

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
MARCH 7, 2024

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The Windward Planning Commission met in regular session on Thursday, March 7, 2024 at 9:02 a.m., in the County of Hawai'i, Council Chambers, 25 Aupuni Street, Hilo, Hawai'i, with Chairman Dennis Lin presiding. This meeting was streamed live on YouTube.

COMMISSIONERS PRESENT: Dennis Lin, Louis Daniele III, Lauren Balog, Matthias Kusch, Wayne De Luz, and Chantel Perrin (from 9:05 a.m.)

ALSO PRESENT: Suzanna Tiapula, Esq. (Counsel to the Commission), Jean Campbell, Esq. (Counsel to the Planning Department), Zendo Kern Planning Director), Alex Roy (Planner), Jessica Andrews (Planner), Alu Kala (Planner), Jackie Araujo (Staff), Ashley DeVera (Staff), Tracie-Lee Camero (Zoom Host), Maija Jackson (Planning Program Manager) and Melissa Dacayanan-Salvador (Commission Secretary).

Approximately seventy-eight members of the public were in the audience and approximately more than a hundred outside of the Council Chambers.

A quorum was present. Chairman Lin called the meeting to order and introduced the Commissioners. [SEE YOUTUBE TIMESTAMP 0:02]

Chairman Lin called a recess at 9:03 a.m. to allow the Commissioners to read and review new additional materials (letters and testimonies) received at the start of the meeting [SEE YOUTUBE TIMESTAMP 0:45], and he called the meeting back to order at 9:20 a.m. [SEE YOUTUBE TIMESTAMP 17:46]. Due to the considerable amount of testimony to review Chairman Lin called for another twenty (20) minute recess [SEE YOUTUBE TIMESTAMP 18:16].

Approximately at 9:23 a.m. chanting and prayer occurred outside of the Council Chambers. Deputy Corporation Counsel Suzanna Tiapula made a statement the Commission is not being disrespectful of the public's time. She stated the reason the documents are being reviewed is to honor the input submittals and the Sunshine Law requirements. Ms. Tiapula mentioned the Commission needs to take into consideration all written testimony and all verbal testimony submitted today and honor all input of the community members. She reiterated the Commission is not being disrespectful of the public time and informed the public of the process for providing testimony at the meeting. She stated that in regard to Item No. 3 Black Sand Beach, when the item is called testimony will be heard as well as petitions for standing. She stated the three (3)

petitions on that item will be heard individually and if standing is granted those parties will be required to participate in mediation and the actual hearing would be continued until the mediation is completed. *[SEE YOUTUBE TIMESTAMP 19:06]*

At 9:36 a.m. Chairman Lin called the meeting back to order. *[SEE YOUTUBE TIMESTAMP 33:51]* He announced as reminder to the public outside of the Council Chambers the volume that comes out of the speaker cannot be heard if there is commotion happening outside. He also stated to keep the noise down so the people who are interested in the hearing will be able to hear what is said. *[A female from the audience in the Chambers went outside to speak to the public members outside of the Chambers]*. Chairman Lin then did a sound check and the public outside was able to hear. He asked each Commissioner to confirm they have reviewed all materials related to the applications being reviewed today and reviewed testimonies submitted in writing for each application. It was noted that each Commissioner verbally confirmed the review of the application materials and submitted testimony. *[SEE YOUTUBE TIMESTAMP 35:18]* Staff introductions were made. *[SEE YOUTUBE TIMESTAMP 37:20]*

APPROVAL OF MINUTES

At 9:41 a.m. the Commission took up the minutes of the February 1, 2024 Windward Planning Commission meeting. No corrections were offered. It was moved by Vice Chair Daniele and seconded by Commissioner Perrin that the minutes be approved as submitted. A voice vote was taken, and the motion carried with all in favor. *[SEE YOUTUBE TIMESTAMP 38:48]*

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:42 a.m. the Commission took up this item with approximately eight public members in the audience in the Council Chambers and approximately a hundred plus outside of the Council Chambers. Chair Lin explained the procedure for testifying and Planning Commission Rule 1-5 regarding decorum. Testifiers were given the options of speaking at this time or later at the time the specific agenda item was called to order. He mentioned Councilmember Galimba had arranged for people to testify on Agenda Item No. 3 by Zoom at the Na‘ālehu Community Center. Chair Lin announced the Commission will hear testimony in-person testimony first, then testifiers registered on Zoom and lastly Zoom testifiers at the Na‘ālehu Community Center. *[SEE YOUTUBE TIMESTAMP 39:25]*

Testimonies given at the beginning of the hearing:

Seven individuals provided testimony in-person for **Item #1 Manono Corner, LLC (PL-REZ-2023-000053)**:

- 1) Wanda Leopoldino *[SEE YOUTUBE TIMESTAMP 42:52]*
- 2) Maluhia Mauna *[SEE YOUTUBE TIMESTAMP 47:05]*
- 3) Gail Rhoades *[SEE YOUTUBE TIMESTAMP 53:47]*
- 4) Lou Rhoades *[SEE YOUTUBE TIMESTAMP 56:58]*
- 5) Nana-Honoa Manuel *[SEE YOUTUBE TIMESTAMP 1:00:22]*
- 6) Emily Naeole *[SEE YOUTUBE TIMESTAMP 1:01:54]*
- 7) Grace Nishimura *[SEE YOUTUBE TIMESTAMP 1:05:10]*

Two individuals provided testimony on Zoom:

- 1) Masayuki Osako *[SEE YOUTUBE TIMESTAMP 1:08:58]*
- 2) Betty Osako Masayuki Osaka *[SEE YOUTUBE TIMESTAMP 1:11:32]*

One individual provided testimony in-person for **Item #2 AT & T Mobility (PL-USE-2023-000008)**

- 1) Maluhia Mauna *[SEE YOUTUBE TIMESTAMP 1:14:28]*

Technical difficulties audio equipment went off for a couple seconds *[SEE YOUTUBE TIMESTAMP 1:14:53]*

One individual provided testimony on Zoom:

- 1) Crystal Schiszler *[SEE YOUTUBE TIMESTAMP 1:18:14]*

Chair Lin called a short recess at 10:25 a.m. and reconvened the hearing at 10:34 a.m.

Testimonies given at the beginning of the hearing resumed *[SEE YOUTUBE TIME STAMP 1:30:48]*

Forty-seven individuals provided testimony in-person for **Item #3 Black Sand Beach, LLC (PL-SMA-2023-000046)**:

- 1) Julia Espaniola *[SEE YOUTUBE TIMESTAMP 1:34:37]*
- 2) Olen Rosehill *[SEE YOUTUBE TIMESTAMP 1:38:00]*
- 3) Linda Raquinio *[SEE YOUTUBE TIMESTAMP 1:42:43]*
- 4) Earl Louis *[SEE YOUTUBE TIMESTAMP 1:45:41]*
- 5) Maluhia Mauna *[SEE YOUTUBE TIMESTAMP 1:50:33]*
- 6) Laura Wong *[SEE YOUTUBE TIMESTAMP 1:53:28]*
- 7) Victoria Croft *[SEE YOUTUBE TIMESTAMP 1:57:25]*
- 8) Kaila Ka'awa-Koi *[SEE YOUTUBE TIMESTAMP 2:01:09]*
- 9) Greg Rush *[SEE YOUTUBE TIMESTAMP 2:04:55]*
- 10) LTC. Kahiwalani *[SEE YOUTUBE TIMESTAMP 2:07:39]*
- 11) Gene Tamashiro *[SEE YOUTUBE TIMESTAMP 2:11:58]*
- 12) Debra Ward *[SEE YOUTUBE TIMESTAMP 2:15:53]*
- 13) Lanny Simkin *[SEE YOUTUBE TIMESTAMP 2:19:35]*
- 14) Ikaika Kaikiawa-Smith *[SEE YOUTUBE TIMESTAMP 2:21:17]*
- 15) Leilani Rodrigues *[SEE YOUTUBE TIMESTAMP 2:23:12]*
- 16) Olohe Maikahaku I *[SEE YOUTUBE TIMESTAMP 2:26:47]*
- 17) Lorilee Lorenzo *[SEE YOUTUBE TIMESTAMP 2:32:37]*
- 18) Tiana Kaauamo *[SEE YOUTUBE TIMESTAMP 2:34:03]*
- 19) Nana-Honoa Manuel *[SEE YOUTUBE TIMESTAMP 2:39:10]*
- 20) Jr. Tupa'i *[SEE YOUTUBE TIMESTAMP 2:42:05]*
- 21) Reycen Fukunaga *[SEE YOUTUBE TIMESTAMP 2:45:54]*
- 22) Ellen LaPenna *[SEE YOUTUBE TIMESTAMP 2:46:59]*
- 23) Vance Bjorn *[SEE YOUTUBE TIMESTAMP 2:51:04]*
- 24) Matthew Baker *[SEE YOUTUBE TIMESTAMP 2:54:13]*
- 25) Emily Naeole *[SEE YOUTUBE TIMESTAMP 2:56:52]*
- 26) Jaerick Medeiros *[SEE YOUTUBE TIMESTAMP 3:00:06]*

- 27) Kau'i Lopes [SEE YOUTUBE TIMESTAMP 3:05:11]
- 28) Hannah Hartman [SEE YOUTUBE TIMESTAMP 3:08:27]
- 29) Aaron Tolentino [SEE YOUTUBE TIMESTAMP 3:13:04]
- 30) Kahea Iona [SEE YOUTUBE TIMESTAMP 3:15:33]

Chair Lin called a short recess at 12:20 p.m. and reconvened the hearing at 12:31 p.m. and in-person testimonies resumed for **Item #3 Black Sand Beach (PL-SMA-2023-000046)**:

- 31) Alden Wells [SEE YOUTUBE TIMESTAMP 3:30:42]
- 32) Leiahi'ena Ka'awa [SEE YOUTUBE TIMESTAMP 3:33:35]
- 33) Noa Caiserman [SEE YOUTUBE TIMESTAMP 3:37:02]
- 34) Bob Douglas [SEE YOUTUBE TIMESTAMP 3:40:50]
- 35) Ron Self [SEE YOUTUBE TIMESTAMP 3:45:30]
- 36) Earl DeLeon [SEE YOUTUBE TIMESTAMP 3:49:28]
- 37) Diane Ware [SEE YOUTUBE TIMESTAMP 3:56:02]
- 38) Lorien Acquintas [SEE YOUTUBE TIMESTAMP 3:58:38]
- 39) James Akau [SEE YOUTUBE TIMESTAMP 4:02:25]
- 40) Dave Sinclair [SEE YOUTUBE TIMESTAMP 4:06:33]
- 41) Jay "BJ" Penn [SEE YOUTUBE TIMESTAMP 4:11:16]
- 42) Timothy Sullivan [SEE YOUTUBE TIMESTAMP 4:14:23]
- 43) Alyssa Silva [SEE YOUTUBE TIMESTAMP 4:18:30]
- 44) Kurt Dela Cruz [SEE YOUTUBE TIMESTAMP 4:22:29]
- 45) Faith Ramos [SEE YOUTUBE TIMESTAMP 4:26:34]
- 46) Napua Burke [SEE YOUTUBE TIMESTAMP 4:28:55]
- 47) Sun Chung [SEE YOUTUBE TIMESTAMP 4:32:55]

Chair Lin called a lunch recess at 1:40 p.m. and reconvened the hearing at 2:14 p.m. Testimonies given at the beginning of hearing resumed. [SEE YOUTUBE TIME STAMP 5:12:47]

Fifteen individuals provided testimony on Zoom for **Item #3 Black Sand Beach, LLC (PL-SMA-2023-000046)**:

- 1) Tara Rojas [SEE YOUTUBE TIMESTAMP 5:14:14]
- 2) Christine Kaehuaea [SEE YOUTUBE TIMESTAMP 5:18:08]
- 3) Fauna Kness [SEE YOUTUBE TIMESTAMP 5:21:47]
- 4) Shannon Rudolph [SEE YOUTUBE TIMESTAMP 5:26:18]
- 5) George William Leap [SEE YOUTUBE TIMESTAMP 5:29:08]
- 6) Chuck Flaherty [SEE YOUTUBE TIMESTAMP 5:32:57]
- 7) Kiana Kuulei Kanahale [SEE YOUTUBE TIMESTAMP 5:37:08]
- 8) Tiare Lawrence [SEE YOUTUBE TIMESTAMP 5:43:08]
- 9) Keilani Zayas [SEE YOUTUBE TIMESTAMP 5:46:32]
- 10) Kara Neal [SEE YOUTUBE TIMESTAMP 5:48:25]
- 11) Hiwahiwa Kaheaku [SEE YOUTUBE TIMESTAMP 5:50:14]
- 12) Holeka Inaba [SEE YOUTUBE TIMESTAMP 5:54:11]
- 13) Nicolas Wilhoite [SEE YOUTUBE TIMESTAMP 5:57:48]
- 14) Keala Norman [SEE YOUTUBE TIMESTAMP 6:00:08]
- 15) Matt Kanealii-Kleinfelder [SEE YOUTUBE TIMESTAMP 6:03:56] *in-person*
- 16) Pauline Leilani Badamo [SEE YOUTUBE TIMESTAMP 6:12:21] *in-person*

17) Puahone Lopes *[SEE YOUTUBE TIMESTAMP 6:20:21]*

Zoom testifiers concluded and the Commission proceeded to the agenda items. *[SEE YOUTUBE TIMESTAMP 6:22:55]*

UNFINISHED BUSINESS

1. APPLICANT: MANONO CORNER, LLC (PL-REZ-2023-000053)

Application for a Change of Zone from a Single-Family Residential-10,000 square feet (RS-10) zoning district to an Industrial-Commercial Mixed-20,000 square feet (MCX-20) zoning district for a 21,023-square-foot parcel of land. The subject property is located on the northeast corner of East Lanikaula Street and Manono Street, Waiākea House Lots, Waiākea, South Hilo, Hawai‘i, TMK: (3) 2-2-036:076.

The Commission took up this item at 3:25 p.m. with approximately sixty public members in the audience. *[SEE YOUTUBE TIMESTAMP 6:23:09]*

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

Representative Sidney Fuke and Applicant Robert Hamilton presented an update as to what had transpired since the last hearing. *[SEE YOUTUBE TIMESTAMP 6:24:25]*

Action: It was moved by Commissioner Kusch and seconded by Commissioner Perrin that a favorable recommendation be forwarded to the County Council on the application for Change of Zone Docket No. PL-REZ-2023-000053 based on the Planning Director’s recommendation. *[SEE YOUTUBE TIMESTAMP 6:47:02]*. A subsequent motion by Commissioner Kusch and seconded by Commissioner Perrin to include the amendments proposed by applicant and includes an amendment to the dust, noise condition changes from three to seven days. *[SEE YOUTUBE TIMESTAMP 6:48:54]*. A roll call vote was taken, and the motion carried with four (Kusch, Perrin, Balog, and Lin), one excused (De Luz) and one no (Daniele).

This hearing item ended at 3:52 p.m.

NEW BUSINESS

2. APPLICANT: AT&T MOBILITY (PL-USE-2023-000008)

Application for a Use Permit to allow the establishment of a telecommunication facility with a 150-foot-tall ‘monopine’ tower and related equipment and improvements within a 1,440 square foot portion of a larger 7.383-acre parcel. The subject property is located at 11-3049 Volcano Road, approximately 400 feet south of Volcano Road on the west side of Kahaualea Road, por. Fern Forest Vacation Estates, Kea‘au, Puna, Hawai‘i, TMK: (3) 1-1-020:159 (por.).

The Commission took up this item at 3:53 p.m. with approximately sixty public members in the audience. *[SEE YOUTUBE TIMESTAMP 6:50:23]*.

Staff presentation by Jessica Andrews *[SEE YOUTUBE TIMESTAMP 6:51:38]*.

Applicant presentation by Applicant Bryce Novak *[SEE YOUTUBE TIMESTAMP 6:57:27]*.

There were no in-person testifiers or Zoom testifiers for this agenda item and public testimony was closed. *[SEE YOUTUBE TIMESTAMP 7:02:02]*

Action: It was moved by Commissioner Kusch and seconded by Commissioner De Luz that the application for a Use Permit No. PL-USE-2023-000008 be approved based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 7:04:46]*. A roll call vote was taken, and the motion carried with six ayes (Kusch, De Luz, Balog, Perrin, Daniele, and Lin), and no noes.

This hearing ended at 4:09 a.m.

3. APPLICANT: BLACK SAND BEACH LLC (PL-SMA-2023-000046)

Application for a Special Management Area Permit to allow for the development of a residential and commercial community consisting of approximately 225 residential and short stay units, village and wellness center, retail uses, rehabilitation and use of golf courses, and dedication of a portion of coastline as a conservation area on an approximately 147 acres portion of a larger 434-acre project site within the Special Management Area. The subject properties are located within the extent of the former Sea Mountain at Punalu'u resort area, east (makai) of Hawai'i Belt Road in the vicinity of Nīnole Loop Road, Nīnole, Wailau, Punalu'u, Ka'ū, Hawai'i, TMKs: (3) 9-5-019: 011, 015, 024, 026, 030, 031, 033, 035; 9-6-001: 001-003, 006, 011-013; 9-6-002: 008, 037, 038, 041, and 053.

The Commission took up this item at 4:09 p.m. with approximately sixty-five public members and approximately thirty-plus outside of the Council Chambers. *[SEE YOUTUBE TIMESTAMP 7:06:31]* Prior to proceeding to Agenda Item #3 Black Sand Beach, LLC, Chair Lin mentioned the process for this agenda item. He stated there are three (3) petitions for standing in a contested case hearing and after testimony is heard the decision making for standing will be done. Chair Lin informed the public of the procedure for the petitions for standing in a contested case hearing based on the Planning Commission rules. Due to the time restraints of the usage of the Council Chambers till 5:00 p.m. he asked the testifiers not to be repetitious and to iterate specifically what they want to address in the testimony.

Testimonies given at the beginning of the agenda item:

Eighteen individuals provided testimony in-person for **Item #3 Black Sand Beach, LLC (PL-SMA-2023-000046)**:

- 1) Mike Tom *[SEE YOUTUBE TIMESTAMP 7:09:45]*
- 2) Alan Fukamizu *[SEE YOUTUBE TIMESTAMP 7:11:24]*
- 3) Jadelyn Kekoa-Jara *[SEE YOUTUBE TIMESTAMP 7:13:57]*
- 4) Demetrius Oliveira *[SEE YOUTUBE TIMESTAMP 7:15:41]*
- 5) Norma Oliveira *[SEE YOUTUBE TIMESTAMP 7:20:16]*
- 6) Andrea Avenue *[SEE YOUTUBE TIMESTAMP 7:21:07]*
- 7) Shellen Hashimoto *[SEE YOUTUBE TIMESTAMP 7:24:04]*
- 8) Jaime Kawauchi *[SEE YOUTUBE TIMESTAMP 7:27:35]*
- 9) Sharon Moraes *[SEE YOUTUBE TIMESTAMP 7:31:30]*

10) Tuni Hashimoto *[SEE YOUTUBE TIMESTAMP 7:34:58]*

Chair Lin reiterated to the testifiers that it would be appreciated when giving testimony to abbreviate or state something specific as there were about fifty additional people on the list and there are also people on Zoom wanting to testify. He asked Director Kern and Counsel for the Commission what happens to the case if not everyone is heard. Deputy Corporation Counsel Tiapula answered they will be notified of another hearing date as the case would need to be rescheduled and notice will need to be provided to the community. Chair Lin added the Commission for a motion to continue this item. *[SEE YOUTUBE TIMESTAMP 7:36:36]*

11) Thomas S.K. Chun *[SEE YOUTUBE TIMESTAMP 7:37:43]*

12) Derede Johnasen *[SEE YOUTUBE TIMESTAMP 7:40:19]*

13) T. Leilani Waldron *[SEE YOUTUBE TIMESTAMP 7:44:14]*

14) Marshall Baji *[SEE YOUTUBE TIMESTAMP 7:49:06]*

15) Mike Taylor *[SEE YOUTUBE TIMESTAMP 7:52:39]*

16) Ross Esperon Sr. *[SEE YOUTUBE TIMESTAMP 7:54:58]*

17) Nohea Kaawa *[SEE YOUTUBE TIMESTAMP 7:59:18]*

18) John Replogle *[SEE YOUTUBE TIMESTAMP 8:02:04]*

At 5:09 p.m. Chairman Lin showed his appreciation for the public's patience and testimonies at the hearing. *[Male in the audience addressed the Commission and suggested the rescheduled hearing be done on a weekend to allow the testifiers who were unable to attend today to voice themselves.]* He reiterated on the process and stated that no decision will be made on the agenda item due to time constraints and proposed a motion to continue this agenda item to allow more discussion and to hear the Petitions for Standing in a Contested Case to be scheduled at a later date and the public will be notified. *[SEE YOUTUBE TIMESTAMP 8:07:13]*

It was moved by Chairman Lin and seconded by Vice Chair Daniele to continue Agenda Item #3 Black Sand Beach, LLC, application PL-SMA-2023-000046 *[SEE YOUTUBE TIMESTAMP 8:07:48]*. A roll call vote was taken, and the motion carried with six ayes (Lin, Daniele, Balog, De Luz, Kusch, and Perrin), and no noes.

It was moved by Commissioner Perrin and seconded by Vice Chair Daniele to defer the remaining items (Planning Director's Report, Agenda Items for Next Meeting, and Announcements) on the agenda to the next Windward Planning Commission meeting. A voice vote was taken, and the motion carried with all in favor. *[SEE YOUTUBE TIMESTAMP 8:09:06]*

ADJOURNMENT *[SEE YOUTUBE TIMESTAMP 8:09:54]*

There being no further business, it was moved by Vice Chair Daniele and seconded by Commissioner Perrin that the meeting be adjourned. A voice vote was taken, and the motion carried with all in favor. Chairman Lin adjourned the meeting at 5:12 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Apr 5, 2024 20:44 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:



April 06, 2024

Dennis Lin, Chairman
Windward Planning Commission