

LEEWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

HEARING TRANSCRIPT
APRIL 17, 2025

A regularly advertised hearing on **APPLICANT: NANI PANIAU ESTATE LLC (PL-USE-2025-000031)** was heard at 9:46 a.m. in the West Hawai‘i Civic Center, Council Chambers, Building A, 74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai‘i, with Chair Dean Au presiding.

COMMISSIONERS PRESENT: Dean Au (Chair), Donna “Kinuko” Noborikawa (Vice Chair), Barbara DeFranco, Michael Dela Cruz, and Armando Rodriguez.

COMMISSIONERS ABSENT AND EXCUSED: Clement “CJ” Kanuha III.

ALSO IN ATTENDANCE: Suzanna Tiapula, Esq. (Deputy Corporation Counsel to the Commission), Jeffrey Darrow (Planning Director), and Kelsie Chang (Commission Secretary).

And approximately 3 public members in the audience.

APPLICANT: NANI PANIAU ESTATE LLC (PL-USE-2024-000031)

Application for a Use Permit to allow the establishment of a 5-bedroom bed & breakfast operation within an existing dwelling on a 1.63-acre parcel of land in the Single-Family Residential zoning district. The subject property is located at 69-2014 Paniau Place, on the west (makai) side of Paniau Place, Lālānilo, Puakō, South Kohala, Hawai‘i, TMK: (3) 6-9-001:021 (por.).

Secretary’s Note: [indecipherable] indicates that there were technical and/or internet difficulties, which made the conversation inaudible.

The following is when the agenda item was called at the Leeward Planning Commission hearing on April 17, 2025. [SEE YOUTUBE TIMESTAMP 15:03]

YouTube: <https://www.youtube.com/live/jzqGm7AxZyY?si=f63Z5fgnrKpiy9vH&t=903>

AU: Well, let's just go ahead and um go right into agenda item number one. Um agenda item number one is applicant Nani Paniau Estate LLC, application for a use permit to allow the establishment of a five-bed bedroom bed and breakfast operation within existing dwelling on a 1.63, 63-acre parcel of land in the single-family residential zoning district. The subject property is located at 69-2014 Paniau Place on the West Makai side of Paniau Place, Lālānilo, Puakō, South Kohala, Hawai‘i, TMK: (3) 6-9-001:02. Oh, uh for the record the applicant number is PL-USE-2024-000031. Can we have staff presentation please, Ms. Andrews and Mr. Kay.

ANDREWS: Thank you chair. This is an application for a use permit and the applicant is Nani Paniau Estate LLC. Subject property is shown here with a red star. It's in the South Kohala district and it's on the Makai side of Paniau Place. The applicant is requesting a

use permit to establish a five-bedroom bed and breakfast operation within an existing six-bedroom dwelling on the subject property. The bed and breakfast will accommodate a maximum of 10 guests for a period of less than 30 days, with the six-bedroom serving as the primary residence of the property's caretaker. And six on-site parking stalls will be available for guests of the bed and breakfast. The applicant aims to provide visitors to Hawai'i with an alternative lodging experience outside of the typical resort environment and the proposed use will also provide housing for the bed and breakfast operator. The subject property is shown here in red, it is zoned residential single family 10,000 square ft. There's also open zoning and agricultural zoning in the close vicinity as well as some resort zoning further south. The subject property is designated urban by the state land use uh boundary map. There's also conservation zoning further Mauka and to the South. The subject property is designated um low density urban with a small portion of open designation uh by this by the General Plan on the lupag map. This is the applicant site plan, and you can see the existing uh dwelling shown on kind of the upper portion of the property on the upper portion of the slide. There's an existing driveway that comes off of Paniau Place and there are also several archaeological um easements that are existing shown with the red dashed outline there. I should point out on this site plan that the um the existing dwelling or sorry the existing bedrooms that are being used for the bed and breakfast are to the left portion of the the footprint of the dwelling. You can see here it'll be in a little more detail on the floor plan which is shown here. And you can see that the existing bedrooms being used for the bed and breakfast are on this left portion of the floor plan. There's also a bedroom here which is the upstairs and the caretaker's bedroom is shown here with the red outline. This is the aerial photograph, and you can see the existing dwelling in the center of the of the lot there. The lot is outlined in red and this is one lot part that's part of an existing nine lot subdivision that's owned by the same landowner and the lot is accessed from Paniau Place which is a private drive that comes off of Puakō Beach Drive. You can see Puakō Beach Drive kind of on the upper right-hand portion of the slide. The...this is this would be Puakō Beach Drive. This would be Paniau Place, and the driveway is approximately on this um corner...the um Mauka north corner of the property there. It's as you can see, it's a shoreline parcel, and the existing um shoreline. Well, clearly the existing uh property line runs along the um the shoreline here. There is uh a lateral trail that runs north south along this shoreline. So, these are some photos taken recently at the property. This is a view of Puakō Beach Drive looking north on the left and looking south on the right. This uh shows that it's a dead end of Puakō Beach Drive here, and there is um an emergency uh exit that exists here. On the left, you can see the entry gate at Puakō Beach Drive. There are two vehicular gates and one pedestrian gate on the right there. The right slide shows you the driveway from Paniau Place. Once you've entered through the entry gate, and the existing dwelling is a little bit downhill on the um...in the center of the photo there. These are views of Paniau Place. The private drive within the subdivision looking to the north back to the entry gate and then looking to the south down to the end of the of the drive, and these are views across the subject property. The left shows some of the archaeological um easement areas and then the existing grassy area [indecipherable] is looking Makai...and you can see a glimpse of the dwelling here. And then on the right, you see the existing dwelling showing the wing on the on that would be the left side of the floor plan where you saw some of the existing bedrooms that will serve as the bed and breakfast. This lot...this map shows you the revised lot plan that was um part of a recent um declaration that was recorded uh in 2021. And this is just to show you that the access easement that used to exist on the subject property was actually relocated to the adjacent property. So, um that's not part of the subject property at this time. And the planning

director's recommendation is approval with conditions. That completes my presentation and I'm happy to take any questions.

AU: Okay. Uh, before we move on to um uh questions for the staff...um, I would like uh Corporation Counsel um to have a few words.

TIAPULA: Aloha, we have been asked as a ADA accommodation request to speak very clearly and slowly directly into the mic during specific agenda items today. Um, so I will be reminding people not to have multiple individuals speaking at the same time or over speaking and to speak more slowly and clearly where possible. Thank you.

AU: Um, also another thing, I would like to add to that um if you do want to speak commissioners, please uh wait for my um...um nod or till I uh call upon you. Um, so at this time thank you, Ms. Andrews. Um...does any commissioners have any questions for staff? Uh...Commissioner DeFranco?

DEFRANCO: Yes, how far is the setback away from the ocean? I know we've changed it over the years. How...

ANDREWS: So, the ex the existing setback is 40 ft.

DEFRANCO: Thank you. And the archaeological sites that are there are they protected or what are they exactly?

ANDREWS: So, that was all um part of the existing SMA that that covers this entire subdivision. Um there were arc sites that were identified and buffered and established as easements. Um this current application proposes no new construction so, it the use is taking place within the existing dwelling.

DEFRANCO: Thank you.

AU: Um...Commissioner Dela Cruz, question?

DELA CRUZ: Oh yeah, just a question about the uh public access. Um...I noticed you on your presentation there was a like a gate is like in a private road or driveway. Is there an access to...through that gate for the public to access the beach, cuz it looks like the not...the lot next to the subject matter has the beach access. Is there...is there access through that gate?

ANDREWS: So, through the course of working on this use permit application there's been some questions that have come up about access that pertain more closely to the SMA. Um, and what you're referring to is an access easement that it's actually unclear whether that's public access or private access. And there is a public access plan that was approved many years ago um that lays out the specific um access points and approved access for this area. Uh, it's not clear actually that...that access was part of the public access plan and um right now there's an SMA assessment that's under review by our office, and is in process that will further resolve some of the questions about public access.

AU: Um, Miss Andrews, I have a question. Um, regarding the SMA permit. So, the SMA permit from what I'm reading was approved back in 1993, Is that correct?

ANDREWS: It may have been 92, but yeah approximately that.

AU: Okay, so, that was a long time ago. And since then, has there been any records of um violations or um complaints or...or anything that was filed with the county?

ANDREWS: Regarding the SMA? Not to my knowledge. Uh, there is an assessment like I said, an SMA assessment under review right now...and it is in process and could address anything that may have come up but, I am not aware of any complaints regarding that.

AU: Okay, thank you. Um, any more questions from fellow commissioners? No. Okay, at this time uh what we'll do is um we'll call on the applicant for their presentation. Will the applicant please come forward so I can swear you in. Okay, um Mr. Pipan, please uh raise your right hand. Do you swear or affirm to tell the truth on this matter now before the Leeward Planning Commission?

PIPAN: I do.

AU: Okay, thank you. Mr. Pipan, please speak directly into your microphone and state your name, the town you reside in and whom you represent.

PIPAN: My name is John Pipan. Uh...here representing the applicants Nani Paniau group. I live in Honoka'a. Uh, I will try to be mindful and remember to speak slowly and clearly but please remind me if I fail. Thank you. Um, we have received and reviewed the proposed conditions and appreciate the work that's gone into this application by the planning department. Uh, the applicant agrees with these proposed conditions. Um, this is a special property, it's um...it's the intent of the applicant to open it up and allow visitors, residents, uh others to enjoy the property as well as they have. Um, there are significant protections in place regarding not only the archaeological sites on the property secured by easements. Also, Anchialine pools on the property are protected by a management plan and these protections are not only on file with the county, um they are in the CCNRs for these subject properties. Um, it so happens that these nine residential lots are owned by the same uh entity and we think that that really limits the potential for adverse impact onto neighbors. Um, the state would be the nearest neighbor to this property. Um, also the applicants are uh in charge of and in in relation to uh Nā Ala Hele Trail. They are stewards of the coastal trail that crosses the state beach reserve parcel on the Makai side of this property. Um, and they...they do diligent work to keep the trail free of obstructions from vegetation uh rubbish so on and so forth. Um, if there are any questions relating to the use...the building itself, um there were questions relating to public access and we will work through those with the planning department um and make sure what is required by the existing SMA and by law is in place. Um, I can assure you of that. Otherwise, happy for questions. Thank you.

AU: Thank you, Mr. Pipan. Um, at this time uh fellow commissioners, does anybody have questions? Uh, Vice Chair Noborikawa?

NOBORIKAWA: Thank you, Chair Au. Uh, thank you, Mr. Pipan, for your presentation. Oh, remind me if I speak too fast also. Um, could you go into more detail on the CCNRs in respect to the um protections that are placed for the archaeological easements and the Anchialine ponds.

PIPAN: Yes, one moment please, I'll pull those up. Okay, 5.0101.3 archaeological site preservation within the residential area. There are um A, B, C, D, E, F, G conditions in the CCNRs, relating to the archaeological sites. Um, the boundaries...this is a...the boundaries of the established archaeological site buffer zone surrounding the archaeological site shall at all times, remain clearly visible. And...um, particularly in the case of this project...um, you'll see in in some of the site photos, we have temporary construction fence around the archaeological site easements and further uh dry stack rock walls surrounding these archaeological sites that provide buffers identify the sites. Um B, the archaeological site and site buffer zone shall be kept free from rubbish and litter. This site is very well maintained uh and no rubbish and litter occurs. Uh C, all grass landscaping and plantings within the designated archaeological site buffer zone shall be trimmed and maintained in good condition and the archaeological site and the site buffer zone shall be kept free from any weeds or noxious plants. Again, there's...there's very nice landscaping that's maintained on this site. Um D, no heavy equipment shall be allowed within the boundaries of the archaeological site in the site buffer zone for the purpose of clearing or maintaining these areas. All maintenance activities within the boundaries of the archaeological site and the site buffer zone shall be done utilizing hand clearing methods. And that's essentially what this temporary construction uh fence is there indicating do not pass this is a protected area. Uh E, all walls' fences, or other structures constructed with any within any site buffer zone for the protection or preservation of an archaeological shite...site shall be maintained in good condition and repair, we're complying with that. Uh F, almost through the county planning department and the department of land and natural resources historic sites division and the association of the subdivision shall be notified of any damage or physical disturbance to the archaeological site. And last but not least G, county and state personnel shall be permitted to inspect the archaeological site. So, those are the protections established within the CCNRs on the property.

NOBORIKAWA: Thank you. Now on the dry stacked walls are...is that at the edge of the boundary for all of the easements that specifically talking about this property?

PIPAN: Yeah, um is my understanding yes that dry...dry stack rock walls surround each of these archaeological sites.

NOBORIKAWA: Thank you, very much. Um, I have a question in regards to the uh...sept...septic tanks for this existing structure. Uh, the report said that there were two septic systems.

PIPAN: Correct.

NOBORIKAWA: Uh, but there was no size given and no number of bedrooms that they were uh that they would accommodate. Could you clarify that for us?

PIPAN: Yes. Uh, thank you for your question. Um, the original building permit in the mid-90s, allowed for six bedrooms. And typically, the limit for a single individual wastewater system septic system is five bedrooms. So, the fact that this property has two septic systems and permitted for six bedrooms, this is consistent with our request. Um, everything lines up with sufficient wastewater capacity to handle uh what's generated by the use.

NOBORIKAWA: Okay, thank you. Um, in the background report, it does identify that the property tax office as well as the documents that were submitted for this application...it actually says that the...the...the residence is seven bedrooms. Um, although the like you said it was permitted for six bedrooms. Can you explain that discrepancy?

PIPAN: Yes, of course. Thank...thanks again for the question. Um, real property tax doesn't rely on permit data when they uh indicate on their tax records how many bedrooms a structure has. They're happy to tax unpermitted structures, right? So, in this case um there are several like accessory rooms that were permitted with the original dwelling like a library or a study...a game room. They're.... They're all permitted rooms, and previously other owners may have had an extra bed in one of these rooms, that's not our intent going forward. The intent is to have five bedrooms for rent and one bedroom for the operator, which is consistent with the permit...the building permit records.

NOBORIKAWA: And but the application that was submitted said it was seven bedrooms plus the site plan that was or floor plan that was submitted shows the quote library having a full bathroom and a closet.

PIPAN: Yes.

NOBORIKAWA: Which is very similar to all the other things labeled bedrooms.

PIPAN: Yeah.

NOBORIKAWA: Can you explain that?

PIPAN: Yeah. Well, it's...it's a little difficult. The original building drawings, the permit set of drawings, have been lost to time. Um, so we relied on our project architects to make their best educated guesses of what the original permit corresponded to each of these spaces Um, that said and going forward if any change of use is required by department of public works, we're happy to comply with that.

NOBORIKAWA: And just to clarify for myself so the library...

PIPAN: Yes.

NOBORIKAWA: Does it really contain a full bathroom and a closet?

PIPAN: That's what it looks like, yes.

NOBORIKAWA: Okay, thank you. I also noticed in the uh background report that there were permits that were issued for a uh demolition of the old pool construction of a new pool and a lanai with it, and that was issued but has not been final.

PIPAN: Correct.

NOBORIKAWA: And then also a garage permit that was applied for but never issued. What is the status of those permits?

PIPAN: The garage permit has recently been issued. Um, I do not honestly have the latest on the pool permit. We may have uh Hunter Ainslie, who is the project manager...sorry, available by Zoom. He may have the latest on the pool permit. Hi Hunter.

AINSLIE: Uh yes, thank you, John.

PIPAN: Um, need to be swear in first.

AINSLIE: Okay.

AU: Um, can you please raise your right hand. This is Chair Au. Um, do you swear or affirm to tell the truth on this matter now before the Leeward Planning Commission?

AINSLIE: I do.

AU: Okay, thank you sir. Please speak clearly um into your computer microphone and state your name and town you reside in and whom you represent.

AINSLIE: Hi, my name is Hunter Ainslie. I reside in Waimea, and I represent uh Nani Paniau Estate LLC, the applicant today.

AU: Okay, I believe Vice Chair Noborikawa had a few qu...question that you could answer.

NOBORIKAWA: Uh, yes. Thank you.

AINSLIE: Yes, thank you. So, the the...the...the construction work um *[indecipherable]* is...is under construction as we speak. We hope to have that completed by the end of May. So, the goal is to final that uh...the pool permit, and the deck permit by...as one permit but, to have all of that final by the end of May.

NOBORIKAWA: And are you also working on the garage?

AINSLIE: That's correct. The...the garage permit is uh, was...was issued for processing. So, we're...we're uh in the process of picking up that permit, and the intent is to start that uh garage as soon as May or end of May, hopefully June.

NOBORIKAWA: And what is the timeline for completion of the garage?

AINSLIE: Uh, hopefully by the end of the year. Um that is the that is the target Um.

NOBORIKAWA: Thank you.

AINSLIE: Thank you.

NOBORIKAWA: Uh so, Mr. Pipan, the reason I was asking these questions is because the garage...

PIPAN: Yes.

NOBORIKAWA: Looks like it's shown where three of the guest parking spaces are going to be.

PIPAN: Correct.

NOBORIKAWA: Um how will the...the garage construction impact the ability for your guests to park in that area or on the property I should say?

PIPAN: It would prevent them from parking in that area until the garage is completed. So, with that in mind we would be happy to uh reduce limit or delay occupancy until the garage is completed. Uh, the site will look a lot nicer when that's done too. Um alternately if you would prefer, we can designate other parking areas for use in the interim until the garage is completed. There...there is ample space on site around uh you saw a...a circular drive there and a port coach chair in front of the uh residence so, there...there is ample space. The intent though is for long-term parking to be in the garage.

NOBORIKAWA: Okay so, what I'm understanding it then is uh the applicant is willing to uh designate other areas on the property during the construction phase uh so that there will be no guest parking out on...

PIPAN: Correct.

NOBORIKAWA: Out off the...the site.

PIPAN: Correct.

NOBORIKAWA: Okay, thank you. Um oh and what I'm getting from our discussions also is that pretty much the others parking spaces are existing. There will be no new ground disturbance then.

PIPAN: I believe there will be additional driveway um area and maneuvering space in front of the proposed garage. Um, and let me confirm, I believe that may be also site to one of the proposed parking spaces. Sorry, just pulling up the site plan again. But that would be a new arcing area.

NOBORIKAWA: And was that covered uh in terms of um looking at uh potential impacts to archaeological or cultural uh resources, was that looked at in the SMA?

PIPAN: Yes, that was uh already permitted with the garage in that SMA assessment.

NOBORIKAWA: And I forgot to ask you when you're talking about CCNRs for the Anchialine ponds. Are there Anchialine ponds on this specific property?

PIPAN: I don't believe there are.

NOBORIKAWA: Okay.

PIPAN: No, these are all archaeological easements. The Anchialine ponds refer to other parcels in the subdivision.

NOBORIKAWA: Okay, so, those uh that oval there are some ovals shown on the site plan Are those contour lines then rather than some physical feature. I mean....

PIPAN: No, we don't show contour lines on these site plans. Um, but yes, a some of the easements do have an oval form and the Anchialine pool uh bounds are established by the...the highest level of the water and then a 10-ft buffer from that.

NOBORIKAWA: Okay, I was specifically looking at page 15 of the um background report which showed a figure which unfortunately let's see...it's...it's not coming up here. I think it was uh labeled as figure two...

PIPAN: Yeah.

NOBORIKAWA: It was in the applicant's report.

PIPAN: I'm looking at that...the site plan.

NOBORIKAWA: So, there are a couple like the upper left corner of that somewhat rectangle it shows this little...

PIPAN: Yeah.

NOBORIKAWA: Do you know what that is?

PIPAN: I honestly don't. Hunter um on the... Yeah, I wish we could share screen with you.

AINSLIE: Yes, I'm...I'm looking at it John, um thank you. Yeah, that area is currently all just a grass lawn, so I don't uh I don't know what that what that blob is showing.

PIPAN: It's an artifact, it's nothing really.

NOBORIKAWA: Okay, so...so the bottom line is no Anchialine ponds?

PIPAN: No.

AINSLIE: That's correct, no...no Anchialine ponds on this TMK.

NOBORIKAWA: Okay, then my final question is, um...have for this project...have there been any lineal descendants contacted, or do you know if there are any lineal descendants of this property contact uh with the 1991 plat or the 94 SFR permitting? I mean I don't expect you to really know that...

PIPAN: Yeah.

NOBORIKAWA: But I'm assuming you weren't involved but, do you have some background in...

PIPAN: That's correct I...I do have um a great deal of background information. There were numerous studies and um monitoring, and mitigation reports submitted and approved by the state historic preservation division with respect to the SMA permitting. Um and you're right I wasn't involved at that time so, unfortunately, I can't speak directly to who was consulted. Um, with some time I could probably get you that information.

NOBORIKAWA: Thank you for that offer. Um, I just wanted to find out some of the background of that whether they were contacted or not. Thank you, I have no further questions.

AU: Thank you, Vice Chair Noborikawa. Um, moving forward if we can try not to have a back-and-forth discussion for uh Kelsie because it's very challenging for Kelsie to do the minutes, so, if we can, moving forward...um, moving forward commissioners, let's ask the question, let's let the um testifier or applicant speak, and then take turns. Um, yeah, fellow commissioners...um any more questions? Uh, Commissioner Rodriguez?

RODRIGUEZ: Uh yes. Um uh to my understanding uh is there a pool being built at the property?

PIPAN: A pool? Yes.

RORIGUEZ: Okay. And if we go to page 43, on the Department of Water, it um says that you're only allowed like an average of 400 gallons of uh water per day. Is that going to be enough water to run the whole operation?

PIPAN: Yes. Um so, it...it is it is a concern of...of going over Um, I do believe there is a...a private well that serves this lot as...as well, that can be employed if there are any concerns on overage with the county water supply uh for irrigation and for pool filling needs. Um, Department of Water Supply always has that ability to limit the water to a property should it become a concern.

RODRIGUEZ: Okay, thank you.

AU: Um, I do have a question. Um, Mr. Pipan, regarding uh public access, so, from what I understand uh you stated that um the landowner owns a total of nine properties and encompassing it, and I'm looking at um the map and I...I believe it's this particular agenda item is for that middle partial, is that correct?

PIPAN: Correct?

AU: Um, just for uh us to move forward and make a decision or...or advice for public access. Do any of the other eight properties have public access?

PIPAN: No, they do not. They have access...a beach access easement established for the association and the lot owners. It extends from the private Paniau Place roadway to the Makai uh state beach uh parcel. The uh public access agreement that was approved in concert with the 91 SMA permit designates public access occurring Mauka Makai at Paniau Beach to the north of these uh of this subdivision. Um, and then lateral access occurring along the trail that fronts this property. As part of that public access plan, um the developers at that time were to contribute to the establishment of Paniau Beach to satisfy their requirements for public access, and this is all...all a matter of public record.

AU: Um, and you did mention that uh...um you and the applicant are working with the county at right now um addressing public access.

PIPAN: Yes.

AU: Okay, thank you. Um, fellow commissioners, any more Questions? Okay, um thank you, Mr. Pipan. Um, all right fellow commissioner's, um prepared for a motion or not.

PIPAN: We have someone on Zoom waving their hand.

AU: Oh, there I see, okay. Um, I believe we have a testifier. Um, I'll go ahead and take...take um the Zoom testifier. Can you please raise your right hand, do you uh swear or affirm to tell the truth on this matter now before the Leeward Planning Commission?

ROHR: Yes, I do.

AU: Okay. Um, please speak directly into your microphone and state your name, and town you reside in, and whom you represent. So, please go ahead.

ROHR: My name is Claudia Rohr. I'm a member of Pash "Public Access Shoreline Hawai'i". Um, I don't see where there's been any discussion of what use the properties on either side of this property the other lots in the subdivision. Does the uh applicant intend to run those as bed and breakfast or as hosted vacation rentals? Second, this does not look like the bed and breakfast operation is subordinate to the single-family use. I got a...you, a bed and breakfast use permit in 2003 and I calculated the exact square footage...it was 36.8% of our total uh square footage, and I have been using that number uh ever since on my income tax returns uh schedule C. Uh...um...uh and I think that if you add up the square footage, this actually is a hosted STVR because having...first of all, act 17 effective date May 3rd, 2024, uh changed transient accommodations uh are no longer a residential use. So, the first thing you really have to establish is that this is really a single family um uh a single-family use under the definition of it in the in 205A and the planning commission rules, uh rule nine. Um, unless there's actually um an established family living there Uh it the...

ZOOM HOST: You have 30 seconds left.

ROHR: Okay. I...you need to ask more questions. When I did my application, I put it in pink exactly the square footage that was designated to my bed and breakfast. They haven't done that. And really, what's happening on both sides? You need to know if this is a plan to do uh five bed and breakfast in a row, hiring caretakers. I'm...I'm not sure if that's falls into the legal definition of bed and breakfast.

ZOOM HOST: Your three minutes are finished. Thank you for your testimony.

ROHR: Thank you.

AU: Thank you, Ms. Rohr, for your testimony. We have heard you. Thank you very much. Um, Mr. Pipan, would you like to address some of those uh concerns?

PIPAN: Yes, uh thank you, Chair Au, for the opportunity. Um, this is a single-family residence. It will be the full-time legal residence of an on-site uh caretaker and operator and the bed and breakfast use will be subordinate to that use. Um, we did not calculate any percentage of the home that would be associated with either use and as I understand there's no such requirement uh in the code to do so nor is there really procedurally any uh any process with the planning department that has been established to do that. Um, relating to the plans for the other parcels, they are currently only conceptual, and they would consist of dwellings only. Any short-term hosted like B&B accommodations, would be by use permit just like this one and would be subject to review and approval or denial by this body. Um, so hopefully that addresses that testimony.

AU: Thank you, Mr. Pipan. Um, fellow commissioners, do you have any questions any further questions? Okay, if not um...um we're closing...Um, public testimony is closed. Okay, um so fellow commissioners, uh any motions to proceed? Um, Commissioner DeFranco?

DEFRANCO: Yeah, I...I'll move that the favorable recommendation be forwarded to the county council on the proposed amendments to...is this...wait...Thank you...Yes, sorry. I move that the application for the use permit, docket PL-USE-2024-000031, be approved based on the planning director's recommendations which shall be adopted and this includes his uh recommendations.

NOBORIKAWA: Second.

AU: Motion was made by Commissioner DeFranco. Uh, seconded by Vice Chair Noborikawa. Um, any discussions?

DEFRACNO: Yes.

AU: Please go ahead. Uh, commissioner DeFranco?

DEFRANCO: Yeah, I think it's...it...it is a beautiful development to see...It...and...but I do share the concern of the one person who spoke up about it. Um, you know it doesn't look like a single-family residential home being used as a B&B. It...but...I'm...I'm the question for me is, to include a discussion with us and also to ask the county to speak about that. Is it considered a B&B? Is that within the right rules and regulations? Can Mr. Darrow speak to that?

AU: Um, Director Darrow.

DARROW: Thank you, Mr. Chair. Uh, it...it at this time the planning department looks as...at hosted rentals uh, as long as they're operating within uh the definitions of a single-family dwelling as well as the identification of the construction of the dwelling which basically means, one kitchen. You don't want to go beyond that. They are permitted. Uh, they have their building permits um instead of going the hosted route uh because right now that's in question. Uh, the council is about to launch uh their um attempt to regulate hosted rentals. Uh that even through that process the option to come in with a bed and breakfast permit will still be available that was made loud and clear through public testimony going through that process. Uh, this applicant is requesting uh to go through the public uh process to receive this permit and uh not be considered a hosted rental or a short-term rental but a bed and breakfast.

DEFRANCO: Thank you for that clarification. I'm glad to hear the update too. Thank you.

DARROW: I...I may um it will be on a webinar or a Zoom tonight starting at 5:30. Uh I think if you just uh look at the website [www.Hawai'i uh Hawaii-county.com](http://www.Hawai'iuhawaii-county.com), I believe you can have the link for that. Thank you.

DEFRANCO: Thank you.

AU: Uh, do we have any further questions or any discussions from um commissioners? Uh, Commissioner Rodriguez?

RODRIGUEZ: Uh, yes. Uh, my concern is the water usage. You know there's a uh one meter, a master meter for nine lots, and it's allowed uh 4,000 gallons uh per day. So, that's my concern that uh water usage you know. I know you could pump more out but you know...still you know, water's precious. So, that's my concern, that there's not enough water to you know add a swimming pool and uh and add more...more persons there. So, that's my concern. Thank you.

AU: Um, uh...Mr. Pipan, would you like to address that?

PIPAN: If I may. Um, there was previously a swimming pool in the same location as the proposed swimming pool. So, it's...it's a replacement of a pre-existing use not necessarily a new use. Um, and you know I can attest that the...the applicants will be very conscious of their water use uh especially irrigation right, making sure the highest best use of the water is...is that for public human consumption.

AU: Um, Vice Chair Noborikawa?

NOBORIKAWA: Uh, thank you, Chair Au. So, I did have a number of concerns when I initially read this application or the uh information about this application. Uh, I feel that they have been adequately addressed, and um and I thank you for that, Mr. Pipan.

PIPAN: Thank you.

AU: I'm...I have a concern about uh public access. Um, I would like to strongly encourage the applicant um...uh to figure something out with the county. Um, that's a beautiful place. Um, the guests are going to enjoy it, and I think it's fair to have uh...um the residents and the public enjoy it as well. Um so, I strongly encourage that process, I strongly encourage coming to some kind of agreement. Um, and yeah that's my only concern. So, with that said if there's no more discussions can we call for the question.

ANDREWS: So, we have a motion on the floor that was moved by Commissioner DeFranco and seconded by Vice Chair Noborikawa, to approve as recommended by the planning director. Commissioner DeFranco.

DEFRANCO: Aye.

ANDREWS: Vice Chair Noborikawa.

NOBORIKAWA: Aye.

ANDREWS: Commissioner Dela Cruz.

DELA CRUZ: Aye.

ANDREWS: Commissioner Rodriguez.

RODRIGUEZ: Uh, no.

ANDREWS: That was no?

RODRIGUEZ: No.

ANDREWS: And Chair Au.

AU: Aye.

ANDREWS: We have four aye votes, and one...one no vote. The motion passes.

AU: Thank you...thank you, Mr. Pipan. Uh, you will be notified in writing.

PIPAN: Have a great rest of your day. Aloha.

AU: Thank you, Ms. Andrews.

This hearing item ended at 10:35 a.m.

Respectfully submitted,



Kelsie Chang (May 16, 2025 14:08 HST)

Kelsie Chang
Secretary

ATTEST:


Dean Au (May 20, 2025 14:33 HST)

Dean Au, Chairperson
Leeward Planning Commission