

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

MINUTES
FEBRUARY 6, 2025

A video recording is made part of these minutes, which can be viewed on the YouTube County of Hawai‘i Planning Department channel at

<https://www.youtube.com/live/mYfIH7-ZTnE?si=Mt9nw2wTDRQaUprJ>

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 above-mentioned URL address, the public can contact the Planning Department for assistance.

Prior to the start of the meeting, Commissioner Wayne De Luz addressed the Commission and audience in the Council Chambers. For the record, he disclosed that Item #1, Wyatt’s Place, LLC (formerly Daniel De Luz), involved his late cousin, Daniel De Luz. However, the property is no longer owned by the family. Therefore, there is no conflict of interest, and a quorum is present to address the application. *[SEE YOUTUBE TIMESTAMP 6:38]*

Chairman Louis Daniele III also addressed the audience, stating that if the Commissioners or the Planning Director are looking at their computers, reviewing notes, or flipping through pages, they are educating themselves on a particular matter while still actively listening and paying attention. He further emphasized that the Commissioners are volunteers with no monetary gain, serving as part of their civic duty, and encouraged anyone interested to sign up to serve on the Commission. *[SEE YOUTUBE TIMESTAMP 7:20]*

The Windward Planning Commission met in regular session on Thursday, February 6, 2025, at 1:02 p.m., in the County of Hawai‘i, Council Chambers, 25 Aupuni Street, Hilo, Hawai‘i, with Chairman Louis Daniele III presiding. This meeting was streamed live on YouTube. *[SEE YOUTUBE TIMESTAMP 8:22]*

COMMISSIONERS PRESENT: Louis Daniele III (Chairman), Wayne De Luz, Chantel Perrin (Vice Chair), and Gordon Takaki.

COMMISSIONER ABSENT AND EXCUSED: Lauren Balog.

ALSO PRESENT: Dakota “Cody” Frenz, Esq. (Counsel to the Commission from 1:00 p.m. to 1:39 p.m.), Suzanna Tiapula, Esq. (Counsel to the Commission from 1:39 p.m. to 4:32 p.m.), Jeffrey Darrow (Planning Director), and Planning Department staff.

Approximately twenty-eight members of the public were in the audience. A quorum was present, and Chairman Louis Daniele III the Commissioners and staff introductions were made

At 1:04 p.m. Chairman Louis Daniele III asked each Commissioner to confirm they had an opportunity to review all materials, including written public testimony related to the applications being reviewed today. Each Commissioner verbally confirmed they had done so. He made some housekeeping announcements, reminding attendees to silence their cell phones and indicating the location of the public restrooms and instructed anyone wishing to testify to complete the yellow sign-up form at the staff table and to submit any written testimony that had not been previously submitted. *[SEE YOUTUBE TIMESTAMP 9:43]*

APPROVAL OF MINUTES

At 1:05 p.m. the Commission took up the minutes of the November 1, 2024, November 4, 2024, and December 5, 2024, regular and special Windward Planning Commission meeting. No corrections were offered. It was moved by Commissioner Gordon Takaki and seconded by Commissioner Wayne De Luz that the minutes be approved as circulated. A voice vote was taken, and the motion was carried with all in favor. *[SEE YOUTUBE TIMESTAMP 10:37]*

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 1:06 p.m. the Commission took up this item with approximately thirty-one public members present in the Council Chambers. Chairman Louis Daniele III 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 11:49]*

Three individuals provided testimony in-person:

1. Dean Odysseus Yacalis *[SEE YOUTUBE TIMESTAMP 13:55]*
2. Ellsworth Kaohi Sr. *[SEE YOUTUBE TIMESTAMP 17:21]*
3. Adam Gratz *[SEE YOUTUBE TIMESTAMP 19:58]*

There were no Zoom testifiers and with no further testifiers or public testimony, this agenda item was concluded.

NEW BUSINESS

1. APPLICANT: WYATT'S PLACE, LLC (FORMERLY DANIEL DE LUZ) (PL-SPP-2024-000076/AMEND SPP 625)

Application to amend Special Permit No. 625 to remove the woodworking shop and gallery use and expand the existing certified kitchen and snack shop use to establish a restaurant. Special Permit No. 625 allowed the establishment of a woodcraft workshop, and a subsequent amendment added a certified kitchen and snack shop and related improvements on 1.037 acre of land in the State Land Use Agricultural District. The subject property is located at 17-4003 Ahuahu Place, at its intersection with Volcano Road, Hawaiiki Subdivision, 'Ōla'a, Puna, Hawai'i, TMK: (3) 1-7-021:025.

The Commission began this item at 1:17 p.m., with approximately thirty-four members of the public in attendance. *[SEE YOUTUBE TIMESTAMP 23:11]*

Jessica Andrews gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 25:23]*

Applicant presentation by Representative, John Pipan of Land Planning Hawai‘i and Applicant Mark Singletary gave a presentation. The Applicant proposed an amendment to Condition No. 6(1) regarding the Department of Water Supply requirement, suggesting it be revised to state: “comply with the requirements of the Department of Water Supply and use County water to serve the proposed use”. *[SEE YOUTUBE TIMESTAMP 32:37]*

Chairman Louis Daniele III opened the floor to allow the Commission to ask questions of the Applicant and Planning Department staff. *[SEE YOUTUBE TIMESTAMP 35:07]*

Two individuals provided testimony in-person:

1. James Morgan *[SEE YOUTUBE TIMESTAMP 39:41]*
2. Sarah Parmetr *[SEE YOUTUBE TIMESTAMP 40:27]*

There were no Zoom testifiers for this agenda item.

Action: Commissioner Wayne De Luz moved, and Vice Chair Chantel Perrin seconded, to approve the application for Special Permit PL-SPP-2024-000076 and the amendment to SPP 625, based on the Planning Director’s recommendations and the proposed applicant’s amendment to Condition No. 6 regarding the water issue. *[SEE YOUTUBE TIMESTAMP 43:27]* At 1:38 p.m. Deputy Corporation Counsel Dakota “Cody” Frenz, Esq. left the meeting, and Deputy Corporation Counsel Suzanna Tiapula attended. *[SEE YOUTUBE TIMESTAMP 44:09]*

Chairman Louis Daniele III noted Deputy Corporation Counsel Cody Frenz, Esq. had left the meeting and was replaced by Deputy Corporation Counsel Suzanna Tiapula. *[SEE YOUTUBE TIMESTAMP 45:15]* A roll call vote was taken, and the motion carried with four ayes (De Luz, Perrin, Takaki, and Daniele), no noes, and one excused (Balog). *[SEE YOUTUBE TIMESTAMP 45:33]*

This hearing item ended at 1:40 p.m.

2. APPLICANT: TEPPY MOUNTAIN, LLC (PL-SPP-2024-000075)

Application for a Special Permit to allow an annual, multi-day festival event with overnight camping for up to 500 attendees and to legitimize the storage of commercial vehicles on a 14.7-acre portion of a larger 1,419.17-acre property in the State Land Use Agricultural District. The subject property is located at 27-476 Indian Tree Road, approximately 0.7 miles west (mauka) of its intersection with Hawai‘i Belt Road, Alemai to Kawainui, Pāpa‘ikou, South Hilo, Hawai‘i, TMK: (3) 2-7-007:001 (por.).

The Commission began this item at 1:40 p.m., with approximately thirty-one members of the public present. *[SEE YOUTUBE TIMESTAMP 46:12]*

Chairman Louis Daniele III explained the procedure for addressing the agenda item. He stated that public testimony on the application would be heard first, followed by the petitioner’s explanation of how they believe they meet the criteria for standing. After that, the applicant and the Planning Director would have the opportunity to state any objections. Once these steps are completed, the Commission will decide whether to grant standing. He further explained if

standing is denied, the Commission will decide whether to hear the agenda item today or defer it to a future meeting. If deferred, the public will have another opportunity to testify on the application if they have not already done so earlier today. He also stated that if standing is granted, the agenda item will be postponed allowing mediation between the parties. If an agreement is reached through mediation, the permit application will be returned to the Commission for a decision, at which time the public will have an opportunity to testify.

Lastly, Chairman Louis Daniele III mentioned if an agreement is not reached, a contested case hearing will be held. He explained that this is a trial-like process overseen by a hearings officer, who will review the case and provide a recommendation to the Commission based on the information presented and arguments made by the parties. When the recommendation is presented, the public will again have an opportunity to provide testimony before the Commission makes its final decision

Chairman Louis Daniele III opened the floor for the Commission to ask questions before proceeding. *[SEE YOUTUBE TIMESTAMP 49:00]*

At 1:44 p.m., the Commission proceeded with public testimony.

Thirteen individuals provided testimony in-person:

1. Maia Munoz Luz *[SEE YOUTUBE TIMESTAMP 50:20]*
2. Ben Mead *[SEE YOUTUBE TIMESTAMP 53:48]*
3. Mel Kawahara *[SEE YOUTUBE TIMESTAMP 58:06]*
4. Francisco R. "Beto" Goncalves Luz Filho *[SEE YOUTUBE TIMESTAMP 59:40]*
5. Lichun Huang *[SEE YOUTUBE TIMESTAMP 1:03:52]*
6. Jim McMahon *[SEE YOUTUBE TIMESTAMP 1:06:01]*
7. Gina Chen *[SEE YOUTUBE TIMESTAMP 1:10:40]*
8. John Mercado *[SEE YOUTUBE TIMESTAMP 1:12:41]*
9. Kaleo N. Olival *[SEE YOUTUBE TIMESTAMP 1:16:12]*
10. Harry Holm *[SEE YOUTUBE TIMESTAMP 1:19:36]*
11. Roger Uchima *[SEE YOUTUBE TIMESTAMP 1:23:06]*
12. Evan Rock *[SEE YOUTUBE TIMESTAMP 1:25:52]*
13. Martin P. Orlando *[SEE YOUTUBE TIMESTAMP 1:29:43]*

Three individuals provided testimony on Zoom:

1. Braden Smith *[SEE YOUTUBE TIMESTAMP 1:34:36]*
2. Jason Hester *[SEE YOUTUBE TIMESTAMP 1:39:12]*
3. Hannah Soroka *[SEE YOUTUBE TIMESTAMP 1:43:25]*

There being no other testifiers, Chairman Louis Daniele III closed public testimony for this agenda item. *[SEE YOUTUBE TIMESTAMP 1:46:06]*

He stated that the next order of business is to determine whether to grant standing to the petitioner, James McMahon and Lichun Huang. The Commission took up this item at 2:40 p.m. with approximately twenty-three public members present. In reference to Rule 4-6 (a) it was confirmed by Planning Program Manager, Maija Jackson, that the petition from James McMahon and Lichun Huang were complete and filed in a timely manner and provided to the applicant in a

timely manner. Chairman Louis Daniele III reminded the Commission that their focus should be on why standing should or should not be granted, not on the merits of the application. He read the criteria as stated in Rule 4-6(b), emphasizing that if a timely request is filed, standing shall be granted if the criteria can be met. *[SEE YOUTUBE TIMESTAMP 1:46:32]*

PETITION OF JAMES MCMAHON AND LICHUN HUANG

The Commission took up this item at 2:43 p.m., with approximately twenty-three members of the public in attendance. At the testifier table, James McMahon, along with Lichun Huang, explained why standing should be granted. James McMahon stated that they own property along the road and are concerned that traffic from the event and the heavy equipment base yard will have significant impacts. He noted that the applicant did not provide a clear plan for accessing the property and the easement document was incorrect. Additionally, no accurate map or document was provided to describe the access from the public road. Mr. McMahon stated that he owns approximately 1,400 feet of the road, with their house just 30 feet from the road, which is within the minimum setback and making it directly impacted by the increased traffic. Over the past two years, they have experienced continuous 24-hour traffic, and their situation differs from that of the general public due to their close proximity to the road, which will serve as the primary access point for the property and its activities. He also mentioned that they have a vested interest in the neighboring property, as all road users are responsible for its maintenance. Furthermore, he expressed concern about buried utilities along the road that are not well protected, stating that the heavy equipment from the base yard could damage these utilities, further affecting their quality of life. *[SEE YOUTUBE TIMESTAMP 1:49:58]*

Vice Chair Chantel Perrin asked the petitioner, James McMahon, whether they shared the road in question with the proposed access for the applicant, Teppy Mountain. The petitioner responded, “yes,” noting that the other neighbors who had previously testified also share the road. Vice Chair Chantel Perrin followed up with a question about road maintenance. The petitioner responded that, according to the deeded documents, they are supposed to maintain the road. However, there is no HOA, only a road maintenance agreement, and getting everyone to agree on what the road needs and how to complete the work has been challenging. *[SEE YOUTUBE TIMESTAMP 1:54:34]*

At 2:52 p.m. it was moved by Vice Chair Chantel Perrin and seconded by Commissioner Gordon Takaki 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 1:57:44]* The Commission went into executive session at 2:56 p.m. At 2:59 p.m. Vice Chair Chantel Perrin moved, and Commissioner Wayne De Luz seconded, that the Commission exit executive session. A voice vote was taken, and the motion carried unanimously.

At 3:00 p.m. Chairman Louis Daniele III called the hearing back to order and noted that the Commission went into executive session, where Counsel addressed legal questions which were answered. *[SEE YOUTUBE TIMESTAMP 2:06:27]*

Seated at the testifiers' table were John Pipan of Land Planning Hawai'i, representing the Applicant, Teppy Mountain, LLC, and the Applicant, Andrew Tepper. Neither had objections to the petition, as the easement for the applicant's property runs directly through the petitioner's property. [SEE YOUTUBE TIMESTAMP 2:08:03] The applicant, Mr. Tepper explained why the application he pursuing is important to him and how the event "Falls on Fire" has a positive impact in creating community. [SEE YOUTUBE TIMESTAMP 2:08:43] Planning Director Jeffrey Darrow had no objection to granting standing to the petitioners. [SEE YOUTUBE TIMESTAMP 2:12:17]

Chairman Louis Daniele III opened the floor to allow the Commission to ask questions of the Planning Director. [SEE YOUTUBE TIMESTAMP 2:12:32] Commissioner Wayne De Luz asked Planning Director Jeffrey Darrow whether this was an unusual request and if he had recommended similar requests in the past. In response, Director Jeffrey Darrow stated that he does not recall a burning event like "Falls on Fire," though the department has received requests for other types of activities, such as retreats. Deputy Corporation Counsel Suzanna Tiapula asked Commissioner Wayne De Luz whether his question pertained to "standing," as that was the only matter being discussed at the time. In response, Commissioner Wayne De Luz retracted the question, noting that it pertained to the application itself rather than the matter of "standing". [SEE YOUTUBE TIMESTAMP 2:12:43]

Action: It was moved by Vice Chair Chantel Perrin to grant standing to James McMahon and Lichun Huang based on the following criteria's (A) their interest is clearly distinguishable from that of the general public. Commissioner Wayne De Luz seconded the motion [SEE YOUTUBE TIMESTAMP 2:14:20] A roll call vote was taken on the motion to grant standing for James McMahon and Lichun Huang and the motion failed with three ayes (Perrin, De Luz, and Daniele), one no (Takaki), and one excused (Balog). [SEE YOUTUBE TIMESTAMP 2:15:45]

Chairman Louis Daniele III called a recess at 3:10 p.m. to 3:19 p.m. [SEE YOUTUBE TIMESTAMP 2:16:06] Chairman Louis Daniele III reconvened the meeting at 3:19 p.m. with approximately eighteen public members in attendance. [SEE YOUTUBE TIMESTAMP 2:25:14]

Chairman Louis Daniele III asked the Commissioners if there was a motion for action on this item. [SEE YOUTUBE TIMESTAMP 2:25:25]

Vice Chair Chantel Perrin moved that the petition for James McMahon and Lichun Huang be granted based on the following criterion: (A) their interest is clearly distinguishable from that of the general public, as reflected in the record. [SEE YOUTUBE TIMESTAMP 2:25:49] The motion was seconded by Commissioner Wayne De Luz. [SEE YOUTUBE TIMESTAMP 2:26:11] There was no discussion. A roll call vote was taken on the motion to grant standing, which failed with three ayes (Perrin, De Luz, and Daniele), one no (Takaki), and one excused (Balog). [SEE YOUTUBE TIMESTAMP 2:26:39]

At 3:21 p.m. it was moved by Vice Chair Chantel Perrin and seconded by Commissioner Gordon Takaki 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 2:27:06] The

Commission went into executive session at 3:22 p.m. At 3:28 p.m., Vice Chair Chantel Perrin moved, and Commissioner Gordon Takaki seconded, that the Commission exit executive session. A voice vote was taken, and the motion carried unanimously.

At 3:28 p.m. Chairman Louis Daniele III called the hearing back to order and noted that the Commission had entered executive session, during which legal questions were asked of Counsel and answered. *[SEE YOUTUBE TIMESTAMP 2:33:39]* He then asked the Commission if there was a motion for the item in question. *[SEE YOUTUBE TIMESTAMP 2:33:49]*

Vice Chair Chantel Perrin made a motion to grant the petition for James McMahon and Lichun Huang, including criterion (A), stating that their interest is clearly distinguishable from that of the general public, as established in the record. Commissioner Wayne De Luz seconded the motion. *[SEE YOUTUBE TIMESTAMP 2:34:07]* There was no discussion. A roll call vote was taken on the motion to grant standing, which passed with four ayes (Perrin, De Luz, Takaki, and Daniele), no noes, and one excused (Balog). *[SEE YOUTUBE TIMESTAMP 2:34:51]*

As standing was granted to the petitioner, Chairman Louis Daniele III read Planning Commission Rule 4-6, which requires all parties in a contested case proceeding to first participate in mediation in good faith before the case is heard. A mediator shall be selected jointly by the parties or appointed by the Commission if they fail to agree. He also mentioned that the Planning Department will contact the parties by email within a week to initiate the mediator selection and begin the mediation process. *[SEE YOUTUBE TIMESTAMP 2:35:12]*

SELECTION OF HEARINGS OFFICER *[SEE YOUTUBE TIMESTAMP 2:35:43]*

Vice Chair Chantel Perrin moved that the Commission hires a hearings officer to conduct the contested case hearings and Commissioner Wayne De Luz seconded the motion. *[SEE YOUTUBE TIMESTAMP 2:36:31]* A roll call vote was taken, and the motion to hire a hearings officer for the contested case hearing carried with four ayes (Perrin, De Luz, Takaki, and Daniele), no noes, and one excused (Balog). *[SEE YOUTUBE TIMESTAMP 2:36:57]*

Vice Chair Chantel Perrin moved, and Commissioner Wayne De Luz seconded, to defer the Special Permit application for Teppy Mountain, LLC until mediation is completed or the Contested Case Hearing proceedings are finished. *[SEE YOUTUBE TIMESTAMP 2:37:41]* The motion to defer carried with a roll call vote of four ayes (Perrin, De Luz, Takaki, and Daniele), no noes, and one excused (Balog). *[SEE YOUTUBE TIMESTAMP 2:38:06]*

This hearing item ended at 3:33 p.m.

3. APPLICANT: JACK VANDERHOFF, JR. AND SAU-YIN YEUNG (PL-REZ-2024-000072)

Application for a Change of Zone from a Single-Family Residential-10,000 square feet (RS-10) zoning district to a Neighborhood Commercial-10,000 square feet (CN-10) zoning district for a 19,500-square-foot parcel of land. The subject property is located at 900 Manono Street, approximately 95 feet north of its intersection with Leilani Street, Waiākea House Lots, Waiākea, South Hilo, Hawai‘i, TMK: (3) 2-2-036:113.

The Commission began this item at 3:33 p.m., with six members of the public in attendance. *[SEE YOUTUBE TIMESTAMP 2:39:04]*

Jessica Andrews gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 2:40:38]*

Representative Daryn Arai, Land Use Planning Consultant for the Applicants and Applicants Jack Vanderhoff Jr, and Sau-Yin Yeung gave a presentation. The Applicant proposed an amendment to Condition G regarding the driveway access point from Manono Street. *[SEE YOUTUBE TIMESTAMP 2:46:30]* Chairman Louis Daniele III then opened the floor for the Commission to ask questions of the applicant and Planning Department staff. *[SEE YOUTUBE TIMESTAMP 2:51:55]*

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

Action: Commissioner Wayne De Luz move, and Vice Chair Chantel Perrin seconded, that a favorable recommendation be forwarded to the County Council on Change of Zone Application No. PL-REZ-2024-000072, based on the Planning Director's recommendation and the applicant's proposed amendment to Condition G. *[SEE YOUTUBE TIMESTAMP 2:54:56]* A roll call vote was taken, and the motion carried with four ayes (De Luz, Perrin, Takaki, and Daniele), no noes, and one excused (Balog). *[SEE YOUTUBE TIMESTAMP 2:56:00]*

This hearing item ended at 3:50 p.m.

4. APPLICANT: TIRTHA LUITEL (PL-SPP-2024-000062)

Application for a Special Permit to allow the development and operation of a commercial parking lot on an approximately 18,000-square foot portion of a larger 98.2850-acre parcel in the State Land Use Agricultural District. The subject property is situated directly makai of 'Akaka Falls State Park on the south side of 'Akaka Falls Road, Honomū Homesteads, South Hilo, Hawai'i, TMK: (3) 2-8-010:014 (por.).

The Commission began this item at 3:51 p.m., with three members of the public in attendance. *[SEE YOUTUBE TIMESTAMP 2:56:44]*

Jessica Andrews gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 2:58:48]*

Applicant presentation by Representative, John Pipan of Land Planning Hawai'i and Applicant Tirtha Luitel gave a presentation. *[SEE YOUTUBE TIMESTAMP 3:06:43]*

Chairman Louis Daniele III then opened the floor for the Commission to ask questions of the applicant and Planning Department staff. *[SEE YOUTUBE TIMESTAMP 3:10:32]*

Commissioner Wayne De Luz asked the Planning Department staff whether the entire subject property is designated as high agricultural use. In response, Director Jeffrey Darrow stated the property is within the Important Agricultural Land designation of the General Plan and noted that this recommendation was a difficult one, involving extensive discussions and heavily relying on the responses from the State Parks. Director Jeffrey Darrow mentioned the State Parks concerns include limiting overcrowding at 'Akaka Falls as well as in State Parks across Hawai'i. In their discussions, State Parks mentioned plans to establish a reservation system and introduce their

own mobile food service within the park. The goal is for State Parks to take control of this issue and regulate the number of visitors to this area through reservations. In further discussion, Director Jeffrey Darrow clarified that it is unclear when the proposed State Parks plans will be implemented.

Chairman Louis Daniele III inquired about the total number of parking stalls in the lot and the fee for parking on the State-owned property. In response, the applicant stated there are approximately twenty-three (23) stalls with a fee of \$10.00. Chairman Louis Daniele III then asked the applicant if he was proposing to charge for parking, to which the applicant responded “yes” and confirmed it would be the same amount. *[SEE YOUTUBE TIMESTAMP 3:14:07]* Vice Chair Chantel Perrin asked if there is any accessible land in the ‘Akaka Falls area that the State could potentially use for expansion. The applicant representative, John Pipan, responded that, to his knowledge, there is none, as the available land is quite limited. *[SEE YOUTUBE TIMESTAMP 3:15:13]*

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

Vice Chair Chantel Perrin asked the State or the Planning Department whether it would be possible to rent the space from the applicant so that the funds collected could be used for parking preservation. In response, Planning Director Jeffrey Darrow stated that this could be an option for the applicant to pursue, allowing discussions on the possibility of the State leasing the property for use. He also noted that the State would then need to obtain a Special Permit with the applicant’s authorization and stated that it would be an excellent idea to pursue. Following up on the Planning Department’s response, the applicant’s representative, John Pipan, asked if State were the applicant, would the recommendation change? *[SEE YOUTUBE TIMESTAMP 3:18:15]*

Planning Director Jeffrey Darrow responded that if the State were leasing the land from the applicant as part of their system, and the applicant was paid for the lease, he believes the Planning Department could support this. He emphasized that this application involved other factors that had been discussed, with the main concern being the State’s view on how this would affect their implementation process. *[SEE YOUTUBE TIMESTAMP 3:19:48]*

Chairman Louis Daniele III stated that this is obviously a large piece of land and asked what other activities, such as agricultural uses, are taking place on the land. In response, representative John Pipan answered “yes” noting that a significant amount planting has been done. The applicant, Tirtha Luitel, added there are more than a thousand papaya and two-hundred coconut trees with plans to make a 5,000 square foot greenhouse. He also stated that farming has been difficult over the past three years due to excessive rain, which has caused plants to die and made agriculture unsustainable. As a result, he plans to establish a food truck and some parking. *[SEE YOUTUBE TIMESTAMP 3:20:46]*

At 4:17 p.m. it was moved by Vice Chair Chantel Perrin and seconded by Commissioner Wayne De Luz 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 3:22:39]* The

Commission went into executive session at 4:21 p.m. At 4:24 p.m. it was moved by Vice Chair Chantel Perrin and seconded by Commissioner Wayne De Luz that the Commission go out of executive session. A voice vote was taken, and the motion carried with all in favor.

At 4:25 p.m. Chairman Louis Daniele III called the hearing back to order and noted that the Commission went into executive session, where Counsel addressed legal questions which were answered. *[SEE YOUTUBE TIMESTAMP 3:31:28]*

Prior to a motion being made, Planning Director Jeffrey Darrow stated that this application is a challenging one. He noted that, in discussions with the applicants, it was agreed that there is a clear need. However, the Planning Department faces difficulties due to input from the State and does not want to interfere with its efforts. Director Jeffrey Darrow stated that, based on his discussions with the applicants, he learned that the State had approached them and that was new information the Planning Department only received today. Referencing the recommendation, it states that additional information presented at the public hearing may result in alterations. Director Jeffrey Darrow told the Commission that if they are open to considering the new information and an alternative approach, the Planning Department could work with them to draft conditions. *[SEE YOUTUBE TIMESTAMP 3:32:38]*

Commissioner Wayne De Luz asked the applicant if he was willing to defer. After consulting with the applicant, representative John Pipan responded, yes. *[SEE YOUTUBE TIMESTAMP 3:34:08]*

Action: Commissioner Wayne De Luz moved to defer the application, as the applicant agreed, and to allow further discussion between the Planning Department and the applicant based on the new information received. Vice Chair Chantel Perrin seconded the motion. *[SEE YOUTUBE TIMESTAMP 3:34:36]* A roll call vote was taken, and the motion carried with four ayes (De Luz, Perrin, Takaki, and Daniele), no noes, and one excused (Balog). *[SEE YOUTUBE TIMESTAMP 3:35:42]* Planning Program Manager, Maija Jackson asked Chairman Louis Daniele III to clarify whether the motion was to defer to the next meeting or until discussions were completed. He responded that it would be deferred to the next meeting. *[SEE YOUTUBE TIMESTAMP 3:35:59]*

This hearing item ended at 4:30 p.m.

PLANNING DIRECTOR'S REPORT *[SEE YOUTUBE TIMESTAMP 3:36:44]*

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

At 4:31 p.m. Chairman Louis Daniele III introduced this item and stated the Special Management Area (SMA) determination and minor permits issued by the Planning Director for the December 2024 and January 2025 reports were emailed to the Commissioners. There were no questions about the report from Commissioners.

AGENDA ITEMS FOR NEXT MEETING [SEE YOUTUBE TIMESTAMP 3:37:16]

At 4:31 p.m., Chairman Louis Daniele III introduced the item, and there were no comments or matters for consideration from the Commissioners.

ANNOUNCEMENTS [SEE YOUTUBE TIMESTAMP 3:37:25]

Chairman Louis Daniele III announced that the Windward Planning Commission's next regular meeting is tentatively scheduled for Monday, March 10, 2025. Planning Program Manager Maija Jackson confirmed that four agenda items are tentatively scheduled for that meeting.

ADJOURNMENT [SEE YOUTUBE TIMESTAMP 3:38:00]

There being no further business, a motion was made to adjourn the meeting. Vice Chair Chantel Perrin moved, and Commissioner Wayne De Luz seconded, that the meeting be adjourned. [SEE YOUTUBE TIMESTAMP 3:38:05] A voice vote was taken, and the motion carried unanimously. Chairman Louis Daniele III adjourned the meeting at 4:32 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Mar 15, 2025 17:55 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:

Louis Daniele III
Louis Daniele III (Mar 17, 2025 07:34 HST)

Louis Daniele III, Chairman
Windward Planning Commission