

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
JANUARY 6, 2023

A regularly advertised hearing on the application of **DOUGLAS KERR (PL-SMA-2022-000023)** was called to order at 9:07 a.m. in the County of Hawai'i Council Chambers in Hilo, 25 Aupuni Street, Hilo, Hawai'i with Chair Dennis Lin presiding.

COMMISSIONERS PRESENT: Dennis Lin, Gilbert Aguinaldo, John C. Cross, Louis Danielle III, and Wayne De Luz

ABSENT AND EXCUSED: Lauren Balog

ALSO PRESENT: Sinclair Salas-Ferguson Esq. (Counsel for the Commission), Suzanna Tiapula, Esq. (Counsel for the Planning Department), Jeffrey Darrow (Deputy Planning Director), Tracie-Lee Camero (Planner), Christian Kay (Planner), Janice Hata (Zoom Host), Maija Jackson Planning Program Manager), and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary)

And five members from the public in attendance.

APPLICANT: DOUGLAS KERR (PL-SMA-2022-000023)

Application for a Special Management Area (SMA) Use Permit to construct a two-story, 2,212 square foot, 3-bedroom, 2.5-bath single-family residence, garage, and related improvements on a 0.49-acre parcel situated within the SMA. The subject property is located within the Hawaiian Paradise Park Subdivision at 15-853 Paradise Ala Kai Drive, approximately 155 feet south of its intersection with Kilika Road, Kea'au, Puna, Hawai'i, TMK: (3) 1-5-058:053.

LIN: Moving on to Item #3, applicant Douglas Kerr, PL-SMA-2022-000023. Application for a Special Management Area (SMA) Use Permit to construct a two-story, 2,212 square foot, 3-bedroom, 2 ½ bath single-family residence, with garage and related improvements on a 0.49-parcel situated within the SMA. The subject property is located within the Hawaiian Paradise Park Subdivision at 15-853 Paradise Ala Kai Drive, approximately 155 feet south of its intersection with Kilika Road, Kea'au, Puna, Hawai'i, TMK: (3) 1-5-058:parcel number 53. At this time, is there any testimony for Item #3. Janice, is there any testifiers on Zoom?

HATA: No Zoom testifiers.

LIN: Okay, I'll move on to staff presentation, Tracie.

CAMERO: Good morning, Chair, and members of the Windward Planning Commission. Before you today is the Douglas Kerr and Barbara Gleason Special Management Area Use Permit application PL-SMA-2022-000023. The subject property is located within the Kea'au district on the island of Hawai'i. As you can see the subject property is highlighted by

the red star on your screen. Before you today is the applicant's request. The applicant is seeking an SMA Use permit to build a single-family residence on a 0.49-acre shoreline parcel. The two-story residence would have a total square footage of 2,212 square feet of interior space, with 3-bedrooms, 2 ½ baths, and an attached 373 square foot garage. I do want to make a note that on your background and rec the title states that the total square footage would be 2 thousand, the interior square footage would be 2,212 square feet. However, the total development area for the residence will be 3,858 square feet. The residence will be connected to existing utility lines within the area such as electric and cable. Water will be provided by an onsite well that the applicant has already started to process the application with the State DLNR-CWRM division and wastewater will be treated by an approved individual wastewater system.

On the screen before you is the County zoning map. So, the subject property is zoned Agricultural with the minimum lot size of 1 acre as shown to you by the light green color. The surrounding property area, the surrounding properties are zoned the same. However, there's a county property that is located about 2 parcels to the north that is zoned Open, shown to you in the dark green color. The State Land Use map, okay, sorry on my screen the Conservation isn't showing as blue. The State Land Use designation is Agricultural as shown to you by the green on your screen and the subject parcel is indicated with the red outline. And again, the County property that is to the north is designated as Conservation as shown to you with the light blue color. The LUPAG map which is the General Plan Allocation Guide map has the property zoned as Open with the dark green color and some of the surrounding property owners, other properties are Open as well as Rural as shown to you with the goldenrod color.

This is an aerial map of the subject property as shown to you, it's indicated with the red outline. As you can see the subject property is full of vegetation currently. There is other properties within the area that also have vegetation as well as there are single-family residences within the surrounding area. This is the subject property, the site plan that was submitted by the applicant. This is his proposed dwelling that he is coming before you today. One note that I wanted to make to you guys is on Page 79 of your applicant's package is the State's certified shoreline survey. So, the State's certified shoreline survey has a high-water mark line per the shoreline survey that's shown to you on the bottom right-hand portion of your screen. However, the State's certified the shoreline at the red line. So, the applicant will be building his dwelling about 40 feet away from the red line. So, I didn't want to confuse you guys because where the State certifies the shoreline, that's where we have to take the 40-foot shoreline setback the minimum. As you can see the applicant is building his two-story dwelling as well as the other accessory and related improvements.

This is a site photo, you're facing the northern portion of the island, and this is off of Paradise Ala Kai Drive. The subject property is to your right and as you can see it's full of vegetation right now. There is no other structures located on the property, and it just has vegetation. So, this is a site photo shown to you like in an aerial photo age. This is important to show to the Commissioners because you can see Paradise Ala Kai Drive moving in an up and down direction and then the subject property is outlined in red. This shows you kind of like the cliff area, the benchmark, the benches that are in the area as well as where the certified shoreline is. This is again where the applicant proposes to build his single-family residence.

So, the Planning Director is currently recommending a favorable recommendation with approval with conditions. With that, I can turn it back over to the Chair. Thank you.

LIN: Thank you Tracie. Any questions for Planning staff? Okay, if not, I'll bring up the applicant. Will the applicants please come forward.

MALE AND FEMALE FROM AUDIENCE CAME TO TESTIFER TABLE

LIN: Okay, I'll first have to swear you in. So, if you both could raise your right hand. Do you swear or affirm to tell the truth on this matter now before the Windward Planning Commission?

MALE AND FEMALE AT TESTIFER TABLE: I do.

LIN: Okay, please speak directly into your microphone, state your name, the area you reside in and of course who you represent. And I'd also have to ask you, have you received the background and recommendation reports from the Planning Department? And do you agree with the recommendations including the proposed conditions?

MALE AT TABLE: Yes, yes applicant does. And—

LIN: Yeah, go ahead.

MALE AT TABLE: Well at it, I'll give you, my name. I'm Douglas Kerr, I currently live in Pāhoā but of course this is in Kea'au, and this is Barbara Gleason, my wife.

GLEASON: Aloha.

LIN: Okay, you can go ahead with your presentation.

KERR: Sure, again, I'm Douglas Kerr and this is Barbara Gleason. In first, I'd like to thank the Commission staff especially Tracie-Lee Camero, who managed to point a very confused homeowner in the right direction. Also, I'm appreciative of the agency staff throughout the State and in the Counties who provided wise and positive feedback on how to best protect flora and fauna along the coast and how best to protect the coastline itself. If only all homeowners would become involved in this process. I think there would be a greater respect for the history and of this island and also when I first began this, I was only somewhat aware the history of Hawai'i until we put this application together. So, it was a very educational experience for us. My Hawaiian wife has the benefit of being raised by a native Hawaiian as I noted in our application. She grew up respecting Hawai'i traditions and most importantly what the land means to native Hawaiians. As we put together this SMA application, my education about Hawaiian history and the development of the land made me aware of the need to preserve and protect native plants and we aim to plant only native plants around our property.

As noted in our application on Page 15(f) we will take special precautions to minimize or negate any impact upon the coast. This includes sedimentation control fencing, and the chipping and

mulching of all of the non-native floral and leaving it on the property. So, we won't be trucking any issues that may occur out of the property. Also noted on the application on Page 11(l), there will be no impact upon the public access to the shoreline. The County property one lot next to the subject that Tracie-Lee Camero mentioned it provides convenient access to the shoreline and no construction will occur within at least 40 feet of the setback. So, with that if you have any questions, I'll do our best to answer them.

LIN: Thank you. Commissioners any questions for the applicant? Seeing no questions, is there any motion by the Commissioners on this application?

DANIELE: I'll make a motion. I move that the application for Special Management Area Use Permit, Docket No. 2022-000023 be approved based on the Planning Director's recommendation, which shall be adopted.

AGUINALDO: I second.

LIN: Okay, it's been moved by Vice Chair Daniele and seconded by Commissioner Aguinaldo for approval of this application based on the Planning Director's recommendation. Is there any discussion on this motion? Seeing no discussion, staff roll call vote.

CAMERO: My apologies Chair. Who was the second?

LIN: Commissioner Aguinaldo.

CAMERO: Aguinaldo, okay, thank you. Commissioner Daniele?

DANIELE: Aye.

CAMERO: Commissioner Aguinaldo?

AGUINALDO: Aye.

CAMERO: Commissioner Cross?

CROSS: Aye.

CAMERO: Commissioner De Luz?

DE LUZ: Aye.

CAMERO: And Chair Lin?

LIN: Aye.

CAMERO: The motion carries five to zero, thank you so much.

LIN: Thank you.

The item ended at 9:20 a.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Feb 2, 2023 14:05 HST)

Melissa Dacayanan-Salvador, Secretary
Windward Planning Commission