

LEEWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

MINUTES
NOVEMBER 21, 2024

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The Leeward Planning Commission met in regular session on Thursday, November 21, 2024, at 12:00 p.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, Dean Au, Clement “CJ” Kanuha III, Donna “Kinuko” Noborikawa, Armando Rodriguez, and Barbara DeFranco (Chair).

COMMISSIONERS ABSENT AND EXCUSED: Michael Dela Cruz

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

Approximately twenty members of the public were present in the audience.

A quorum was present. Chair Barbara DeFranco called the meeting to order at 12:02 p.m. and introduced the Commissioners. Staff introductions were made. [SEE YOUTUBE TIMESTAMP 00:33 – Inaudible at beginning of meeting]

Chair Barbara 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 02:00]

APPROVAL OF MINUTES

At 12:03 p.m. the Commission took up the minutes of the October 17, 2024, Leeward Planning Commission meeting. No corrections were offered. Commissioner Dean Au moved, and Commissioner Donna “Kinuko” Noborikawa seconded that the minutes be approved as submitted. A voice vote was taken, and the motion carried with six ayes, and one absent and excused. [SEE YOUTUBE TIMESTAMP 02:46]

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 12:03 p.m. the Commission took up this item with approximately twenty members of the audience in the Council Chambers. Chair Barbara DeFranco stated she will be limiting testimony to 3 minutes per testifier for each agenda item. Chair DeFranco explained the procedure for testifying and Planning Commission Rule 1-5 regarding decorum. *[SEE YOUTUBE TIMESTAMP 03:40]*

Four individuals provided testimony in-person at 12:03 p.m.:

- 1) George Smith – *[SEE YOUTUBE TIMESTAMP 06:08]*
- 2) Patti Tews – *[SEE YOUTUBE TIMESTAMP 10:03]*
- 3) George Smith on behalf of Kathleen Flynn (Reasonable Accommodation) – *[SEE YOUTUBE TIMESTAMP 13:24]*
- 4) Nancy Carr Smith – *[SEE YOUTUBE TIMESTAMP 17:46]*

Four individuals provided testimony on Zoom at 12:24 p.m.:

- 1) Debra Greene – *[SEE YOUTUBE TIMESTAMP 24:26]*
- 2) April Lee – *[SEE YOUTUBE TIMESTAMP 28:16]*
- 3) Naomi Melamed – *[SEE YOUTUBE TIMESTAMP 32:05]*

Chair Barbara DeFranco asked the commission if they had any questions for the testifiers, but there were no comments or questions. *[SEE YOUTUBE TIMESTAMP 35:25]*

UNFINISHED BUSINESS

1. APPLICANT: JEKATERINA MYSIN (SMA-2021-000078)

Application for a Special Management Area Use Permit to construct a six (6) unit, five (5) story condominium and related improvements on a 9.934-square foot parcel within the Special Management Area. The subject property is located at 75-6150 Ali'i Drive, approximately 0.25 miles north of Royal Poinciana Drive, Puapua'a 2nd, North Kona, Hawai'i, TMK: (3) 7-5-020:066.

The Commission took this agenda item up at 12:35 p.m. with twenty members of the audience. Commissioner Clement "CJ" Kanuha III recused himself from this item. *[SEE YOUTUBE TIMESTAMP 35:34]*

Alex Roy gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 36:52]*

Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Planning Department Staff. *[SEE YOUTUBE TIMESTAMP 54:01]* Commissioner Donna "Kinuko" Noborikawa noted that many letters complained about significant changes to the plans since 2021. However, Planning Department Staff Alex Roy explained that most of these changes resulted from a mediated agreement with the three individuals involved in contested case hearings. He clarified that although the county participated in the mediation, it had no authority over the process, and the applicant would elaborate on the mediation's impact. Commissioner Donna "Kinuko" Noborikawa inquired about the depth of the footing supporting the three-story

building, and Alex Roy confirmed it was about 9-10 feet deep. She then asked about the water table's relation to the footing's bottom. Alex Roy explained that groundwater information was not provided, noting that determining this would require drilling cores, as the site consists of dense rock. Commissioner Donna "Kinuko" Noborikawa also referred to a 1930 study suggesting a site on the property that could be of concern. Alex Roy responded that the State Historic Preservation Division (SHPD) had reviewed the site and found no indication of historic properties being impacted. He stated that SHPD had signed off on the site and that a professional would discuss the archaeological aspects further. *[SEE YOUTUBE TIMESTAMP 54:03]*

Commissioner Dean Au asked Alex Roy when the applicant changed their mediation attorney. Roy responded that the applicant's counsel changed on June 28, 2023. *[SEE YOUTUBE TIMESTAMP 58:51]*

Applicant Representative John Pipan, Administrator, along with Cal Chipchase, and Applicant Nikolai Mysin gave a presentation. *[SEE YOUTUBE TIMESTAMP 01:00:41]* Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Applicant Representative and Applicant. *[SEE YOUTUBE TIMESTAMP 01:23:02]*

Commissioner Noborikawa asked Dr. Watson-Sprout if the field visit regarding the archaeological findings on the site included any representatives from the Ke`o Puka Ohana. Dr. Watson responded that she did not believe it did, as she was unsure of Mr. Madera's genealogy. She clarified that participation in the visit was driven by the mediation process, and those who attended were based on that. *[SEE YOUTUBE TIMESTAMP 01:23:11]*

Commissioner Armando Rodriguez asked two questions. The first was about handicap parking, and whether it was required and where it would be located. John Pipan, responded that, under fair housing requirements, the multi-family building must provide ADA parking. It will be located in the basement, with a chair lift to assist people with access difficulties. Commissioner Armando Rodriguez's second question was about flooding, particularly in light of a recent flood. John Pipan explained that the property is in Flood Zone X, outside any known flood zones. However, a drainage study will address runoff from the site, and the drainage plan will likely include a drywell. He clarified that the study isn't required before the plans are issued, but will be part of the plan approval process, which occurs after conceptual plans are settled. *[SEE YOUTUBE TIMESTAMP 01:23:49]*

Deputy Director Jeffrey Darrow commented that, despite the details in the mediation, questions are still arising, particularly about the site plan. He noted that the project appears to meet the terms of the mediation, with only minor adjustments needed. He emphasized that the plans are conceptual and may change during the permitting process. Deputy Director Jeffrey Darrow also mentioned that the difference between the October 2023 and April 2022 plans involved minor adjustments to structural elements and access to Ali'i Drive but did not alter the overall project concept. He pointed out a concern about social media representations of weddings and events, suggesting it may need to be addressed or included as a condition in the permit. *[SEE YOUTUBE TIMESTAMP 01:26:28]*

The discussion addressed project approvals, zoning regulations, and archaeological concerns. Cal Chipchase confirmed that required studies would be conducted and that design changes reduced the project's impact. Nikolai Mysin denied plans for public pool parties. Deputy Director Jeffrey Darrow clarified zoning restrictions on commercial events and confirmed that property access concerns were a private matter between neighbors. Dr. Watson discussed archaeological findings, stating that while human remains were discovered on a neighboring property, no similar evidence was found on Mysin's site. *[SEE YOUTUBE TIMESTAMP 01:28:07]*

Vice Chair Mahina Paishon-Duarte asked Dr. Watson if any lineal descendants had requested to participate in the study. Dr. Watson responded that only Mr. Mederios had engaged and that stakeholders were invited to participate. Mr. Mederios, identifying as a descendant, was involved in site clearing and recommended monitoring. Vice Chair Mahina Paishon-Duarte then asked Mr. Mysin if he would be open to future requests from lineal descendants to learn about archaeological and cultural features, to which he agreed. *[SEE YOUTUBE TIMESTAMP 01:33:16]*

Chair Barbara DeFranco opened the floor for public testimony. *[SEE YOUTUBE TIMESTAMP 01:34:55]*

Three individuals provided testimony in-person at 1:35 p.m.:

- 1) Lance Kaeo-Keeling – *[SEE YOUTUBE TIMESTAMP 01:35:48]*
- 2) David Oasay – *[SEE YOUTUBE TIMESTAMP 01:37:34]*
- 3) Lisa Hall – *[SEE YOUTUBE TIMESTAMP 01:41:10]*

One individual provided testimony on Zoom at 1:45 p.m.:

- 1) Walter Kelly – *[SEE YOUTUBE TIMESTAMP 01:45:30]*

Chair Barbara DeFranco asked the commission if they had any questions for the testifiers. *[SEE YOUTUBE TIMESTAMP 01:49:34]*

Commissioner Armando Rodriguez asked about the height requirement. Deputy Director Jeffrey Darrow clarified that the height limit in the multifamily zoned area is 45 feet. *[SEE YOUTUBE TIMESTAMP 01:49:35]*

Chair Barbara DeFranco asked if the applicant wanted to respond to anything that was said. *[SEE YOUTUBE TIMESTAMP 01:50:00]*

Cal Chipchase confirmed that archaeological and cultural monitoring would be conducted for all ground-disturbing activities and that they were willing to work with those involved in the site inspection. He also clarified that a testifier had prior access to the mediation plans, which reduced the project's impact. John Pipan confirmed that the original building height of nearly 45 feet complied with zoning regulations, but mediation reduced it to under 35 feet, which also meets zoning requirements. The rooftop deck was specifically addressed in mediation, and the revised height aligns with other buildings in the area. Mediation also resulted in eliminating a story and moving the parking underground, making it a three-story building instead of five. Cal

Chipchase concluded by inviting further questions from the commission. *[SEE YOUTUBE TIMESTAMP 01:50:19]*

Action: Commissioner Dean Au moved that the application for Special Management Area Use Permit for Docket No. PL-SMA-2021-000078 be approved based on the Planning Director's recommendation which shall be adopted. Commissioner Donna "Kinuko" Noborikawa seconded. *[SEE YOUTUBE TIMESTAMP 01:53:24]* Commissioner Dean Au acknowledged the extensive information reviewed and noted that many of his questions were answered through testimony. He emphasized that all parties went through mediation, comparing it to resolving conflicts in a marriage, and believed the process led to the best possible outcome. He recognized that the applicant made concessions while balancing the rights of both the landowner and the surrounding community. Commissioner Dean Au also pointed out that, even if the special management permit is approved, the applicant still faces significant challenges, including flood zone issues. He stood by his motion and welcomed input from other commissioners. *[SEE YOUTUBE TIMESTAMP 01:53:50]* Deputy Director Jeffrey Darrow requested that additional conditions (numbers 4 and 16) be added to a motion, including the requirement for an on-site cultural and archaeological monitor. Commissioner Dean Au asked for clarification on condition 4, which restricts the use of a paved drop-off area to active loading and service vehicles, with violators subject to removal. After clarification, Commissioner Dean Au agreed to the amendments. Chair Barbara DeFranco asked if the motion needed to be restated, and Corporation Counsel Suzanna Tiapula confirmed that it could be recorded as stated. Deputy Director Jeffrey Darrow noted that conditions would be renumbered accordingly. *[SEE YOUTUBE TIMESTAMP 01:56:08]* Commissioner Donna "Kinuko" Noborikawa seconded. *[SEE YOUTUBE TIMESTAMP 01:58:16]* Vice Chair Mahina Paishon-Duarte supported the amendment and asked Deputy Director Jeffrey Darrow about the next steps if the proposal were denied. Deputy Director Jeffrey Darrow explained that the applicant could appeal to the Third Circuit Court. Chair Barbara DeFranco clarified that this was just the first step in the permitting process, emphasizing the importance of following regulations while being mindful of community concerns. Commissioner Armando Rodriguez mentioned concerns about rooftop privacy, while DeFranco noted the applicant had modified their design to mitigate concerns. Vice Chair Mahina Paishon-Duarte highlighted recurring issues from previous testimonies, including traffic congestion and emergency access. Commissioner Dean Au acknowledged the challenges of development but felt the applicant had made reasonable concessions through mediation. He urged continued dialogue between the applicant and the community. DeFranco then called for a vote. *[SEE YOUTUBE TIMESTAMP 01:58:22]* A roll call vote was taken, and the motion carried with five ayes (Commissioner Au, Commissioner Noborikawa, Commissioner Rodriguez, Vice Chair Paishon-Duarte, and Chair Barbara DeFranco) with two absent and excused (Commissioner Kanuha and Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 02:04:34]*

This hearing item ended at 2:04 p.m.

****RECESS 2:05 P.M. TO 2:20 P.M.**** *[SEE YOUTUBE TIMESTAMP 02:05:24]*

Chair Barbara DeFranco reconvened the meeting at 2:20 p.m. and Commissioner Clement "CJ" Kanuha III came back to the meeting. *[SEE YOUTUBE TIMESTAMP 02:20:03]*

2. 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.

The Commission took this item up at 2:20 p.m. with eleven members of the audience. *[SEE YOUTUBE TIMESTAMP 02:20:08]*

Commissioner Donna “Kinuko” Noborikawa moved to postpone this item to be heard after agenda item #9 so they could be considered together. Vice Chair Mahina Paishon-Duarte seconded the motion. *[SEE YOUTUBE TIMESTAMP 02:20:59]* No vote was taken.

This hearing item ended at 2:21 p.m.

NEW BUSINESS

3. APPLICANT: CROWN CASTLE (PL-USE-2024-000029)

Application for a Use Permit to upgrade an existing telecommunication facility, including replacement of an existing 73-foot, 6-inch tall wood pole with a new 73-foot, 6-inch tall steel monopole and equipment compound in the Agricultural-20 acre (A-20a) zoning district. The subject property is located at 73-4310 Huehue Street on the west side of Huehue Street, approximately 0.59 miles north of its intersection with Kaloko Drive, Kaloko, North Kona, Hawai‘i, TMK: (3) 7-3-048:003(por.).

The Commission took up this agenda item at 2:23 p.m. with eleven members of the audience. *[SEE YOUTUBE TIMESTAMP 02:22:30]*

Tracie-Lee Camero gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 02:23:35]*

Applicant Shane Visitation gave a presentation. *[SEE YOUTUBE TIMESTAMP 02:29:14]* Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Staff or Applicant. *[SEE YOUTUBE TIMESTAMP 02:30:11]*

Commissioner Donna “Kinuko” Noborikawa inquired whether the entire 30x29 ft fenced area had been previously disturbed during the original installation 25 years ago. Planning Staff Tracie-Lee Camero confirmed that the site was disturbed in 1997. Commissioner Donna “Kinuko” Noborikawa then asked if the foundation of the existing wood pole would be suitable for the new steel monopole or if additional construction would be needed. Shane Visitation explained that the new pole would be installed within the same compound but a few feet away from the existing pole, causing some new ground disturbance. Commissioner Donna “Kinuko” Noborikawa expressed concern about the depth of the foundation and the extent of excavation required. Commissioner Dean Au referred to the Planning Department’s report, stating the

foundation would be approximately 20 feet deep and 6'6" in diameter. He noted that final approval would go through Public Works, which would also assess cultural sensitivity issues [SEE YOUTUBE TIMESTAMP 02:30:19]

Chair Barbara DeFranco opened the floor for public testimony. There were no in-person or zoom testimony for this agenda item. [SEE YOUTUBE TIMESTAMP 02:34:13]

Action: Commissioner Dean Au moved that the application for Use Permit for Docket No. PL-USE-2024-000029 be approved based on the Planning Director's recommendation which shall be adopted. Commissioner Mahina Paishon-Duarte seconded. [SEE YOUTUBE TIMESTAMP 02:34:32] Commissioner Clement "CJ" Kanuha III emphasized the necessity of the upgraded pole for reliable service, particularly during rolling blackouts and medical emergencies, citing a past incident where a neighbor was unable to call for help. [SEE YOUTUBE TIMESTAMP 02:35:03] Vice Chair Mahina Paishon-Duarte agreed, highlighting the importance of improved emergency communication. [SEE YOUTUBE TIMESTAMP 02:35:53] Commissioner Dean Au supported the project, noting that the new pole would be stronger, more durable, and technologically advanced, benefiting the community without adding new infrastructure. [SEE YOUTUBE TIMESTAMP 02:36:12] A roll call vote was taken, and the motion carried with six ayes (Commissioner Au, Vice Chair Paishon-Duarte, Commissioner Kanuha, Commissioner Noborikawa, Commissioner Rodriguez and Chair Barbara DeFranco) with one absent and excused (Commissioner Dela Cruz). [SEE YOUTUBE TIMESTAMP 02:36:44]

This hearing item ended at 2:36 p.m.

4. APPLICANT: MARY FOX (PL-SPP-2024-000074)

Application for a Special Permit to allow the operation of a home office for the management of a vacation rental business within a 100-square foot portion of an existing single-family dwelling on a 3-acre parcel of land in the State Land Use Agricultural District. The subject property is located at 59-455 A, Ala Kahua Drive approximately 500 feet northwest of its intersection with Kulea Place, Kahua 1st, Kahua, Waika, North Kohala, Hawai'i, TMK: (3) 5-9-008:023-0001(por.).

The Commission took this item up at 2:37 p.m. with ten members of the audience. [SEE YOUTUBE TIMESTAMP 02:37:32]

Alukahe Kala gave the staff presentation. [SEE YOUTUBE TIMESTAMP 02:38:58]

Applicant Representative Christy Logan and Applicant Mary Fox gave a presentation. [SEE YOUTUBE TIMESTAMP 02:45:50] Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Applicant Representative and Applicant. No comments or questions. [SEE YOUTUBE TIMESTAMP 02:48:00]

One individual provided testimony in-person at 2:48 p.m.:

- 1) Frances Lorda – [SEE YOUTUBE TIMESTAMP 02:48:35]

Action: Commissioner Clement "CJ" Kanuha III moved that the application for Special Permit Docket No. PL-SPP-2024-000074 be approved based on the Planning Director's

recommendation which shall be adopted. Commissioner Donna “Kinuko” Noborikawa seconded. *[SEE YOUTUBE TIMESTAMP 02:49:45]* Commissioner Donna “Kinuko” Noborikawa expressed support, noting that the CDP encourages home-based businesses. Commissioner Dean Au praised Mary Fox for following the proper legal process. *[SEE YOUTUBE TIMESTAMP 02:50:10]* A roll call vote was taken, and the motion carried with six ayes (Commissioner Kanuha, Commissioner Noborikawa, Vice Chair Paishon-Duarte, Commissioner Rodriguez, Commissioner Au, and Chair Barbara DeFranco) with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 02:50:49]*

This hearing item ended at 2:49 p.m.

5. APPLICANT: HAWAII ISLAND COMMUNITY DEVELOPMENT CORPORATION (PL-SLU-2024-000011)

Application for a State Land Use District Boundary Amendment from an Agricultural District to an Urban District for a 14.321-acre portion of a larger 237.5-acre parcel of land. The subject property is located at the southwest corner of the intersection of Kawaihae Road and Waiula Drive, Kawaihae 2nd-Lanikepu, Waimea, South Kohala, Hawai‘i, TMK: (3) 6-2-001:075(por.).

6. APPLICANT: HAWAII ISLAND COMMUNITY DEVELOPMENT CORPORATION (PL-REZ-2024-000066)

Application for a Change of Zone from an Agricultural-1 Acre (A-1a) zoning district to a Single-Family Residential-10,000 square feet (RS-10) zoning district for a 14.321-acre portion of a larger 237.5-acre parcel of land. The subject property is located at the southwest corner of the intersection of Kawaihae Road and Waiula Drive, Kawaihae 2nd-Lanikepu, Waimea, South Kohala, Hawai‘i, TMK: (3) 6-2-001:075(por.).

7. APPLICANT: HAWAII ISLAND COMMUNITY DEVELOPMENT CORPORATION (PL-PUD-2024-000004)

Application for a Planned Unit Development (PUD) for a 43-lot, single-family residential subdivision on a 14.321-acre portion of a larger 237.5-acre parcel of land. The PUD would allow various exceptions from Chapter 23 (Subdivision) of the Hawai‘i County Code. The subject property is located at the southwest corner of the intersection of Kawaihae Road and Waiula Drive, Kawaihae 2nd-Lanikepu, Waimea, South Kohala, Hawai‘i, TMK: (3) 6-2-001:075(por.).

The Commission took up three agenda items at 2:52 p.m. but indicated each would be associated with separate actions. There were seven members of the audience. *[SEE YOUTUBE TIMESTAMP 02:52:17]*

Christian Kay gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 02:55:19]*

Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Staff. *[SEE YOUTUBE TIMESTAMP 03:09:41]*

Commissioner Donna “Kinuko” Noborikawa questioned whether a newly added seventh exception would change the Department of Public Works’ (DPW) stance on accepting roadway

dedication. Planning Staff Christian Kay clarified that it would not, as DPW requires concrete curbs, gutters, and sidewalks for residential zoning, making them reluctant to accept the roadways. If the County Council mandates dedication, DPW would have to comply. Otherwise, property owners in the subdivision would be responsible for maintaining the roads and drainage. Commissioner Donna “Kinuko” Noborikawa expressed concern about placing this financial burden on low- and moderate-income families, to which Christian Kay confirmed that unless the County Council intervenes, homeowners would bear the maintenance costs. *[SEE YOUTUBE TIMESTAMP 03:09:44]*

Commissioner Armando Rodriguez supported the affordable housing effort but asked if a percolation test had been done, given the requested drainage exemptions and potential flooding risks. Planning Staff Christian Kay confirmed that a geotechnical study was conducted, which supported replacing dry wells with seepage pits. DPW had no objections since an engineer approved the plan. Additionally, a drainage study is required as a rezoning condition to ensure no project-related drainage impacts on surrounding areas. *[SEE YOUTUBE TIMESTAMP 03:12:36]*

Applicant Representative’s Keith Kato and Jeremy McCumber gave a presentation. *[SEE YOUTUBE TIMESTAMP 03:14:58]* Chairperson Barbara DeFranco opened the floor to allow the Commission to ask questions of the Applicant Representative and Applicant. *[SEE YOUTUBE TIMESTAMP 03:21:32]*

Commissioner Dean Au, noting wildfire mitigation as a major concern in Waikoloa, asked about discussions with the fire department or nonprofits, especially since the fire department had not provided feedback on the applications. Keith Kato acknowledged the concern, particularly after the Lahaina fire, and outlined mitigation efforts. These include allowing a rancher to graze cattle on the land to reduce dry grass and collaborating with HPM to explore fire-resistant materials and building practices. He also mentioned looking into California’s best practices for fire prevention, such as ember-resistant venting and construction materials. Additionally, he highlighted the presence of a nearby fire station on land leased to the county. *[SEE YOUTUBE TIMESTAMP 03:21:35]*

Vice Chair Mahina Paishon-Duarte sought clarification on the development’s name, noting community confusion between “Qua” (or “Qui”) and “Ouli Farms”. Jeremy McCumber explained that the project was renamed to distinguish it from another nearby development not focused on affordable housing. Commissioner Clement “CJ” Kanuha III appreciated the clarification, recognizing concerns from the community. Vice Chair Mahina Paishon-Duarte then asked about the request for relief from sidewalk requirements. Keith Kato explained that using alternative drainage methods, like swales instead of curbs and gutters, would reduce project costs by 10-20%, making it more affordable. Commissioner Clement “CJ” Kanuha III also inquired about zoning requirements, specifically whether the project needed a TAR since it included only 43 lots. Planning Director Zendo Kern confirmed that a TAR was not required because the project did not generate 50 peak-hour vehicle trips. Keith Kato added that a study was conducted anyway, showing that while traffic conditions would change over time, they would remain at an acceptable level. Commissioner Clement “CJ” Kanuha III appreciated the transparency in clarifying zoning and traffic requirements. *[SEE YOUTUBE TIMESTAMP 03:24:00]*

Chair Barbara DeFranco opened the floor for public testimony. *[SEE YOUTUBE TIMESTAMP 03:28:09]*

One individual provided testimony in-person at 3:28 p.m.:

- 1) Cindy Evans – *[SEE YOUTUBE TIMESTAMP 03:28:43]*

One individual provided testimony on Zoom at 3:32 p.m.:

- 1) Nicole Milne – *[SEE YOUTUBE TIMESTAMP 03:32:52]*

Public testimony for these items has closed. *[SEE YOUTUBE TIMESTAMP 03:36:15]*

Action PL-SLU-2024-000011: Commissioner Clement “CJ” Kanuha III moved that a favorable recommendation be forwarded to the County Council on the application for State Land Use Boundary Amendment Docket No. PL-SLU-2024-000011 based on the Planning Director’s recommendation which shall be adopted. Vice Chair Mahina Paishon-Duarte seconded. *[SEE YOUTUBE TIMESTAMP 03:36:34]* A roll call vote was taken, and the motion carried with six ayes (Commissioner Kanuha, Vice Chair Paishon-Duarte, Commissioner Au, Commissioner Noborikawa, Commissioner Rodriguez, and Chair Barbara DeFranco) with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 03:37:16]*

Action PL-REZ-2024-000066: Vice Chair Mahina Paishon-Duarte moved that a favorable recommendation be forwarded to the County Council on the application to approve the Change of Zone for Docket No. PL-REZ-2024-000066 based on the Planning Director’s recommendation which shall be adopted. Commissioner Dean Au seconded. *[SEE YOUTUBE TIMESTAMP 02:49:45]* A roll call vote was taken, and the motion carried with six ayes (Vice Chair Paishon-Duarte, Commissioner Au, Commissioner Kanuha, Commissioner Noborikawa, Commissioner Rodriguez, and Chair Barbara DeFranco) with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 03:39:11]*

Action PL-PUD-2024-000004: Commissioner Dean Au moved that the application Plan Use Development Docket No. PL-PUD-2024-000004 be approved based on the Planning Director’s recommendation which shall be adopted. Commissioner Donna “Kinuko” Noborikawa seconded. *[SEE YOUTUBE TIMESTAMP 03:39:44]* Commissioner Dean Au commended HICDC for exceeding requirements in their community efforts. He highlighted their decision to obtain a TAR despite not being required to, showing their commitment to affordability. He also praised their self-help program, where future homeowners and their families participate in building their homes with community support. Au expressed his appreciation for the program and was pleased to support the agenda item. *[SEE YOUTUBE TIMESTAMP 03:40:65]* Commissioner Donna “Kinuko” Noborikawa expressed discomfort with approving a project with substandard road conditions but urged Mr. Kato and his team to continue working toward having the roads dedicated to the county. *[SEE YOUTUBE TIMESTAMP 03:41:18]* Commissioner CJ Kanuha III thanked Mr. Kato and his team for their efforts in creating opportunities, emphasizing the need for more support for local and middle-class families. *[SEE YOUTUBE TIMESTAMP 03:41:40]* A roll call vote was taken, and the motion carried with six ayes (Commissioner Au, Commissioner Noborikawa, Commissioner Kanuha, Vice Chair Paishon-Duarte, Commissioner

Rodriguez, and Chair Barbara DeFranco) with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 03:42:09]*
This hearing item ended at 3:42 p.m.

8. 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 this item up at 3:43 p.m. with five members of the audience. *[SEE YOUTUBE TIMESTAMP 03:42:46]*

Tracie-Lee Camero gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 03:44:37]*

Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Staff. *[SEE YOUTUBE TIMESTAMP 03:47:19]* No questions or comments.

There were no in-person or zoom testimony for this agenda item. *[SEE YOUTUBE TIMESTAMP 03:47:30]*

Action: Commissioner Donna “Kinuko” Noborikawa moved that a favorable recommendation be forwarded to the County Council on the proposed amendments to Chapter 25 (Zoning), Article 5 of the Hawai‘i County Code 1983 (2016 Edition, as amended), Docket No. PL-PDI-2024-000009. Vice Chair Mahina Paishon-Duarte seconded. *[SEE YOUTUBE TIMESTAMP 03:39:44]* Vice Chair Mahina Paishon-Duarte asked Planning Director Zendo Kern if there were any reasons not to support the project. Planning Director Zendo Kern responded that he saw no issues and believed it was necessary and beneficial for the community. *[SEE YOUTUBE TIMESTAMP 03:48:37]* Commissioner Dean Au expressed support for the amendment, emphasizing the high costs of building hospitals and clinics. He highlighted the importance of attracting developers to expand medical facilities and saw the amendment as a positive step. *[SEE YOUTUBE TIMESTAMP 03:49:01]* A roll call vote was taken, and the motion carried with six ayes (Commissioner Noborikawa, Vice Chair Paishon-Duarte, Commissioner Au, Commissioner Kanuha, Commissioner Rodriguez, and Chair Barbara DeFranco) with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 03:49:39]*

This hearing item ended at 3:49 p.m.

9. 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 this item up at 3:50 p.m. with one member of the audience. *[SEE YOUTUBE TIMESTAMP 03:50:12]*

Tracie-Lee Camero gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 03:51:05]*

Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Staff. *[SEE YOUTUBE TIMESTAMP 04:03:06]*

Commissioner Dean Au sought clarification on Section 25-4-12f regarding private consultants and the differences between the current process and Bill 194. Planning staff Tracie-Lee Camero explained that the current telecommunication tower approval process does not include provisions for private consultant discussions, making this a new element. Commissioner Dean Au then questioned who would be responsible for paying the consultant under Bill 194—the tower developer or the county. County Council Member Cindy Evans clarified that the bill's intent was to future-proof regulations for advancing technologies like 6G and satellite communications. However, details regarding payment responsibility were not yet specified, and further refinement to the bill were needed. Commissioner Dean Au expressed concerns about liability if a consultant was involved in the approval process and whether FCC standards would still guide decisions. While he supported Bill 194, he wanted a clearer understanding of its implications. Cindy Evans acknowledged his concerns and shared that she had consulted various agencies, including the FCC, PUC, and state departments, to develop the bill with community concerns in mind. She emphasized that the bill aimed to set appropriate local standards for telecommunication tower siting. *[SEE YOUTUBE TIMESTAMP 04:03:09]*

There were no in-person testimonies for this agenda item. *[SEE YOUTUBE TIMESTAMP 04:08:52]*

One individual provided testimony on Zoom at 4:09 p.m.:

2) Lelah Vega – *[SEE YOUTUBE TIMESTAMP 04:29:30]*

Action: Commissioner Dean Au moved that a favorable recommendation be forwarded to the County Council on the proposed amendments to Chapter 25 (Zoning), Article 1, 2, 4, 5, and 7 of the Hawai'i County Code 1983 (2016 Edition, as amended), Docket No. PL-CCI-2024-000009. Commissioner Armando Rodriguez seconded. *[SEE YOUTUBE TIMESTAMP 04:11:48]* Commissioner Dean Au expressed support for the intent of Bill 194, acknowledging that adding requirements could be burdensome but recognizing the need for discussion and refinement. He noted that the bill would increase the workload and funding needs for the county and planning department but believed it would benefit the community. Commissioner Dean Au highlighted long-standing concerns about cell phone dangers and emphasized the importance of holding developers accountable through regulations. *[SEE YOUTUBE TIMESTAMP 04:12:19]* Deputy Corporation Counsel Suzanna Tiapula cautioned the commission that they cannot regulate wireless service facility placement based on environmental concerns related to radio frequency emissions, as per U.S. Code 47 § 332(c)(7)(B)(iv). She warned that making rulings on this basis would exceed their authority and noted that state statutes also support this limitation. Deputy Corporation Counsel Suzanna Tiapula offered to discuss the matter further in an executive session if needed. *[SEE YOUTUBE TIMESTAMP 04:13:26]* Chair Barbara DeFranco noted that some concerns being raised fall under other departments, such as fire or flooding, rather than the

Planning Commission's jurisdiction. County Council Member Cindy Evans clarified that while decisions cannot be based on emissions due to federal protections, it is still important for the commission to have information on emissions in their records. She emphasized that the bill was written carefully to comply with federal law while ensuring transparency. *[SEE YOUTUBE TIMESTAMP 04:14:45]* Commissioner Armando Rodriguez expressed support for Bill 194, appreciating its efforts to provide extra protection for citizens. He noted concerns about the unknown effects of antennas, mentioning a personal experience with cancer in his family, and emphasized the need to prioritize public safety. *[SEE YOUTUBE TIMESTAMP 04:16:36]* Chair Barbara DeFranco asked if there would be any consequences for deferring the decision. Planning Staff Maija Jackson explained that a recommendation for Bill 194 must be sent to the council by December 21st. Since that falls just two days after the next meeting, it would be nearly impossible for staff to complete and submit the action letter in time. *[SEE YOUTUBE TIMESTAMP 04:18:07]*

Action: Commissioner Donna "Kinuko" Noborikawa motioned to go into executive session. Commissioner Dean Au seconded. *[SEE YOUTUBE TIMESTAMP 04:18:41]* A voice vote was taken, all in favor with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 04:18:41]*

****EXECUTIVE SESSION 4:19 P.M. TO 4:25 P.M.**** *[SEE YOUTUBE TIMESTAMP 04:19:11]*

Chair Barbara DeFranco reconvened the meeting at 4:25 p.m. *[SEE YOUTUBE TIMESTAMP 04:25:05]*

Action: Commissioner Dean Au withdrew his motion. Commissioner Donna "Kinuko" Noborikawa seconded. *[SEE YOUTUBE TIMESTAMP 04:25:29]* A voice vote was taken, all in favor with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 04:26:01]*

Action: Commissioner Dean Au moved to defer this agenda item PL-CCI-2024-000009 to the next meeting. Vice Chair Mahina Paishon-Duarte seconded. *[SEE YOUTUBE TIMESTAMP 04:26:24]* A roll call vote was taken, and the motion carried with six ayes (Commissioner Au, Vice Chair Paishon-Duarte, Commissioner Kanuha, Commissioner Noborikawa, Commissioner Rodriguez, and Chair Barbara DeFranco) with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 04:27:45]*

This hearing item ended at 4:27 p.m.

2. 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.

The Commission took this item up at 4:29 p.m. with one member of the audience. *[SEE YOUTUBE TIMESTAMP 04:28:30]*

Tracie-Lee Camero gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 04:29:36]*

Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Staff. *[SEE YOUTUBE TIMESTAMP 04:33:01]* No questions or comments.

There were no in-person or zoom testimony for this agenda item. *[SEE YOUTUBE TIMESTAMP 04:33:03]*

Action: Commissioner Dean Au move that a favorable recommendation be forwarded to County Council on proposed amendments to Chapter 25 (Zoning), Article 2, Article 4, Article 5, and Article 7 of the Hawai'i County Code 1983 (2016 Edition, as amended) Docket No. PL-PDI-2024-000008. Commissioner Clement "CJ" Kanuha III seconded. *[SEE YOUTUBE TIMESTAMP 04:33:35]* A roll call vote was taken, and the motion carried with six ayes (Commissioner Au, Commissioner Kanuha, Commissioner Noborikawa, Commissioner Rodriguez, Vice Chair Paishon-Duarte, and Chair Barbara DeFranco) with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 04:34:06]*

This hearing item ended at 4:34 p.m.

PLANNING DIRECTOR'S REPORT

Report on Special Management Area (SMA) determinations and minor permits issued by the Planning Director for October 2024. No questions or comments. *[SEE YOUTUBE TIMESTAMP 04:34:47]*

Vice Chair Mahina Paishon-Duarte left the meeting, and it was not noted on record. *[SEE YOUTUBE TIMESTAMP 04:35:02]*

AGENDA ITEMS FOR THE NEXT MEETING

The commissioners did not suggest any agenda items for the next meeting. Commissioner Dean Au asked how many items were scheduled, and Planning Staff Maija Jackson confirmed there would be four, including Bill 194. Commissioner Dean Au noted that the meeting structure included both a regular session and a special session. Maija Jackson clarified that the regular meeting would start at 1:00 PM, followed by a dinner break, and then the General Plan meeting at 5:00 PM. *[SEE YOUTUBE TIMESTAMP 04:35:15]*

ANNOUNCEMENTS

Planning Staff Maija Jackson noted that the election of officers for 2025 would be on the next agenda. The Leeward Planning Commission's next regular meeting is scheduled for Thursday, December 19, 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 04:36:21]*

ADJOURNMENT

There being no further business, it was moved by Commissioner Clement “CJ” Kanuha III and seconded by Commissioner Donna “Kinuko” Noborikawa that the meeting be adjourned. A voice vote was taken, and the motion was carried with five ayes with two absent and excused (Vice Chair Paishon-Duarte and Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 04:37:06]*

Chair Barbara DeFranco adjourned the meeting at 4:37 p.m.

Respectfully submitted,

Kelsie Chang

Kelsie Chang (Apr 22, 2025 11:12 HST)

Kelsie Chang
Secretary

ATTEST:

Dean Au

Dean Au (Apr 22, 2025 13:35 HST)

Dean Au, Chairperson
Leeward Planning Commission