

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
JUNE 6, 2024

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The Windward Planning Commission met in regular session on Thursday, June 6, 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.

ALSO PRESENT: Suzanna Tiapula, Esq. (Counsel to the Commission), Jean Campbell, Esq. (Counsel to the Planning Department), Zendo Kern (Planning Director from 9:01 a.m. – 11:16 a.m.), Jeffrey Darrow (Deputy Planning Director from 11:16 a.m. – 12:30 p.m.), and Planning Department staff.

Approximately sixteen 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 begins at 0:01 introducing Commissioner Kusch]*

Staff introductions were made. Chair Lin asked each Commissioner to confirm they had the opportunity to review all materials, including written public testimony, related to the applications being reviewed today. It was noted that each Commissioner verbally confirmed the review of the application materials. *[SEE YOUTUBE TIMESTAMP 1:42]*

APPROVAL OF MINUTES

At 9:04 a.m. the Commission took up the minutes of the April 4, 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 was carried with all in favor. *[SEE YOUTUBE TIMESTAMP 2:25]* Chair Lin stated that the approval of the minutes from the continued meeting on May 2, 2024, and the meeting on May 6, 2024, will be postponed to the next scheduled meeting. *[SEE YOUTUBE TIMESTAMP 3:03]*

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:05 a.m. the Commission took up this item with approximately eighteen public members in the audience in 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. *[SEE YOUTUBE TIMESTAMP 3:16]*

Ken Gibbings provided testimony in-person regarding **Item #5 Brian Kroll (PL-SPP-2024-000063)** *[SEE YOUTUBE TIMESTAMP 4:53]* and there were no Zoom testifiers for this agenda item.

There being no further public testimony, this agenda item ended at 9:08 a.m.

UNFINISHED BUSINESS

- 1. APPLICANTS: PATTY SATHER AND STEPHEN ELSE (PL-SMA-2024-000048)**
Application for a Special Management Area Use Permit to construct a two-story single-family dwelling and related improvements on a 31,363-square foot shoreline parcel within the Special Management Area. The subject property is located at 15-1859 Beach Road at its intersection with Ala Heiau Road, Hawaiian Paradise Park Subdivision, Kea‘au, Puna, Hawai‘i, TMK: (3) 1-5-032:049.

The Commission took up this item at 9:08 a.m. with approximately nineteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 5:52]*

Staff presentation by Alex Roy. *[SEE YOUTUBE TIMESTAMP 6:45]*

Applicant presentation by Representative Michael Hoffman, H+dIT Architects. *[SEE YOUTUBE TIMESTAMP 15:23]*

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

Action: It was moved by Commissioner Kusch and seconded by Commissioner Balog that the application for Special Management Area Use Permit No. PL-SMA-2024-000048 be approved based on the Planning Director’s recommendation. *[SEE YOUTUBE TIMESTAMP 18:23]* A roll call vote was taken, and the motion carried with six ayes (Kusch, Balog, Daniele, De Luz, Perrin and Lin), and no noes. *[SEE YOUTUBE TIMESTAMP 19:26]*

This hearing item ended at 9:22 a.m.

- 2. APPLICANT: PUNALEI MAKAI LIVING TRUST (PL-SMA-2024-000054/ AMEND PL-SMA-2023-000026)**
Application to amend Special Management Area Use Permit No. PL-SMA-2023-000026 to increase the size of the single-family dwelling, to change the style of roof, and to construct a rock wall and gates on a 9.513-acre shoreline parcel within the Special Management Area. The subject parcel is located at 36-2676 Old Māmalahoa Highway,

approximately 1,000 feet south of Stevens Road/Hawai‘i Belt Road intersection on the east (makai) side of the highway, Waipunalei Homesteads and Portion of Kahoahuna Homesteads, North Hilo, Hawai‘i, TMK: (3) 3-6-005:002.

The Commission took up this item at 9:22 a.m. with approximately twenty public members in the audience. *[SEE YOUTUBE TIMESTAMP 19:55]*

Staff presentation by Alex Roy. *[SEE YOUTUBE TIMESTAMP 21:06]*

Applicant presentation by Representative Val Colter. *[SEE YOUTUBE TIMESTAMP 28:43]* and the applicants Geetha Vallabhaneni and Aaron Culliney via Zoom. *[SEE YOUTUBE TIMESTAMP 29:43]*

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

Action: It was moved by Vice Chair Daniele and seconded by Commissioner Perrin that the application for Special Management Area Use Permit No. PL-SMA-2024-000045 be approved and PL-SMA-2023-000026 be amended based on the Planning Director’s recommendation. *[SEE YOUTUBE TIMESTAMP 30:33]* Chair Lin made a correction on the application number as PL-SMA-2024- 000054. *[SEE YOUTUBE TIMESTAMP 31:04]* A roll call vote was taken, and the motion carried with six ayes (Daniele, Perrin, Balog, De Luz, Kusch, and Lin), and no noes. *[SEE YOUTUBE TIMESTAMP 31:40]*

This hearing ended at 9:34 a.m.

Chair Lin called a short recess at 9:34 a.m. *[SEE YOUTUBE TIMESTAMP 32:15]* and the hearing was reconvened at 9:42 a.m. *[SEE YOUTUBE TIMESTAMP 40:07]*

3. INITIATOR: COUNTY COUNCIL (PL-CCI-2024-000006)

Bill 127, an ordinance amending Chapter 25 (Zoning), Article 2, Division 4 of the Hawai‘i County Code 1983 (2016 Edition, as Amended), Relating to Conditions in Change of Zone. Establishes a requirement for the Planning Director to specify a time by which performance conditions must be complete in a recommendation for a Change of Zone.

The Commission took up this item at 9:42 a.m. with approximately fifteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 40:12]*

Staff presentation by Christian Kay. *[SEE YOUTUBE TIMESTAMP 40:58]*

County Councilmember Holeka Inaba, who was the introducer of Bill 127, did a presentation. *[SEE YOUTUBE TIMESTAMP 48:59]*

Chair Lin opened the floor to allow the Commission to ask questions of the Planning Department Staff and Councilmember Inaba as the introducer of Bill 121, with approximately fifteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 55:00]*

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

Chair Lin called a ten-minute recess at 10:21 a.m. *[SEE YOUTUBE TIMESTAMP 1:18:58]* and the hearing was reconvened at 10:31 a.m. *[SEE YOUTUBE TIMESTAMP 1:28:48]*

Action: It was moved by Commissioner De Luz and seconded by Commissioner Kusch that a favorable recommendation be forwarded to the County Council on Bill No. 127, PL-CCI-2024-000006, with consideration of the concept of tolling and the creation of a time frame matrix for selected projects. *[SEE YOUTUBE TIMESTAMP 1:37:18]*

Commissioner Kusch asked Commissioner De Luz if he would be amendable to remove the tolling concept and have the Planning Department complete an informed development timing matrix. After further discussion, Commissioner De Luz had no issue removing the tolling concept. *[SEE YOUTUBE TIMESTAMP 1:42:39]* Commissioner Kusch moved to amend Commissioner's De Luz motion for a favorable recommendation by removing the tolling concept and retaining the informed development timing matrix, and Chair Lin seconded the motion. *[SEE YOUTUBE TIMESTAMP 1:47:00]* A voice vote was taken, and the motion was carried with all in favor. *[SEE YOUTUBE TIMESTAMP 1:47:39]*

Chair Lin moved to amend Commissioner's De Luz motion to include Item #4, Timing Condition Requirement Exemptions, from the Planning Director's recommendation report which pertains to exemptions for open space, scenic, historic, and cultural resource protection. Commissioner Perrin seconded the motion. *[SEE YOUTUBE TIMESTAMP 1:48:41]* After further discussion, Chair Lin amended his previous motion to include all suggested items listed in Item #4, Timing Condition Requirement Exemptions from the Planning Director's recommendation report. Commissioner Perrin seconded the motion. *[SEE YOUTUBE TIMESTAMP 1:51:56]* A voice vote was taken, and the amendment to the motion was carried unanimously. *[SEE YOUTUBE TIMESTAMP 1:52:43]*

A roll call vote was taken on the original amended motion, and the motion carried with six ayes (De Luz, Kusch, Balog, Daniele, Perrin, and Lin), and no noes. *[SEE YOUTUBE TIMESTAMP 1:55:42]*

This hearing ended at 10:58 a.m.

Chair Lin called a five-minute recess at 10:58 a.m. *[SEE YOUTUBE TIMESTAMP 1:56:18]* and the hearing was reconvened at 11:03 a.m. *[SEE YOUTUBE TIMESTAMP 2:01:03]*

NEW BUSINESS

4. APPLICANTS: GARVIN AND LAURA GOODE (PL-SPP-2024-000064/AMEND SPP 13-000151)

Request to amend Special Permit No. 13-000151 to expand the existing 3-bedroom bed and breakfast operation to a 5-bedroom bed and breakfast operation on a 2.323-acre property within the State Land Use Agricultural District. The subject property is located at 27-2365 Hawai'i Belt Road, 300 feet west (mauka) of its intersection with Kalaoa

Camp Road, Portions of Aleama and Kalaoa, South Hilo, Hawai‘i, TMK:
(3) 2-7-008:130.

The Commission took up this item at 11:03 a.m. with approximately twelve public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:01:06]*

Staff presentation by Christian Kay. *[SEE YOUTUBE TIMESTAMP 2:02:13]*

Applicant presentation by Representative Sidney Fuke and Applicant Garvin Goode. *[SEE YOUTUBE TIMESTAMP 2:08:17]*

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

Action: It was moved by Commissioner Kusch and seconded by Vice Chair Daniele that the application for Special Permit No. PL-SPP-13-000151 be amended and PL-SPP-2024-000064 be approved based on the Planning Director’s recommendation. *[SEE YOUTUBE TIMESTAMP 2:12:24]* A roll call vote was taken, and the motion carried with six ayes (Kusch, Daniele, Balog, De Luz, Perrin, and Lin), and no noes. *[SEE YOUTUBE TIMESTAMP 2:13:04]*

This hearing ended at 11:15 a.m.

At 11:15 a.m. due to a conflict of interest, Director Kern stepped down for agenda Items #5, #6, #7 and #8 and Deputy Director Jeffrey Darrow represented the Planning Department. *[SEE YOUTUBE TIMESTAMP 2:13:35]*

5. APPLICANT: BRIAN KROLL (PL-SPP-2024-000063)

Application for a Special Permit to establish a temporary and permanent church and related improvements on a 1-acre property within the State Land Use Agricultural District. The subject property is located at 15-1740 24th Avenue, approximately 160 feet northwest of its intersection with Paradise Drive, Hawaiian Paradise Park, Kea‘au, Puna, Hawai‘i, TMK: (3) 1-5-040:205.

The Commission took up this item at 11:16 a.m. with approximately thirteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:14:00]*

Staff presentation by Alukahe Kala. *[SEE YOUTUBE TIMESTAMP 2:14:41]*

Applicant presentation by Representative John Pipan, Land Planning Hawaii and Applicant Pastor Brian Kroll. *[SEE YOUTUBE TIMESTAMP 2:23:01]*

One individual Eli Blazeff provided testimony in-person *[SEE YOUTUBE TIMESTAMP 2:25:56]* and there were no Zoom testifiers for this agenda item.

Action: It was moved by Commissioner Perrin and seconded by Commissioner Kusch that the application for Special Permit No. PL-SPP-2024-000063 be approved based on the Planning Director’s recommendation. *[SEE YOUTUBE TIMESTAMP 2:27:17]* A roll call vote was taken,

and the motion carried with six ayes (Perrin, Kusch, Balog, Daniele, De Luz and Lin), and no noes. *[SEE YOUTUBE TIMESTAMP 2:28:12]*

This hearing ended at 11:31 a.m.

6. **APPLICANTS: STEPHEN AND SUSAN SHEVLIN (PL-SMA-2024-000052)**
Application for a Special Management Area Use Permit to construct a one-story 2,300 square-foot single-family residence and related improvements on a 1.977-acre shoreline parcel within the Special Management Area. The subject property is located approximately 420-feet south of the intersection of a private access road and Hawai'i Belt Road on the makai side, Kamae'e and Wailua Government Tract, North Hilo, Hawai'i, TMK: (3) 3-1-001:049.

The Commission took up this item at 11:31 a.m. with approximately thirteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:28:44]*

Staff presentation by Alex Roy. *[SEE YOUTUBE TIMESTAMP 2:29:34]*

Applicant presentation by Representative John Pipan, Land Planning Hawaii *[SEE YOUTUBE TIMESTAMP 2:36:01]* and Applicant Susan Shevlin via Zoom. *[SEE YOUTUBE TIMESTAMP 2:37:18]*

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

Action: It was moved by Vice Chair Daniele and seconded by Commissioner Perrin that the application for Special Management Area Use Permit No. PL-SMA-2024-000052 be approved based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 2:37:51]* A roll call vote was taken, and the motion carried with six ayes (Daniele, Perrin, Balog, De Luz, Kusch, and Lin), and no noes. *[SEE YOUTUBE TIMESTAMP 2:38:31]*

This hearing ended at 11:41 a.m.

7. **APPLICANTS: MATHEW DIETRICH, STEVEN DIETRICH AND JANE DIETRICH (PL-SPP-2023-000052)**
Application for a Special Permit to allow the establishment of a 3-bedroom bed and breakfast operation within an existing dwelling and to legitimize an existing campground on a 1-acre portion of an approximately 2-acre parcel of land in the State Land Use Agricultural District. The subject property is located at 28-1435 Old Māmalahoa Highway, approximately 1 mile north of its intersection with Hawai'i Belt Road, Ka'akepa-Malamalama Iki, South Hilo, Hawai'i, TMK: (3) 2-8-012:022.

The Commission took up this item at 11:41 a.m. with eight public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:38:59]*

Deputy Planning Director Jeffrey Darrow disclosed the applicant's subject property is about half a mile away from his home and shares the same access road. He emphasized that he has no affiliation or connection with the applicants. *[SEE YOUTUBE TIMESTAMP 2:39:57]*

Staff presentation by Jessica Andrews. *[SEE YOUTUBE TIMESTAMP 2:41:00]*

Applicant presentation by Representative John Pipan, Land Planning Hawaii and Applicant Mathew Dietrich. *[SEE YOUTUBE TIMESTAMP 2:46:32]*

One individual Richard Bugado provided testimony in-person *[SEE YOUTUBE TIMESTAMP 2:52:08]* and there were no Zoom testifiers for this agenda item.

Action: It was moved by Commissioner Kusch and seconded by Commissioner Perrin that the application for Special Permit No. PL-SPP-2023-000052 be approved based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 2:54:39]* A roll call vote was taken, and the motion carried with six ayes (Kusch, Perrin, Balog, Daniele, De Luz and Lin), and no noes. *[SEE YOUTUBE TIMESTAMP 2:55:17]*

This hearing ended at 11:58 a.m.

**8. APPLICANTS: RYAN PASTOREK AND PAUL PASTOREK
(PL-SMA-2024-000055)**

Application for a Special Management Area Use Permit to consolidate and re-subdivide 2 subject parcels totaling 10.45-acres within the Special Management Area and to construct 1 single-family residence and related improvements on each parcel. The subject properties are located approximately 1.25 miles south of the intersection of Old Government Road and Maku'u Drive on the makai side, Por. of Maku'u and Keonepoko Nui, Puna, Hawai'i, TMK: (3) 1-5-010:026 and :027.

The Commission took up this item at 11:58 a.m. with six public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:56:22]*

Staff presentation by Alex Roy. *[SEE YOUTUBE TIMESTAMP 2:57:10]*

Applicant presentation by Representative John Pipan, Land Planning Hawaii and Applicant Ryan Pastorek. *[SEE YOUTUBE TIMESTAMP 3:08:59]*

One individual Susan Wood provided testimony in-person *[SEE YOUTUBE TIMESTAMP 3:11:31]* and there were no Zoom testifiers for this agenda item.

Action: It was moved by Commissioner Kusch and seconded by Vice Chair Daniele that the application for Special Management Area Use Permit No. PL-SMA-2024-000055 be approved based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 3:13:03]* A roll call vote was taken, and the motion carried with six ayes (Kusch, Daniele, Balog, De Luz, Perrin, and Lin), and no noes. *[SEE YOUTUBE TIMESTAMP 3:13:42]*

This hearing ended at 12:16 p.m.

9. INITIATOR: PLANNING DIRECTOR (THOMAS WINEGAR AND SUSAN FURCHGOTT) (PL-PDI-2024-000005)

The Planning Director has initiated the repeal of Change of Zone Ordinance No. 12-132 and amendment to Section 25-8-33 (City of Hilo Zone Map), Chapter 25, Article 8, of the Hawai'i County Code 1983 (2016 edition, as amended), by reverting the current zoning of the subject property from Multiple-Family Residential-3,000 square feet (RM-3) to its original Single-Family Residential-10,000 square feet (RS-10) zoning district for approximately 0.9793 acres of land. The subject parcel is located at 1623 Kino'ole Street, approximately 0.2 miles south of its intersection with West Kāwili Street, Waiākea, South Hilo, Hawai'i TMK: 2-2-038:017.

The Commission took up this item at 12:16 p.m. with two public members in the audience. *[SEE YOUTUBE TIMESTAMP 3:14:14]*

Staff presentation by Jessica Andrews. *[SEE YOUTUBE TIMESTAMP 3:15:22]*

Applicant presentation by Thomas Winegar and Susan Furchgott. *[SEE YOUTUBE TIMESTAMP 3:21:17]*

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

Chair Lin disclosed that his parents' home is three parcels away from the applicant's property, and they have always been interested in what the applicants were planning to do with the parcel. *[SEE YOUTUBE TIMESTAMP 3:22:07]*

Action: It was moved by Vice Chair Daniele and seconded by Commissioner Perrin that a favorable recommendation of PL-PDI-2024-000005 be forwarded to the County Council on the application to repeal Change of Zone Ordinance No. 12-132 based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 3:22:57]* A roll call vote was taken, and the motion carried with six ayes (Daniele, Perrin, Balog, De Luz, Kusch, and Lin), and no noes. *[SEE YOUTUBE TIMESTAMP 3:25:26]*

This hearing ended at 12:28 p.m.

PLANNING DIRECTOR'S REPORT *[SEE YOUTUBE TIMESTAMP 3:26:04]*

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

At 12:28 p.m. Chairman Lin introduced this item and stated the Special Management Area (SMA) determination and minor permits issued by the Planning Director for months of February, March, April, and May 2024 report were emailed to the Commissioners. There were no questions about the report from Commissioners.

ANNOUNCEMENTS [SEE YOUTUBE TIMESTAMP 3:26:27]

Chairman Lin announced that the Windward Planning Commission's next monthly meeting is tentatively scheduled for July 1, 2024. Program Planning Manager, Maija Jackson stated that there are three (3) agenda items tentatively scheduled for the July meeting followed by a training session. Chair Lin inquired about the training and Ms. Jackson responded that it would cover Robert's Rules of Order. She also provided an update that mediation for the Black Sand Beach, LLC Special Management Area permit application is scheduled for the week of July 15, 2024.

ADJOURNMENT [SEE YOUTUBE TIMESTAMP 3:27:40]

There being no further business, it was moved by Commissioner Kusch 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 12:30 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador

Melissa Dacayanan-Salvador (Jul 2, 2024 17:50 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:



July 02, 2024 06:07 PM

Dennis Lin, Chairman
Windward Planning Commission