

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
APRIL 4, 2024

A video recording is made part of these minutes, which can be viewed on the YouTube County of Hawai'i Planning Department channel at

<https://www.youtube.com/watch?v=IFwf8i0mnWc&t=1s>

Timestamps are provided for reference in accordance with the provisions of Chapter 92, Hawai'i Revised Statutes. In the event the video recording becomes unavailable at the abovementioned URL address, the public can contact the Planning Department for assistance.

The Windward Planning Commission met in regular session on Thursday, April 4, 2024 at 9:01 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, Matthias Kusch, Wayne De Luz, and Chantel Perrin.

ABSENT AND EXCUSED: Lauren Balog

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

Approximately twenty-eight members of the public were in the audience.

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

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 0:38]* Staff introductions were made. *[SEE YOUTUBE TIMESTAMP 1:06]*

APPROVAL OF MINUTES

At 9:03 a.m. the Commission took up the minutes of the March 7, 2024 Windward Planning Commission meeting. No corrections were offered. It was moved by Commissioner Perrin and seconded by Vice Chair Daniele that the minutes be approved as submitted. A voice vote was taken, and the motion carried with all in favor. *[SEE YOUTUBE TIMESTAMP 2:26]*

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:03 a.m. the Commission took up this item with approximately thirty-one public members in the audience in the Council Chambers and 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 stated he will be limiting testimony at the beginning of the hearing to one hour to allow all items to be heard on the agenda. He mentioned those testifiers unable to provide testimony within the hour will have the opportunity to testify when the agenda item is called. He explained there will be thirty (30) minutes of on-line testimony and 30 minutes of in-person testimony. Chair Lin noted the Commissioners are volunteers, they all have day jobs, they are members of the community and are not paid by County as a Commissioner. It was mentioned they represent their communities where they reside and respectfully ask the public to treat everyone with respect. *[SEE YOUTUBE TIMESTAMP 3:00]*

Chair Lin made a statement he will be recusing himself from agenda Item #7 County Council Initiated (PL-CCI-2024-000005) due to a conflict with his employer, HPM Building Supply who builds homes that could be used as a “accessory dwelling unit” (ADU) and Vice Chair Daniele will take the reigns as Chairperson at that time. *[SEE YOUTUBE TIMESTAMP 7:08]*

Testimonies given at the beginning of the hearing on any agenda item:

Eight individuals provided testimony on Zoom for the **County Council Initiated Bills 121, 122 & 123:**

- 1) Christi Mallicoat *[SEE YOUTUBE TIMESTAMP 10:57]*
- 2) Jack Young *[SEE YOUTUBE TIMESTAMP 14:26]*
- 3) Trey Livingston *[SEE YOUTUBE TIMESTAMP 17:10]*
- 4) Dan Lais *[SEE YOUTUBE TIMESTAMP 19:47]*
- 5) Janice Palma-Glennie *[SEE YOUTUBE TIMESTAMP 22:43]*
- 6) David Hall *[SEE YOUTUBE TIMESTAMP 29:33]*
- 7) Ka’eo Keeling *[SEE YOUTUBE TIMESTAMP 35:04]*
- 8) Jeffrey Cumes *[SEE YOUTUBE TIMESTAMP 36:35]*

One individual provided testimony in-person for **Item #2 Tirtha Luitel (PL-SPP-2024-000062):**

- 1) Mamolani King *[SEE YOUTUBE TIMESTAMP 41:37]*

Eight individuals provided testimony in-person for the **County Council Initiated Bills 121, 122 & 123:**

- 1) Harry Kim *[SEE YOUTUBE TIMESTAMP 46:08]*
- 2) Joshua Mehalick *[SEE YOUTUBE TIMESTAMP 49:56]*
- 3) Mary Beiger *[SEE YOUTUBE TIMESTAMP 54:53]*
- 4) Joy Dillon *[SEE YOUTUBE TIMESTAMP 56:53]*
- 5) Elizaeth DeYoung *[SEE YOUTUBE TIMESTAMP 1:01:50]*
- 6) Connie Goff *[SEE YOUTUBE TIMESTAMP 1:05:53]*
- 7) Joe Schneckenburger *[SEE YOUTUBE TIMESTAMP 1:09:05]*
- 8) Audrey Wang *[SEE YOUTUBE TIMESTAMP 1:12:21]*

At 10:15 a.m. the one (1) hour of general testimony ended, and Chair Lin reiterated the remaining testifiers will have the opportunity to testify when the agenda item is called. *[SEE YOUTUBE TIMESTAMP 1:15:16]*

NEW BUSINESS

Chair Lin stated a request was received to take Agenda Item #3 first prior to Item #1 and it was confirmed and agreed upon between the applicants. *[SEE YOUTUBE TIMESTAMP 1:15:54]*

3. APPLICANTS: STEPHEN & CHERYL WINTER (PL-SMA-2023-000043)

Application for a Special Management Area Use Permit to develop a farm consisting of a single-family residence, caretakers' cottage, greenhouse, barn, pasture, and related improvements on two (2) shoreline parcels totaling 30.165-acres all within the Special Management Area. The subject parcels are located on Pā'auhau Road approximately 1,200-feet north from its intersection with Nānaina Kai Road, Haina, Portion of Pa'alaea to Lauka, Hāmākua, Hawai'i, TMK's: (3) 4-5-002:016 & :080.

The Commission took up this item at 10:17 a.m. with approximately twenty-seven public members in the audience. *[SEE YOUTUBE TIMESTAMP 1:16:09]*

Staff presentation by Alex Roy. *[SEE YOUTUBE TIMESTAMP 1:17:55]* Due to technical difficulties during the presentation Chair Lin called a short recess at 10:28 a.m. and reconvened the hearing at 10:37 a.m. *[SEE YOUTUBE TIMESTAMP 1:36:13]*

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

Applicant presentation by Representative Sidney Fuke and Applicant Stephen Winter and Cheryl Winter. *[SEE YOUTUBE TIMESTAMP 1:38:42]*

Action: It was moved by Commissioner Kusch and seconded by Commissioner De Luz that the application for a Special Management Area (SMA) Use Permit No. PL-SMA-2023-000043 be approved based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 1:42:30]* A roll call vote was taken, and the motion carried with five ayes (Kusch, De Luz, Perrin, Daniele, and Lin), no noes and one excused (Balog).

This hearing item ended at 10:44 a.m.

At 10:44 a.m. due to a conflict Director Kern stepped down and Deputy Director Jeffrey Darrow will represent the Planning Department.

1. APPLICANTS: AXEL & MICHELLE KRATEL (PL-SPP-2024-000061)

Application for a Special Permit to allow the establishment of a 4-bedroom bed and breakfast operation within an existing dwelling and guest house on a 0.5-acre portion of an approximately 13.618-acre parcel of land in the State Land Use Agricultural District. The subject property is located at 2893 Kaiwiki Road, approximately 0.3 miles west of its intersection with Mailekea Road, Pauka'a Farm Lots, Pauka'a, South Hilo, Hawai'i, TMK: (3) 2-6-011:001.

The Commission took up this item at 10:45 a.m. with approximately twenty-five public members in the audience. *[SEE YOUTUBE TIMESTAMP 1:44:16]*

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

Staff presentation by Jessica Andrews. *[SEE YOUTUBE TIMESTAMP 1:45:22]*

Applicant presentation by John Pipan, Planning Consultant and Applicants Axel and Michelle Kratel. *[SEE YOUTUBE TIMESTAMP 1:57:13]*

Action: It was moved by Commissioner Daniele and seconded by Commissioner Perrin that the application for a Special Permit No. PL-SPP-2024-000061 be approved based on the Planning Director's recommendation and additional recommendation regarding signage. *[SEE YOUTUBE TIMESTAMP 2:12:24]* A roll call vote was taken, and the motion carried with five ayes (Daniele, Perrin, De Luz, Kusch, and Lin), no noes and one excused (Balog).

This hearing ended at 11:16 a.m.

At 11:16 a.m. Deputy Director Jeffrey Darrow stepped down and Director Kern returned to represent the Planning Department.

2. APPLICANT: TIRTHA LUITEL (PL-SPP-2024-000062)

Application for a Special Permit to allow the development and operation of a commercial parking lot on an approximately 18,000-square foot portion of a 98.2850-acre parcel in the State Land Use Agricultural District. The subject property is situated directly makai of Akaka Falls State Park on the south side of Akaka Falls Road, Honomū Homesteads, South Hilo, Hawai'i, TMK: (3) 2-8-010:014 (por.).

At 11:17 a.m. Chair Lin announced a request was received to defer this agenda Item #2 was to the next Commission hearing. *[SEE YOUTUBE TIMESTAMP 2:16:04]*

4. APPLICANT: JEREMY GRAHAM (PL-SMA-2024-000047)

Application for a Special Management Area Use Permit to construct a two (2) story, 6,404 square foot single-family residence and related improvements on a 23,958-square foot shoreline parcel within the Special Management Area. The subject property is located on Paradise Ala Kai Road, approximately 200-feet north of the intersection of Paradise Ala Kai Road and Kilika Street, Hawaiian Paradise Park Subdivision, Puna, Hawai'i, TMK: (3) 1-5-059:049.

The Commission took up this item at 11:18 a.m. with approximately nineteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:17:15]*

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

Staff presentation by Alex Roy. *[SEE YOUTUBE TIMESTAMP 2:18:03]*

Applicant was represented by Val Colter. *[SEE YOUTUBE TIMESTAMP 2:25:32]*

Action: It was moved by Commissioner Kusch and seconded by Commissioner De Luz that the application for a Special Management Area (SMA) Use Permit No. PL-SMA-2023-000027 be approved based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 2:25:50]* A roll call vote was taken, and the motion carried with five ayes (Kusch, De Luz, Perrin, Daniele, and Lin), no noes and one excused (Balog).

This hearing ended at 11:27 a.m.

5. INITIATOR: COUNTY COUNCIL (PL-CCI-2024-000003)

Bill 121, an ordinance amending Chapter 25, Articles 1, 4 and 5, of the Hawai'i County Code 1983 (2016 Edition, as amended), relating to transient accommodation rentals and hosting platforms. Repeals Section 25-4-16 through Section 25-4-16.3 relating to Short-term Vacation Rentals and establishes new provisions for Transient Accommodation Rentals and Hosting Platforms for Transient Accommodation Rentals.

The Commission took up this item at 11:29 a.m. with approximately eighteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:27:38]*

Eleven individuals provided testimony on Zoom for Item #5 County Council Initiated (PL-CCI-2024-000003) Relating to Bill 121:

- 1) Patti Tews *[SEE YOUTUBE TIMESTAMP 2:30:20]*
- 2) Jennifer Weinert *[SEE YOUTUBE TIMESTAMP 2:33:50]*
- 3) Keicie D *[SEE YOUTUBE TIMESTAMP 2:36:06]*
- 4) Abram Sandoval *[SEE YOUTUBE TIMESTAMP 2:39:54]*
- 5) Cynthia Rubinstein *[SEE YOUTUBE TIMESTAMP 2:43:23]*
- 6) Rochelle Jensen *[SEE YOUTUBE TIMESTAMP 2:46:56]*
- 7) Kalia Naia *[SEE YOUTUBE TIMESTAMP 2:50:51]*
- 8) Daniela D *[SEE YOUTUBE TIMESTAMP 2:54:37]*
- 9) Lisa Hall *[SEE YOUTUBE TIMESTAMP 2:57:38]*
- 10) Heather Korotie *[SEE YOUTUBE TIMESTAMP 3:01:30]*
- 11) Jason Eisert *[SEE YOUTUBE TIMESTAMP 3:03:21]*

At 12:07 p.m. Chair Lin called for a lunch break *[SEE YOUTUBE TIMESTAMP 3:06:35]* and reconvened the hearing at 12:44 p.m. with approximately fourteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 3:43:45]*

Staff presentation by Tracie-Lee Camero. *[SEE YOUTUBE TIMESTAMP 3:48:34]*

After the conclusion of the staff presentation Chair Lin stated hopefully it provided some background to the Commissioners as well as for the public and it was shared because there has been a lot of testimony regarding some of the aspects in the presentation. He reiterated the Commission has not made a decision on the bill and had any discussion on the bill.

County Council Chair Heather Kimball, who was one of the introducers of Bills 121, 122, and 123 did a presentation. *[SEE YOUTUBE TIMESTAMP 4:14:30]*

Chair Lin showed his appreciation and patience to everyone and apologized for the delay in providing testimony. Public testimony resumed.

Thirteen individuals provided testimony in-person for **Item #5 County Council Initiated (PL-CCI-2024-000003) Relating to Bill 121:**

- 1) Susan Strauslin *[SEE YOUTUBE TIMESTAMP 4:32:32]*
- 2) Mark Sidmore *[SEE YOUTUBE TIMESTAMP 4:35:25]*
- 3) Brian Fredrickson *[SEE YOUTUBE TIMESTAMP 4:39:40]*
- 4) Brian Daniel *[SEE YOUTUBE TIMESTAMP 4:42:09]*
- 5) Sebastian Lancelotti *[SEE YOUTUBE TIMESTAMP 4:44:38]*
- 6) Kris Adair *[SEE YOUTUBE TIMESTAMP 4:47:36]*
- 7) Alan Smith *[SEE YOUTUBE TIMESTAMP 4:51:45]*
- 8) Saul Rillason *[SEE YOUTUBE TIMESTAMP 4:54:06]*
- 9) Raechel Jacox *[SEE YOUTUBE TIMESTAMP 4:58:28]*
- 10) Geneva Jackson *[SEE YOUTUBE TIMESTAMP 5:01:43]*
- 11) Megan Isaac *[SEE YOUTUBE TIMESTAMP 5:06:01]*
- 12) Martina Wing *[SEE YOUTUBE TIMESTAMP 5:09:16]*
- 13) Joshua Montgomery *[SEE YOUTUBE TIMESTAMP 5:12:24]*

Chair Lin called a short recess at 2:18 p.m. and reconvened the hearing at 2:27 p.m.

Five individuals provided testimony on Zoom for **Item #5 County Council Initiated (PL-CCI-2024-000003) Relating to Bill 121:**

- 1) Robert Henry *[SEE YOUTUBE TIMESTAMP 5:29:00]*
- 2) Rebecca Stores *[SEE YOUTUBE TIMESTAMP 5:32:52]*
- 3) Ashley Robinson *[SEE YOUTUBE TIMESTAMP 5:37:16]*
- 4) Debbie Roberts *[SEE YOUTUBE TIMESTAMP 5:40:53]*
- 5) Ryan Neal *[SEE YOUTUBE TIMESTAMP 5:44:48]*

It was moved by Vice Chair Daniele and seconded Commissioner Perrin to close public testimony on this agenda item. A voice vote was taken, and the motion carried with all in favor. *[SEE YOUTUBE TIMESTAMP 5:49:53]*

At 2:51 p.m. Chair Lin open the floor to allow the Commission to ask questions to the Planning Department Staff and Chair Heather Kimball as the introducer of Bill 121 with approximately ten public members in the audience. *[SEE YOUTUBE TIMESTAMP 5:50:13]*

Action: It was moved by Commissioner Kusch and seconded by Commissioner Perrin that a favorable recommendation be forwarded to the County Council on Bill No. 121 (PL-CCI-2024-000003) based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 6:34:52]* In discussion the Commissioners expressed their concerns on the proposed Bill and recommendations by the Planning Director. *[SEE YOUTUBE TIMESTAMP 6:35:42]* There were some outbursts made by the public members of the audience and Chair Lin reminded the public to be courteous and respectful. *[SEE YOUTUBE TIMESTAMP 6:41:39]* Additional comments and concerns was continued by the remaining Commissioners.

Chair Lin called a short recess at 3:53 p.m. and reconvened the hearing at 4:02 p.m.

Chair Lin stated for clarification if the remaining agenda items are not acted upon in this hearing it will be continued to the Commission's May 2, 2024 hearing at 2:00 p.m. after the completion of the regular scheduled hearing. *[SEE YOUTUBE TIMESTAMP 7:01:54]*

A supplemental motion was made by Chair Lin and seconded by Vice Chair Daniele that the Commission review each of the Planning Director's recommendations with discussions before entertaining any further amendments to the Bill 121. A voice vote was taken, and the motion carried with all in favor. *[SEE YOUTUBE TIMESTAMP 7:02:47]* Commissioner Kusch asked for clarification on the process as they go through the recommendations if a motion and a second would be required. Chair Lin replied no motion will be needed for discussion. Review and discussion began with:

- Recommendation #1 *[SEE YOUTUBE TIMESTAMP 7:05:48]*
- Recommendation #2 *[SEE YOUTUBE TIMESTAMP 7:20:25]*
- Recommendation #3 *[SEE YOUTUBE TIMESTAMP 7:20:57]*
- Recommendation #4 *[SEE YOUTUBE TIMESTAMP 7:28:16]*
- Recommendation #5 *[SEE YOUTUBE TIMESTAMP 7:31:23]*
- Recommendation #6 *[SEE YOUTUBE TIMESTAMP 7:32:49]*
- Recommendation #7 *[SEE YOUTUBE TIMESTAMP 7:37:14]*
- Recommendation #8 *[SEE YOUTUBE TIMESTAMP 7:38:02]*

In discussion on Recommendation #8 Commissioner Kusch made a motion to amend the language in the last sentence ending "and code requirements" by adding the language "from the time the dwelling was built". For clarification the added language would be "and code requirements from the time the dwelling was built or modified" and it was seconded by Chair Lin. *[SEE YOUTUBE TIMESTAMP 7:47:01]* A roll call vote was taken, and the motion carried with five ayes (Kusch, Daniele, De Luz, Perrin, and Lin), no noes and one excused (Balog).

It was moved by Chair Lin and seconded by Commissioner Perrin to continue agenda items #3, #6, and #7 on the agenda including the Planning Director's Report to the next Windward Planning Commission meeting on May 2, 2024 at 1:00 p.m. *[SEE YOUTUBE TIMESTAMP 7:52:53]* A voice vote was taken, and the motion carried with all in favor. *[SEE YOUTUBE TIMESTAMP 7:56:35]*

ANNOUNCEMENTS *[SEE YOUTUBE TIMESTAMP 7:57:09]*

Planning Program Manager, Maija Jackson stated there are three (3) items tentatively scheduled for the May 2, 2024 morning agenda.

ADJOURNMENT *[SEE YOUTUBE TIMESTAMP 7:57:26]*

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 4:58 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Jun 18, 2024 08:33 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:



June 18, 2024 09:06 AM

Dennis Lin, Chairman
Windward Planning Commission