

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
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County of Hawai'i PLANNING DEPARTMENT

Jeffrey W. Darrow
Director

Michelle S. Ahn
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

April 17, 2026

Courtney Vega and Timothy Irons
c/o Dentons US LLP
1001 Bishop Street, Suite 1800
Honolulu, HI 96813
VIA EMAIL

Dear Courtney Vega and Timothy Irons:

**SUBJECT: Acknowledge Petition for Standing in Contested Case Hearing
(PL-CCH-2026-000030)
Special Management Area (SMA) Use Permit Application
(PL-SMA-2026-000087)
(Amend SMA 07-000019)
Applicant: DHL Mahi Site M LLC & DHL Mahi PropCo LLC
Tax Map Keys: (3) 6-8-001:050, 052, 054 and (3) 6-8-022:010**

This is to acknowledge receipt of the Petition for Standing in Contested Case Hearing that you filed with the Planning Department on April 14, 2026, in a complete and timely fashion. The petition will be forwarded to the Leeward Planning Commission for discussion and action prior to their hearing on the subject Special Management Area Use Permit Amendment Application.

Your petition will be addressed at the next scheduled Leeward Planning Commission hearing on **Thursday, April 23, 2026, at 9:30A.M.** Your presence will be required at this hearing to respond to questions that the Leeward Planning Commission may have regarding the petition for standing. The hearing notice is attached herein for your convenience.

Please refer to Planning Commission Rules of Practice and Procedure, Rule 4 (Contested Case Hearing Procedure) for information about the contested case process. The rules can be found on the Planning Department website at: <https://www.planning.hawaiicounty.gov/about-us/boards-committees/planning-commission-applications>.

Courtney Vega and Timothy Irons
c/o Dentons US LLP
April 17, 2026
Page 2

If you have any questions, please feel free to contact Maija Jackson at Maija.Jackson@hawaiicounty.gov or via phone at (808) 961-8159.

Sincerely,

Maija Jackson for

Maija Jackson for (Apr 17, 2026 12:33:55 HST)

JEFFREY W. DARROW
Planning Director

DSH:rms

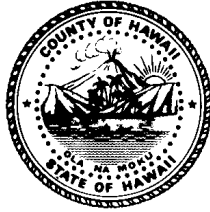
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Enclosures: Hearing Notice
 Petition for Standing

cc via email w/ enclosures: Patrick Fitzgerald, Landowner
 Hugh Brady, Wilson Okamoto Corporation
 Katherine Garson, Carlsmith Ball LLP
 Leeward Planning Commission
 Deputy Corporation Counsel for Planning Commission
 Deputy Corporation Counsel for Planning Department

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director



Dean Au, Chair
Donna "Kinuko" Noborikawa, Vice Chair
Alexandria "Lexie" Ayers
Michael Dela Cruz
Rebecca "Kawehi" Inaba
Shawn "Kele" Makaiau
Armando Rodriguez

Ke Komikina Ho'olālā Komohana, Kalana 'o Hawai'i

County of Hawai'i

LEEWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

AGENDA

NOTICE IS HEREBY GIVEN of the following matters to be considered by the Leeward Planning Commission of the County of Hawai'i at a regular meeting in accordance with the provisions of Chapters 91 and 92, Hawai'i Revised Statutes, Section 6-7.5(a) of the Charter of the County of Hawai'i and Planning Commission Rules of Practice and Procedure.

DATE: Thursday, April 23, 2026

TIME: 9:30 a.m.

LOCATION: West Hawai'i Civic Center, Council Chambers, Building A
74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai'i

Public Participation: This is an in-person meeting, and the Leeward Planning Commissioners will participate in person. The primary way to view or testify at this meeting is in-person; however, as a courtesy to the public, the Commission provides the following additional ways to view or testify remotely at this meeting.

Optional Alternative to Provide Remote Oral Testimony: The public has the option to provide verbal testimony at the meeting by joining Zoom. To provide verbal testimony via Zoom, please use the link below to register prior to the meeting:

<https://www.zoomgov.com/meeting/register/8JxQ-GRSPGWRHE6clD1Xg>

Optional Alternative to View Meeting:

https://www.youtube.com/channel/UCAFoRMb3rfWLQMPd6TAkEGA?view_as=subscriber

Please note, as this is an in-person meeting, the hearing may proceed if the Zoom and/or YouTube connections fail.

Submitting Written Testimony: To ensure timely delivery to Commissioners prior to the meeting, written testimony should be submitted no later than 4:30 p.m. on Monday, April 20, 2026, by: (1) email to LPCtestimony@hawaiicounty.gov; (2) mail to the Leeward

Planning Commission at 101 Pauahi Street, Suite 3, Hilo, Hawai'i or (3) drop-off at the Planning Department offices in Hilo at the address above or Kona at 74-5044 Ane Keohokālole Highway, Building E, 2nd Floor, Kailua-Kona, Hawai'i. If you are submitting written testimony at the meeting, provide twelve (12) copies. All written testimony, regardless of time of receipt, will be made part of the permanent record. Please submit separate testimony for each item.

Meeting Materials/Board Packet: Pursuant to Hawai'i Revised Statutes Section 92-7.5, the meeting materials provided to the commission is available for public inspection three business days before the meeting date during regular business hours at the Planning Department offices in Hilo and Kona and by clicking 'Board Packets' at the following Planning Department website link: www.planning.hawaiicounty.gov/about-us/boards-committees/planning-commission-applications. This information can also be requested by sending an email to LPCtestimony@hawaiicounty.gov or by calling (808) 961-8288.

CALL TO ORDER

APPROVAL OF MINUTES

Review and Approval of December 18, 2025 Leeward Planning Commission Minutes

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

Members of the public may provide public testimony regarding any agenda item now or at the time the agenda item is called to order.

NEW BUSINESS

1. **INITIATOR: PLANNING DIRECTOR (ANDY/KERRY XIE TRUST, WEI LIN ZHAO, EULIX CHIU; FANG/HAN TR, FRED MING LI- FORMERLY T&M PROPERTIES) (PL-PDI-2026-000015/ REZ 17-000220)**

The Planning Director has initiated the repeal of Change of Zone Ordinance Nos. 19-38, 09-50, 09-49, 06-138, 06-137, 95-118, 92-36, 90-10, 86-49, 533 (1980), and 594 (1973), amendment to Section 25-8-3 (North Kona Zone Map) and 25-8-5 (Kailua Urban Zone Map), Chapter 25, Article 8, of the Hawai'i County Code 1983 (2016 edition, as amended), which will revert the current zoning of 3.331 acres from Village Commercial-7,500 square feet (CV-7.5) to its original Double-Family Residential-3,750 square feet (RD-3.75) and 3.227 acres from Multiple-Family Residential-2,500 square feet (RM-2.5) to its original Unplanned (Agricultural-5 acres) zoning district. The subject parcel is located on the north side of Hualālai Road, approximately 1,000 feet east of its intersection with Kuakini Highway, Hienaloli 4th & 5th, North Kona, Hawai'i, TMK: 7-5-010:013.

2. **APPLICANT: DHL MAHI SITE M LLC and DHL MAHI PROPCO LLC (PL-SMA-2026-000087/AMEND SMA 07-019)**

Application to amend Special Management Area (SMA) Use Permit No. 07-019 for a 10-year time extension to Condition No. 2 (Complete Construction); reduce the

density of the Mauna Lani Site M master planned development from 1,207 Units (691 Residential & 516 Hotel) to 925 Units (551 Residential & 374 Hotel); remove proposed golf course and conference center use; increase preserved open space; and construct an emergency evacuation road. The project is situated within the Special Management Area and is located approximately 0.75 miles west of Queen Ka'ahumanu Highway, approximately 0.4 miles north of Mauna Lani Drive, Mauna Lani Resort, South Kohala, Hawai'i, TMKs: (3) 6-8-001:050; 052-055, (3) 6-8-022:010.

3. Discussion of proposed amendment to Planning Commission's Rules of Practice and Procedure, Rule 1 regarding General Rules of the Commission. The Commission will discuss adding commissioner attendance standards to Rule 1.
4. Discussion of Planning Commissioners' suggestions for future amendments to the Planning Commission Rules of Practice and Procedure.

PLANNING DIRECTOR'S REPORT

Report on Special Management Area (SMA) determinations and minor permits issued by the Planning Director for December 2025, January, February and March 2026.

AGENDA ITEMS FOR THE NEXT MEETING

The Commissioners will comment on matters not on the current agenda, for consideration for the Commission's next meeting.

ANNOUNCEMENTS

The Leeward Planning Commission's next regular meeting is scheduled for Friday, May 22, 2026, at the County Council Chambers in Kona and the public can also testify via Zoom. The date and venue of the meeting are subject to change.

ADJOURNMENT

Contested Case Procedure: Pursuant to PC Rule 4, Contested Case Procedure, of the County of Hawai'i Planning Commission Rules of Practice and Procedure, any person seeking to intervene as a party to a contested case hearing on Agenda Item No.2 above is required to file a written request which must be received by the office of the Planning Department no later than seven (7) calendar days prior to the Planning Commission's first public meeting on the matter. Such written request shall conform with the PC Rule 4-6(a), relating to Prehearing Procedure on a form as provided by the Planning Department entitled "Petition for Standing in a Contested Case Hearing." The notarized petition form and a filing fee of \$200 shall be submitted online via County of Hawai'i Electronic Processing and Information Center (EPIC) at the following website: <https://hawaiicountyhi-energovpub.tylerhost.net/Apps/SelfService#/home>

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist {Article 15, Section 2-91.3(b), Hawai'i County Code}. A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose

of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.” {Article 15, Section 2-91.3(a)(6), Hawai‘i County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk, 25 Aupuni Street, Room 1402, Hilo, Hawai‘i 96720.

Anyone who requires an auxiliary aid or service, or other accommodation due to a disability, please contact the Planning Department at (808) 961-8288 or LPCtestimony@hawaiiicounty.gov as soon as possible. If a request is received later than five working days prior to the meeting date, we will try to obtain the auxiliary aid/service or other accommodation, but we cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Hawai‘i County is an Equal Opportunity Provider and Employer

LEEWARD PLANNING COMMISSION
Dean Au, Chairperson

(Hawai‘i Tribune Herald: Friday, March 27, 2026)
(West Hawai‘i Today: Friday, March 27, 2026)

COUNTY OF HAWAII
PETITION FOR STANDING IN A CONTESTED CASE HEARING

NAME: Villages at Mauna Lani Association of Apartment Owners ("Villages")

ADDRESS: 68-1025 North Kaniku Drive, Kamuela, Hawai'i 96743

PHONE NO.: (808) 300-6500

APPLICANT/DOCKET NO.: DHL Mahi Site M, LLC and DHL Mahi PropCo, LLC /
Amendment to SMA Use Permit No. SMA 07-019 (Application No. PL-SMA-2026-000087)

A. Is your interest in this matter clearly distinguishable from that of the general public?

☒ Yes ☐ No

If the answer is "yes," please explain:

Villages' interest in this matter is clearly distinguishable from that of the general public. Villages is the Association of Apartment Owners for the condominium project known as the Villages at Mauna Lani, a 130-unit residential community located at 68-1025 North Kaniku Drive, Kamuela, Hawai'i. The Villages property is situated directly across North Kaniku Drive from the Site M project, which is the subject of the proposed Amendment to SMA Use Permit No. SMA 07-019 ("SMA 07-019").

Villages was previously admitted as a party intervenor in the original SMA 07-019 Application proceedings before the Hawai'i County Planning Commission in 2007-2008, in recognition of its distinct and direct interest in the Site M development. Villages thereafter entered into a Settlement, Mutual Release and Indemnity Agreement dated June 21, 2008, with Stanford Carr Development LLC and Site M Associates, LLC, which imposed specific conditions on the development of Site M, including but not limited to density limitations, traffic mitigation measures, a prohibition on timeshares, construction access road requirements, an alternate emergency evacuation route, and a requirement that Villages receive written notice of all applications for discretionary permits or land use entitlements directly affecting the development of ten or more new residential or hotel units at the Project.

The proposed amendment filed by DHL Mahi Site M, LLC and DHL Mahi PropCo, LLC seeks to modify the previously approved master plan for the approximately 149.9-acre Site M parcel by, among other things, reducing hotel and residential density, removing the approved golf course and conference center, increasing open space, and including an Emergency Evacuation Road. A ten-year time extension is also requested. These proposed changes directly implicate the terms and conditions negotiated in the 2008 Settlement Agreement between Villages and the original developer and its successors and assigns.

Villages' interest is further distinguishable from the general public because the proposed development will directly impact traffic flow on North Kaniku Drive, which is the sole means of

ingress and egress for Villages' 130 residential units, and will substantially affect traffic patterns at the intersection of North Kaniku Drive and Ho'ohana Street. The proposed project's impacts on access, resort infrastructure, water quality, drainage, water resources, emergency evacuation capacity, and the injection well sewage disposal system for the Mauna Lani Resort are of particularized concern to Villages residents, whose health, safety, and property values are directly and uniquely at stake. Given the nearly two decades that have elapsed since the prior review of the SMA 07-019, a full permit review pursuant to the Special Management Area Act, HRS Chapter 205A and environmental review under the Hawai'i Environmental Policy Act, HRS Chapter 343, is required. See *Unite Here! Local 5 v. City & Cty. of Honolulu*, 123 Haw. 150, 231 P.3d 423 (2010).

B. Are you a government agency whose jurisdiction includes the land involved in the subject request?

☐ Yes ☒ No

C. Do you lawfully reside on or have some property interest in the land involved in the subject request?

☒ Yes ☐ No

If the answer is "yes," please explain:

Villages at Mauna Lani Association of Apartment Owners has a direct property interest in the Mauna Lani Resort community, where both the Villages property and the Site M project are located. Villages is the owners' association responsible for the management of the common areas of the 130-unit condominium project known as Villages at Mauna Lani, located across North Kaniku Drive from Site M at TMK (3) 6-8-001:054 and (3) 6-8-022:010. The Villages property directly abuts and is accessed via North Kaniku Drive, the same roadway that provides the primary access to and from the Site M development.

Furthermore, under the 2008 Settlement Agreement, Villages holds contractual rights and protections that run with the land and directly encumber the Subject Property, including a recorded prohibition on timeshare development and specific conditions regarding development density, traffic mitigation, and notice. These contractual interests give Villages a property-based stake in the manner and extent to which the Site M parcels are developed, and any amendment to SMA 07-019 may directly affect or impair those interests.

Additionally, the Villages property is located within the Mauna Lani Resort, and the common infrastructure—including North Kaniku Drive, the wastewater treatment system, drainage systems, and beach access facilities—is shared among the properties within the Resort. Any modification to the development plan for Site M directly impacts the shared infrastructure upon which Villages and its residents depend.

D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?

☐ Yes ☒ No

SUPPLEMENTAL STATEMENT REGARDING ACTUAL OR THREATENED INJURY

Even to the extent the Commission may find that any aspect of Villages' interest is not distinguishable from that of the general public, the proposed action will cause Villages actual or threatened injury in fact, as set forth below.

The proposed amendment to SMA 07-019 will result in actual or threatened injury to Villages in the following respects:

Traffic and Access. The proposed development, even with reduced density, will generate significant additional traffic on North Kaniku Drive, the sole two-lane access road serving both the Site M project and the Villages property. The original traffic studies prepared for SMA 07-019 were conducted during non-peak periods and have been acknowledged to be unreliable. The adequacy of traffic mitigation measures, including left-turn pocket lanes into the Villages' entrance and the proposed Emergency Evacuation Road alignment, are directly at issue in the proposed amendment and have yet to be fully evaluated under current conditions.

Environmental and Ecological Impacts. The Site M development is located within the Special Management Area. The proposed amendment implicates concerns regarding drainage and water runoff from the newly paved Site M parcels flowing down to North Kaniku Drive and toward Villages' entrance, the adequacy of the Mauna Lani Resort's injection well sewage disposal system to handle increased development, and potential impacts on near-shore water quality and ocean ecosystems. The original 1984/1986 environmental assessment has not been supplemented to account for the changed conditions and the development program now proposed.

Emergency Preparedness and Public Safety. The proposed amendment raises significant concerns regarding the adequacy of emergency evacuation routes from Site M, particularly in light of the 2007 wildfire that required evacuation of all properties from the Orchid Hotel to Mauna Lani Drive. While the proposed amendment includes an Emergency Evacuation Road, the alignment, design, and permitting of this road remain under review, and archaeological and environmental studies are still being conducted.

Settlement Agreement Protections. The proposed amendment, if approved without adequate safeguards, threatens to impair the contractual rights and protections secured by Villages in the 2008 Settlement Agreement, including density limitations, traffic mitigation commitments, construction access road requirements, and the alternate emergency evacuation route obligation. Villages has a direct and particularized interest in ensuring that any amendment to SMA Permit No. 07-019 is consistent with, and does not undermine, the protections negotiated in the Settlement Agreement, which are binding on SCD's successors and assigns.

COMPLIANCE WITH RULE 4-6(a)

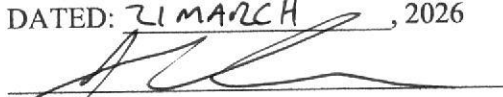
This Petition is filed in compliance with Planning Commission Rule 4-6(a), which requires that any person seeking to intervene as a party shall file a written request on a form approved by the Planning Director, accompanied by a filing fee of \$200, no later than seven calendar days prior to the Commission's first meeting on the matter. This Petition is timely filed within the required period, and the requisite \$200 filing fee accompanies this submission.

PRAYER FOR RELIEF

WHEREFORE, Villages at Mauna Lani Association of Apartment Owners respectfully requests that the Leeward Planning Commission:

1. Grant this Petition for Standing in a Contested Case Hearing;
2. Admit Villages as a party to the contested case proceedings regarding the Amendment to SMA Use Permit No. SMA 07-019 (Application No. PL-SMA-2026-000087); and
3. Grant such other and further relief as the Commission deems just and proper.

DATED: 21 MARCH, 2026

 Petitioner's Signature

VILLAGES AT MAUNA LANI ASSOCIATION OF APARTMENT OWNERS

By: Justin Ackerman Its Vice President

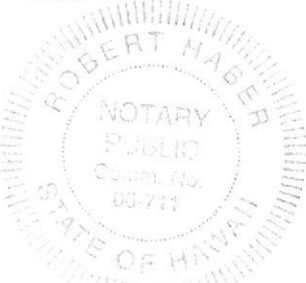
ACKNOWLEDGMENT

STATE OF HAWAII

)
: SS.
)

COUNTY OF

On this 21ST day of MARCH, 2026, before me personally appeared JUSTIN ACKERMAN, to me personally known, who being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Print Name: Robert Haber
Notary Public, State of Hawaii

My commission expires: 11-19-2026

Doc. Date: <u>undated</u>	# Pages: <u>5</u>
Notary Name: <u>Robert Haber</u>	<u>3rd</u> Circuit
Doc. Description: <u>PETITION FOR STANDING IN</u>	
<u>A Contested Case Hearing</u>	
	<u>3-21-2026</u>
Notary Signature	Date
(Stamp or Seal)	
NOTARY CERTIFICATION (FOR HAWAII NOTARY ONLY)	

