WINDWARD PLANNING COMMISSION
COUNTY OF HAWAIʻI

MINUTES
FEBRUARY 5, 2026

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The Windward Planning Commission met in regular session on Thursday, February 5, 2026, at 9:10 a.m., in the County of Hawaiʻi, Council Chambers, located at 25 Aupuni Street, Hilo, Hawaiʻi, with Chairman Louis Daniele III presiding. This meeting was streamed live on YouTube.

COMMISSIONERS PRESENT: Louis Daniele III (Chairperson), Lauren Balog, Thomas E. Fratinardo, JoNelle Fukushima, and Chantel Perrin (Vice Chair).

COMMISSIONER ABSENT AND EXCUSED: Wayne De Luz

ALSO PRESENT: William Jarrett, Esq. (Counsel to the Commission), Jeffrey Darrow (Planning Director), Jean Campbell, Esq. (Counsel to the Planning Department), and Planning Department staff.

Approximately four members of the public were in the audience.

The meeting was called to order at 9:10 a.m. by Chairman Daniele, with a quorum present. Chairman Daniele made housekeeping announcements, including reminders to silence cell phones, the location of the public restrooms, and the process for signing up for public testimony. Commissioners and staff were introduced. *[SEE YOUTUBE TIMESTAMP 06:07]*

MEETING MATERIALS

At 9:12 a.m. Chairman Daniele asked the Commissioners to confirm that they had reviewed all materials, including written public testimony related to the applications. Each Commissioner verbally confirmed. *[SEE YOUTUBE TIMESTAMP 07:35]*

APPROVAL OF MINUTES

At 9:12 a.m., the Commission addressed the minutes of January 8, 2026 meeting, including executive session minutes. No corrections were offered. Commissioner Thomas Fratinardo moved to approve the minutes as circulated, Vice Chair Chantel Perrin seconded the motion, and it was carried unanimously by voice vote. *[SEE YOUTUBE TIMESTAMP 08:26]*

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:13 a.m., the Commission addressed this item, with approximately four members of the public present in the Council Chambers. Chairman Daniele explained that in-person speakers would be heard first, followed by Zoom participants, and that testifiers could speak at that time or when the agenda item was called. He reminded everyone to keep comments respectful, stated that personal attacks would not be permitted, and noted that individual testimony would be limited to three minutes per agenda item. *[SEE YOUTUBE TIMESTAMP 08:57]*

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

NEW BUSINESS

1. **APPLICANT: BENJAMIN AND OLIMPIA LOVE (PL-REZ-2025-000093)**
   Application for a Change of Zone from the Agricultural-20-acres (A-20a) zoning district to the Family Agricultural-1-acre (FA-1a) zoning district for approximately 5.79 acres of land. The subject property is located at 17-4050 Kuaʻāina Road, approximately 1,200 feet west of its intersection with Volcano Road (Highway 11), in Keaʻau, Puna, Hawaiʻi, TMK: (3) 1-7-016:010.

The Commission considered this item at 9:14 a.m., with approximately four members of the public in attendance. *[SEE YOUTUBE TIMESTAMP 10:19]*

The staff presentation was given by Tracie-Lee Camero. *[SEE YOUTUBE TIMESTAMP 11:19]*

Applicant Representative John Pipan, Land Planning Hawaiʻi, along with Applicant Benjamin Love, provided a presentation. *[SEE YOUTUBE TIMESTAMP 16:32]*

Chairman Daniele opened the floor for questions from the Commissioners to the Applicant. *[SEE YOUTUBE TIMESTAMP 19:11]*

Chairman Daniele opened the floor for public testimony when the agenda item was called. There were no testifiers, either in person or via Zoom. *[SEE YOUTUBE TIMESTAMP 32:00]*

Action: Commissioner JoNelle Fukushima moved that a favorable recommendation on PL-REZ-2025-000093 be forwarded to the County Council on the applicant's application for a Change of Zone from the Agricultural-20-Acres (A-20a) zoning district to the Family Agricultural-1-Acre (FA-1a) zoning district for approximately 5.79 acres of land located at 17-4050 Kuaʻāina Road, approximately 1,200 feet west of its intersection with Volcano Road in Kea'au, Puna, Hawai`i based on the Planning Director's recommendation and conditions of approval. Vice Chair Perrin seconded the motion. *[SEE YOUTUBE TIMESTAMP 32:32]*

Chairman Daniele opened the floor for discussion and comments. *[SEE YOUTUBE TIMESTAMP 33:31]* Vice Chair Perrin stated that neighbors asking about the rezoning process suggested their support for the project. She noted that when neighbors do not speak at meetings, it can be difficult to know their position, and she thanked the applicant for sharing the information. *[SEE YOUTUBE TIMESTAMP 33:36]* Chairman Daniele commented that the proposal appeared consistent with existing development in the area and seemed to be a logical expansion. *[SEE YOUTUBE TIMESTAMP 34:34]*

With no comments or discussion, a roll call vote was taken. The motion carried with five ayes (Fukushima, Perrin, Balog, Fratinardo, and Daniele) no noes, and one absent and excused (De Luz). *[SEE YOUTUBE TIMESTAMP 34:53*]

The hearing on this item concluded at 9:39 a.m.

2. Discussion of proposed amendment to Planning Commission's Rules of Practice and Procedure, Rule 1 regarding General Rules of the Commission. The Commission will discuss adding commissioner attendance standards to Rule 1.

The Commission began considering this item at 9:40 a.m., with no members of the public in attendance. *[SEE YOUTUBE TIMESTAMP 35:39]*

Chairman Daniele opened the floor for public testimony when the agenda item was called. There were no testifiers, either in person or via Zoom. *[SEE YOUTUBE TIMESTAMP 36:02]*

Chairman Daniele opened the floor for discussion and comments. *[SEE YOUTUBE TIMESTAMP 36:14]*

Commissioner Fratinardo stated that while he supports Maui's approach, attendance standards and responsibilities should be explained to prospective commissioners early in the nomination process through the Mayor's Office and during orientation, preferably before they are sworn in, so appointees fully understand expectations. He added that this could prevent issues if an appointee later decides not to serve and noted that attendance standards were not discussed during his own orientation. *[SEE YOUTUBE TIMESTAMP 36:26]*

Chairman Daniele stated that clarifying attendance expectations during orientation would make sense, noting that when he joined the board during the pandemic, orientation was likely conducted virtually, and certain expectations may not have been clearly outlined. *[SEE YOUTUBE TIMESTAMP 37:59]*

Commissioner Fratinardo noted that a recent Civil Beat article criticized the commission for several commissioners missing multiple meetings and highlighted concerns about the challenge of ensuring commissioner attendance. *[SEE YOUTUBE TIMESTAMP 38:26]* Chairman Daniele responded that he had not seen the article and expressed that as long as the commission maintains a quorum and completes its business, attendance criticisms are not a concern. He emphasized that getting the work done is more important than who is present at meetings. *[SEE YOUTUBE TIMESTAMP 38:47]*

Commissioner Fratinardo stated he supports a progressive approach to addressing attendance, beginning with the Mayor's Office during nomination and continuing during orientation. He noted this mainly applies to habitual absentees, while occasional absences with valid reasons can be managed separately. *[SEE YOUTUBE TIMESTAMP 39:29]*

Commissioner Fukushima stated that attendance should be assumed for commissioners who have been carefully selected and gone through the appointment process, noting that meetings are only once a month and applicants would not intentionally choose to be absent if they were unable to attend. *[SEE YOUTUBE TIMESTAMP 40:34]*

Chair Daniele stated that while health issues could affect a commissioner's ability to attend meetings, it may be more effective to address attendance expectations during orientation rather than including them as formal rules. He noted he could not recall what was covered in his own orientation. *[SEE YOUTUBE TIMESTAMP 41:44]*

Commissioner Balog stated that during her orientation, she signed a resignation letter at the Mayor's Office, which reinforced that her role on the commission is a direct result of the mayor's appointment. She emphasized that this makes her aware that her attendance and participation reflect on the Mayor's Office and expressed agreement with Commissioner Fratinardo that attendance expectations should be addressed early in the appointment process and during orientation. *[SEE YOUTUBE TIMESTAMP 42:03]*

Commissioner Fratinardo stated that the best approach is to ensure that, at the time, commissioners are sworn in and during orientation, they are informed of and agree to meet attendance standards. He emphasized that attending meetings is essential to maintain quorum and carry out the commission's responsibilities. *[SEE YOUTUBE TIMESTAMP 42:31]*

Chair Daniele stated that since the commission has never been fully staffed during his tenure, the Mayor's Office must actively manage appointments and fill vacant seats. He noted that if a commissioner becomes ill, a replacement is needed, making attendance more critical. He added that if the commission were fully staffed, occasional absences would have less impact. *[SEE YOUTUBE TIMESTAMP 43:06]*

Commissioner Fukushima stated that the main question is whether the commission wants to adopt formal attendance standards like Maui. She noted that once standards are adopted, they are difficult to change, so it requires careful consideration. She asked whether the group is suggesting not adopting formal standards and instead leaving attendance management to the Mayor's Office. *[SEE YOUTUBE TIMESTAMP 43:51]* Commissioner Fratinardo concurred. *[SEE YOUTUBE TIMESTAMP 44:39]*

Commissioner Balog stated that in a previous meeting, the commission discussed addressing gaps in the pipeline by allowing an extension after a commissioner's term ends, which would require charter revision. She suggested that this issue may be more worthwhile to focus on than adopting attendance standards at this time. *[SEE YOUTUBE TIMESTAMP 44:41]* Planning staff Maija Jackson stated that she researched the rules of other county commissions, as requested at the last meeting, and found that none of them include attendance standards. *[SEE YOUTUBE TIMESTAMP 45:15]* Chair Daniele agreed with Commissioner Balog's comment, stating that the current limit of attending three meetings after a term end should be extended, ideally allowing attendance until the seat is filled. He noted this relates to agenda item #3 regarding commission rules and suggested it be considered during that discussion. *[SEE YOUTUBE TIMESTAMP 45:38]*

Commissioner Fukushima stated that the Commission should keep the matter in mind and will need to confer with the Leeward Planning Commission, noting that the Leeward Commission may have a different perspective. She added that it would be beneficial for the Commission to determine what it believes is the best approach and noted that the Leeward Planning Commission has experienced greater difficulty maintaining a quorum. *[SEE YOUTUBE TIMESTAMP 46:32]*

Chair Daniele asked whether both Planning Commissions must unanimously agree on any rule amendments. Staff Maija Jackson confirmed that both commissions must agree to any additions or deletions because they operate under the same rules. Chair Daniele stated his understanding that the Commission did not wish to amend the rule to include attendance provisions and asked for concurrence. The Commission unanimously concurred, confirming that they did not wish to add attendance rules. *[SEE YOUTUBE TIMESTAMP 46:58]* Staff Maija Jackson stated that the item had been placed on the agenda each month and, since the Commission had reached a decision, suggested consulting Corporation Counsel on how to formally conclude the discussion and remove the item from future agendas. Chair Daniele agreed, stating that the Commission had reached a conclusion and supported proceeding accordingly. *[SEE YOUTUBE TIMESTAMP 47:55]*

Following consultation with Deputy Corporation Counsel William Jarrett, Chair Daniele stated that a motion would be required to end the discussion on attendance. *[SEE YOUTUBE TIMESTAMP 48:40]*

Action: Vice Chair Perrin moved, and Commissioner Fratinardo seconded to end the discussion on Commission attendance standards. The motion was carried unanimously by voice vote, with Commissioner De Luz excused. *[SEE YOUTUBE TIMESTAMP 48:50]*

The hearing on this item concluded at 9:54 a.m.

At 9:54 a.m. the Chairman called for a recess [SEE YOUTUBE TIMESTAMP 49:15], and the hearing reconvened at 10:12 a.m. [SEE YOUTUBE TIMESTAMP 01:07:24]

3. Discussion of Planning Commissioners' suggestions for future amendments to the Planning Commission Rules of Practice and Procedure.

The Commission began consideration of this item at 10:12 a.m., with no members of the public present. *[SEE YOUTUBE TIMESTAMP 01:07:36]*

Chairman Daniele opened the floor for public testimony when the agenda item was called. There were no testifiers, either in person or via Zoom. *[SEE YOUTUBE TIMESTAMP 01:07:50]*

Chairman Daniele opened the floor for discussion and comments. *[SEE YOUTUBE TIMESTAMP 01:08:02]*

Commissioner Fratinardo stated that he was reviewing the rules and would discuss them with Corporation Counsel after preparing his own list, adding that he was not prepared to discuss the matter with the Commission at that time. *[SEE YOUTUBE TIMESTAMP 01:08:06]*

Chairman Daniele advised that any Commissioners wishing to discuss potential rule changes should direct their questions to Deputy Corporation Counsel rather than discussing them among themselves. He noted that there is much to review within the rules and, in his personal opinion, Rule 11 (Geothermal Resource Permits) has not been utilized for some time and is unlikely to be revisited. He further stated that geothermal matters are now handled by the State of Hawaiʻi and suggested removing that section of the rules, noting it would eliminate an unnecessary provision. *[SEE YOUTUBE TIMESTAMP 01:08:53]* Vice Chair Perrin concurred and commented that the rules could be reviewed in the same manner as the General Plan review. She stated she was uncertain whether the Commission intended to conduct the review at that level of depth and noted that geothermal is not the only topic or permitting process that may require additional consideration. She suggested revisiting the other rules to determine which provisions have been assumed by the State and removing those sections in their entirety, as appropriate. *[SEE YOUTUBE TIMESTAMP 01:11:15]*

Chair Daniele asked if the Planning Department had any updates or progress to report on the matter. Planning Staff Maija Jackson reported that staff are currently compiling a list of suggested rule changes to present to the Commission; however, the list is not yet ready. She noted that one recent update involves a change in State law last year regarding the Special Management Area (SMA) valuation for development, and staff is considering a corresponding rule amendment to address that change. She added that as staff continue reviewing the rules and identifying areas for improvement, additional recommendations will be included and provided to the Commission in the near future. Chair Daniele expressed appreciation for the update and noted that the forthcoming list would serve as a good starting point for the Commission's review and discussion. *[SEE YOUTUBE TIMESTAMP 01:12:31]*

Commissioner Balog inquired whether, for Rule 11, it would be more appropriate to revise the language to mirror the State requirements—such as adding a brief reference before the asset fund—rather than removing it entirely. She suggested that aligning the rule to be consistent and compliant with State law may be preferable, noting that this has typically been the Commission's practice. *[SEE YOUTUBE TIMESTAMP 01:13:49]*

Commissioner Balog asked whether Rule 11 should be revised to mirror State law, consistent with the Commission's past practice of aligning its rules with State requirements. Ms. Jackson explained that mirroring State law would not apply in this case because the County no longer has permitting authority over geothermal projects. She stated that geothermal permitting has been completely transferred to the State, and the Planning Commission is no longer involved in the approval process.

Commissioner Balog asked about the geothermal asset fund. Ms. Jackson noted that the fund is still administered by the County and that the County continues to receive geothermal royalty funds. When asked whether the fund applies to the Planning Commission, Ms. Jackson stated she would need to confirm. Commissioner Balog commented that if it does not apply to the Commission, the provision may not need to remain in the rules. Ms. Jackson confirmed she would follow up. *[SEE YOUTUBE TIMESTAMP 01:14:12]*

Chairman Daniele suggested the Commission consider reviewing a set number of rules at each meeting, such as three rules per meeting, to maintain focus and avoid jumping between items. He proposed starting with Rules 1, 2, and 3 and discussing them sequentially. Chairman Daniele also inquired about the Commission's timeframe for completing discussion of the rules and asked when the joint meeting in June was scheduled. Ms. Jackson responded that the joint meeting is anticipated to occur at the end of June. Chairman Daniele stated that if the Commission addressed three rules per meeting, progress could be made, and he asked whether any Commissioners had suggestions regarding this approach. *[SEE YOUTUBE TIMESTAMP 01:15:20]*

Commissioner Fukushima asked staff when the report would be available. Ms. Jackson responded that staff is hoping to have the report ready by the March meeting. Commissioner Fukushima stated that she supports reviewing the rules in smaller sections but would prefer to wait for staff's recommendations before proceeding, to avoid having to revisit previously discussed items if additional changes are later identified. Chairman Daniele added that he would also like the opportunity to review and read the staff report. He stated he is considering the timeframe to complete review of all the rules before the joint meeting. He noted there should be enough time if the Commission reviews three or four rules per meeting, especially since some rules, such as Rule 11, may be removed. *[SEE YOUTUBE TIMESTAMP 01:16:14]*

Commissioner Fukushima asked whether the materials would be provided prior to the meeting. Ms. Jackson responded that she hopes so and is working diligently to complete them. She stated she is aiming to have the report available at least one week before the next meeting. Ms. Jackson further explained that the report will be organized in rule order, allowing Commissioners to review the suggested changes for each rule individually. *[SEE YOUTUBE TIMESTAMP 01:17:15]*

Vice Chair Perrin stated that she believes the approach is a great idea. She suggested that for the next meeting, the Commission proceed with reviewing the first three rules, take notes individually, and then return for discussion. *[SEE YOUTUBE TIMESTAMP 01:17:46]*

Chairman Daniele asked staff whether the March meeting agenda could specify discussion of Rules 1, 2, and 3. Ms. Jackson responded that it could be agendized accordingly but advised to consult with Corporation Counsel to determine whether the agenda must specifically list those rules or if the current broad rule discussion language would be sufficient. It was ultimately decided to retain the item as a broad rule discussion on the agenda. *[SEE YOUTUBE TIMESTAMP 01:19:03]*

Action: Commissioner Fratinardo moved, seconded by Vice Chair Perrin, to continue further discussion regarding the proposed amendments to the Planning Commission's Rules of Practice and Procedure listed in Agenda Item 3 to the next Windward Planning Commission meeting. The motion carried unanimously by voice vote, with Commissioner De Luz excused. *[SEE YOUTUBE TIMESTAMP 01:19:26]*

This hearing item concluded at 10:24 a.m.

PLANNING DIRECTOR'S REPORT

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

At 10:24 a.m., Chairman Daniele introduced this item, noting that the Special Management Area (SMA) determination and minor permits for January 2026 report had been emailed to the Commissioners. There were no questions regarding the report. *[SEE YOUTUBE TIMESTAMP 01:20:05]*

ANNOUNCEMENTS

Chairman Daniele announced that the next regular meeting of the Windward Planning Commission was tentatively scheduled for Thursday, March 5, 2026. *[SEE YOUTUBE TIMESTAMP 01:20:21]* Planning Program Manager Maija Jackson announced that, in addition to the rule's discussion, there are two items tentatively scheduled for the next agenda. She also noted that the nomination letter for a new commissioner to replace Commissioner De Luz had been previously distributed. The nomination was reviewed by the committee earlier in the week, received a favorable vote, and will now proceed to the

County Council for final confirmation. If confirmed, the new commissioner is anticipated to join in March, or by April at the latest. *[SEE YOUTUBE TIMESTAMP 01:20:40]*

ADJOURNMENT

With no further business, Vice Chair Perrin moved, and Commissioner Fratinardo seconded, to adjourn the meeting. *[SEE YOUTUBE TIMESTAMP 01:21:39]* A voice vote was taken, and the motion carried with five ayes (Perrin, Fratinardo, Balog, Fukushima, and Daniele), no noes, and one excused (De Luz). *[SEE YOUTUBE TIMESTAMP 01:21:50]*

Chairman Daniele adjourned the meeting at 10:20 a.m. *[Secretary's Note: The actual adjournment time of the meeting was 10:26 a.m.]*

Respectfully submitted,

Melissa Dacayanan-Salvador

Melissa Dacayanan-Salvador (Apr 3, 2026 09:12:20 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:

Louis V. Daniele III

Louis V. Daniele III (Apr 6, 2026 07:47:32 HST)

Louis Daniele III, Chairman
Windward Planning Commission