

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

MINUTES
JULY 1, 2024

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The Windward Planning Commission met in regular session on Thursday, July 1, 2024, at 9:00 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 (from 9:00 a.m. to 12:43 p.m.), Louis Daniele III, Lauren Balog, Wayne De Luz (from 9:00 a.m. to 12:43 p.m.), Matthias Kusch, and Chantel Perrin.

ALSO PRESENT: Suzanna Tiapula, Esq. (Counsel to the Commission from 9:00 a.m. to 9:34 a.m. and 10:37 a.m. to 3:07 p.m.), Sinclair Salas-Ferguson Esq. (Counsel to the Commission from 9:34 a.m. to 10:37 a.m.) Jean Campbell, Esq. (Counsel to the Planning Department), Jeffrey Darrow (Deputy Planning Director), and Planning Department staff.

Approximately twenty-one 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 2:10] 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. Each Commissioner verbally confirmed that they had reviewed the application materials. [SEE YOUTUBE TIMESTAMP 3:28]

APPROVAL OF MINUTES

At 9:02 a.m. the Commission took up the minutes of the May 2, 2024, May 6, 2024, and June 6, 2024, Windward Planning Commission meeting. No corrections were offered. Commissioner Kusch moved and Commissioner Daniele seconded, that the minutes be approved as submitted. A voice vote was taken, and the motion carried unanimously. [SEE YOUTUBE TIMESTAMP 4:29]

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:03 a.m. the Commission took up this item with approximately twenty-one public members present in the Council Chambers. Chair Lin explained the procedure for testifying and Planning Commission Rule 1-5 regarding decorum. Testifiers were given the option of speaking at this time or later when the specific agenda item was called to order. *[SEE YOUTUBE TIMESTAMP 5:21]*

Testimonies given at the beginning of the hearing:

Three individuals provided testimony in person for **Item #1 Hope Dia-Mend Ministries Corporation (PL-SPP-2023-000058)**:

1. Chris Enos *[SEE YOUTUBE TIMESTAMP 7:06]*
Upon completion of Mr. Enos testimony, the Commission had posed several questions to him. *[SEE YOUTUBE TIMESTAMP 10:45]*
2. Roland Galban *[SEE YOUTUBE TIMESTAMP 14:07]*
3. James Ontae *[SEE YOUTUBE TIMESTAMP 16:33]*

There were no Zoom testifiers and there being no further public testimony, this agenda item ended at 9:16 a.m.

NEW BUSINESS

1. **HOPE DIA-MEND MINISTRIES CORPORATION (PL-SPP-2023-000058)**
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 92-8988 Ginger Blossom Lane, approximately 300 feet south of its intersection with Sea Breeze Parkway, Hawaiian Ocean View Estates, Ocean View, Kaʻū, Hawaiʻi, TMK: (3) 9-2-008:019.

The Commission took up this item at 9:16 a.m. with approximately twenty public members in the audience. *[SEE YOUTUBE TIMESTAMP 18:09]*

Staff presentation by Ms. Jackson. *[SEE YOUTUBE TIMESTAMP 19:01]*

Applicant Representative John Pipan, Land Planning Hawaiʻi and Applicant Pamela Ako gave a presentation. *[SEE YOUTUBE TIMESTAMP 28:51]*

Chair Lin opened the floor to allow the Commission to ask questions of the Applicant and Planning Department Staff. *[SEE YOUTUBE TIMESTAMP 36:46]*

At 9:34 a.m. Deputy Corporation Counsel Suzanna Tiapula left the meeting and Deputy Corporation Counsel Sinclair Salas-Ferguson attended. *[SEE YOUTUBE TIMESTAMP 39:10]*

Testimonies given when the agenda item was called.

Eight individuals provided testimony in person:

1. Jonette Kiesow [SEE YOUTUBE TIMESTAMP 1:06:27]
2. Joy AhYee [SEE YOUTUBE TIMESTAMP 1:08:45]
3. Maria Auld [SEE YOUTUBE TIMESTAMP 1:10:17]
4. Julie Ann Deguiar [SEE YOUTUBE TIMESTAMP 1:10:57]
5. Carol Chavez [SEE YOUTUBE TIMESTAMP 1:12:59]
6. Taja Alcoran [SEE YOUTUBE TIMESTAMP 1:15:19]
7. Eugene Wellons [SEE YOUTUBE TIMESTAMP 1:18:42]
8. Amber Rose Franks [SEE YOUTUBE TIMESTAMP 1:21:00]

There were no Zoom testifiers for this agenda item.

Action: It was moved by Commissioner Daniele and seconded by Commissioner Perrin that the application for Special Permit No. PL-SPP-2023-000058 be approved based on the Planning Director's recommendation. [SEE YOUTUBE TIMESTAMP 1:28:47] At 10:37 a.m. Deputy Corporation Counsel Suzanna Tiapula returned to the meeting and Deputy Corporation Counsel Sinclair Salas-Ferguson left the meeting. [SEE YOUTUBE TIMESTAMP 1:39:45] 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 1:42:21]

This hearing item ended at 10:40 a.m.

Chair Lin called a recess at 10:41 a.m. and reconvened the meeting at 10:53 a.m.

2. **INITIATOR: COUNTY COUNCIL (PL-CCI-2024-000007)**

Bill 134, Draft 2, an ordinance amending Chapter 25 (Zoning), Article 2, Section 25-2-42, of the Hawai'i County Code 1983 (2016 Edition, as amended), relating to amendments initiated by property owners and other persons. Establishes the requirement for the Planning Director to prepare a report identifying all buildings, excluding existing buildings, that are legally permitted to be constructed on surrounding properties within a one-quarter mile radius of a subject property that is seeking a change of zoning district.

The Commission took up this item at 10:53 a.m. with approximately six public members in the audience. [SEE YOUTUBE TIMESTAMP 1:55:18]

Staff presentation by Ms. Camero. [SEE YOUTUBE TIMESTAMP 1:56:30]

County Councilmember Holeka Inaba, one of the introducers of Bill 127, attended in person and gave a presentation. [SEE YOUTUBE TIMESTAMP 2:04:57] County Councilmember Cindy Evans, also an introducer of Bill 127, attended via Zoom and gave a presentation. [SEE YOUTUBE TIMESTAMP 2:13:53]

Chair Lin opened the floor to allow the Commission to ask questions of the Planning Department Staff and Councilmember Inaba and Councilmember Evans as the introducers of Bill 134, with six public members in the audience. [SEE YOUTUBE TIMESTAMP 2:17:37]

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

Action: It was moved by Commissioner Kusch and seconded by Commissioner Daniele that an unfavorable recommendation be forwarded to the County Council on Bill 134, PL-CCI-2024-000007 based on the reasons outlined in the Planning Director's recommendation report. *[SEE YOUTUBE TIMESTAMP 2:33:01]* During the discussion, the commissioners expressed their thoughts and concerns regarding the motion for Bill 134. *[SEE YOUTUBE TIMESTAMP 2:33:39]*

After discussion, Commissioner Perrin moved to amend the original motion, suggesting that Bill 134 be rewritten to strike a balance between the necessity for a comprehensive evaluation of surrounding properties and the practical constraints and resource limitations. *[SEE YOUTUBE TIMESTAMP 2:53:03]* The motion failed as there was no second. The Commission then reverted to the original motion, for an unfavorable recommendation to the County Council. *[SEE YOUTUBE TIMESTAMP 2:56:19]*

Commissioner De Luz moved to amend the original motion to include the Planning Director's recommendations and the recommendations (suggestions) should be considered for a favorable passage of Bill 134. *[SEE YOUTUBE TIMESTAMP 2:56:19]*

At 11:57 a.m. Chair Lin moved, and Commissioner Perrin seconded, that the Commission go into executive session to consult with its attorney regarding questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities pursuant to HRS 92-5. The motion was carried with no objection. *[SEE YOUTUBE TIMESTAMP 2:59:43]* The room was cleared, and the Commission remained in the Council Chambers, beginning the executive session at 11:50 a.m. At 12:02 p.m. Chair Lin moved, and Commissioner Kusch seconded, that the Commission go out of executive session. A voice vote was taken, and the motion carried unanimously.

Chair Lin called the open hearing back to order at 12:03 p.m. *[SEE YOUTUBE TIMESTAMP 3:05:52]* He stated that the Commission went into executive session to seek legal advice on procedure, and guidance was provided by Counsel.

Chair Lin requested that the original motions made on the floor be repeated, including the motion to amend the motion. Commissioner Kusch then repeated his original motion, stating I move that an unfavorable recommendation be forwarded to the County Council on Bill No. 134, PL-CCI-2024-000007 for the reason recommended by the Planning Director's recommendation report and because there are existing laws, regulations and rules that address the bill. *[SEE YOUTUBE TIMESTAMP 3:06:08]* Chair Lin then noted that there was a motion to amend Commissioner Kusch's motion. At that time, Commissioner Perrin moved to remove the amendment and seconded Commissioner's Kusch motion. *[SEE YOUTUBE TIMESTAMP 3:06:58]* Chair Lin opened the floor for discussion and the Commissioners expressed their reasons regarding the motion made by Commissioner Kusch. *[SEE YOUTUBE TIMESTAMP 3:07:27]*

Prior to the roll call vote, Planning Department staff member Ms. Camero asked for clarification regarding Commissioner De Luz's motion to amend made before the executive session, noting that there was no second to the motion. As there was no second, the motion failed. *[SEE YOUTUBE TIMESTAMP 3:07:27]* A roll call vote was taken on the unfavorable recommendation

to the County Council on Bill No. 134, and the motion carried with five ayes (Kusch, Daniele, Balog, Perrin, and Lin), and one no (De Luz). *[SEE YOUTUBE TIMESTAMP 3:09:06]*

This hearing item ended at 12:07 p.m.

Chair Lin noted that due to a work obligation at 12:45 p.m. his chairmanship would be passed over to Vice Chair Daniele for the remainder of the meeting. *[SEE YOUTUBE TIMESTAMP 3:10:33]*

3. INITIATOR: COUNTY COUNCIL (PL-CCI-2024-000008)

Bill 144, an ordinance amending Chapter 4 (Animals) and Chapter 25 (Zoning) of the Hawai'i County Code 1983 (2016 Edition, as amended), relating to apiaries and beekeeping. Establishes accepted apiary management practices for sound and sustainable beekeeping practice, and adding apiaries to the list of allowable uses in various zoning districts.

The Commission took up this item at 12:09 p.m. with five public members in the audience. *[SEE YOUTUBE TIMESTAMP 3:10:48]*

Staff presentation by Ms. Camero. *[SEE YOUTUBE TIMESTAMP 3:11:46]*

County Councilmember Ashley Kierkiewicz, who was the introducer of Bill 144 attended via Zoom and gave a presentation. *[SEE YOUTUBE TIMESTAMP 3:16:47]* Harry Holm and Vanessa Houle from the Big Island Beekeepers Association who assisted Councilmember Kierkiewicz with Bill 144 attended in-person and gave a PowerPoint presentation. *[SEE YOUTUBE TIMESTAMP 3:19:25]*

Chair Lin opened the floor to allow the Commission to ask questions of the Planning Department staff, Councilmember Kierkiewicz, and the presenters Harry Holm and Vanessa Houle, with three members of the public in the audience. *[SEE YOUTUBE TIMESTAMP 3:34:19]*

There were no in-person testifiers and Susan Collins provided testimony via Zoom for this agenda item. *[SEE YOUTUBE TIMESTAMP 3:39:24]*

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. 144, PL-CCI-2024-000008, based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 3:43:41]* 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 3:44:21]*

This hearing ended at 12:42 p.m.

Commissioner De Luz noted that he would be leaving the meeting due to work obligations. *[SEE YOUTUBE TIMESTAMP 3:45:07]* Chair Lin called a lunch recess at 12:43 p.m. *[SEE YOUTUBE TIMESTAMP 3:47:27]*, and the hearing was reconvened at 1:23 p.m. with Vice Chair Daniele presiding.

4. **PLANNING COMMISSION TRAINING**

Training for the Windward Planning Commission's members by Commission's Attorney regarding the Commission's powers, duties, privileges, immunities, and liabilities as it relates to Sunshine Law (Chapter 92, Hawai'i Revised Statutes), Robert's Rules of Order, and Planning Commission Rules of Practice and Procedure. This training is expected to occur in executive session in accordance with Chapter 92-5(a)(4), Hawai'i Revised Statutes, as amended, and is being delivered in response to requests for legal guidance from Commissioners.

The Commission took up this item at 1:23 a.m. with no public members in the audience. *[SEE YOUTUBE TIMESTAMP begins at 4:27:11]*

At 1:23 p.m. it was moved by Commissioner Perrin and seconded by Commissioner Kusch that the Commission enter executive session for a review of parliamentary procedure with the Commission's attorney pursuant to HRS 92-5. The motion was carried with no objection. *[SEE YOUTUBE TIMESTAMP 4:27:23]* The Commission proceeded to the Puna Conference Room across from the Council Chambers, and the executive session began at 1:28 p.m. At 3:01 p.m. it was moved by Commissioner Perrin and seconded by Vice Chair Daniele that the Commission go out of executive session. A voice vote was taken, and the motion carried unanimously.

Vice Chair Daniele called the open hearing back to order at 3:04 p.m. *[SEE YOUTUBE TIMESTAMP 6:05:29]* He stated the Commission went into executive session for parliamentary training on Robert's Rules of Order and ethics, provided by the Commission's attorney.

This hearing ended at 3:04 p.m.

PLANNING DIRECTOR'S REPORT *[SEE YOUTUBE TIMESTAMP 6:05:45]*

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

At 3:04 p.m. Vice Chair Daniele introduced this item and stated the Special Management Area (SMA) determination and minor permits issued by the Planning Director for the month of June 2024 report were emailed to the Commissioners. There were no questions about the report from Commissioners. It was moved by Commissioner Kusch and seconded by Commissioner Perrin to approve the SMA determinations and minor permits issued by the Planning Director as read. A voice vote was taken, and the motion was carried unanimously. *[SEE YOUTUBE TIMESTAMP 6:06:12]*

ANNOUNCEMENTS *[SEE YOUTUBE TIMESTAMP 6:06:50]*

Vice Chair Daniele announced that the Windward Planning Commission's next monthly meeting is tentatively scheduled for Thursday, August 1, 2024. Planning Program Manager, Maija Jackson stated that there are six agenda items tentatively scheduled for the August meeting. She mentioned one the items will be a Planning Director Initiated Amendment to the Zoning Code, which is anticipated to attract a lot of public testimony and will be scheduled to begin at 1:00 p.m. Ms. Jackson mentioned the Planning Department will be working on drafting amendments

to the Planning Commission Rules, which will be provided to both the Windward and Leeward Planning Commission in a joint meeting, preferably in-person, likely to be held at the West Hawai'i Civic Center tentatively in late August or September. She stated the Commission will be contacted to check the availability during that time.

ADJOURNMENT [SEE YOUTUBE TIMESTAMP 6:08:28]

There being no further business, it was moved by Commissioner Perrin and seconded by Commissioner Balog that the meeting be adjourned. A voice vote was taken, and the motion carried unanimously. Vice Chair Daniele adjourned the meeting at 3:07 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Sep 13, 2024 09:36 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:



September 13, 2024 09:09 AM

Dennis Lin, Chairman

Windward Planning Commission