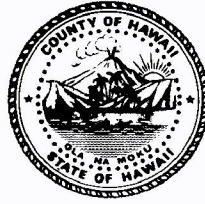


C. Kimo Alameda, Ph.D.
Mayor

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

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Deputy Director

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Phone (808) 961-8288
Fax (808) 961-8742

July 09, 2026

Erin Gallogly
75-513 Nani Kailua Drive
Kailua-Kona, HI 96740-8833
VIA EMAIL

Dear Erin Gallogly:

**SUBJECT: Acknowledgement of Petition for Standing in Contested Case Hearing
(PL-CCH-2026-000034)**

Special Permit Application (PL-SPP-2025-000109)

Applicant: Kona Kai, LLC

**Request: Special Permit to Expand an Existing Agricultural Tourism
Operation onto an Adjacent Parcel with New Offerings,
Including Farm-to-Table Culinary Experiences, Agricultural-
and Cultural-Based Experiences, and Overnight
Accommodations for up to 19 Guests Per Night**

Tax Map Keys: (3) 7-5-011:014 & :042, North Kona, Hawai'i

This is to acknowledge receipt of your Petition for Standing in Contested Case Hearing received on July 9, 2026. Your petition will be forwarded to the Leeward Planning Commission for its consideration at its meeting scheduled for **Thursday, July 16, 2026**, at the Hawai'i County Council Chambers located at the West Hawai'i Civic Center, Building A, 74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai'i, **beginning at 9:30 a.m.** Your presence will be required at the hearing to respond to questions that the Planning Commission may have regarding the Petition for Standing.

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.hawaii.gov/about-us/boards-committees/planning-commission-applications>

Erin Gallogly
July 09, 2026
Page 2

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

Sincerely,

Maija Jackson for
Maija Jackson for (Jul 9, 2026 12:30:11 HST)

JEFFREY W. DARROW
Planning Director

CRK:rms

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cc w/copy of petition via email: Daryn Arai, Land Use Planning Consultant
Deputy Corporation Counsel for Planning Department
Leeward Planning Commission
Deputy Corporation Counsel for Leeward Planning
Commission

NAME: Erin Gallogly

HAND DELIVERED

ADDRESS: 75-513 Nani Kailua Dr, Kailua-Kona, HI 96740; TMK (3)7-5-012-089

PHONE NO.: 808-478-6071

APPLICANT/ DOCKET NO.: Kona Kai, LCC Jason Eisert/PL-SPP-2025-000109

TMK(3)7-5-011-014 (Mansion) ("Parcel 14") and TMK(3)7-5-011-042 (Farm)("Parcel 42")

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

Yes X No .

If the answer is "yes", please explain: I am the closest neighbor to Kona Kai Parcels 42 & 14 located at 75-5785 & 75-5783 Pikake Place, Kailua-Kona, HI. The traffic, noise, and general disregard from Kona Kai towards residents of Ka Aina Pono (KAP) Subdivision is unimaginable. Tourist and Vendor vehicles pull into our driveway even with "No Tours, Private Property" signs. Despite numerous Speed Limit and "Drive Like Your Family/Kids/Pets Live Here" signs, vehicles exceed 15mph and rarely stop at the stop sign. We tried mediation to no avail. The "rules" and mitigation strategies (e.g., noise monitors, signs, threats of guest penalties) are not enforced by Kona Kai. Numerous complaints to the CoH Planning Department and Police Department have had no positive affect on the behavior of Kona Kai guests. Please see the Kona Kai Vacation Rental sites boasting 20-25 people staying in the Mansion, seven bedrooms, eight bathrooms, two restaurants. If approved, Kona Kai Estate (aka Mansion) will be a farm-to-table restaurant with amplified indoor music, which will travel down the hill and disturb the Quality of Life of residence.

In the County of Hawai'i, [State Land Use Special Permits](#) allow "unusual and reasonable" uses in Agricultural and Rural districts Special Permits "SP". To grant approval, the [Hawai'i County Planning Commission](#) must legally adopt **Findings of Fact** verifying that the proposed use satisfies criteria [Rule 6-7](#) from their Rules of Practice and Procedure: [1, 2, 3]

- **Unusual and Reasonable Use:** The proposed development is an unusual and reasonable use of the land within the specific district Rule 6-7.
- **Chapter 205 Compliance:** The use will promote the effectiveness and objectives of [Hawai'i Revised Statutes Chapter 205](#), which governs state land use.
- **Compatibility & Impact:** The use will not unreasonably burden public agencies, **will not cause substantial adverse impacts to the surrounding environment and community, and aligns with the County's General Plan.** [1, 2, 3]

The current "hosted rentals" operated by Kona Kai is exploiting a loop-hole in the HCC in that the CoH's definition of short term vacation rentals is for **unhosted** vacation rentals. **Hosted** rentals are not considered short term vacation rentals despite the Hawaii Supreme Court's decision ([SCAP-22-0000371](#), 9/24/2024), pending CoH [Bill 147](#) regarding Bed & Breakfasts establishments (currently known as hosted rentals, and [Ford v County of Hawai'i Board of Appeals, Department of Planning, Neal, and Zanone](#) (3CCV-23-0000200) which will likely end up at the Hawai'i Supreme Court to **re-affirm** transient accommodations violate state and county land use regulations, all should be reviewed prior to approval of this Special Permit.

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 2 of 2)

RCVD COH PLANNING DEPT
JUL 9 '26 AM 8:51

B. Are you a government agency whose jurisdiction includes the land involved in the subject request? Yes _____ No X

C. Are you lawfully reside on or have some property interest in the land involved in the subject request? Yes X No _____

HAND DELIVERED

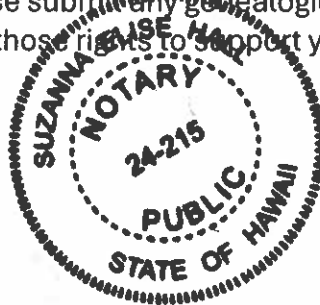
If the answer is "yes", please explain: All the traffic entering/exiting Kona Kai travel on my property. I hold all the liability and Kona Kai has none on our property. There are Grants of Easement for access & utility to five lots, of which two are Kona Kai's. Nani Kailua Drive, a 50' wide road, & Pikake Place (North), a dead-end, 20' wide by 175' long road, within Easements A-1 & A-5 provide access. The current Agricultural Tourism & hosted vacation rental operations burden these easements. Kona Kai is not using these easements in a reasonable manner. The roads in KAP are private, not under the jurisdiction of the CoH Dept of Public Works, and funds used to maintain these roads are provided by 37 Lot Owners, of which 21 are Easement Grantors, and five Easement Holders, of which Kona Kai owns two lots. Currently there is a Complaint in the 3d Civil Court regarding property owner rights, reasonable use of easements, and other issues in which Kona Kai is a named defendant.

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

Yes _____ No X

If the answer is "yes", please submit any genealogical evidence and historical evidence showing the exercise of those rights to support your statement.

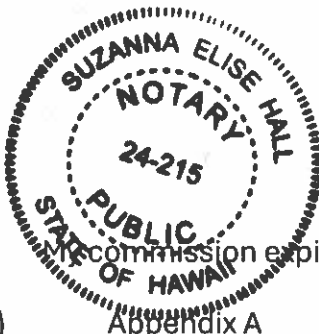
STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)



Erin J. Gallogly
Petitioner's Signature

On this 8th day of July, 2026, before me personally appeared Erin J. Gallogly, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

Date: 07/08/2026 1st Judicial Circuit
Notary Name: Suzanna Elise Hall, Notary Public
Comm Exp Date: November 24, 2028
Notary Signature: Suzanna Elise Hall
NOTARY CERTIFICATION (Stamp or Seal)



Suzanna Elise Hall
Notary Public, State of Hawaii, City & County of Honolulu

pages: 2

Title: Petition For Standing in Contested Case Hearing
State of Hawaii, City & County of Honolulu

Appendix A