ended at 2:46 p.m.

NEW BUSINESS

5. APPLICANT: KRISTIN FROST ALBRECHT (PL-REZ-2024-000064/ AMEND REZ 2005-000019)

Application for a 10-year time extension to Condition D (Complete Construction) of Change of Zone Ordinance No. 06 28, which rezoned an 8-acre portion of a larger 24.495-acre parcel of land from Agricultural-1 acre (A-1a) to Neighborhood Commercial-20,000 square feet (CN-20). The subject property is located on the south side of Ponahawai Street, approximately 1,300 feet east of its intersection with Komohana Street, Ponahawai, South Hilo, Hawai‘i, TMK: (3) 2-3-036:018 (por.).

The Commission took up this item at 2:48 p.m., with five public members in the audience. *[SEE YOUTUBE TIMESTAMP 1:38:07]*

Jessica Andrews gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 1:39:32]*

Applicant Kristin Frost Albrecht, Executive Director and Justin Clayton, Ho‘olako Director with The Food Basket Hawai‘i in-person and Mark Krzyzanowski representing the Board of Directors for The Food Basket on Zoom gave a presentation. *[SEE YOUTUBE TIMESTAMP 1:45:34]* Vice and Interim Chairman Louis Daniele III opened the floor to allow the Commission to ask questions of the Applicant and Planning Department Staff. *[SEE YOUTUBE TIMESTAMP 1:49:18]*

There were no in-person or Zoom testifiers for this agenda item.

Action: It was moved by Commissioner Chantel Perrin and seconded by Commissioner Wayne De Luz that a favorable recommendation be forwarded to the County Council on the application for Change of Zone PL-REZ-2024-000064 amending REZ 2005-000019, based on the Planning Director’s recommendations. *[SEE YOUTUBE TIMESTAMP 1:52:37]*

During the discussion, Acting Planning Director Jeffrey Darrow informed the applicant of a recent amendment to Hawai‘i County Code Chapter 25, Section 25-2-44(a)(2)(B), regarding Change of Zone conditions. The amendment states that the time spent reviewing required plans, reports, studies, or permit applications by government agencies does not count toward the

ordinance's deadline. He noted that the section outlines a process to justify this tolling with the Planning Department, emphasizing it was shared for informational purposes. *[SEE YOUTUBE TIMESTAMP 1:53:20]*

A roll call vote was taken, and the motion carried with five ayes (Perrin, De Luz, Balog, Takaki, and Daniele), and no noes. *[SEE YOUTUBE TIMESTAMP 1:55:17]*

This hearing item ended at 3:05 p.m.

6. APPLICANT: KERMIT JOHNSON (PL-SMA-2024-000065)

Application for a Special Management Area Use Permit to construct a two (2) story, 6,402 square foot single family residence, with four (4) bedrooms and three (3) bathrooms and related improvements on a 27,878 square foot shoreline parcel within the Special Management Area. The subject property is located on the makai side of Ala Heiau Road, approximately 100-feet south of its intersection with Makuu Drive, Hawaiian Paradise Park, Block 11 Keaau, Puna District, Hawai'i, TMK: (3) 1-5-031:067.

The Commission took up this item at 3:06 p.m. with five public members in the audience. *[SEE YOUTUBE TIMESTAMP 1:55:48]*

Alex Roy gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 1:56:57]*

Keith Winnie, Architect for the applicant and Applicant Kermit Johnson gave a presentation and provided additional information. *[SEE YOUTUBE TIMESTAMP 2:05:12]* Vice and Interim Chairman Louis Daniele III opened the floor to allow the Commission to ask questions of the Applicant and Planning Department Staff. *[SEE YOUTUBE TIMESTAMP 2:06:14]*

There were no in-person or Zoom testifiers for this agenda item.

Action: It was moved by Commissioner Gordon Takaki and seconded by Commissioner Chantel Perrin that the application for Special Management Area (SMA) Use Permit PL-SMA-2024-000065 be approved based on the Planning Director's recommendations. *[SEE YOUTUBE TIMESTAMP 2:08:00]* A roll call vote was taken, and the motion carried with five ayes (Takaki, Perrin, De Luz, Balog, and Daniele), and no noes. *[SEE YOUTUBE TIMESTAMP 2:08:414]*

This hearing item ended at 3:19 p.m.

7. APPLICANT: BIG ISLAND CANDIES, INC. (PL-REZ-2024-000065/AMEND REZ 2005-000023)

Application for an 8-year time extension to Condition C (time requirement to commence construction) and amendments to Conditions D, E, and F (roadway infrastructure improvements) of Change of Zone Ordinance No. 16-85, which rezoned approximately 45,450 square feet of land from a Single-Family Residential – 10,000 square feet (RS-10) to a General Commercial-20,000 square feet (CG-20) zoning district to allow an additional production/storage facility and related uses. The subject properties are located along the makai side of Kekūanāʻo'a Street between Laukapu Street and Hinano Street, Waiākea House Lots, Waiākea, South Hilo, Hawai'i, TMK: (3) 2-2-034:066, 078, & 079.

The Commission took up this item at 3:21 p.m., with four public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:09:14]*

Alukahe Kala gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 2:11:09]*

Applicant Counsel Thomas Yeh, Esq., for Applicant Big Island Candies, Inc. and Alan Ikawa, Chairman and CEO of Big Island Candies, Inc. gave a presentation. *[SEE YOUTUBE TIMESTAMP 2:22:29]* Vice and Interim Chairman Louis Daniele III opened the floor for the Commission to ask questions of the applicant and Planning Department staff. *[SEE YOUTUBE TIMESTAMP 2:24:26]*

There were no in-person or Zoom testifiers for this agenda item.

Action: It was moved by Commissioner Chantel Perrin and seconded by Commissioner Wayne De Luz that a favorable recommendation be forwarded to the County Council on Change of Zone Application No. PL-REZ-2024-000065 and amending REZ 2005-000023 based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 2:26:01]* A roll call vote was taken, and the motion carried with five ayes (Perrin, De Luz, Balog, Takaki, and Daniele), and no noes. *[SEE YOUTUBE TIMESTAMP 2:27:06]*

This hearing item ended at 3:37 p.m.

PLANNING DIRECTOR'S REPORT *[SEE YOUTUBE TIMESTAMP 2:27:58]*

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

At 3:38 p.m. Vice and Interim Chairman Louis Daniele III introduced this item and stated the Special Management Area (SMA) determination and minor permits issued by the Planning Director for the November 2024 report were emailed to the Commissioners. There were no questions about the report from Commissioners.

At 3:39 p.m., former Windward Planning Commissioner and Chairman Dennis Lin approached the testifier's table. He thanked the Windward Planning Commission and Planning Department staff, saying it was an honor to serve for the past four years. He wished the Commission the best as they work on the General Plan and noted that serving on the Commission was a rewarding experience that makes a big difference in the community. He ended by thanking the Commission for their service. *[SEE YOUTUBE TIMESTAMP 2:27:58]* Vice and Interim Chairman Louis Daniele III wished Dennis Lin best of luck in his new adventure.

ELECTION OF OFFICERS FOR 2025

Vice and Interim Chairman Louis Daniele III opened the floor for nomination for Chairperson for 2025. It was moved by Commissioner Chantel Perrin and seconded by Commissioner Lauren Balog to open nominations for the position of Chairperson for 2025. A voice vote was taken and the motion carried, and the floor was open for nominations. *[SEE YOUTUBE TIMESTAMP 2:30:34]*

Commissioner Chantel Perrin made a motion to nominate Commissioner Louis Daniele for Chairperson, and the motion was seconded by Commissioner Wayne De Luz. *[SEE YOUTUBE TIMESTAMP 2:31:45]* There were no other nominations, and Vice and Interim Chairman Louis Daniele III accepted the position. It was moved by Commissioner Gordon Takaki to close nominations for Chairperson and seconded by Commissioner Chantel Perrin. *[SEE YOUTUBE TIMESTAMP 2:32:44]* A roll call vote was taken, and the motion carried with five ayes (Perrin, De Luz, Balog, Takaki, and Daniele), and no noes. *[SEE YOUTUBE TIMESTAMP 2:33:09]*

Vice and Interim Chairman Louis Daniele III opened the floor for nomination for Vice Chairperson for 2025. It was moved by Commissioner Wayne De Luz and seconded by Commissioner Gordon Takaki to open nominations for the position of Vice Chairperson for 2025. A voice vote was taken and the motion carried, and the floor was open for nominations. *[SEE YOUTUBE TIMESTAMP 2:33:52]*

Commissioner Wayne De Luz made a motion to nominate Commissioner Chantel Perrin for Vice Chairperson, and the motion was seconded by Vice and Interim Chairman Louis Daniele III. *[SEE YOUTUBE TIMESTAMP 2:34:23]* Commissioner Gordon Takaki seconded the motion to avoid any conflict. *[SEE YOUTUBE TIMESTAMP 2:34:41]* Commissioner Chantel Perrin accepted the position and there were no other nominations. It was moved by Commissioner Gordon Takaki to close nominations for Vice Chairperson and seconded by Commissioner Wayne De Luz. *[SEE YOUTUBE TIMESTAMP 2:35:38]* A roll call vote was taken, and the motion carried with five ayes (De Luz, Takaki, Balog, Perrin, and Daniele), and no noes. *[SEE YOUTUBE TIMESTAMP 2:36:10]*

AGENDA ITEMS FOR NEXT MEETING *[SEE YOUTUBE TIMESTAMP 3:36:42]*

At 3:46 p.m., Vice and Interim Chairman Louis Daniele III introduced the item. Planning Program Manager Maija Jackson announced that no items are scheduled for the regular meeting on January 2, 2025, and the meeting will be canceled.

ANNOUNCEMENTS *[SEE YOUTUBE TIMESTAMP 2:37:05]*

Vice and Interim Chairman Louis Daniele III announced that the Windward Planning Commission's Thursday, January 2, 2025 is cancelled.

ADJOURNMENT *[SEE YOUTUBE TIMESTAMP 2:37:17]*

There being no further business, a motion was asked to adjourn the meeting. Commissioner Wayne De Luz inquired that there will not be a General Plan meeting either on January 2, 2025. Planning Program Manager Maija Jackson responded "no" but will further be discussed at the special General Plan meeting following the completion of this regular meeting. She stated the next regular meeting will be on February 6, 2025.

It was moved by Commissioner Chantel Perrin and seconded by Commissioner Wayne De Luz that the meeting be adjourned. *[SEE YOUTUBE TIMESTAMP 2:37:50]* A voice vote was taken, and the motion carried unanimously. Vice and Interim Chairman Louis Daniele III adjourned the meeting at 3:45 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador

Melissa Dacayanan-Salvador (Feb 9, 2025 16:14 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:

Louis Daniele III

Louis Daniele III (Feb 10, 2025 07:54 HST)

Louis Daniele III, Chairman
Windward Planning Commission