

LEEWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

MINUTES
APRIL 18, 2024

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The Leeward Planning Commission met in regular session on Thursday, April 18, 2024 at 9:31 a.m. in the West Hawai‘i Civic Center, Council Chambers, Building A, 74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai‘i, with Chairperson Barbara DeFranco presiding. This meeting was streamed live on YouTube.

COMMISSIONERS PRESENT: Dean Au, Michael Dela Cruz, Clement “CJ” Kanuha, Mahina Paishon Duarte, and Barbara DeFranco.

ALSO PRESENT: Suzanna Tiapula, Esq. (Counsel to the Commission), Jean Campbell, Esq. (Counsel to the Planning Department), Zendo Kern (Planning Director left at 3:49 p.m.) and Jeffrey Darrow (Deputy Planning Director present from 1:01 p.m. to 1:46 p.m. and 3:49 p.m. to 6:02 p.m.).

Approximately thirty-one public members were in the audience.

A quorum was present. Chairperson DeFranco called the meeting to order and introduced Commissioners. [SEE YOUTUBE TIMESTAMP 0:01] Chairperson DeFranco asked the Commissioners to confirm they had reviewed all materials related to the applications being reviewed today and also introduced the staff. [SEE YOUTUBE TIMESTAMP 0:52]

APPROVAL OF MINUTES

At 9:32a.m. the Commission took up the minutes of the February 29, 2024, Leeward Planning Commission meeting. No corrections were offered. It was moved by Commissioner Kanuha and seconded by Commissioner Dela Cruz 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 9:33 a.m. the Commission took up this item with approximately thirty-six public members in the audience in the Council Chambers. Testifiers were given the options of speaking at this time or later at the time the specific agenda item was called to order. Chairperson DeFranco stated she will be limiting testimony at the beginning of the hearing to one hour to allow all items to be heard on the agenda. She explained there will be thirty (30) minutes of in-person testimony and

30 minutes of Zoom testimony. She also mentioned those testifiers unable to provide testimony within the hour will have the opportunity to testify when the agenda item is called. Chairperson DeFranco explained the procedure for testifying and Planning Commission Rule 1-5 regarding decorum. *[SEE YOUTUBE TIMESTAMP 3:08]*

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

Four individuals provided testimony in-person at 9:36 a.m.:

- 1) Mark Van Pernis on Items #1 & #2 *[SEE YOUTUBE TIMESTAMP 6:52]*
- 2) David R. Johnson on Item #7 *[SEE YOUTUBE TIMESTAMP 12:17]*
- 3) Ikaika Kailiawa-Smith on Item #7 *[SEE YOUTUBE TIMESTAMP 14:38]*
- 4) Gordon Lindquist on Item #7, #8, & #9 *[SEE YOUTUBE TIMESTAMP 18:50]*

Fifteen individuals provided testimony on Zoom at 9:56 a.m.:

- 1) Kalia Naia on Item #7 *[SEE YOUTUBE TIMESTAMP 27:38]*
- 2) Nick Benoit on Item #7 *[SEE YOUTUBE TIMESTAMP 31:41]*
- 3) Christi Mallicoat on Item #7 *[SEE YOUTUBE TIMESTAMP 34:32]*
- 4) Theresa Henk on Item #7 *[SEE YOUTUBE TIMESTAMP 37:31]*
- 5) Brooke Bacon on Item #2 *[SEE YOUTUBE TIMESTAMP 41:24]*
- 6) Emmy Chen on Item #7 *[SEE YOUTUBE TIMESTAMP 42:57]*
- 7) Heather Korotie on Items #7 & #8 *[SEE YOUTUBE TIMESTAMP 46:26]*
- 8) April Lee on Item #7 *[SEE YOUTUBE TIMESTAMP 51:34]*
- 9) Pat Tews on Items #7, #8, & #9 *[SEE YOUTUBE TIMESTAMP 56:57]*
- 10) David Hall on Item #7 *[SEE YOUTUBE TIMESTAMP 1:01:50]*
- 11) Joy Dillion on Items #7 & #8 *[SEE YOUTUBE TIMESTAMP 1:05:13]*
- 12) Rachael Popky on Item #8 *[SEE YOUTUBE TIMESTAMP 1:09:37]*
- 13) Joshua Mehalick on Items #7 & #9 *[SEE YOUTUBE TIMESTAMP 1:13:14]*
- 14) Joaquin Belisario on Items #7, #8, & #9 *[SEE YOUTUBE TIMESTAMP 1:18:21]*
- 15) Michael Pessis (Catherine Carlevato) on Item #7 *[SEE YOUTUBE TIMESTAMP 1:25:17]*

There being no further public testimony, this agenda item ended at 10:57 a.m.

Chairperson DeFranco called a short recess at 10:58 a.m. and stated she would be recusing herself for Items #1 and #2. The hearing was reconvened at 11:11 a.m. with Vice Chair Paishon-Duarte presiding.

UNFINISHED BUSINESS

1. APPLICANT: AHU POHAKU HO‘OMALUHIA LLC (FORMERLY ROBERT WATKINS AND JEAN SUNDERLAND) (PL-SMA-2022-000018)

Application for an amendment to Special Management Area (SMA) Use Permit No. 417 to increase the number of guest rooms from 16 to 36 by constructing 20 additional guest rooms at Hawai‘i Island Retreat, on an approximately 5.0-acre portion of a 14.5-acre parcel of land situated in the Special Management Area. The subject property is located at 54-250 Lokahi Road, approximately 1.2 miles northeast (makai) of Akoni Pule Highway, Hanaula and Honopueo, North Kohala, Hawai‘i, TMK: (3) 5-4-009:014 (por).

2. **APPLICANT: AHU POHAKU HO‘OMALUHIA LLC (FORMERLY ROBERT WATKINS AND JEAN SUNDERLAND) (PL-SPP-2022-000018)**

Application for an amendment to Special Permit No. 1117 to increase the number of guest rooms from 16 to 36 by constructing 20 additional guest rooms at Hawai‘i Island Retreat, on an approximately 5.0-acre portion of a 14.5-acre parcel of land situated in the State Land Use Agricultural District. The subject property is located at 54-250 Lokahi Road, approximately 1.2 miles northeast (makai) of Akoni Pule Highway, Hanaula and Honopueo, North Kohala, Hawai‘i, TMK: (3) 5-4-009:014 (por).

The Commission took up these items simultaneously for purposes of presentation and fact findings at 11:12 a.m., with approximately thirty plus public members in the audience. *[SEE YOUTUBE TIMESTAMP 1:43:56]*

Staff presentation by Jessica Andrews. *[SEE YOUTUBE TIMESTAMP 1:44:29]*

Applicant presentation by Sidney Fuke, Planning Consultant for the Applicant and Jean Sunderland the applicant. *[SEE YOUTUBE TIMESTAMP 1:54:01]* Commissioners posed questions to the applicant and the representative. *[SEE YOUTUBE TIMESTAMP 2:04:27]*

There was one individual who provided testimony in person Beth Robinson *[SEE YOUTUBE TIMESTAMP 2:13:05]* and one individual provided testimony on Zoom Toni Withington *[SEE YOUTUBE TIMESTAMP 2:17:51]* for this agenda item. There being no other testifiers, Vice Chair Paishon-Duarte closed public testimony for this agenda item. *[SEE YOUTUBE TIMESTAMP 2:21:45]* The applicant, Ms. Sunderland and Mr. Fuke addressed the concerns raised by the testifier Ms. Withington concerning the public access plan. *[SEE YOUTUBE TIMESTAMP 2:22:19]* During discussion Deputy Corporation Counsel Jean Campbell provided clarification on the rational nexus needed to increase public access facilities by way of a condition. *[SEE YOUTUBE TIMESTAMP 2:26:09]*

Action for PL-SMA-2022-000018: It was moved by Commissioner Au that the application for Special Permit No. PL-SPP-2022-000018 be approved based on the Planning Director’s recommendation with the stated amendments by the applicant to Condition No. 2 and Condition No. 18 and the additional condition from the Planning Director as stated by Planning Staff, Jessica Andrews. Deputy Corporation Counsel Suzanna Tiapula asked Commissioner Au for clarification of the amendments by the Planning Director and as expressed by staff only and not anything additional recommended by the applicant? Commissioner Au answered “yes”. *[SEE YOUTUBE TIMESTAMP 2:29:44]* A clarifying question was asked if the motion is related to SMA-2022-000018 or SPP-2022-000018? Commissioner Au answered SPP-2022-000018 and corrected himself it is for SMA-2022-000018. The motion was seconded by Commissioner Dela Cruz. *[SEE YOUTUBE TIMESTAMP 2:31:00]*

Planning Program Manager, Maija Jackson provided clarification that the Commission is acting on the SMA right now and stated she believes the condition amendments the applicant requested and the additional condition by the Planning Director are related to the Special Permit rather than the SMA. *[SEE YOUTUBE TIMESTAMP 2:31:15]* Commissioner Au withdrew his original motion, and a new motion was made. It was moved by Commissioner Au that the application for Special Management Area Use Permit No. PL-SMA-2022-000018 be approved based on the

Planning Director's recommendation and seconded by Commissioner Dela Cruz. *[SEE YOUTUBE TIMESTAMP 2:32:37]* A roll call vote was taken, and the motion carried with four ayes (Au, Dela Cruz, Kanuha, and Paishon-Duarte), no noes, and one recused (DeFranco). *[SEE YOUTUBE TIMESTAMP 2:33:35]*

Action for PL-SPP-2022-000018: It was moved by Commissioner Au that the application for Special Permit No. PL-SPP-2022-000018 be approved based on the Planning Director's recommendations with the amendments by the applicant on Condition No. 2 and Condition No. 18 and the additional condition by the Planning Director. The motion was seconded by Commissioner Kanuha. *[SEE YOUTUBE TIMESTAMP 2:34:40]* A roll call vote was taken, and the motion carried with four ayes (Au, Kanuha, Dela Cruz, and Paishon-Duarte), no noes, and one recused (DeFranco). *[SEE YOUTUBE TIMESTAMP 2:35:30]*

This hearing ended at 12:06 p.m. and Chair DeFranco rejoined the Commission.

Chairperson DeFranco called a lunch recess at 12:07 p.m. and the hearing was reconvened at 12:43 p.m. Commissioner Kanuha stated he will be recusing himself from the agenda Item #3 as his property borders the subject application property. *[SEE YOUTUBE TIMESTAMP 3:11:30]*

3. **APPLICANT: RYAN LEESE (PL-REZ-2023-000055)**

Application for a Change of Zone from an Agricultural-20 acre (A-20a) to a Family-Agricultural-5 acre (FA-5a) zoning district for 21.942 acres of land. The subject property is located at the southwest corner of the Kaloko Drive/Haō Street intersection, Kaloko Mauka Subdivision, Kaloko, North Kona, Hawai'i, TMK: (3) 7-3-024:003.

The Commission took up this item at 12:43 p.m. with approximately fifteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 3:11:46]*

Staff presentation by Christian Kay. *[SEE YOUTUBE TIMESTAMP 3:12:46]*

Applicant presentation by Daryn Arai, Planning Consultant for the Applicant and Ryan Leese, the Applicant and co-owner Seth Roosevelt in the audience. *[SEE YOUTUBE TIMESTAMP 3:17:49]*

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

Action: It was moved by Commissioner Paishon-Duarte and seconded by Commissioner Dela Cruz that a favorable recommendation be forwarded to the County Council on the application for Change of Zone No. PL-REZ-2023-000055 based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 3:28:11]* A roll call vote was taken, and the motion carried with four ayes (Paishon-Duarte, Dela Cruz, Au, and DeFranco), no noes and one recused (Kanuha). *[SEE YOUTUBE TIMESTAMP 3:29:55]*

This hearing ended at 1:00 p.m. and Commissioner Kanuha rejoined the Commission. At 1:01 p.m. due to a conflict of interest, Director Kern stepped down for agenda Items #4 and #5 and Deputy Director Jeffrey Darrow represented the Planning Department.

4. **APPLICANT: ACKERMAN RANCH INC (PL-SPP-2023-000056)**

Application for a Special Permit to establish and operate an event venue to host weddings and other similar gatherings on an approximately 4-acre portion of two properties totaling 195.91 acres in the State Land Use Agricultural District. The subject properties are located on the west (makai) side of Ali'i Drive, approximately 2,000 feet north of its intersection with Haleki'i Street, Por. Honuaino 3rd Kanaeue 1st-2nd, North Kona, Hawai'i, TMKs: (3) 7-9-012:004 (por.) and :031 (por.).

The Commission took up this item at 1:01 p.m. with approximately sixteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 3:31:10]*

Staff presentation by Christian Kay. *[SEE YOUTUBE TIMESTAMP 3:32:15]*

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

Applicant presentation by Kobey Ackerman and Noel Ackerman the Applicants and John Pipan, Land Planning Hawai'i assisting the applicant. *[SEE YOUTUBE TIMESTAMP 3:45:14]*

Action: It was moved by Commissioner Au and seconded by Commissioner Kanuha that the application for Special Permit No. PL-SPP-2023-000058 be approved based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 3:53:42]* After discussion Planner Christian Kay proposed a brief change to Condition No. 14 and any amendments on the integrated archaeological management plan to the motion maker Commissioner Au and seconded Commissioner Kanuha and both agreed to the change. A roll call vote was taken, and the motion carried with four ayes (Au, Kanuha, Dela Cruz, Paishon-Duarte, and DeFranco) and no noes. *[SEE YOUTUBE TIMESTAMP 3:57:40]*

This hearing ended at 1:28 p.m.

5. **APPLICANT: SCOTT GRAINGER (PL-SMA-2024-000051)**

Application for a Special Management Area Use Permit to demolish an existing single-family dwelling and construct a new single-family dwelling on a 14,000 square foot shoreline parcel within the Special Management Area. The subject property is located on the makai side of Puakō Beach Drive, approximately 2.7 miles southwest of its intersection with Queen Ka'ahumanu Highway, Por. of Puakō Beach Lots, Lalamilo, South Kohala, Hawai'i, TMK: (3) 6-9-006:016.

The Commission took up this item at 1:28 p.m. with approximately fifteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 3:58:16]*

Staff presentation by Alex Roy. *[SEE YOUTUBE TIMESTAMP 3:59:17]*

Applicant presentation by Scott Grainger and Kathryn Grainger, the Applicants and John Pipan, Land Planning Hawai'i assisting the applicants. *[SEE YOUTUBE TIMESTAMP 4:07:44]*

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

Action: It was moved by Commissioner Kanuha and seconded by Commissioner Dela Cruz that the application for Special Management Area Use Permit No. PL-SMA-2024-000051 be approved based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 4:13:51]* A roll call vote was taken, and the motion carried with five ayes (Kanuha, Dela Cruz, Au, Paishon-Duarte, and DeFranco), and no noes. *[SEE YOUTUBE TIMESTAMP 4:15:37]*

This hearing ended at 1:46 p.m.

Chairperson DeFranco called a short recess at 1:46 p.m. and the hearing was reconvened at 1:52 p.m. and Planning Director Kern rejoined the meeting.

6. **APPLICANT: MAKUA LANI CHRISTIAN ACADEMY (FORMERLY KONA CHRISTIAN ACADEMY) (PL-SPP-2023-000060)**

Application to amend Special Permit No. 549 to expand the permit area for the elementary school to include the adjacent, 1.196-acre parcel to the east and to amend Condition No. 8 to increase enrollment cap from 180 students to 210 students. The subject properties are located at 74-4907 and 74-4889 Palani Road, Por. Pāpa'akoko & Honokōhau 1st & 2nd, North Kona, Hawai'i, TMKs: (3) 7-4-006:037 and :046.

The Commission took up this item at 1:52 p.m. with approximately thirty-five public members in the audience. *[SEE YOUTUBE TIMESTAMP 3:22:17]*

Staff presentation by Jessica Andrews. *[SEE YOUTUBE TIMESTAMP 4:23:26]*

Applicant presentation by Tyler Dickenson and Sandy Butler, the Applicants. *[SEE YOUTUBE TIMESTAMP 4:31:45]*

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

Action: It was moved by Commissioner Paishon-Duarte and seconded by Commissioner Au that the application for Special Permit No. PL-SPP-2024-000060 be approved based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 4:41:23]* A roll call vote was taken, and the motion carried with five ayes (Paishon-Duarte, Au, Dela Cruz, Kanuha, and DeFranco), and no noes. *[SEE YOUTUBE TIMESTAMP 4:44:58]*

This hearing ended at 2:19 p.m.

7. **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 2:19 p.m. with approximately fifty plus public members in the audience. *[SEE YOUTUBE TIMESTAMP 4:49:39]*

Staff presentation by Tracie-Lee Camero. *[SEE YOUTUBE TIMESTAMP 4:50:55]*

County Council Chair Heather Kimball, who was one of the introducers of Bills 121, 122, and 123 did a presentation. *[SEE YOUTUBE TIMESTAMP 5:17:35]*

Thirty individuals provided testimony in-person for **Item #7 County Council Initiated (PL-CCI-2024-000003) Relating to Bill 121:**

1. Mike Hobbs *[SEE YOUTUBE TIMESTAMP 5:35:56]*
2. Wesley Moor *[SEE YOUTUBE TIMESTAMP 5:37:44]*
3. Rhonda Lindquist *[SEE YOUTUBE TIMESTAMP 5:40:02]*
4. Alayna Wiley *[SEE YOUTUBE TIMESTAMP 5:43:25]*
5. Ashley Lake (Welton) *[SEE YOUTUBE TIMESTAMP 5:45:49]*
6. Susan Welton *[SEE YOUTUBE TIMESTAMP 5:48:52]*
7. Jennifer Wilkinson *[SEE YOUTUBE TIMESTAMP 5:50:35]*
8. Lisa Wade *[SEE YOUTUBE TIMESTAMP 5:53:50]*
9. Mary Jo Lake *[SEE YOUTUBE TIMESTAMP 5:57:10]*
10. Catherine Sinclair *[SEE YOUTUBE TIMESTAMP 5:59:04]*
11. Candi Baker *[SEE YOUTUBE TIMESTAMP 6:01:14]*
12. Trey Livingston *[SEE YOUTUBE TIMESTAMP 6:03:07]*
13. Jason Eisert *[SEE YOUTUBE TIMESTAMP 6:06:47]*
14. Mark Pheatt *[SEE YOUTUBE TIMESTAMP 6:10:19]*
15. Derinda Thatcher *[SEE YOUTUBE TIMESTAMP 6:13:21]*
16. Antu Harvey *[SEE YOUTUBE TIMESTAMP 6:16:18]*
17. William Burns *[SEE YOUTUBE TIMESTAMP 6:19:36]* *(Posterboards on easel began)*
18. Rolanda Daniel *[SEE YOUTUBE TIMESTAMP 6:21:57]*
19. Raechel Jacox *[SEE YOUTUBE TIMESTAMP 6:24:24]*
20. Kris Adair *[SEE YOUTUBE TIMESTAMP 6:27:15]*
21. Lorelle Carter *[SEE YOUTUBE TIMESTAMP 6:30:13]*
22. Caryl Burns *[SEE YOUTUBE TIMESTAMP 6:32:54]*
23. John Harabedian *[SEE YOUTUBE TIMESTAMP 6:35:51]*
24. Joshua Montgomery *[SEE YOUTUBE TIMESTAMP 6:38:28]* *(Posterboards ended)*
25. Joe Schneckenburger *[SEE YOUTUBE TIMESTAMP 6:43:59]*
26. Clarentha Benjamin-Mito *[SEE YOUTUBE TIMESTAMP 6:47:10]*
27. Neil Bien *[SEE YOUTUBE TIMESTAMP 6:49:04]*
28. Martina Wing *[SEE YOUTUBE TIMESTAMP 6:50:58]*
29. Judith Cunningham *[SEE YOUTUBE TIMESTAMP 6:54:45]*
30. Krista Olson *[SEE YOUTUBE TIMESTAMP 6:57:59]*

Chairperson DeFranco called a short recess at 4:31 p.m. and the hearing was reconvened at 4:41 p.m.

Fifteen individuals provided testimony on Zoom for **Item #7 County Council Initiated (PL-CCI-2024-000003) Relating to Bill 121:**

1. Brian Fredrickson *[SEE YOUTUBE TIMESTAMP 7:12:37]*
2. Brian Daniel *[SEE YOUTUBE TIMESTAMP 7:15:50]*
3. Karen Holman *[SEE YOUTUBE TIMESTAMP 7:17:22]*

4. Janice Palma-Glennie [SEE YOUTUBE TIMESTAMP 7:20:31]
5. Ryan Neal [SEE YOUTUBE TIMESTAMP 7:24:16]
6. Linda Swanson [SEE YOUTUBE TIMESTAMP 7:27:56]
7. Vicky Wang [SEE YOUTUBE TIMESTAMP 7:30:39]
8. Mark Wong [SEE YOUTUBE TIMESTAMP 7:32:47]
9. Keicie Rivera [SEE YOUTUBE TIMESTAMP 7:35:27]
10. Sandra Jo Thomas [SEE YOUTUBE TIMESTAMP 7:39:00]
11. Lisa Hall [SEE YOUTUBE TIMESTAMP 7:41:50]
12. Rob Henry [SEE YOUTUBE TIMESTAMP 7:45:27]
13. Britt Palmars [SEE YOUTUBE TIMESTAMP 7:48:03]
14. Audrey Wong [SEE YOUTUBE TIMESTAMP 7:51:30]
15. Matthew Wullschleger [SEE YOUTUBE TIMESTAMP 7:54:11]

There being no further public testimony, Chairperson DeFranco closed public testimony for this agenda item. [SEE YOUTUBE TIMESTAMP 7:56:24]

At 5:26 p.m. Chairperson open the floor to allow the Commission to ask questions to the Planning Department Staff and County Council Chair Heather Kimball. [SEE YOUTUBE TIMESTAMP 7:56:59]

Chairperson DeFranco announced due to time constraints agenda items #7, #8, and #9 will be continued to May 22, 2024 at 12:00 p.m. and public testimony will be allowed for items #8 and #9 only as public testimony for item #7 has been closed. She expressed her appreciation for everyone's time and patience today. Planning Program Manager Maija Jackson stated the regular monthly meeting will be held at 9:30 a.m. on May 22nd with tentatively three items on the agenda for that meeting. She also stated assuming those items are completed by 11:30 a.m. with a half hour lunch and then reconvened at noon with Bills 121, 122, and 123.

ADJOURNMENT [SEE YOUTUBE TIMESTAMP 8:32:34]

There being no further business, it was moved by Commissioner Kanuha and seconded by Commissioner Au that the meeting be adjourned. Chairperson DeFranco adjourned the meeting at 6:02 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Jun 21, 2024 13:29 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:

Barbara DeFranco
Barbara DeFranco (Jun 21, 2024 17:14 HST)

Barbara DeFranco, Chairperson
Leeward Planning Commission