

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
NOVEMBER 1, 2024

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<https://www.youtube.com/live/iomiwIznp68?si=uYR7SOJSLKE5UJOE>

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, November 1, 2024, at 11:06 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: Louis Daniele III (Vice Chairman), Lauren Balog, Chantel Perrin, and Dennis Lin (Chairman).

COMMISSIONER ABSENT AND EXCUSED: Wayne De Luz

ALSO PRESENT: Suzanna Tiapula, Esq. (Counsel to the Commission), Jean Campbell, Esq. (Counsel to the Planning Department), Jeffrey Darrow (Deputy Planning Director), and Planning Department staff.

Thirteen members of the public were in the audience.

A quorum was present. Chairman Dennis Lin called the meeting to order and introduced the Commissioners. Staff introductions were made. *[SEE YOUTUBE TIMESTAMP 0:01 started at introduction of Commissioner Chantel Perrin]*

Chairman Dennis Lin at 11:07 a.m. called a recess to allow the Commissioners to review additional materials provided at the start of the meeting. *[SEE YOUTUBE TIMESTAMP 0:35]* At 11:09 a.m. Chairman Dennis Lin asked each Commissioner to confirm they had reviewed all materials, including written public testimony related to the applications being reviewed today. Each Commissioner verbally confirmed they had done so. *[SEE YOUTUBE TIMESTAMP 3:34]*

APPROVAL OF MINUTES

At 11:10 a.m. the Commission addressed the minutes of the September 5, 2024, and October 3, 2024, regular and continued Windward Planning Commission meeting. No corrections were proposed. Vice Chairman Louis Daniele moved, and Commissioner Chantel Perrin seconded, to approve the minutes as submitted. A voice vote was taken, and the motion passed unanimously. *[SEE YOUTUBE TIMESTAMP 4:20]*

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 11:11 a.m. the Commission took up this item with thirteen public members present in the Council Chambers. Chairman Dennis Lin explained the procedure for testifying and referenced Planning Commission Rule 1-5 regarding decorum. Testifiers were given the option to speak at this time or later when the specific agenda item was called to order. *[SEE YOUTUBE TIMESTAMP 5:03]*

Prior to receiving public testimony, at 11:12 a.m. it was moved by Chairman Dennis Lin and seconded by Commissioner Lauren Balog that the Commission go into executive session to consult with its attorney regarding legal questions on procedure and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities pursuant to HRS 92-5. A voice vote was taken, and the motion carried with all in favor and the room was cleared. *[SEE YOUTUBE TIMESTAMP 6:02]* The Commission went into executive session at 11:12 a.m. At 11:23 a.m. it was moved by Commissioner Chantel Perrin and seconded by Vice Chairman Louis Daniele that the Commission go out of executive session. A voice vote was taken, and the motion carried with all in favor.

At 11:24 a.m. Chairman Dennis Lin called the hearing back to order. *[SEE YOUTUBE TIMESTAMP 18:16]* He stated that the Commission had gone into executive session, during which Counsel answered legal questions regarding the procedure and the process involved in completing a Findings of Fact, and Conclusions of Law.

At 11:25 a.m. the Commission proceeded with in-person public testimony on agenda items. *[SEE YOUTUBE TIMESTAMP 18:44]*

Three individuals provided testimony in-person for **Item #4 County of Hawai'i, Department of Parks and Recreation (PL-SMA-2024-000064)**:

1. Lisa Barten *[SEE YOUTUBE TIMESTAMP 19:46]*
2. Lucille V. Chung *[SEE YOUTUBE TIMESTAMP 22:22]*
3. Heather Kimball *[SEE YOUTUBE TIMESTAMP 24:16]*

Five individuals provided testimony on Zoom for **Item #8 Initiator County Council (PL-CCI-2024-000009)**:

1. Naomi Melamed *[SEE YOUTUBE TIMESTAMP 27:47]*
2. Debra Greene *[SEE YOUTUBE TIMESTAMP 31:18]*
3. Ila Jhaveri *[SEE YOUTUBE TIMESTAMP 35:14]*
4. Joy Bloom *[SEE YOUTUBE TIMESTAMP 38:42]*
5. Roger Bloom *[SEE YOUTUBE TIMESTAMP 40:21]*

UNFINISHED BUSINESS

The Commission addressed Items #1 and #2 simultaneously at 11:49 a.m., with approximately fourteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 42:54]* Chairman Dennis Lin stated that, based on the prior executive session concerning the Findings of Fact, Conclusions of Law, and Decision and Order, it is recommended to continue both items to the December 5, 2024, meeting to allow time for the completion of those documents.

1. **APPLICANT: TIELI WANG (PL-SMA-2024-000058)**

Consideration and Adoption of Proposed Findings of Fact, Conclusions of Law and Decision and Order for denial of a Special Management Area Use Permit to construct three (3), three-story, single-family dwellings and related improvements; one single-family dwelling will be constructed on each parcel. The three (3) parcels total 24,250 square feet and are located within the Special Management Area. The subject properties are located at the end of Machida Lane, approximately 300 feet east of Onekahakaha Road, Keaukaha, South Hilo, Hawai‘i, TMKs: (3) 2-1-014:044, 045 and 046.

Action: It was moved by Vice Chairman Louis Daniele to continue the review of the Findings of Fact, Conclusions of Law and Decision and Order for the denial of Special Management Area Use Permit No. PL-SMA-2024-000058 to the December 5, 2024, meeting. The motion was seconded by Commissioner Lauren Balog. *[SEE YOUTUBE TIMESTAMP 43:49]* A roll call vote was taken, and the motion carried with four ayes (Daniele, Balog, Perrin, and Lin), no noes and one excused (De Luz). *[SEE YOUTUBE TIMESTAMP 44:45]*

This hearing item ended at 11:51 a.m.

2. **APPLICANT: NIEL JAYASINGHE (PL-SMA-2024-000060)**

Consideration and Adoption of Proposed Findings of Fact, Conclusions of Law and Decision and Order for denial of a Special Management Area Use Permit to construct a four-story, 41,600 square-foot apartment building containing seventeen rental units and related improvements on a 0.445-acre parcel within the Special Management Area. The subject property is located on the north side of Kalaniana‘ole Street, approximately 350 feet southwest from its intersection with Onekahakaha Road, Keaukaha, South Hilo, Hawai‘i, TMK: (3) 2-1-014:002.

Action: It was moved by Vice Chairman Louis Daniele to continue the review of the Findings of Fact, Conclusions of Law and Decision and Order for the denial of Special Management Area Use Permit No. PL-SMA-2024-000060 to the December 5, 2024, meeting. The motion was seconded by Commissioner Chantel Perrin. *[SEE YOUTUBE TIMESTAMP 45:12]* A roll call vote was taken, and the motion carried with four ayes (Daniele, Perrin, Balog, and Lin), no noes and one excused (De Luz). *[SEE YOUTUBE TIMESTAMP 45:48]*

This hearing item ended at 11:52 a.m.

NEW BUSINESS

3. **APPLICANT: RENEGADE TOWERS LLC (PL-USE-2024-000028)**

Application for a Use Permit to allow the establishment of a multi-carrier telecommunication facility with a 150-foot-tall monopole tower and related equipment and improvements within a 15,423 square foot portion of a larger 32.721-acre parcel. The subject property is located at 12-4375 Pāhoa Kalapana Road, approximately 1,050 feet north of its intersection with Old Kalapana Road, Kikala-Keokea Homesteads, Puna, Hawai‘i, TMK: (3) 1-2-007:034 (por.).

The Commission took up this item at 11:52 a.m., with approximately fifteen public members in the audience. *[SEE YOUTUBE TIMESTAMP 46:08]*

Alukahe Kala gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 47:01]*

Danette Martin, representative for the applicant, Renegade Towers, LLC, provided a presentation along with additional information regarding the proposed site. *[SEE YOUTUBE TIMESTAMP 53:32]* Chairman Dennis Lin opened the floor for the Commission to ask questions of the applicant's representative. *[SEE YOUTUBE TIMESTAMP 1:07:28]*

Three individuals provided testimony in-person:

1. Robert Welsch *[SEE YOUTUBE TIMESTAMP 1:13:41]*
2. David Cowles *[SEE YOUTUBE TIMESTAMP 1:17:07]*
3. Aaron Wade *[SEE YOUTUBE TIMESTAMP 1:21:23]*

Three individuals provided testimony on Zoom:

1. Nathia Thornton *[SEE YOUTUBE TIMESTAMP 1:25:41]*
2. Javeina Thornton *[SEE YOUTUBE TIMESTAMP 1:28:37]*
3. Pebbles Thornton *[SEE YOUTUBE TIMESTAMP 1:30:38]*

Danette Martin, the applicant's representative, provided comments in response to testimony from the testifiers and additional questions from the Commission. *[SEE YOUTUBE TIMESTAMP 1:31:33]* Chairman Dennis Lin asked the Planning Department or the Commission's Counsel about state mandates or requirements related to cell towers. Deputy Corporation Counsel Suzanna Tiapula, representing the Commission, responded by referencing an attachment concerning United States Code (U.S.C.) Title 47, Section 332, Subsection (C)(7) and Subsection (B)(iv). She stated that it pertains to the environmental effects of radio frequency emissions, which cannot serve as the basis for denying a telecommunications use permit and cannot be considered by the Commission. *[SEE YOUTUBE TIMESTAMP 1:40:45]*

Chairman Dennis Lin asked the Planning Department staff about the time frame for this specific application for a radio or cell tower. In response, Deputy Planning Director Jeffrey Darrow stated that, based on Hawai'i Revised Statutes (HRS) 46-89, the application must either be approved with conditions or denied within sixty (60) days of acceptance. Deputy Corporation Counsel Suzanna Tiapula asked for clarification, confirming that if it is not approved within the 60 days, it is automatically granted without any conditions. Deputy Planning Director Jeffrey Darrow responded, "correct." The Planning Program Manager confirmed that a decision must be made by November 8, 2024, or the application will be automatically approved on November 9th. *[SEE YOUTUBE TIMESTAMP 1:41:34]*

Action: It was moved by Commissioner Chantel Perrin and seconded by Vice Chairman Louis Daniele that the application of Use Permit No. PL-USE-2024-000028, be approved, based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 1:45:04]* During discussion the Commission provided personal comments. *[SEE YOUTUBE TIMESTAMP 1:45:33]* A roll call vote was taken, and the motion carried with four ayes (Perrin, Daniele, Balog, and Lin), no noes and one excused (De Luz). *[SEE YOUTUBE TIMESTAMP 1:56:03]*

This hearing item ended at 1:02 p.m.

Chairman Dennis Lin called a lunch recess at 1:03 p.m. *[SEE YOUTUBE TIMESTAMP 1:56:38]* and the meeting was reconvened at 1:28 p.m. *[SEE YOUTUBE TIMESTAMP 2:21:34]*

4. **APPLICANT: COUNTY OF HAWAI‘I DEPARTMENT OF PARKS AND RECREATION (PL-SMA-2024-000064)**

Application for a Special Management Area Use Permit to develop a master plan for Pāpa‘aloha Park to address the current and long-term needs of the community on two (2) parcels totaling 11.794 acres within the Special Management Area. The subject properties are located 500 feet northwest of the intersection of Old Māmalahoa Highway/Kekoa Camp Loop and Hawai‘i Belt Road on the makai side of Old Māmalahoa Highway, por. of Pāpa‘aloha Homestead, North Hilo, Hawai‘i, TMKs: (3) 3-5-003:035 & 088.

The Commission took up this item at 1:28 p.m., with five public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:21:43]*

Alex Roy gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 2:22:42]* Chairman Dennis Lin opened the floor for the Commission to ask questions of the Planning Department staff. *[SEE YOUTUBE TIMESTAMP 2:30:48]*

Applicant Representative Greg Nakai, Planning Consultant with PBR Hawai‘i , and James Komata, Park Planner with the County of Hawai‘i Department of Parks and Recreation, gave a presentation. *[SEE YOUTUBE TIMESTAMP 2:32:14]*

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

Action: It was moved by Vice Chairman Louis Daniele and seconded by Commissioner Chantel Perrin that the application of Special Management Use Permit No. PL-SMA-2024-000064, be approved, based on the Planning Director’s recommendation. *[SEE YOUTUBE TIMESTAMP 2:37:08]* A roll call vote was taken, and the motion carried with four ayes (Daniele, Perrin, Balog, and Lin), no noes and one excused (De Luz). *[SEE YOUTUBE TIMESTAMP 2:37:50]*

This hearing item ended at 1:44 p.m.

5. **APPLICANT: KRISTIN FROST ALBRECHT (PL-REZ-2024-000064/ AMEND REZ 2005-000019)**

Application for a 10-year time extension to Condition D (Complete Construction) of Change of Zone Ordinance No. 06 28, which rezoned an 8-acre portion of a larger 24.495-acre parcel of land from Agricultural-1 acre (A-1a) to Neighborhood Commercial-20,000 square feet (CN-20). The subject property is located on the south side of Ponahawai Street, approximately 1,300 feet east of its intersection with Komohana Street, Ponahawai, South Hilo, Hawai‘i, TMK: (3) 2-3-036:018 (por.).

The Commission took up this item at 1:44 p.m. with approximately four public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:38:23]*

Chairman Dennis Lin noted that the applicant is Kristin Frost Albrecht, representing “The Food Basket” of Hawai‘i Island. As a board member of The Food Basket, he announced he would be unable to participate in any decision on this application due to a conflict of interest and would recuse himself from the item. Vice Chairman Louis Daniele would assume the Chair for the hearing. However, due to the recusal, there was a lack of quorum, and the Commission was unable to act on this agenda item.

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

This hearing item ended at 1:45 p.m.

6. **APPLICANT: NIMR Y. TAMIMI (PL-REZ-2024-000067)**

Application for a Change of Zone from a Single Family Residential-10,000 square feet (RS-10) zoning district to an Industrial-Commercial Mixed-20,000 square feet district (MCX-20) for 22,900 square feet of land. The subject property is located at 781 Laukapu Street, at the northeast corner of its intersection with East Lanikaula Street, Waiākea House Lots 1st Series, South Hilo, Hawai‘i, TMK: (3) 2-2-036:065.

The Commission took up this item at 1:45 p.m., with four public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:39:11]*

Christian Kay gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 2:39:55]*

Applicant Nimr Tamimi gave a presentation. *[SEE YOUTUBE TIMESTAMP 2:46:06]* Chairman Dennis Lin opened the floor for the Commission to ask questions of the applicant and Planning Department staff. *[SEE YOUTUBE TIMESTAMP 2:46:24]*

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

Action: It was moved by Vice Chairman Louis Daniele and seconded by Commissioner Chantel Perrin that a favorable recommendation be forwarded to the County Council on Change of Zone Application No. PL-REZ-2024-000067 based on the Planning Director’s recommendation. *[SEE YOUTUBE TIMESTAMP 2:50:21]* A roll call vote was taken, and the motion carried with four ayes (Daniele, Perrin, Balog, and Lin), no noes and one excused (De Luz). *[SEE YOUTUBE TIMESTAMP 2:50:55]*

This hearing item ended at 1:57 p.m.

7. **INITIATOR: PLANNING DIRECTOR (PL-PDI-2024-000009)**

The Planning Director has initiated an ordinance to amend Chapter 25 (Zoning), Article 5 of the Hawai‘i County Code 1983 (2016 Edition, as amended) relating to hospitals, sanitariums, old age, convalescent, nursing and rest homes. The purpose of this ordinance is to promote the establishment and development of hospitals within the Industrial-Commercial Mixed zoning district to improve access to healthcare services while ensuring compatibility with industrial and commercial land uses.

The Commission took up this item at 1:58 p.m., with three public members in the audience. *[SEE YOUTUBE TIMESTAMP 2:51:17]*

Tracie-Lee Camero gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 2:52:04]*
Chairman Dennis Lin opened the floor for the Commission to ask questions of the applicant and Planning Department staff. *[SEE YOUTUBE TIMESTAMP 2:54:52]*

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

Action: It was moved by Commissioner Chantel Perrin and seconded by Vice Chairman Louis Daniele that a favorable recommendation be forwarded to the County Council on the application to amend Chapter 25, Article 5 of the Hawai'i County Code 1983 (2016 Edition, as amended) (PL-PDI-2024-00009) based on the Planning Director's recommendation. *[SEE YOUTUBE TIMESTAMP 2:57:32]* A roll call vote was taken, and the motion carried with four ayes (Perrin, Daniele, Balog, and Lin), no noes and one excused (De Luz). *[SEE YOUTUBE TIMESTAMP 2:58:30]*

This hearing item ended at 2:05 p.m.

8. **INITIATOR: COUNTY COUNCIL (PL-CCI-2024-000009)**

Bill 194, an ordinance amending Chapter 25 (Zoning), Article 1, 2, 4, 5, and 7 of the Hawai'i County Code 1983 (2016 Edition, as amended), relating to telecommunication antennas and towers. The purpose of this amendment is to implement a uniform and comprehensive regulatory framework for the development, siting, installation, and maintenance of telecommunication antennas and telecommunication towers.

The Commission took up this item at 2:05 p.m., with one public member in the audience. *[SEE YOUTUBE TIMESTAMP 2:58:52]*

Tracie-Lee Camero gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 3:00:08]*

One individual provided testimony in-person:

1. Kalei Kailikini *[SEE YOUTUBE TIMESTAMP 3:13:37]*

County Councilmember Cindy Evans, who was the introducer of Bill 194 attended via Zoom and gave a presentation. *[SEE YOUTUBE TIMESTAMP 3:17:48]*

Chairman Dennis Lin asked the Commission's Deputy Corporation Counsel to provide the information previously shared on FCC regulations related to cell towers for the Renegade Towers agenda item. *[SEE YOUTUBE TIMESTAMP 3:23:48]* Deputy Corporation Counsel Suzanna Tiapula, representing the Commission, explained that the Commission must comply with federal law, specifically U.S.C. Title 47, Section 332, Subsections (C)(7) and (B)(iv). This law states that the environmental effects of radio frequency emissions cannot be used as a basis to deny a telecommunication use permit and cannot be considered in the decision-making process. *[SEE YOUTUBE TIMESTAMP 3:24:03]*

Three individuals provided testimony on Zoom:

1. Julien Bouetard *[SEE YOUTUBE TIMESTAMP 3:26:30]*
2. April Lee *[SEE YOUTUBE TIMESTAMP 3:30:19]*
3. Lelah Vaga *[SEE YOUTUBE TIMESTAMP 3:33:59]*

Before calling for a motion, Chairman Dennis Lin inquired about the status of the Planning Director Initiated bill on the telecommunications towers and antennas. Planning Department staff member Tracie-Lee Camero reported that the recommendations and bill were sent to the County Council, where the County Clerk's office suggested edits. Consequently, the bill will return to the Leeward Commission in November and the Windward Commission in December. Chairman Lin suggested that both bills be reviewed together by the Commission to compare the Planning Director's bill with the current agenda item bill. Deputy Planning Director Jeffrey Darrow noted that the changes were not substantive to the content of the bill but were adjustments to the ordinance's format. Planning Program Manager Maija Jackson informed the Commission that they must submit their recommendation on Bill 194 to the County Council by December 21, 2024. *[SEE YOUTUBE TIMESTAMP 3:36:45]*

Action: It was moved by Vice Chairman Louis Daniele to continue the agenda item Initiator County Council (PL-CCI-2024-000009) to the Commission's December 5, 2024, meeting. The motion was seconded by Commission Chantel Perrin. *[SEE YOUTUBE TIMESTAMP 3:40:31]* A roll call vote was taken, and the motion carried with four ayes (Daniele, Perrin, Balog, and Lin), no noes and one excused (De Luz). *[SEE YOUTUBE TIMESTAMP 3:41:39]*

This hearing item ended at 2:48 p.m.

PLANNING DIRECTOR'S REPORT *[SEE YOUTUBE TIMESTAMP 3:42:04]*

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

At 2:48 p.m. Chairman Dennis Lin introduced this item and stated the Special Management Area (SMA) determination and minor permits issued by the Planning Director for the October 2024 report were emailed to the Commissioners. There were no questions about the report from Commissioners.

AGENDA ITEMS FOR NEXT MEETING *[SEE YOUTUBE TIMESTAMP 3:42:19]*

At 2:48 p.m. Chairman Dennis Lin reiterated that three agenda items from this meeting were continued: Item #1 for Tieli Wang, Item #2 for Niel Jayasinghe regarding the Findings of Facts and Conclusions of Law, and Decision and Order and Item #8 concerning Bill 194. He also noted it would be a long day, with a daytime regular meeting followed by a special meeting on the General Plan starting at 5:00 p.m. Planning Program Manager Maija Jackson confirmed that there are eight agenda items scheduled for the regular meeting on December 5, 2024.

ANNOUNCEMENTS *[SEE YOUTUBE TIMESTAMP 3:43:15]*

At 2:50 p.m. Chairman Dennis Lin announced that a candidate is currently being processed to fill the vacant seat left by Matthias Kusch and expressed hope for the confirmation. He also stated that the Windward Planning Commission's next regular monthly meeting is scheduled for Thursday, December 5, 2024.

ADJOURNMENT [SEE YOUTUBE TIMESTAMP 3:44:00]

There being no further business, it was moved by Commissioner Chantel Perrin and seconded by Vice Chairman Louis Daniele that the meeting be adjourned. A voice vote was taken, and the motion carried unanimously. Chairman Dennis Lin adjourned the meeting at 2:50 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador

Melissa Dacayanan-Salvador (Feb 9, 2025 16:14 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:

Louis Daniele III

Louis Daniele III (Feb 10, 2025 07:54 HST)

Louis Daniele III, Chairman
Windward Planning Commission