

LEEWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

MINUTES
SEPTEMBER 19, 2024

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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 Leeward Planning Commission met in regular session on Thursday, September 19, 2024, at 9:30 a.m. in the West Hawai‘i Civic Center, Council Chambers, Building A, 74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai‘i, with Chairperson Barbara DeFranco presiding. This meeting was streamed live on YouTube.

COMMISSIONERS PRESENT: Vice Chair Mahina Paishon-Duarte, Clement “CJ” Kanuha, Dean Au, Michael Dela Cruz, Donna “Kinuko” Noborikawa, Armando Rodriguez, and Barbara DeFranco (Chairperson).

COMMISSIONERS ABSENT AND EXCUSED: None.

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

Approximately seven public members were in the audience.

A quorum was present. Chairperson DeFranco called the meeting to order and introduced the Commissioners. Staff introductions were made. *[SEE YOUTUBE TIMESTAMP 03:09, Recording Started after Chair called to order.]*

Chair DeFranco asked each Commissioner to confirm they had the opportunity to review all materials, including written public testimony, related to the applications being reviewed today. Commissioners confirmed that they had an opportunity to review the application materials. *[SEE YOUTUBE TIMESTAMP 03:15]*

APPROVAL OF MINUTES

At 9:36 a.m. the Commission took up the minutes of the August 15, 2024, Leeward Planning Commission meeting. No corrections were offered. Commissioner Kanuha moved and Commissioner Dela Cruz seconded that the minutes be approved as submitted. A voice vote was taken, and the motion carried. *[SEE YOUTUBE TIMESTAMP 04:25]*

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:37 a.m. the Commission took up this item with approximately seven public members in the audience in the Council Chambers. Chairperson DeFranco stated she will be limiting testimony to 3 minutes per testifier for each agenda item. Chairperson DeFranco explained the procedure for testifying and Planning Commission Rule 1-5 regarding decorum. *[SEE YOUTUBE TIMESTAMP 05:07]*

Eight individuals provided testimony on Zoom at 9:37 a.m.:

- 1) Debra Greene – *[SEE YOUTUBE TIMESTAMP 08:54]*
- 2) Naomi Melamed – *[SEE YOUTUBE TIMESTAMP 12:27]*
- 3) Lelah Vaga – *[SEE YOUTUBE TIMESTAMP 17:13]*
- 4) Kevin Hill – *[SEE YOUTUBE TIMESTAMP 19:03]*
- 5) April Lee – *[SEE YOUTUBE TIMESTAMP 23:27]*
- 6) Suzanne Sutton – *[SEE YOUTUBE TIMESTAMP 29:34]*
- 7) Ila Jhaveri – *[SEE YOUTUBE TIMESTAMP 32:05]*
- 8) Linda Ikeda – *[SEE YOUTUBE TIMESTAMP 35:27]*

Chair DeFranco thanked the testifiers and informed them that they can log out of Zoom platform and switch to YouTube Channel to observe the rest of the meeting. *[SEE YOUTUBE TIMESTAMP 38:15]*

There being no further public testimony, item ended at 10:12 a.m.

NEW BUSINESS

The Commission took up both agenda items at 10:13 a.m. but indicated each would be associated with separate actions. There were seven members of the public in the audience. *[SEE YOUTUBE TIMESTAMP 38:29]*

1. **INITIATOR: PLANNING DIRECTOR (EDWARD & RHONDALL RAPOZA - FORMERLY HU-KO-PA, LLC) (PL-PDI-2024-000006/AMEND REZ 2009-000096)**
The Planning Director has initiated the repeal of Change of Zone Ordinance No. 10-2 and amendment to Section 25-8-3 (North Kona Zone Map), Chapter 25, Article 8, of the Hawai‘i County Code 1983 (2016 Edition, as amended), by reverting the current zoning of the subject property from Single-Family Residential-10,000 square feet (RS-10) to its original Agricultural-5 acre (A-5a) zoning district for approximately 14.437 acres of land. The subject parcel is located on the south side of Hualālai Road, approximately 0.6 miles east of its intersection with Queen Ka‘ahumanu Highway, Kahului 2nd, North Kona, Hawai‘i, TMK: (3) 7-5-017:042.
2. **INITIATOR: PLANNING DIRECTOR (EDWARD & RHONDALL RAPOZA - FORMERLY HU-KO-PA, LLC) (PL-PDI-2024-000007/AMEND SLU 2009-000022)**
The Planning Director has initiated the repeal of State Land Use District Boundary Ordinance No. 10-1 and the State Land Use District Boundary Map, by reverting the State Land Use Boundary District from Urban to its original designation of Agricultural, for approximately 14.437 acres of land. The subject parcel is located on the south side of

Hualālai Road, approximately 0.6 miles east of its intersection with Queen Ka‘ahumanu Highway, Kahului 2nd, North Kona, Hawai‘i, TMK: (3) 7-5-017:042.

Staff presentation by Jessica Andrews. *[SEE YOUTUBE TIMESTAMP 41:13]*

Chair DeFranco opened the floor to allow the Commission to ask questions of the Planning Department Staff. No questions. *[SEE YOUTUBE TIMESTAMP 45:32]*

There were no in-person or zoom testifiers for this agenda item. *[SEE YOUTUBE TIMESTAMP 46:25]*

Action on PL-PDI-2024-000006/AMEND REZ 2009-000096: Commissioner Kanuha moved that a favorable recommendation be forwarded to County Council on application PL-PDI-2024-000006/AMEND REZ 2009-000096 based on the Planning Director’s recommendation which shall be adopted. Vice Chair Paishon-Duarte seconded. *[SEE YOUTUBE TIMESTAMP 47:21]* In discussion, Commissioner Au expressed his support for a housing development, noting disappointment over the current housing shortage. He acknowledged landowners’ rights to utilize their land as they see fit, while also appreciating their decision to revert it to agricultural use, which benefits the community. However, he emphasized the ongoing need for housing. *[SEE YOUTUBE TIMESTAMP 48:05]* A roll call vote was taken, and the motion carried with seven ayes (Commissioner Kanuha, Vice Chair Paishon-Duarte, Commissioner Au, Commissioner Dela Cruz, Commissioner Noborikawa, Commissioner Rodriguez, and Chair DeFranco). *[SEE YOUTUBE TIMESTAMP 48:58]*

Action on PL-PDI-2024-000007/AMEND SLU 2009-000022: Vice Chair Paishon-Duarte moved that a favorable recommendation be forwarded to County Council on application PL-PDI-2024-000007/AMEND SLU 2009-000022 based on the Planning Director’s recommendation which shall be adopted. Commissioner Kanuha seconded. *[SEE YOUTUBE TIMESTAMP 49:47]* In discussion, Chair DeFranco commented to the applicants that she is glad they’re doing something for their family and that they’re keeping it in agriculture. *[SEE YOUTUBE TIMESTAMP 50:38]* A roll call vote was taken, and the motion carried with seven ayes (Vice Chair Paishon-Duarte, Commissioner Kanuha, Commissioner Au, Commissioner Dela Cruz, Commissioner Noborikawa, Commissioner Rodriguez, and Chair DeFranco). *[SEE YOUTUBE TIMESTAMP 51:10]*

This hearing item ended at 10:23 a.m.

3. APPLICANT: DR. LOI CHANG-STROMAN (PL-REZ-2024-000061)

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 16,161 square feet of land. The subject property is located at 77-311 Sunset Drive, at the northeast corner of its intersection with Kuakini Highway, Hōlualoa 4th, North Kona, Hawai‘i, TMK: (3) 7-7-009:008.

The Commission took up this item at 10:24 a.m. with three public members in the audience. *[SEE YOUTUBE TIMESTAMP 51:54]*

Staff presentation by Jessica Andrews. *[SEE YOUTUBE TIMESTAMP 52:57]*

Chair DeFranco opened the floor to allow the Commission to ask questions of the Applicant and Planning Department Staff. *[SEE YOUTUBE TIMESTAMP 58:23]* Commissioner Noborikawa inquired about the current and proposed hours of operation for a medical clinic. Planning Staff Jessica Andrews deferred to the applicant and applicant representative. *[SEE YOUTUBE TIMESTAMP 58:35]*

Applicant Representative Daryn Arai and Applicant Dr. Loi Chang-Stroman were both present. They confirmed they have received and reviewed the background report and have agreed to the proposed conditions. They appreciate the thoughtful analysis of the Change of Zone request as well as the favorable recommendation from the Planning Director and the proposed conditions of approval. The request as Staff indicated during the presentation is straight forward and it's just to allow for a greater flexibility in the operations of the medical clinic which currently exists of an Urgent Care on the bottom level and Kona Dermatology on the second level. *[SEE YOUTUBE TIMESTAMP 59:53]* Commissioner Noborikawa asked Dr. Loi Chang-Stroman about the hours of operation. Dr. Chang-Stroman specified that the clinic currently operates Monday to Friday from 8 a.m. to 5 p.m. and Saturday from 9 a.m. to 1 p.m., with plans to extend Saturday hours to 9 a.m. to 4 p.m., remaining closed on Sundays. *[SEE YOUTUBE TIMESTAMP 1:03:35]* Commissioner Rodriguez questioned the potential impact of the rezone on surrounding residential areas, to which Planning Director Kern indicated he did not foresee a significant increase in property value. *[SEE YOUTUBE TIMESTAMP 1:06:46]* Noborikawa also referenced historical restrictions on operational hours from a previous use permit, prompting Kern to clarify that specific hours are typically set in use permits, while broader zoning allows more flexibility in operation hours. *[SEE YOUTUBE TIMESTAMP 1:07:43]*

One individual provided testimony in-person at 10:41 a.m.:

- 1) William Milkie *[SEE YOUTUBE TIMESTAMP 1:09:31]*

Chair DeFranco commented that it's a wonderful commitment to our community. *[SEE YOUTUBE TIMESTAMP 1:11:38]*

Action: Vice Chair Paishon-Duarte moved that a favorable recommendation be forwarded to County Council on application PL-REZ-2024-000061. Seconded by Commissioner Dela Cruz. *[SEE YOUTUBE TIMESTAMP 1:11:56]* During the discussion, Commissioner Au commented that he appreciates the applicant for what they're doing, changing it from a special use permit to a rezone. It's very appropriate. He elaborated the difference between a special use permit and rezoning. *[SEE YOUTUBE TIMESTAMP 1:12:23]* A roll call vote was taken, and the motion carried with seven ayes (Vice Chair Paishon-Duarte, Commissioner Dela Cruz, Commissioner Au, Commissioner Kanuha, Commissioner Noborikawa, Commissioner Rodriguez, and Chair DeFranco). *[SEE YOUTUBE TIMESTAMP 1:14:03]*

This hearing item ended at 10:46 a.m.

RECESS at 10:50 a.m. to 11:00 a.m. *[SEE YOUTUBE TIMESTAMP 1:15:17]*

Meeting Reconvened at 11:01 a.m. *[SEE YOUTUBE TIMESTAMP 1:29:41]*

4. INITIATOR: PLANNING DIRECTOR (PL-PDI-2024-000008)

The Planning Director has initiated an ordinance to amend Chapter 25 (Zoning), Article 2, Article 4, Article 5, and Article 7 of the Hawai‘i County Code 1983 (2016 Edition, as amended) relating to telecommunication antennas and towers. The purpose is to remove the requirement for a use permit to establish telecommunication antennas and towers in certain zoning districts, add application requirements, and amend standards for the establishment of telecommunication antennas and towers.

Staff presentation by Tracie-Lee Camero. *[SEE YOUTUBE TIMESTAMP 1:31:01]*

Chair DeFranco opened the floor to allow the Commission to ask questions of the Applicant and Planning Department Staff. *[SEE YOUTUBE TIMESTAMP 1:51:18]* Commissioner Au inquired whether the highlighted items in the presentation were recommendations from the Windward Planning Commission. Planning Staff Tracie-Lee Camero confirmed they were, noting that the item was deferred until October to include input from fire, civil defense, and police agencies. *[SEE YOUTUBE TIMESTAMP 1:51:23]* Commissioner Noborikawa pointed out a contradiction on page six, where a new section regarding telecommunication antennas or towers specified a 30-day decision timeframe, conflicting with another section in the presentation. Camero acknowledged the confusion, clarifying that the director must decide on plan approval applications—except for agricultural tourism facilities—within 30 days, but recognized the differing timeframes could create ambiguity. *[SEE YOUTUBE TIMESTAMP 1:52:11]* Commissioner Noborikawa inquired about the 60-day decision timeline outlined in HRS 46-89, asking if it applies only after the acceptance of a completed application. Planning Staff Tracie-Lee Camero clarified that it refers to a completed application and suggested the commission could make a recommendation for consistency, noting that acceptance typically means the application is thorough. *[SEE YOUTUBE TIMESTAMP 1:52:11]* Commissioner Rodriguez then asked about the number of antennas on the island and the protection they might need, as well as potential future technologies that could render antennas obsolete. Planning Director Kern explained that the Planning Department lacks specific information on antenna numbers but emphasized that the goal is to establish a clear process for handling applications. He highlighted concerns about the risks of exceeding the 60-day period without a decision, which could lead to automatic approvals without conditions. The focus is on creating certainty for both the community and telecommunications operators, addressing challenges stemming from HRS 46-89. Rodriguez reiterated concerns about future technology developments that could replace antennas. *[SEE YOUTUBE TIMESTAMP 1:54:34]* Vice Chair Paishon-Duarte thanked Planning Director Kern for his insights and posed two questions regarding the proposed amendments. First, she inquired about the increase to a 1200-foot requirement for citing telecommunications towers. Kern explained that this number is based on best practices observed in other jurisdictions and is flexible; it also takes into account proximity to schools to prevent placement on those properties. *[SEE YOUTUBE TIMESTAMP 1:57:45]* Her second question concerned the inclusion of surveillance camera systems for wildfire monitoring. Kern mentioned ongoing discussions with the fire chief about management and potential contracting for this service, but specifics have yet to be determined. This amendment is intended to establish a framework for future implementation. *[SEE YOUTUBE TIMESTAMP 1:58:43]*

Three individuals provided testimony on Zoom at 11:38 a.m.:

- 1) Kalei Kailikini – Some technical difficulties at first [SEE YOUTUBE TIMESTAMP 2:05:55]
- 2) Chris Hirose – [SEE YOUTUBE TIMESTAMP 2:10:05]
- 3) Julien Bouetard – [SEE YOUTUBE TIMESTAMP 2:14:23]

Public testimony is closed for these agenda items. [SEE YOUTUBE TIMESTAMP 2:18:10]

Chair DeFranco invited Planning Director Kern to address concerns raised by testifiers. Kern noted that many concerns focus on health issues, which the commission cannot directly address. Instead, they are concentrating on community impact and visual aesthetics in the application process. He explained that appeals will now go to the board of appeals rather than the Third Circuit Court, enhancing community engagement. Kern also mentioned Bill 194, which is being prepared for discussion, highlighting similarities with the current legislation regarding plan approval processes and visual impact considerations. He expressed hope for integrating the best elements from both bills as they move forward to the County Council. [SEE YOUTUBE TIMESTAMP 2:18:29] Chair DeFranco clarified that the commission is not competing between bills but is focused on evaluating the merits of the proposed legislation for informed recommendations, including Bill 194, which they expect to discuss in November. [SEE YOUTUBE TIMESTAMP 2:20:42] Commissioner Kanuha inquired about the process for developing telecommunications towers in Special Management Areas (SMAs), to which Planning Director Kern confirmed that if development triggers SMA requirements, they must go through the same process. Commissioner Rodriguez then asked about the number of antennas permits issued in Hawaii this year. Kern indicated that no permits had been issued in 2024 so far, mentioning a few from the previous year, including one on Saddle Road and another in Ocean View, which faced controversy. Planning staff member Tracie-Lee Camero confirmed that there are currently no active permits, but Maija Jackson from the Planning Department noted that they accepted a new application yesterday, which will be presented to the Leeward Planning Commission in November. [SEE YOUTUBE TIMESTAMP 2:21:41] Commissioner Rodriguez inquired about the current number of antennas on the island. The planning department lacks comprehensive data but can review the number of use and special permits issued, though they cannot track all plan approvals for towers that didn't require these permits. [SEE YOUTUBE TIMESTAMP 2:23:19] Commissioner Noborikawa asked how to assess both bills and determine which elements to adopt. Planning Staff Maija Jackson explained that they have been working on the current bill for several months and must decide within 60 days to send it to the County Council. This creates a timing challenge since they recently received Council Member Evan's bill. Noborikawa clarified that if they decide on the current bill soon, changes might still be needed after reviewing the new bill. Jackson confirmed that they would be reviewing the two bills separately. Chair DeFranco emphasized that the commission will make recommendations on both bills, which the County Council will then evaluate. [SEE YOUTUBE TIMESTAMP 2:24:04]

Action: Commissioner Au moved that a favorable recommendation be forwarded to the County Council on the proposed amendments to Chapter 25, Article 2, Article 4, Article 5, and Article 7 of the Hawaii County Code 2016 addition as amended Docket No. PL-PDI-2024-000008. Commissioner Kanuha seconded. [SEE YOUTUBE TIMESTAMP 2:26:06] Chair DeFranco opened the floor to discussion. Chair DeFranco emphasized that the commission's focus is on the current bill, stating that their role is to make recommendations rather than engage in

competition between bills. She noted that they will review Council Member Cindy Evans' bill in November and will have time to evaluate it before forwarding recommendations to the County Council. Planning Staff Maija Jackson clarified that both bills will be sent separately to the County Council with recommendations from the Leeward and Windward planning commissions. The Council will then decide whether to discuss both bills in the same meetings or evaluate them separately. *[SEE YOUTUBE TIMESTAMP 2:26:40]* Commissioner Noborikawa proposed an amendment to add the word "complete" to Section 25-27-6-D3. However, Commissioner Au expressed his satisfaction with the bill as it is currently written and chose not to make any amendments. He argued that the bill, by requiring telecommunications towers to be located farther from property lines, residents, and schools, would ultimately benefit community members facing health concerns and provide additional regulations that favor public well-being. *[SEE YOUTUBE TIMESTAMP 2:28:22]* A roll call vote was taken, and the motion carried with seven ayes (Commissioner Au, Commissioner Kanuha, Commissioner Dela Cruz, Commissioner Noborikawa, Commissioner Rodriguez, Vice Chair Paishon-Duarte, and Chair DeFranco) *[SEE YOUTUBE TIMESTAMP 2:35:25]*

This hearing item ended at 12:06 p.m.

PLANNING DIRECTOR'S REPORT

Report on Special Management Area (SMA) determinations and minor permits issued by the Planning Director for August 2024. No questions or comments. *[SEE YOUTUBE TIMESTAMP 2:36:11]*

AGENDA ITEMS FOR NEXT MEETING

The Commissioners did not provide any input on agenda items for the next meeting. Planning Staff Maija Jackson mentioned that there are four items for the next agenda and there is a coastal zone management special management area training in the morning. *[SEE YOUTUBE TIMESTAMP 2:36:35]*

ANNOUNCEMENTS

The Leeward Planning Commission's next regular meeting is scheduled for Thursday, October 17, 2024, 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. *[SEE YOUTUBE TIMESTAMP 2:37:03]*

ADJOURNMENT

There being no further business, it was moved by Commissioner Au and seconded by Commissioner Noborikawa that the meeting be adjourned. A voice vote was taken, and the motion was carried with seven in favor. *[SEE YOUTUBE TIMESTAMP 2:37:28]*

Chairperson DeFranco adjourned the meeting at 12:10 p.m.

Respectfully submitted,

Kelsie Chang

Kelsie Chang (Oct 17, 2024 12:31 HST)

Kelsie Chang

Secretary

ATTEST:

Barbara DeFranco

Barbara DeFranco (Oct 17, 2024 13:48 HST)

Barbara DeFranco, Chairperson

Leeward Planning Commission