

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

MINUTES
APRIL 3, 2025

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Timestamps are provided for reference in accordance with the provisions of Chapter 92, Hawai'i Revised Statutes. In the event the video recording becomes unavailable at the above-mentioned URL address, the public can contact the Planning Department for assistance.

The Windward Planning Commission met in regular session on Thursday, April 3, 2025, at 9:01 a.m., in the County of Hawai'i, Council Chambers, located at 25 Aupuni Street, Hilo, Hawai'i, with Chairman Louis Daniele III presiding. This meeting was streamed live on YouTube. *[SEE YOUTUBE TIMESTAMP 4:15]*

COMMISSIONERS PRESENT: Louis Daniele III (Chairman), Chantel Perrin (Vice Chair), Lauren Balog, Wayne De Luz, and JoNelle Fukushima.

COMMISSIONER ABSENT AND EXCUSED: Gordon Takaki.

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

Two individuals from the public were in the audience. With a quorum present, Chairman Louis Daniele III introduced the Commission and staff.

At 9:02 a.m. Chairman Louis Daniele III asked the Commissioners to confirm they had reviewed all materials, including written public testimony related to the applications being reviewed today. Each Commissioner verbally confirmed they had done so. He then made a few housekeeping announcements, reminding attendees to silence their cell phones and noting the location of the public restrooms. He also instructed anyone wishing to testify to complete the yellow sign-up form at the staff table and submit any written testimony not previously submitted. *[SEE YOUTUBE TIMESTAMP 5:43]*

APPROVAL OF MINUTES

At 9:03 a.m. the Commission addressed the verbatim meeting transcripts of September 5, 2024, November 1, 2024, and December 5, 2024, relating to the application of Niel Jayasinghe (PL-SMA-2024-000060). No corrections were offered. Vice Chair Chantel Perrin moved to approve the minutes as circulated, with Commissioner JoNelle Fukushima seconding the motion. A voice vote was taken, and the motion carried unanimously. *[SEE YOUTUBE TIMESTAMP 6:54]*

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:06 a.m. the Commission addressed this item with two public members present in the Council Chambers. Chairman Louis Daniele III explained that public testimony would begin with in-person speakers, followed by Zoom participants, and would continue until all had been heard. Testifiers were given the option to speak at this time or later when the specific agenda item was called. He reminded everyone to keep their testimony respectful, noting that personal attacks and disruptive behavior would not be permitted and could result in testimony being paused or ended to maintain decorum. He also stated that testimony would be limited to three minutes and encouraged participants to respect the time limit to ensure as many voices as possible could be heard. *[SEE YOUTUBE TIMESTAMP 9:22]*

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

NEW BUSINESS

1. APPLICANT: CORREA OHANA LLC (PL-REZ-2024-000071)

Application for a Change of Zone from a Single-Family Residential-10,000 square feet (RS-10) zoning district to a General Commercial-10,000 square feet (CG-10) zoning district for 33,180 square feet of land. The subject property is located at 1198 Kino'ole Street, approximately 200 feet north of its intersection with Kamana Street, Waiākea House Lots 2nd Series, Waiākea, South Hilo, Hawai'i, TMK: (3) 2-2-022:022.

The Commission began this item at 9:08 a.m., with two members of the public in attendance. *[SEE YOUTUBE TIMESTAMP 11:15]*

Chairman Louis Daniele III announced this agenda item was deferred at the request of the applicant.

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

This hearing item concluded at 9:08 a.m.

2. APPLICANT: L.A. SERVICES INC. (PL-REZ-2024-000069)

Application for a Change of Zone from a Single-Family Residential-10,000 square feet (RS-10) zoning district to a Village Commercial-10,000 square feet (CV-10) zoning district for a 6,920.3-square-foot portion of a 25,955.4-square foot parcel. The subject property is located at 95-5591 Māmalahoa Highway, at the southwest corner of its intersection with Pua'ala Place, Nā'ālehu Village, Portion of Kaunāmano, Ka'u, Hawai'i, TMK: (3) 9-5-009:001(por.).

The Commission began this item at 9:08 a.m., with two members of the public in attendance. *[SEE YOUTUBE TIMESTAMP 11:23]*

Jessica Andrews gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 12:46]*

Aric Koerte of Mana Land Consultant LLC, representing Applicant L.A. Services Inc., stated that the application is subject to the Department of Water Supply requirements and acknowledged that the current water supply at the site is insufficient to support a fire suppression system. He also mentioned that in the future, they would like to explore options for rezoning the property without requiring a fire suppression system. *[SEE YOUTUBE TIMESTAMP 19:28]*

Chairman Louis Daniele III then opened the floor for the Commission to ask questions of the applicant and Planning Department staff. *[SEE YOUTUBE TIMESTAMP 20:04]*

Vice Chair Chantel Perrin asked the applicant to explain the purpose of the rezoning application. The applicant representative, Aric Koerte responded that the parcel was originally two separate lots, one which was non-conforming, zone RS-10, and only 6,900 square feet. To address this, the two parcels were consolidated to create conformity and with the intent to rezone both to CV-10. Vice Chair Chantel Perrin followed up by asking what the intent was behind consolidating the parcels. Mr. Koerte explained that it was done with the possibility of developing a structure on the rear that would not require a fire suppression system, possibly something like fuel pumps. *[SEE YOUTUBE TIMESTAMP 20:17]*

Planning Director Jeffrey Darrow stated that this is a situation the department encounters occasionally. When a rezoning application is submitted, there are specific criteria and conditions that must be met before the Planning Department can recommend approval to the Commission and County Council. He explained that one key criterion comes from Section 25-2-46 of the Zoning Code, under Concurrency Requirements. This section requires that adequate infrastructure be in place to support higher density uses resulting from a zoning change. One of the main infrastructure considerations is water, as outlined in subsection (m), which was addressed in the recommendation which he cited. Planning Director Jeffrey Darrow suggested that the applicant not proceed with the request based on the criteria. He recommended working with the Department of Water Supply to explore options for improving the system so the additional 6,000 square feet can be included as part of the property. He also clarified that the water requirements cannot be waived and are the basis for the department's unfavorable recommendation. *[SEE YOUTUBE TIMESTAMP 21:25]*

Chair Louis Daniele III asked the applicant's representative whether Pua'ala was a two-lane road or considered a one-lane road. In response, Aric Koerte stated that he did not know what the definition would be for that road. I know it's about 15 feet in width. *[SEE YOUTUBE TIMESTAMP 25:35]* Chair Louis Daniele III followed by stating that he was considering traffic in the area, noting it gets congested due to parking on one side of the road. In response, Mr. Koerte explained that, on the other hand, it helps alleviate traffic in front of the gas station, which often experiences backups from vehicles waiting to fuel. He added that the client is trying to redirect the traffic flow to the rear of the parcel.

Vice Chair Chantel Perrin restated that Mr. Koerte had just mentioned the client is trying to move the traffic from the front to the back of the parcel, and asked, "So, what's currently taking place there on the parcel?" Mr. Koerte responded that there are fuel pumps on the parcel, as it is a gas station serving Nā'ālehu, and he believes it is one of the only gas stations available in the area. He explained that due to traffic concerns along the highway, congestion occurs when it gets

busy. To help alleviate that congestion, they are proposing to shift the traffic flow to the rear of the parcel, with the possibility of installing one or two pumps in the back at a future date. Vice Chair Chantel Perrin followed up by stating that there appear to be potential plans and processes under consideration, but they are not included in the current application. Mr. Koerte responded that it is not feasible to include those plans at this time due to water concerns, and that it would not be cost-effective for the client to update the infrastructure. *[SEE YOUTUBE TIMESTAMP 26:50]*

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

Action: Vice Chair Chantel Perrin moved, and Commissioner JoNelle Fukushima seconded, that an unfavorable recommendation be forwarded to the County Council on Change of Zone Application No. PL-REZ-2024-000069, on the basis the application fails to meet concurrency standards for water as required by Section 25-2-46 of the Zoning Code. *[SEE YOUTUBE TIMESTAMP 28:52]*

During discussion Vice Chair Chantel Perrin asked if changing the zoning to CV would increase the property value, and, in turn, raise property taxes for the surrounding community since it would become a commercial parcel. Planning Director Jeffrey Darrow responded that it likely would, but the property value and taxes are not part of the approval criteria. He explained that what matters is whether there are clear plans for the property, and in this case, none were provided. He added that even something like using the area for a parking lot would have helped. Vice Chair Chantel Perrin expressed concern that the property value might go up, impacting neighbors, while the lot sits vacant and doesn't contribute to the community. Planning Director Jeffrey Darrow replied that the lot is currently zoned residential and reiterated that if the applicant provided a specific plan, such as for parking, it may have helped. However, the criteria for a favorable recommendation are strict. He again suggested the applicant consider withdrawing the request and working with agencies, particularly the Department of Water Supply, to find a solution before resubmitting with a clearer proposal. *[SEE YOUTUBE TIMESTAMP 29:48]*

With no further discussion, a roll call vote was taken. The motion carried with five ayes (Perrin, Fukushima, Balog, De Luz, and Daniele), no noes, and one excused (Takaki). *[SEE YOUTUBE TIMESTAMP 33:30]*

This hearing item concluded at 9:32 a.m.

3. APPLICANT: ATLAS SURREY LLC (PL-SMA-2025-000071)

Application for a Special Management Area Use Permit to construct a two story, 2,560 square-foot single-family residence with five bedrooms, three bathrooms, and related improvements on a 1.998-acre shoreline parcel within the Special Management Area. The subject property is located approximately 1,300 feet north of Hakalau Bay on the makai side of Hawai'i Belt Road, Kamae & Wailua Government Tract, North Hilo, Hawai'i, TMK: (3) 3-1-001:011.

This item was deferred at the applicant's request.

4. 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, and synagogues and community buildings and consolidate them under meeting facilities and establishes standards for their development to ensure equitable treatment in the Zoning Code.

The Commission began this item at 9:33 a.m., with one member of the public in attendance. *[SEE YOUTUBE TIMESTAMP 34:21]*

Tracie-Lee Camero gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 36:26]*

Chairman Louis Daniele III then opened the floor for the Commission to ask questions of the Planning Department staff. *[SEE YOUTUBE TIMESTAMP 47:59]*

Commissioner JoNelle Fukushima stated with the proposed Zoning Code revision that would include secular activities as “meeting facilities,” how do you think the difference between a “meeting” and an “event” might affect residential neighborhoods? And what steps can we take to make sure that the number and type of secular events don’t negatively impact the quality of life for nearby residents? *[SEE YOUTUBE TIMESTAMP 47:59]*

Planning Director Jeffrey Darrow explained that events are not allowed in residential zones under the proposed changes. If you look at the bill, you'll see that “meeting facilities” can include events, but only in certain zones. In residential areas like RS, RD, and RM, that option isn’t even available. He said the Planning Department often gets complaints about large gatherings like birthday parties, football watch parties, or bible studies. They wanted to find a balance so that people wouldn’t need to get a permit just to have a private gathering. That’s why they added a limit. If there are more than 25 people and it happens more than twice a week, then it’s considered a “meeting facility,” and the person would need to apply for Plan Approval through the Planning Department.

He also gave some background: a few years ago, they got complaints about a religious use in a residential area. After inspecting, they found that a religious facility was operating without the required Use Permit. They issued a violation notice, but the group didn’t complete the Use Permit process. Then a lawsuit was filed, arguing that the Zoning Code was discriminatory because religious uses needed a Use Permit, while similar uses like community buildings or meeting facilities had fewer requirements. To fix this, they revised the rules so that all similar uses religious or not are now grouped under the term “meeting facility.” These facilities will now just need Plan Approval, which is simpler and doesn’t require a public hearing or Planning Commission approval. He said this change is meant to bring fairness and clarity to how different types of gatherings are treated in the zoning rules. *[SEE YOUTUBE TIMESTAMP 51:32]*

Vice Chair Chantel Perrin asked why the number was set at 25, noting that just her children and their spouses add up to 27. Planning Director Jeffrey Darrow responded that the number 25 was the result of discussions, some people suggested more, some less and they ultimately agreed on

25. He stated if the Commission feels that number is too low, they can recommend increasing it. *[SEE YOUTUBE TIMESTAMP 56:36]*

Vice Chair Perrin asked if the Planning Department could explain why the proposed amendments remove the requirement for public hearings or neighbor notifications when a religious or secular meeting facility is added to a residential neighborhood. *[SEE YOUTUBE TIMESTAMP 58:23]* Planning Director Jeffrey Darrow explained that the goal of the amendment is to create a fair and consistent process for all types of uses whether it's a community building, meeting facility, or religious institution like a church, temple, or synagogue. The problem in the past was that these uses were treated differently, which led to legal challenges. This proposal aims to make the process uniform. He said that, after discussions with all parties involved, they agreed on using the Plan Approval process instead of requiring a public hearing or Use Permit. However, if the Commission or Council decides that a Use Permit should be required for all meeting facilities, that could still be changed. The focus, he emphasized, was on consistency. This is the process they're recommending now, but it's ultimately up to the Commission and Council to decide whether or not to approve it. *[SEE YOUTUBE TIMESTAMP 58:46]*

At 10:01 a.m. the Chair called a recess, and the hearing reconvened at 10:08 a.m. [SEE YOUTUBE TIMESTAMP 1:02:12]

One individual provided in-person testimony:

1. Claudia Rohr *[SEE YOUTUBE TIMESTAMP 1:10:12]*

There were no Zoom testifiers for this agenda item.

Questions from the Commission to the Planning Department staff resumed.

Vice Chair Chantel Perrin asked why a Use Permit is still required for meeting facilities in agricultural zones, but not in residential zones where homes are closer together and potential impacts might be more immediate. *[SEE YOUTUBE TIMESTAMP 1:18:12]* Planning staff Tracie Camero responded that the approach follows the current rules for meeting facilities. In residential zoning (RS), meeting facilities are already a permitted use. However, in agricultural districts, they're not automatically permitted and require a Special Permit. Churches, temples, and synagogues also require either a Use Permit or Special Permit. They tried to align the proposed changes with the existing Zoning Code, which is why the rules were set up this way. *[SEE YOUTUBE TIMESTAMP 1:18:39]*

At 10:18 a.m. the Chair called a recess, and the hearing reconvened at 10:19 a.m. [SEE YOUTUBE TIMESTAMP 1:20:22]

Vice Chair Chantel Perrin inquired how does the County plan to enforce the rule of 25 attendees and two times a week? *[SEE YOUTUBE TIMESTAMP 1:20:47]* Director Darrow explained that enforcement would be similar to how the Planning Department handles other complaints. For example, they sometimes get complaints about houses being used for more than five unrelated people, which violates the zoning code for single-family homes. In those cases, an inspector investigates to verify if the complaint is valid. Similarly, for this rule, they would investigate the

number of people attending and the frequency of the events. If events are happening more than twice a week, that would be considered a violation, regardless of the number of people. *[SEE YOUTUBE TIMESTAMP 1:20:57]*

Planning Director Jeffrey Darrow added that Vice Chair Perrin's concern about large families is valid, especially in Hawai'i where families can be quite large. He suggested that if the Commission agrees, they could consider adding a clarification to the rule, such as specifying that the 25-person limit excludes family members. However, he noted that they want to avoid people using this as a loophole for large events like weddings. He feels comfortable with the definition of "events" and doesn't expect family events like weddings to happen frequently, but he said it's something worth considering. *[SEE YOUTUBE TIMESTAMP 1:23:28]* Commissioner JoNelle Fukushima liked the distinction being made, noting that Hawaiians and locals often have large family gatherings. She mentioned that many people might not realize that large events now fall under specific language and distinctions. In her neighborhood, people host large parties frequently and might know they need a permit. She supported the distinction and agreed with adding family as a consideration, since it fits with local culture. *[SEE YOUTUBE TIMESTAMP 1:25:03]*

At 10:26 a.m. it was moved by Vice Chair Chantel Perrin and seconded by Commissioner Lauren Balog that the Commission go into executive session to consult with its attorney regarding legal questions on procedure and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities pursuant to HRS 92-5. A voice vote was taken, and the motion carried with all in favor and the room was cleared. *[SEE YOUTUBE TIMESTAMP 1:27:26]* The Commission went into executive session at 10:28 a.m. At 10:31 a.m. it was moved by Commissioner Wayne De Luz and seconded by Commissioner JoNelle Fukushima that the Commission go out of executive session. A voice vote was taken, and the motion carried with all in favor.

At 10:49 a.m. Chairman Louis Daniel III called the hearing back to order. *[SEE YOUTUBE TIMESTAMP 1:50:38]*

Action: Vice Chair Chantel Perrin moved that a favorable recommendation be forwarded to the County Council on the proposed amendments to Chapter 25, Zoning, Article 1, Article 2, Article 4, Article 5, and Article 7 of the Hawai'i County Code, 2016 Edition, as amended on PL-PDI-2024-000014, based on the Planning Director's recommendation including the language referenced "exclusive of family members." *[SEE YOUTUBE TIMESTAMP 1:51:04]* Commissioner JoNelle Fukushima seconded the motion. *[SEE YOUTUBE TIMESTAMP 1:51:51]* A roll call vote was taken, and the motion carried with five ayes (Perrin, Fukushima, Balog, De Luz, and Daniele), no noes, and one excused (Takaki). *[SEE YOUTUBE TIMESTAMP 1:53:07]*

This hearing item concluded at 10:52 a.m. *[SEE HEARING TRANSCRIPT – EXHIBIT A]*

PLANNING DIRECTOR'S REPORT *[SEE YOUTUBE TIMESTAMP 1:53:49]*

Report on Special Management Area (SMA) determinations, minor permits action issued by the Planning Director.

At 10:52 a.m. Chairman Louis Daniele III introduced this item, noting that the Special Management Area (SMA) determination and minor permits issued by the Planning Director for March 2025 report had been emailed to the Commissioners. There were no questions from the Commissioners regarding the report.

One individual in-person provided testimony on this agenda item.

1. Claudia Rohr *[SEE YOUTUBE TIMESTAMP 1:55:49]*

There were no Zoom testifiers for this agenda item.

AGENDA ITEMS FOR NEXT MEETING *[SEE YOUTUBE TIMESTAMP 1:59:03]*

At 10:58 a.m. Chairman Louis Daniele III introduced the item, and there were no comments or matters for consideration from the Commissioners. Planning Program Manager Maija Jackson confirmed that five agenda items are currently planned for the next meeting.

ANNOUNCEMENTS *[SEE YOUTUBE TIMESTAMP 1:59:28]*

Chairman Louis Daniele III announced that the Windward Planning Commission's next regular meeting is tentatively scheduled for Thursday, May 1, 2025.

ADJOURNMENT *[SEE YOUTUBE TIMESTAMP 1:59:53]*

With no further business, a motion was made to adjourn the meeting. Vice Chair Chantel Perrin moved, and Commissioner JoNelle Fukushima seconded the motion. *[SEE YOUTUBE TIMESTAMP 2:00:00]* A voice vote was taken, and the motion carried unanimously. Chairman Louis Daniele III adjourned the meeting at 10:57 a.m.

Respectfully submitted,

Melissa Dacayanan-Salvador

Melissa Dacayanan-Salvador (Jun 10, 2025 14:59 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:

Louis Daniele III
Louis Daniele III (Jun 11, 2025 17:16 HST)

Louis Daniele III, Chairman
Windward Planning Commission

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
APRIL 3, 2025

A regularly advertised hearing on the **INITIATOR: PLANNING DIRECTOR (PL-PDI-2025-000014)** was heard at 9:33 a.m. in the County of Hawai'i Council Chambers in Hilo, 25 Aupuni Street, Hilo, Hawai'i with Chair Louis Daniele III presiding.

COMMISSIONERS PRESENT: Louis Daniele III (Chair), Chantel Perrin (Vice Chair), Lauren Balog, Wayne De Luz, and JoNelle Fukushima.

COMMISSIONER ABSENT: Gordon Takaki.

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

And approximately no public members in the audience.

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, and synagogues and community buildings and consolidate them under meeting facilities and establishes standards for their development to ensure equitable treatment in the Zoning Code.

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 Windward Planning Commission hearing on April 3, 2025. [SEE YOUTUBE TIMESTAMP 34:21]

YouTube: <https://www.youtube.com/live/rGZ3pthxISk?si=kbdTQ0MwIFj8wc1i&t=2061>

DANIELE: At this point in time, we are going to go into agenda item number four. This is 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, churches, temples, and synagogues. The purpose of this bill is to remove the definitions and references to churches, temples, and synagogues and community buildings and consolidate them under meeting facilities and establish the standards for their development to ensure equitable treatment in the Zoning Code. And this Planning Director's, PL-PDI-2025-14. We will now have a presentation by staff. Thank you.

CAMERO: My apologies Chair and members of the Windward Planning Commission. So, before you today, we have the Planning Director Initiated bill relating to zoning district regulations for meeting facilities, churches, temples, synagogues, and community buildings. The purpose of this bill. This bill aims to correct zoning inconsistencies and ensure that religious institutions receive equitable treatment under the Hawai'i County's Zoning Code. This ordinance consolidates religious institutions under the "meeting facilities" definition. Therefore, ensuring equal treatment in zoning regulations. In addition, the bill also consolidates the overlapping term "community buildings" into "meeting facilities" for clarity and consistency. And lastly, it introduces the term "event" to distinguish between routine facility uses from larger commercial gatherings such as weddings or concerts which may require special permits or oversights.

In addition to the purpose of this bill, this bill removes the definition of "community buildings", it revises the definition of "meeting facility" to include religious institutions. Introduces the term "event" to distinguish between commercial or large-scale gatherings from routine facility uses. It establishes standardized operating criteria for meeting facilities, including limitations on hours of operation and attendance capacity. It requires technical review of proposed meeting facilities by applicable county and state agencies, and it amends the permitted uses for meeting facilities across all zoning districts.

So, the background. The federal government enacted —

DANIELE: Just speak a little slower, please.

CAMERO: Slower?

DANIELE: Yeah.

CAMERO: Okay. My apologies.

DANIELE: Thank you.

CAMERO: So, the background on the bill. The federal government enacted the Religious Land Use and Institutionalized Persons Act of 2000 also known as RLUIPA in part to protect religious organizations and individuals from discriminatory land use regulations. In February of 2024, the Chabad Jewish Center and Rabbi Levi Gerlitzky filed a lawsuit against the Hawai'i County, claiming the zoning code discriminates against religious institutions by requiring them to obtain use permits in residential zone, while secular meeting facilities can operate by right. The U.S. Department of Justice filed a statement in the lawsuit in March of 2024, alleging that the County's code violates the RLUIPA equal terms provision by treating religious uses less favorably than comparable secular uses. The Planning Director is therefore proposing amendments to the Hawai'i County Code to classify religious institutions as meeting facilities, aiming eliminate any zoning disparities, ensure RLUIPA compliance, and promote clear, fair land use standards.

Beginning with the proposed amendments we have the first relating to definitions. The following definitions is proposed to be removed from Section 25-1-5(b) and that is the definition of “community building”. The reason for this amendment is so that by removing the “community building” definition this will simplify the zoning code by eliminating redundancy. In addition, the definition of “meeting facility” is proposed to be amended as follows. “Meeting facility” will now mean a facility or building site that is used for recreational, social, or multipurpose use, and may include a kitchen but has no transient accommodations. Typical uses include private clubs, union halls, cultural community and association centers, religious facilities such as places of worship, and student centers. This does not include schools or events.

In addition, the following definition is proposed to be added to Section 25-1-5(b) and that is the definition of “event”. An “event” will mean a assembly, generally by invitation or ticket purchase that extends beyond the typical meeting facility or residential use, including but not limited to commercial weddings, wedding receptions, promotional events, and concerts. The reason for this amendment is that it adds clarity by distinguishing routine meeting facility uses from larger commercial gatherings. This ensures that activities like weddings, receptions, and concerts are properly regulated and not automatically permitted as a part of a meeting facility.

The proposed amendments relating to plan approval. To establish specific procedures for the Director’s review and decision-making on plan approval applications, Section 25-2-71(c) is amended to read as follows. Plan approval shall be required in all applicable districts prior to the construction or establishment of the following improvements and uses. These will require “meeting facilities” as permitted under Section 25-4-17 and “events” as permitted under Section 25-5-42 will now require a plan approval. The reasons for this amendment. This amendment clarifies that plan approval again is required before “meeting facilities and events” are established therefore, ensuring proper land use oversight and compliance with zoning regulations.

In addition, the proposed amendments relating to plan approval requirements for “meeting facilities” include the following section which is proposed to be added and that is Section 25-4-17 newly labeled as “Meeting Facilities”. Letter (A), a meeting facility can be established within a new or existing structure or on a building site for recreational, social, cultural, or multipurpose use. The facility may include a kitchen. (B) a meeting facility may be used for organizations operating on a membership basis for the promotion of members’ mutual interests or may be primarily intended for community purposes. (C) a meeting facility only applies on building sites that have gatherings more than two times per week with more than twenty-five (25) attendees. Continued letter (D) the hours of operation for meeting facilities shall start no earlier than 8:00 a.m. and ends no later than 9:00 p.m. Letter (E) a meeting facility can be established in a zoning district that permits such use, provided that the Director has issued a plan approval. And letter (F) a meeting facility shall be subject to technical review by the County Department of Public Works, County Fire Department, County Water Department, and/or the State Department of Health for compliance with current code and rule requirements.

Up on your screen, I decided to show you guys the zoning use comparison table by district which will show you that in the zoning district RS, RD, RM, and RCX a meeting facility is currently an allowed permitted use. Meeting facilities including events will not be permitted. Community

buildings will therefore be removed and churches, temples, and synagogues will be removed from the Use permit requirement. In the zoning district RA, FA, and A meeting facilities will be allowed via a Special Permit or Use Permit based on their State Land Use designation. Meeting facilities including events will also be allowed via a Special Permit or Use Permit. Community buildings are being removed, and churches, temples, and synagogues are removed as a Use Permit or a Special Permit. In the IA district meeting facilities are allowed via a Special Permit. Meeting facilities including events are also allowed as a Special Permit. Community buildings are being removed, and churches, temples, and synagogues are removed as a Special Permit as well.

Within the V, CN, CG, CV, MCX, and CDH zoning districts meeting facilities will also be allowed as a permitted use. Meeting facilities including events will be allowed as a permitted use. Community buildings, churches, temples, and synagogues will be removed. In the ML and MG meeting facilities will be allowed as a permitted use. Meeting facilities including events will be allowed as a permitted use only in the ML and community buildings, churches, temples, and synagogues will be removed. And lastly in the O district meeting facilities will not be permitted. Meeting facilities including events will not be permitted, community buildings are being removed, and churches, temples, and synagogues are not permitted.

That concludes my presentation and the Planning Director's current recommendation is that the Windward Planning Commission forward a favorable recommendation to the County Council. At this time, I can turn it back to the Chair.

DANIELE: Thank you so much for that presentation. Commissioners, do we have any questions for the Planning Department staff or Planning Director?

FUKUSHIMA: Yes.

DANIELE: Yes, Commissioner Fukushima.

FUKUSHIMA: So, respectfully, I would like to ask in the light of the proposed revision to our Zoning Code that aims to include secular activities under the term "meeting facility". How do you foresee the distinction between "meeting" and "event" impacting residential neighborhoods. Specifically, what measures can we implement to ensure that the frequency and type of secular events do not disrupt the quality of life for the residents in proximity to the venues?

TIAPULA: So, to interject. We have had a disability, a ADA request to speak more slowly. So, I would just ask all Commissioners and staff for this item to speak slowly. Thank you.

DANIELE: Thank you. Would you like to restate that, please?

FUKUSHIMA: Surely.

DANIELE: Thank you, Commissioner.

FUKUSHIMA: So, in light of the proposed revision to our Zoning Code that aims to include secular activities under the term “meeting facility”. How do you foresee the distinction between “meeting” and “event” impacting residential neighborhoods specifically, what measures can we implement to ensure that the frequency and type of secular events do not disrupt the quality of life for residents living in proximity to these venues?

DANIELE: Director?

DARROW: Thank you Chair. Thank you for the question. So, in the bill itself there is a differentiation between “event” and “meeting facility”. If events are proposed as defined in the code, they will require a Use Permit, correct?

CAMERO: In certain zoning districts.

DARROW: Correct, in the residential zoning district. That’s the particular.

CAMERO: I want would like to correct that, “events” are not currently allowed within the RS, RD, and the RM zoning districts.

DARROW: Without a Use Permit.

CAMERO: We only allow it for “meeting facilities”.

DARROW: Okay.

CAMERO: Not including “events”.

DARROW: Alright, so, you cannot even get a Use Permit for “events” in the RS zoning.

CAMERO: Correct.

DARROW: We ended up putting that in.

CAMERO: Yeah.

DARROW: Okay, but what zonings would allow a Use Permit with “events”?

CAMERO: The RA, A, and FA would allow for the Use Permit for event. Meeting facilities including “events” as permitted by the Section 25-4-17 and then in the outright zoning districts they are —

DARROW: So, this would be RA, FA, and A would be a Use Permit if it is in the State Land Use Urban or Rural or a Special Permit. I mean Urban or a Special Permit if it’s in the Rural or Agricultural district. Correct?

CAMERO: Yes, you are correct.

DARROW: But, yeah, you know taking into account the effect of “events” within the residential zonings I think we ended up not even allowing it as an option. So, if you’ll look at the different sections in the bill that we put you’ll see “meeting facilities” including “events” where there’s the possibility. When you look at the RS, RD, RM zonings we don’t even provide that as an option. I think the one of the concerns that has been brought up is when a use becomes identified as a “meeting facility”, right. Typically in the Planning Department we have gotten complaints when somebody has a big birthday party or they have a gathering for football game or they have a bible study and so we were trying to find balance as to where you know we don’t want everybody to have to come in to become a “meeting facility” to have a private party or a bible study or whatever it is. So, we had that that differentiation where it was twenty (20) up more than twenty-five (25) people, more than two times a week. That’s where the differentiation is. Correct? And so that’s spelled out in there. Once it goes beyond that then they should come into the Planning Department and submit a Plan Approval application and before this let me kind of back up a little so, I give you some history on what happened here.

So, a couple years ago, you know the Planning Department received a complaint or several complaints regarding an activity in a residential zone of a particular use, a religious use that was occurring on a property. Our inspector did their investigation and concluded that “yes” there was this religious facility being operated in a residential zoning. In our Zoning Code currently it says to be able to operate a church, school, or church, synagogue, or temple in a residential zoning you need a Use Permit, right. So, we issued a violation notice asking for them to cease and desist or come in for a Use Permit. They attempted to try to do the Use Permit, but it was unsuccessful in terms of getting pass the submittal and everything. And so, after that we added up receiving this lawsuit saying that the Zoning Code was actually discriminatory and unconstitutional in the sense that you had other uses similar to churches, temples, and synagogues such as a meeting facility and a community building that were being treated differently than how these other uses were being treated. Meeting facilities were permitted, community buildings required Plan Approval but churches, temples, synagogues required a Use Permit.

So, in working with everyone involved, we’ve come to the point that we feel like everything, we’ve brought everything under the same umbrella in the sense of “meeting facilities” are now going to be the term that we use to cover all these different types of uses, community buildings, religious institutions, and meeting facilities. It’s all coming under “meeting facility” and if they meet the requirement of being a “meeting facility” they would need to submit Plan Approval which would have its process that’s done administratively. It doesn’t require a public hearing and an approval from the Planning Commission as it did before. So, hopefully that will bring some context as to what we’re doing and trying to achieve through this amendment. Thank you.

DANIELE: Thank you, Director.

PERRIN: I have a question.

DANIELE: Yes, Vice Chair.

PERRIN: Why the number 25? Cause just—

DARROW: Yeah.

PERRIN: —just my children and their spouses is twenty-seven (27). Sorry, but I had to ask.

DARROW: You know, it was I think it was through discussions it was more; it was less, we kind of came to an agreement of 25. If you feel, I mean the Commission always has the ability to make recommendations to this. If you feel that that number is too small, you can request that it be increased but that was the number that we felt you know that's kind of and again there's no science behind it or anything.

PERRIN: Well, that number is more restricted in just more so the I guess the residential zones. The RS, RD is that where that would normally apply? Just saying cause, I mean Ag you're normally on a larger plot so there's a little bit more room for the give and take of the 25.

DARROW: It's across the board, I mean it's not applicable to a zoning district. It's under the definition, right, it's under that identification of when you're not a meeting facility versus when you are.

DANIELE: Thank you. Commissioners, any other questions?

PERRIN: Um' last question.

DANIELE: Yes, Vice Chair.

PERRIN: Okay, all right I'm going to say this. Can the Planning Department explain why the proposed amendments eliminate the requirement for a public hearings or neighbor notifications in cases where a religious or secular meeting facility is introduced into a residential neighborhood.

DARROW: Thank you, Commissioner. So, I kind of touched upon it earlier and that was that we're trying to come up with a process that is fair and similar across the board for all these types of activities community buildings, meeting facilities, churches, temples, synagogues, or religious institutions. The difficulty that we're in this position in the first place is because we treated one differently than the other and so this brings, it brings it in uniformity across the board, okay. So, at the time in discussing with all parties involved, the agreement was to move forward with the Plan Approval process. That doesn't mean that if that process were to change to a Use Permit process across the board that would mean that anytime a meeting facility is required it would require a Use Permit in all of this.

So, you're just looking at uniformity. We weren't looking at whether or not it should be this or this. In discussion with everyone involved we felt like this was the direction that we should go with because this was the agreed-upon process. Now again, everything is up to the Commission

and the Council to approve or not approve this process. We're recommending approval to move forward but again through this process that may change.

PERRIN: Last question, I hope, sorry. With the changing of this, was the RLUIPA taken into consideration that's the religious land use and institutionalized persons act?

DARROW: That was the whole purpose of this because of that discrimination within our zoning code.

PERRIN: Thank you.

DANIELE: Thank you, Commissioner. Thank you, Director. Are there any other questions? Okay, if none. Staff are there any individuals present to provide in-person testimony?

JACKSON: Thank you, Chair Daniele. We have one in-person testifier, Claudia Rohr, if you could come to the testifier table, I can swear you in and Chair just give us a few moments so that we can bring her laptop up to the table.

DANIELE: Sure. I think as we're going to get set up, we'll do a five-minute recess. We'll come back at 10:05, thank you.

At 10:01 a.m. the Chair called a recess, and the hearing reconvened at 10:08 a.m.

DANIELE: Okay, YouTube is up? Thank you. We can swear in the testifier.

JACKSON: Thank you Chair. Ms. Rohr, do you swear or affirm to tell the truth today before the Windward Planning Commission? Okay.

DANIELE: And also, could you turn on your mic please.

ROHR: Okay, I want to explain how this works. Now there's an echo. I have to turn this, now she can't hear me. Hold on. Can you hear me now? Can you hear me? I don't have to hear. Okay, I want to explain how this works. I have a hearing disability, and someone's typing what you say into a screen. If someone says something and then someone immediately says something behind it, it moves the script up and so I don't have a chance to read it. So, if I go like this, it means pause, so I can read it. Thank you. I don't need to hear to answer her question because I read it, she asked me if I swore to tell the truth and I do.

DANIELE: Okay, please state your—

ROHR: The system doesn't really work; there's an echo between the mic and this and I can't deal with that. At the same time, I can't hear myself speak, so it's a very odd experience, please be patient as an accommodation for my hearing disability. Thank you.

DANIELE: Thank you. Please state your name and the town you live in.

ROHR: Go ahead. My name is Claudia Rohr, and I live in Hilo, Hawai'i down in Keaukaha.

DANIELE: Okay, you have three minutes for your testimony.

ROHR: Thank you. Aloha Chair Daniele, Planning Commissioners and Director Jeff Darrow. The Director did not advertise any community meetings for the public to ask questions. So today I'm going to ask him some questions. I gave you all a piece of paper that I'm going to read from. The written communication is my preferred form of communication. As you are aware, at least, you should be aware, my next-door neighbor, Hui Ho'oleimaluo advertises that they provide opportunities for STEAM (Science, Technology, Engineering, Art, and Math) skill building, place-based learning, and community engagement through the maintenance and management of Loko i'a ecosystems. On three contiguous parcels named "Kaumau", in Keaukaha in the residential zone where on and off-street parking is a primary constraint. I provided you with photos of the parking on March 21st, this year for a Ohana Day that they held, and the first four pictures is of Nēnē Street, where I live. I got a call from my neighbor asking me what was going on because of the traffic jam on Nēnē Street. Then the next page is when I went to, I called the Planning Department no one picked up the phone. So, I got in my car and drove there and on my way, I had to exit Oeoe Street because it's in the opposite direction and my other neighbor who has a vacation rental house had six (6) cars stacked in his driveway. One across it and then several on the street and there's a photo of one backing out from a driveway of the vacation rental that he owns next door. And so, I did have to stop, so I put my car in park and took enough photos to try to provide evidence of the event.

I, my questions are Director Darrow, will this proposed bill for a zoning ordinance in its present form allow Hui Ho'oleimaluo —

JACKSON: You have thirty (30) seconds left.

ROHR: —community events, community gatherings and meetings for up to seventy-five (75) attendees, twice a week over three parcels, permitted as a right in the single-family zone under Section 25-4-17(c). A meeting facility only applies on building sites that had gatherings more than two times per week with more than 25 attendees.

JACKSON: Your three minutes are finished.

ROHR: Do I wait for him to answer or do I keep going.

DANIELE: Okay, thank you for your testimony.

ROHR: No. How would the department's zoning enforcement officers count heads [*indecipherable crosstalk*]

DANIELE: Your three minutes have expired.

ROHR: Basically —

DANIELE: Now we're going on to—

ROHR: —heads is unenforceable. I provided photographs on the third page, I believe of the *[indecipherable]*

DANIELE: Okay, thank you.

ROHR: I'm supposed to read and testify at the same time? Well, I'd like a little leeway here because it's hard to read and testify, stop, listen to what you're saying. May I please make my comment. I had; I addressed the question.

DANIELE: We have your written statements, so. We have your written statements.

ROHR: Okay, but—

DANIELE: Okay.

ROHR: What I have to say is that what Jeff said about a high strict compliance with certain things like you must comply with the General Plan and zero and the new General Plan under State Law 46-2. This in the new General, the one you're approving now is adopting Hawai'i Island Vision Zero Saving Lives with Safe Streets. So, this ordinance, proposed ordinance in its present form you can't legally give it a favorable recommendation. Thank you.

DANIELE: Thank you for your testimony. Commissioners or Counsel do have any comments or questions?

PERRIN: Question.

DANIELE: Vice Chair, you have a question?

PERRIN: I do; I do. This is for the Planning Department. Why is a Use Permit still required for meeting facilities in agricultural zones but not in residential zones, where homes are in closer proximity and impacts may be more immediate.

CAMERO: So, currently we went off of what the current requirements are for meeting facilities. So, if you look in the RS zoning district, meeting facilities are currently a permitted use. Whereas, in the agricultural districts they are not an outright permitted use, and they do require a if I'm not mistaken a Special Permit. Whereas churches, temples, and synagogues require a Use Permit or a Special Permit. So, therefore, we tried to follow as much as possible what was already in the Zoning Code and that's how we came up with that.

PERRIN: Then.

DANIELE: Okay, at this point in time, we are going to take a five-minute recess so we can help the testifier back to the audience.

At 10:18 a.m. the Chair called a recess, and the hearing reconvened at 10:19 a.m.

DANIELE: Okay, we are going to resume our meeting. Vice Chair, you had a question? Thank you.

PERRIN: Yes, I had a question. Yes, okay. Sorry I'm just trying to make sure I word it correctly. How does the County plans to enforce the 25 attendees, two times per week rule.

DARROW: Similar to how we be able to investigate any other complaint. I mean it's not going to be easy. We receive complaints that say this house is not being used as a single-family dwelling because there are fifteen (15) people that are unrelated living in the house, right. So, we, our Zoning Code says you can have a single-family up to five (5) unrelated people living in a single-family dwelling. So, our inspector will go out and do their investigation to see if that's valid or not valid. It would have to be the same in this particular case. It's going to be they'll be looking at it from number one the amount of people, number two the amount of occurrences. If this is happening on a daily basis regardless of the amount of people, it's going beyond the two times a week, right. If it's—

PERRIN: Just to restate the two instances that were brought today are going to go under your folk's radar for investigation.

DARROW: They already are.

PERRIN: Oh, okay.

DARROW: That's a separate matter. We been working on that for some time now. It's really not related to this but again it could in the future, and I think that's what the testifier's concern is, but it is premature in the sense we really don't know what the end result of this bill will be. So, we can't really answer to what the future will be in regards to "meeting facilities" at this time.

PERRIN: Thank you.

DANIELE: Thank you, Vice Chair and Director. Do we have any other testifiers, Zoom?

JACKSON: We have no more in-person testifiers, Chair and I'm not sure about Zoom.

DANIELE: Okay.

KALA: Aloha, Chair, we do not have any testifiers on Zoom.

DANIELE: Okay, thank you.

DARROW: Chair.

DANIELE: Yes, Director.

DARROW: Sorry about that. Earlier there was a comment made by Vice Chair Perrin regarding family and I think that's a valid concern. Some families in Hawai'i are quite large. So, the issue what I think we can do in that particular case if the Commission is open to it is considering putting in something to the term "exclusive of family members" to that number 25. If that is a concern. It's hard because we want to make sure that people will not utilize that as a means of a loop hole or something in the sense that they'll hold large wedding events. We feel comfortable about it because "events" is pretty defined and if we start having those types of events and even if it's family or not family it really. But normally those types of events will be like if it's a family wedding, it would be once, it's not going to be like once a week or you know what I mean. But it's something to consider. Thank you.

FUKUSHIMA: May I?

DANIELE: Yes, Commissioner.

FUKUSHIMA: I'd like to add to what you said. I like the distinction. I think as Hawaiians, local people, we love to have gatherings, we enjoy our family events, we have large families, and I think a lot of people don't even realize that having a large event or so called now that we have language for it and making the distinction. I think most people, I know about my neighborhood they have parties several times a year, large, and I don't think that people are as conscience of the fact perhaps they have to apply for some sort of a permit and so I do like the distinction, and I am in favor of that. I like the family piece added to that. I like the family piece added to that as a consideration because I think culturally that aligns with who we are. Thank you.

DANIELE: Thank you, Commissioner. Director?

DARROW: Thank you. Yeah, that's an important point that want to drive home here is that this not intended to create a restriction against family events. Culturally that is something that occurs on a regular basis, it's not to the point that it's every other day or five days a week or even, it's on a regular basis but that's again family. And so, the point is that's the intent of this bill, but we want to also make sure that isn't something that's going to be detrimented by this bill going forward. Thank you.

DANIELE: Thank you. If there are no more questions, there are no more questions, can I ask for a motion for action? Yes, Commissioner.

PERRIN: I was going to ask for an executive, sorry, executive session. Okay. I move that the Commission enter into executive session to consult with its attorney regarding questions and issues pertaining to the Commission's powers, duties, and privileges.

DANIELE: Do I have a second on that?

BALOG: Second.

DANIELE: Okay, all in favor?

COMMISSIONERS: Aye.

DANIELE: Okay, we're going to break for the executive session.

At 10:26 a.m. the Chair and the Commission went into executive session and the hearing reconvened at 10:49 a.m.

DANIELE: We are going to resume today's meeting. Commissioners, we're going to start the meeting. Thank you. Is the YouTube up? Great, thank you. Okay, welcome back. We had this break, we had some technical difficulties and those have been overcome, and we are going to continue today's meeting. We left off with is there a motion for action?

PERRIN: I move that a favorable recommendation be forwarded to the County Council on the proposed amendments to Chapter 25, Zoning, Article 1, Article 2, Article 4, Article 5, and Article 7 of the Hawai'i County Code, 2016 Edition, as amended, Docket Number PL-PDI-2025-000014 based on the Planning Director's recommendations including the language referenced today "exclusive of family members."

DANIELE: Thank you. Do I have a second?

FUKUSHIMA: Second.

DANIELE: Is there any discussion or comments? Okay, so it was moved by Vice Chair Perrin and seconded by Commissioner Fukushima. If there is no discussion or comments, we will move on to roll call from staff.

CAMERO: Thank you Chair. So right now, the motion is to forward a favorable recommendation to the County Council with the proposed amendments in Section 8 of the bill proposed to the new Section 25-4-17 on "meeting facilities". The amendment will be to letter "c", and it will read "A meeting facility only applies to on building sites that have gatherings more than two times per week with more than 25 attendees exclusive of family members." Okay. Vice Chair Perrin?

PERRIN: Aye.

CAMERO: Commissioner Fukushima?

FUKUSHIMA: Aye.

CAMERO: Commissioner Balog?

BALOG: Aye.

CAMERO: Commissioner De Luz?

DE LUZ: Aye.

CAMERO: And Chair Daniele?

DANIELE: Aye.

CAMERO: The motion carries five (5) to zero (0) with Commissioner Takaki excused and absent. Thank you.

DANIELE: Great, thank you and the Commission will forward its recommendation to the County Council in writing.

The item ended at 10:52 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Jun 10, 2025 14:59 HST)

Melissa Dacayanan-Salvador, Secretary
Windward Planning Commission