

LEEWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

MINUTES
APRIL 17, 2025

A video recording is made part of these minutes, which can be viewed on the YouTube County of Hawai‘i Planning Department channel at <https://www.youtube.com/watch?v=jzqGm7AxZyY>.

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 above-mentioned URL address, the public can contact the Planning Department for assistance.

The Leeward Planning Commission met in regular session on April 17, 2025, at 9:30 a.m. in the West Hawai‘i Civic Center, Council Chambers, Building A, 74-5044 Ane Keohokālōle Highway, Kailua-Kona, Hawai‘i, with Chairperson Dean Au presiding. This meeting was streamed live on YouTube.

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

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

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

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

The meeting was called to order at 9:40 a.m. by Chair Dean Au with a quorum present. Commissioners and staff were introduced. Attendees were reminded to silence cell phones, and directions to restrooms and the sign-up process for public testimony were provided. [SEE YOUTUBE TIMESTAMP 08:33]

Chair Dean Au 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 10:21]

APPROVAL OF MINUTES

At 9:42 a.m., the Commission reviewed the minutes from November 21, 2024, November 22, 2024, December 19, 2024, and January 16, 2025, Leeward Planning Commission meetings. No corrections were offered. Commissioner DeFranco moved, and Vice Chair Noborikawa seconded that the minutes be approved as submitted. A roll call vote was taken, and the motion carried with five ayes (Commissioner DeFranco, Vice Chair Noborikawa, Commissioner Dela

Cruz, Commissioner Rodriguez, and Chair Au), with one absent and excused (Commissioner Kanuha). *[SEE YOUTUBE TIMESTAMP 10:50]*

At 9:43 a.m., the approval of February 20, 2025, and February 24, 2025, minutes were deferred to the next commission hearing in May. *[SEE YOUTUBE TIMESTAMP 13:09]*

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:45 a.m. the Commission took up this item with approximately three members of the audience in the Council Chambers. *[SEE YOUTUBE TIMESTAMP 13:24]*

Chair Dean Au asked if there were any zoom testifiers, Planning Staff noted that there was no zoom testimony at the beginning of the meeting. *[SEE YOUTUBE TIMESTAMP 13:28]*

Chair Dean Au announced that public testimony is limited to three minutes per person per agenda item, with in-person speakers testifying first. He outlined procedures, emphasized respectful conduct, and noted that the meeting will proceed even if virtual connections fail. Disruptive behavior will not be allowed, and the Chair may pause or end the meeting to maintain order. *[SEE YOUTUBE TIMESTAMP 13:40]*

Chair Dean Au asked if there were any in-person testifiers, Planning Staff noted that there was no in-person testimony at the beginning of the meeting. *[SEE YOUTUBE TIMESTAMP 14:51]*

NEW BUSINESS

1. 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, Lālāmilo, Puakō, South Kohala, Hawai‘i, TMK: (3) 6-9-001:021 (por.).

The Commission took this item up at 9:46 a.m. with three members of the audience. *[SEE YOUTUBE TIMESTAMP 15:03]*

Jessica Andrews gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 16:16]*

Deputy Corporation Counsel Suzanna Tiapula noted that, as part of an ADA accommodation request, speakers should speak clearly, slowly, and directly into the microphone. She reminded participants to avoid overlapping speech and to maintain clarity during specific agenda items. *[SEE YOUTUBE TIMESTAMP 23:36]*

Chair Dean Au reminded commissioners to wait for his acknowledgment or until he calls on them before speaking. He then thanked Planning Staff Jessica Andrews and opened the floor by asking if any commissioners had questions for staff. *[SEE YOUTUBE TIMESTAMP 24:03]*

Commissioner Barbara DeFranco asked about the current ocean setback distance and whether it had changed over the years. Planning Staff Jessica Andrews responded that the existing setback is 40 feet. Commissioner Barbara DeFranco then inquired about the protection of archaeological sites in the area. Planning Staff Jessica Andrews explained that the sites were identified and buffered as part of the existing SMA for the subdivision, with easements established. She added that the current application involves no new construction and that the proposed use will occur within the existing dwelling. *[SEE YOUTUBE TIMESTAMP 24:20]*

Commissioner Michael Dela Cruz asked about public beach access, noting a gate shown in the presentation and questioning whether it allows public access or is part of a private road or driveway. Planning Staff Jessica Andrews responded that the access in question is tied to an easement with unclear status—whether public or private. She noted that a public access plan was approved years ago outlining designated access points, but it’s uncertain if this gate is included in that plan. An SMA assessment currently under review will help clarify the public access issue. *[SEE YOUTUBE TIMESTAMP 25:12]*

Chair Dean Au asked if the SMA permit was approved in 1993, and Planning Staff Jessica Andrews confirmed it was around 1992 or 1993. He then inquired whether there had been any violations or complaints filed with the county since its approval. Planning Staff Jessica Andrews stated that she was not aware of any such complaints and noted that an SMA assessment is currently under review, which could address any related issues. *[SEE YOUTUBE TIMESTAMP 26:46]*

There were no further questions. *[SEE YOUTUBE TIMESTAMP 27:35]*

Applicant Representative John Pipan, gave a presentation *[SEE YOUTUBE TIMESTAMP 28:17]*

Chair Dean Au opened the floor to allow the Commission to ask questions. *[SEE YOUTUBE TIMESTAMP 31:02]*

Vice Chair Donna “Kinuko” Noborikawa asked for details on CCNRs protecting archaeological easements and anchialine ponds. Applicant Representative John Pipan outlined several CCNR conditions (A–G) that preserve archaeological sites, including visible boundary markers, maintenance requirements, hand-clearing restrictions, and oversight by county and state agencies. He confirmed that dry-stack rock walls surround the easement areas. Vice Chair Donna “Kinuko” Noborikawa then asked about discrepancies in bedroom counts related to septic system capacity. John Pipan explained the home was permitted for six bedrooms, with two septic systems in place—adequate for the use. He clarified that some rooms (e.g., a library with a closet and full bath) may resemble bedrooms, but their classification is based on intent and permit history, not current use. He also noted the discrepancy in tax records stems from real property tax not relying on permit data. Vice Chair Donna “Kinuko” Noborikawa asked about outstanding permits and John Pipan confirmed a garage permit was recently issued, while the pool permit is still in process. Project Manager Hunter Ainslie, sworn in during the meeting, stated the pool construction should be completed by the end of May, and the garage project is expected to begin in May or June, with a completion target by year-end. Concerns were raised about parking impacts during garage construction. John Pipan said guest parking would be temporarily relocated on-site, and no off-site parking would be needed. Vice Chair Donna “Kinuko”

Noborikawa confirmed with him that no new ground disturbance is planned, except for limited work related to the garage and additional maneuvering space. Vice Chair Donna “Kinuko” Noborikawa asked about anchialine ponds, and John Pipan clarified there are none on this property—only archaeological easements. Any features resembling ponds on the site plan were identified as likely artifacts or unrelated ovals. Finally, Vice Chair Donna “Kinuko” Noborikawa inquired about consultation with lineal descendants during past permitting processes. John Pipan said he was not involved at the time but noted that extensive SHPD-approved studies and reports had been completed and offered to look into the records to provide further details. *[SEE YOUTUBE TIMESTAMP 31:02]*

Chair Dean Au requested that commissioners avoid back-and-forth discussions during the meeting to help Kelsie with accurately recording the minutes. He asked that questions be asked one at a time, allowing the testifier or applicant to respond before others speak. *[SEE YOUTUBE TIMESTAMP 47:05]*

Commissioner Armando Rodriguez asked if a pool is being built on the property and expressed concern about the water usage limit of 400 gallons per day noted in the Department of Water report (page 43). John Pipan confirmed the pool construction and acknowledged the concern, explaining that a private well is also available to serve the property, particularly for irrigation and pool-related needs. He added that the Department of Water Supply has the authority to enforce limits if necessary. *[SEE YOUTUBE TIMESTAMP 47:29]*

Chair Dean Au asked John Pipan for clarification on public access, noting that the applicant owns nine parcels and that the current agenda item pertains to the middle parcel. John Pipan confirmed this and explained that none of the other eight parcels provide public access. Instead, a beach access easement exists for subdivision lot owners, extending from Paniau Place to a state beach parcel. Public access was addressed in the 1991 SMA permit, which designated access at Paniau Beach to the north and lateral access via a trail fronting the property. John Pipan confirmed that the applicant is currently working with the county to address public access concerns. *[SEE YOUTUBE TIMESTAMP 48:38]*

Chair Dean Au asked if any commissioners had additional questions. No further questions were raised. *[SEE YOUTUBE TIMESTAMP 50:29]*

Chair Dean Au opened the floor to public testimony. *[SEE YOUTUBE TIMESTAMP 51:10]*

There were no in-person testifiers.

One individual provided testimony via zoom at 10:23 a.m.:

- 1) Claudia Rohr – *[SEE YOUTUBE TIMESTAMP 51:40]*

Chair Dean Au asked applicant representative John Pipan if he wished to respond to the concerns raised by the testifier. *[SEE YOUTUBE TIMESTAMP 55:01]*

Applicant Representative John Pipan responded by clarifying that the property is a single-family residence, with the bed and breakfast use being subordinate to the full-time caretaker and operator’s residence. He noted that no percentage of the home is designated for either use, as

there is no such requirement in the code or established process with the planning department. Regarding plans for the other parcels, John Pipan stated they are currently conceptual and would consist of dwellings. Any short-term B&B accommodation on those parcels would require a use permit, subject to review and approval by the commission. *[SEE YOUTUBE TIMESTAMP 55:04]*

Chair Dean Au asked if any commissioners had additional questions. No further questions were raised. Public testimony for this item closed. *[SEE YOUTUBE TIMESTAMP 56:33]*

Action: Commissioner DeFranco moved that the application for the Use Permit Docket No. PL-USE-2024-000031 be approved based on the Planning Director's recommendation which shall be adopted. Commissioner Noborikawa seconded. *[SEE YOUTUBE TIMESTAMP 57:28]* Commissioner Barbara DeFranco acknowledged the beauty of the development but expressed concern that it doesn't appear to function as a single-family residence being used as a B&B. She suggested that a discussion be held with the county to clarify whether it meets the rules and regulations for a B&B and requested that Mr. Jeffrey Darrow be allowed to speak on the matter. *[SEE YOUTUBE TIMESTAMP 57:58]* Planning Director Jeffrey Darrow explained that the planning department currently considers hosted rentals acceptable as long as they comply with single-family dwelling definitions, which include having only one kitchen. He noted that the county council is working on regulations for hosted rentals. Despite this, applicants can still pursue a bed and breakfast permit through the public process. Planning Director Jeffrey Darrow clarified that this applicant is seeking a bed and breakfast permit, not a hosted or short-term rental. *[SEE YOUTUBE TIMESTAMP 58:42]* Commissioner Armando Rodriguez expressed concern about water usage, noting that there is a master meter for nine lots, allowing 4,000 gallons of water per day. He raised the issue of adding a swimming pool and accommodating more people, emphasizing the importance of water conservation and his worry that there may not be enough water for these additional uses. *[SEE YOUTUBE TIMESTAMP 01:00:42]* Applicant Representative John Pipan responded by clarifying that the proposed swimming pool is a replacement for a pre-existing pool, not a new addition. He emphasized that the applicants are committed to using water efficiently, particularly for irrigation, and prioritizing water for public human consumption. *[SEE YOUTUBE TIMESTAMP 01:01:25]* Vice Chair Donna "Kinuko" Noborikawa shared that she had several concerns when she first reviewed the application but felt that they had been adequately addressed. She thanked Mr. Pipan for his responses. *[SEE YOUTUBE TIMESTAMP 01:02:08]* Chair Dean Au expressed concern about public access and strongly encouraged the applicant to work with the county to find a solution. He emphasized that while the guests will enjoy the property, it would be fair for both residents and the public to have access as well. He urged the process to move forward and reach an agreement, noting that this was his only concern. *[SEE YOUTUBE TIMESTAMP 01:02:37]* A roll call vote was taken, and the motion carried with four ayes (Commissioner DeFranco, Vice Chair Noborikawa, Commissioner Dela Cruz, and Chair Au), one nay (Commissioner Rodriguez), with one and excused (Commissioner Kanuha). *[SEE YOUTUBE TIMESTAMP 01:03:19]*

This hearing item ended at 10:35 a.m. *[SEE HEARING TRANSCRIPT – EXHIBIT A]*

2. INITIATOR: PLANNING DIRECTOR (PL-PDI-2025-000014)

The Planning Director has initiated an ordinance to amend Chapter 25 (Zoning), Article 1, Article 2, Article 4, Article 5, and Article 7 of the Hawai'i County Code 1983 (2016 Edition, as amended), relating to zoning district regulations for meeting facilities, community buildings, and churches, temples and synagogues. The purpose of this bill is to remove the definitions and references to churches, temples, synagogues and community buildings and consolidate them under meeting facilities and establish standards for their development to ensure equitable treatment in the Zoning Code.

The Commission took up this agenda item at 10:36 a.m. There were two members of the public present in the audience. *[SEE YOUTUBE TIMESTAMP 01:04:26]*

Tracie-Lee Camero gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 01:05:33]*

Chair Dean Au asked the fellow commissioners if they had any questions for the staff. *[SEE YOUTUBE TIMESTAMP 01:19:37]*

Vice Chair Donna “Kinuko” Noborikawa confirmed with Planning Staff Tracie-Lee Camero that the main purpose of the presentation was to address the County’s current non-compliance with federal law and to align the County Code accordingly. Noborikawa also expressed appreciation for the zoning comparison table provided, noting she made her own to better understand the information. She found the “reason for amendment” notes helpful and suggested including them consistently in future materials. She concluded by thanking Camero for the presentation. *[SEE YOUTUBE TIMESTAMP 01:19:44]*

Chair Dean Au opened the floor to public testimony. *[SEE YOUTUBE TIMESTAMP 01:21:06]*

There were no in-person testifiers for this agenda item.

One individual provided testimony via zoom at 10:53 a.m.:

- 1) Claudia Rohr – *[SEE YOUTUBE TIMESTAMP 01:21:39]*

Chair Dean Au closed public testimony for this agenda item. *[SEE YOUTUBE TIMESTAMP 01:26:23]*

Chair Dean Au asked Planning Director Jeffrey Darrow if he wished to respond to any of the comments made during the meeting. *[SEE YOUTUBE TIMESTAMP 01:26:32]*

Planning Director Jeffrey Darrow explained that the current issue arose due to a pending lawsuit claiming the county's zoning code is unconstitutional. The lawsuit concerns the requirement for churches, temples, and synagogues to go through a use permit process in certain zoning districts, while similar uses in residential districts were either permitted outright or required only plan approval. After discussions with involved parties, the county chose to pursue a plan approval process instead of requiring a use permit for all similar uses. This decision was made to address regular public inquiries and complaints about occasional private events such as weddings or parties at residences, which were not considered commercial events. The county set limits on events with no more than 25 people twice a week. If events exceed these limits, the facility

would need plan approval, including on-site parking and structure assessments. Planning Director Jeffrey Darrow clarified that this approach avoids the public hearing process seen with use permits but allows for flexibility. He also explained the difference between agricultural zoning and residential zoning, noting that the state land use agricultural district requires a special permit for public hearings, which is outside the county's jurisdiction. In conclusion, Planning Director Jeffrey Darrow indicated that this plan aims to resolve the lawsuit, bring the zoning code into compliance, and could be revisited if complaints increase. *[SEE YOUTUBE TIMESTAMP 01:26:40]* Vice Chair Donna “Kinuko” Noborikawa asked Planning Director Jeffrey Darrow about the department's stance on the Windward Planning Commission’s proposed amendment to exclude family members from the count of 25. Planning Director Jeffrey Darrow responded that the department is supportive of the amendment. *[SEE YOUTUBE TIMESTAMP 01:33:19]*

Action: Commissioner Dela Cruz moved that a favorable recommendation be forwarded to the County Council on the proposed amendments to Chapter 25, Article 2, 4, 5, and 7 of the Hawai‘i County Code 1983 (2016 Edition, as amended), for Docket No. PL-PDI-2025-000014 based on the Planning Director’s recommendation including the amendment proposed by the Windward Planning Commission and the inclusion of a correction to Section 25-2-71(c)(6). Commissioner DeFranco seconded. *[SEE YOUTUBE TIMESTAMP 01:34:04]* Commissioner Barbara DeFranco expressed strong support for the action, emphasizing its importance, particularly given the potential for a lawsuit. She acknowledged that further clarification may come later but viewed this as a positive first step toward fairness and non-discrimination. *[SEE YOUTUBE TIMESTAMP 01:36:14]* Chair Dean Au acknowledged the testimony submitted by the public, emphasizing that their concerns—particularly about parking—have been heard and considered by the Planning Department. He expressed empathy and thanked the testifiers for their input, affirming that their issues are recognized and impact the broader community. *[SEE YOUTUBE TIMESTAMP 01:36:40]* A roll call vote was taken, and the motion carried with five ayes (Commissioner Dela Cruz, Commissioner DeFranco, Commissioner Rodriguez, Vice Chair Noborikawa, and Chair Au) with one and excused (Commissioner Kanuha). *[SEE YOUTUBE TIMESTAMP 01:37:18]*

This hearing item ended at 11:08 a.m. *[SEE HEARING TRANSCRIPT – EXHIBIT B]*

****RECESS 11:09 A.M. TO 11:21 A.M.****

3. INITIATOR: COUNTY COUNCIL (PL-CCI-2025-000010)

The County Council has referred a bill for an ordinance to amend Chapter 25 (Zoning), Article 3, Section 25-3-3 of the Hawai‘i County Code 1983 (2016 Edition, as amended), relating to the establishment of zoning districts. The Zoning Code currently requires the boundaries of Special Districts to be defined with a metes and bounds description and a map. The purpose of this bill is to grant the Planning Director the authority to designate alternative methods for defining Special District boundaries, when deemed appropriate.

The Commission took up this agenda item at 11:21 a.m. There were two members of the public present in the audience. *[SEE YOUTUBE TIMESTAMP 01:49:49]*

Christian Kay gave a presentation. *[SEE YOUTUBE TIMESTAMP 01:50:39]*

Chair Dean Au asked the fellow commissioners if they had any questions for the staff. No questions. *[SEE YOUTUBE TIMESTAMP 01:59:00]*

Chair Dean Au opened the floor to public testimony. *[SEE YOUTUBE TIMESTAMP 01:59:09]*

There were no in-person or zoom testifiers for this agenda item. *[SEE YOUTUBE TIMESTAMP 01:59:18]*

Councilmember Ashley Kierkiewicz, the initiator of this bill attended via zoom and expressed appreciation for the Planning Department's favorable recommendation and stated she is available to answer any questions about the bill. *[SEE YOUTUBE TIMESTAMP 2:00:04]*

Chair Dean Au opened the floor to allow the Commission to ask questions. *[SEE YOUTUBE TIMESTAMP 02:00:25]*

Chair Dean Au asked if Councilmember Ashley Kierkiewicz supported the Planning Director's friendly amendment, to which she responded yes and thanked him for asking. *[SEE YOUTUBE TIMESTAMP 02:00:31]*

Chair Dean Au closed public testimony for this agenda item. *[SEE YOUTUBE TIMESTAMP 02:00:48]*

Action: Vice Chair Donna "Kinuko" Noborikawa moved that a favorable recommendation be forwarded to the County Council on the proposed amendments to Chapter 25 (Zoning), Article 3, Section 25-3-3 of the Hawai'i County Code 1983 (2016 Edition, as amended), for Docket No. PL-CCI-2025-000010 based on the Planning Director's recommendations and including the proposed language outlined in the planning director's friendly amendment. Commissioner Michael Dela Cruz seconded. *[SEE YOUTUBE TIMESTAMP 02:01:12]* Vice Chair Donna "Kinuko" Noborikawa voiced support for the amendment, citing her experience with GIS and GPS technologies in another jurisdiction. She noted significant improvements in accuracy over time and emphasized the importance of updating regulations to accommodate evolving technology. She concluded by reaffirming the reason she made a motion for a favorable recommendation. *[SEE YOUTUBE TIMESTAMP 02:02:08]* Chair Dean Au commented that applicants and developers often face significant, and sometimes unnecessary, costs when pursuing projects. He expressed appreciation to Councilmember Kierkiewicz for introducing the bill and collaborating with the Planning Department to help reduce those financial burdens. *[SEE YOUTUBE TIMESTAMP 02:03:26]* A roll call vote was taken, and the motion carried with five ayes (Vice Chair Noborikawa, Commissioner Dela Cruz, Commissioner DeFranco, Commissioner Rodriguez, and Chair Au), with one and excused (Commissioner Kanuha). *[SEE YOUTUBE TIMESTAMP 02:04:09]*

This hearing item ended at 11:36 a.m.

4. **DISCUSSION ON LETTERHEAD UPDATES AND RECOMMENDATIONS FOR ‘ŌLELO HAWAI‘I INCLUSION**

Recommendation to the Mayor by Vice-Chair Noborikawa to include ‘Ōlelo Hawai‘i alongside English on letterheads for relevant departments and groups, such as the Planning Commission.

The Commission took up this agenda item at 11:37 a.m. There were two members of the public present in the audience. *[SEE YOUTUBE TIMESTAMP 02:04:54]*

Chair Dean Au asked for Vice Chair Donna “Kinuko” Noborikawa, as the initiator of this request to provide any backgrounds or reasoning for requesting this agenda item. *[SEE YOUTUBE TIMESTAMP 02:15:18]*

Vice Chair Donna “Kinuko” Noborikawa noted that although Hawaiian (‘Ōlelo Hawai‘i) was designated an official language by the state in 1978, its use has remained limited—for example, only appearing in names like the State Land Use Commission. Upon her return in 2016, she observed little progress and expressed a desire for the Planning Commission to explore expanding the use of the Hawaiian language. *[SEE YOUTUBE TIMESTAMP 02:05:26]*

Chair Dean Au opened the floor to public testimony. *[SEE YOUTUBE TIMESTAMP 02:06:22]*

There were no in-person testifiers for this agenda item. *[SEE YOUTUBE TIMESTAMP 02:06:24]*

One individual provided testimony via zoom at 11:38 a.m.:

- 1) Mahina Paishon-Duarte – *[SEE YOUTUBE TIMESTAMP 02:07:10]*

Chair Dean Au closed public testimony for this agenda item. *[SEE YOUTUBE TIMESTAMP 02:10:53]*

Action: Vice Chair Donna “Kinuko” Noborikawa moved to recommend to the mayor and the planning director that all communication related to land use and planning be available to the community in ‘Ōlelo Hawai‘i and specifically all communication forwarded from the planning commission’s regarding land use planning materials. Commissioner Dela Cruz seconded. *[SEE YOUTUBE TIMESTAMP 02:11:06]* Chair Dean Au expressed strong support for the motion, emphasizing that recognizing Native Hawaiian heritage and identity makes Hawai‘i unique. He believes it’s important for agencies to reflect this cultural acknowledgment, and he feels honored to support the initiative. *[SEE YOUTUBE TIMESTAMP 02:11:38]* Commissioner Armando Rodriguez asked whether the initiative would go beyond land use. Vice Chair Donna “Kinuko” Noborikawa explained that while the Planning Commission’s role is focused on land use recommendations, the intent is to start a broader movement that could inspire other county agencies to follow suit. Chair Dean Au added that the goal is to begin the conversation within the Planning Department and Commission, with the hope it may expand to other areas over time. *[SEE YOUTUBE TIMESTAMP 02:12:54]* Planning Director Jeffrey Darrow thanked Vice Chair Donna “Kinuko” Noborikawa for raising the issue and expressed the Planning Department’s support. He noted that the next step is to determine the correct process—whether it involves changing rules, codes, or the charter—and said they will consult with legal counsel to figure that

out. Once clarified, the department will begin the process and either move forward with a Planning Director-initiated action or update the commission if further steps are needed. *[SEE YOUTUBE TIMESTAMP 02:14:12]*

Action: Vice Chair Donna “Kinuko” Noborikawa moved to defer her original motion to the June 19, 2025, Leeward Planning Commission to have more time to discuss and the Planning Department has more time to provide background information. Commissioner Dela Cruz seconded. *[SEE YOUTUBE TIMESTAMP 02:15:37]* A voice vote was taken, and the motion carried with 5 ayes with one absent and excused (Commissioner Kanuha). *[SEE YOUTUBE TIMESTAMP 02:16:09]*

This hearing item ended at 11:48 a.m.

PLANNING DIRECTOR’S REPORT

Report on Special Management Area (SMA) determinations and minor permits issued by the Planning Director for December 2024, January 2025, February 2025, and March 2025. *[SEE YOUTUBE TIMESTAMP 02:16:44]*

Chair Dean Au asked the fellow commissioners if they had any questions on the SMA report for staff. *[SEE YOUTUBE TIMESTAMP 02:17:06]*

Commissioner Barbara DeFranco expressed relief that repairs are planned for Kona Magic Sands and asked for clarification about the location. Planning Director Jeffrey Darrow explained that the repairs are for the seawall of the apartment complex next to Magic Sands Beach Park, which was damaged and now requires restoration. *[SEE YOUTUBE TIMESTAMP 02:17:39]*

Chair Dean Au opened the floor to public testimony. *[SEE YOUTUBE TIMESTAMP 02:18:29]*

There were no in-person testifiers for this agenda item. *[SEE YOUTUBE TIMESTAMP 02:18:37]*

One individual provided testimony via zoom at 11:38 a.m.:

- 1) Claudia Rohr – *[SEE YOUTUBE TIMESTAMP 02:19:06]*

Chair Dean Au closed public testimony for this agenda item. *[SEE YOUTUBE TIMESTAMP 02:24:08]*

Chair Dean Au asked the fellow commissioners if they had any other questions on the four SMA reports for staff. *[SEE YOUTUBE TIMESTAMP 02:24:11]*

Vice Chair Donna “Kinuko” Noborikawa asked whether the Leeward Planning Commission has any authority over a project located in the Windward Planning Commission's jurisdiction. Planning Director Jeffrey Darrow clarified that while discussions can happen at either commission's hearings, decision-making authority lies with the relevant commission based on location—in this case, the Windward Planning Commission. He explained that the project in question involved a Special Management Area (SMA) assessment but was located inland, not on

the shoreline. Under current rules, single-family homes under 7,500 sq ft that are not on shoreline parcels or impacted by coastal hazards are exempt from requiring an SMA permit. The department handles such assessments internally through a short form process and exempts them accordingly. Planning Director Jeffrey Darrow added that some confusion may have arisen from short-term rental units in SMA zones, which often don't require SMA permits if they are legally registered or have nonconforming use certificates. Ultimately, he confirmed that the Leeward Commission would not be involved in this case because the application did not trigger a permit requiring planning commission review, and the authority to process such exemptions has been delegated to the department. *[SEE YOUTUBE TIMESTAMP 02:24:28]* Commissioner Barbara DeFranco asked Planning Director Jeffrey Darrow whether a dedicated team or position had been created within the planning department to handle complaints and enforcement related to short-term vacation rentals (STVRs), as previously discussed. Planning Director Jeffrey Darrow confirmed that following the passage of Bill 108 in 2019, the zoning code was updated to include Section 25-4-16, which governs STVRs. The bill also created a funding mechanism from collected fees to support enforcement and staffing. As a result, the department currently has seven staff members—including planners, clerks, and inspectors—who handle STVR issues. He added that a new webinar is launching a next phase focused on regulating hosted rentals, possibly introducing new registration processes and platform oversight. This initiative may lead to revisiting staffing and enforcement needs as it expands the scope of STVR regulation. *[SEE YOUTUBE TIMESTAMP 02:30:11]*

[SEE HEARING TRANSCRIPT – EXHIBIT C]

AGENDA ITEMS FOR THE NEXT MEETING

The Commissioners did not provide any input on agenda items for the next meeting. Planning Staff Maija Jackson noted that three items are scheduled for the next meeting and that at least one additional planning commissioner, Rebecca “Kawehi” Inaba, has been confirmed to fill the at-large North Kona seat. Alexandria “Lexie” Ayers has a confirmation hearing in two weeks, and if approved, she will join the commission at the May meeting to fill the South Kona seat. *[SEE YOUTUBE TIMESTAMP 02:33:48]*

ANNOUNCEMENTS

The next Leeward Planning Commission regular meeting is scheduled for Thursday, May 15, 2025, 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 02:35:02]*

ADJOURNMENT

There being no further business, it was moved by Vice Chair Donna “Kinuko” Noborikawa and seconded by Commissioner Barbara DeFranco that the meeting be adjourned. A voice vote was taken, and the motion was carried with five ayes with one absent and excused (Commissioner Kanuha). *[SEE YOUTUBE TIMESTAMP 02:35:35]*

Chair Dean Au adjourned the meeting at 12:07 p.m.

Respectfully submitted,

Kelsie Chang

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

Kelsie Chang

Secretary

ATTEST:

Dean Au

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

Dean Au, Chairperson

Leeward Planning Commission