

KAUA‘I PLANNING COMMISSION
REGULAR MEETING
February 08, 2022
Draft

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair Cox at 10:03 a.m., - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Ms. Donna Apisa
Ms. Helen Cox
Mr. Gerald Ako
Mr. Melvin Chiba
Mr. Francis DeGracia
Ms. Glenda Nogami-Streufert
Ms. Lori Otsuka

Excused or Absent

The following staff members were present: Planning Department – Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Myles Hironaka, Dale Cua, Kenny Estes, Romio Idica, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai, Office of Boards and Commissions – Administrator- Ellen Ching, Administrative Specialist Anela Segreti, and Support Clerk Arleen Kuwamura.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Cox Called the meeting to order at 10:03 a.m.

ROLL CALL

Planning Director Kaaina Hull: We will move right into the Planning Commission Meeting whenever Chair Cox is ready. I believe we have the rest of the Commissioners present. Chair Cox.

Chair Cox I’m ready.

Mr. Hull: All right, this meeting is called to order. Roll call, Commissioner Ako?

Mr. Ako: Here and by myself.

Mr. Hull: Commissioner Apisa? Commissioner Apisa, I think you are muted.

Ms. Apisa: (inaudible).

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Here and by myself.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Here by myself.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Here and by myself

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Here by myself.

Mr. Hull: Chair Cox?

Chair Cox: Here and by myself.

Mr. Hull: Thank you, Madam Chair, we have a quorum. Seven Present.

APPROVAL OF AGENDA

Mr. Hull: The first order of business, Madame Chair is the approval of the agenda. The Department has no recommended changes to the agenda.

Ms. Nogami-Streufert: I move to approve the agenda.

Chair Cox: Is there a second?

Mr. Chiba: I second.

Chair Cox: Thank you. It's been moved and seconded to approve the agenda. All those in favor? Aye. (Unanimous voice vote). Any opposed? Hearing none. Motion Carried. 7:0.

MINUTES of the meeting(s) of the Planning Commission

Mr. Hull: Next, we have the minutes. We have the Meeting Minutes for the September 28, 201 and October 12, 2021, Planning Commission Meeting.

Chair Cox: Is there any discussion or any concerns with the Minutes? If not, I would entertain a motion to approve the Minutes.

Ms. Otsuka: Motion to approve the Minutes for the September 28, 2021, and October 12, 2021, Planning Commission Meeting.

Mr. Chiba: I second.

Chair Cox: Thank you. It's been moved and seconded to approve to approve the Minutes of the September 28th and October 12th. Are there any discussions? Hearing none again, I think we can just do a voice vote. All those in favor? Aye. (Unanimous voice vote). Any opposed? Hearing none. Motion Carried. 7:0.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: There are no Receipt of Items for the Record.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: Next, we have the Hearings and Public Comments. At this time, I will ask Jodi to let in any of the attendees who are participating in this meeting, to see if they have any testimony for any of the agenda items today.

Deputy Planning Director Jodi Higuchi Sayegusa: At this time, there are no registered speakers on the list requesting any particular item, but I will just ask whether any members of the public, any attendees, or even the panelists, whether you folks wanted to testify. Please raise your virtual hand. I am not seeing anyone in the virtual meeting raising their hand at this point to testify.

Chair Cox: We are getting a lot of background noise. I don't know where it is coming from.

Ms. Higuchi Sayegusa: Yes. I think my Zoom feed is a little jumbled right now.

Chair Cox: Okay.

Ms. Higuchi Sayegusa: Yes. Apologies. The speakers are all speaking at once, I'm okay (inaudible). Sorry about that, but again, if we could do a last call if there are other testifiers. It doesn't appear that there are any testifiers.

Chair Cox: Okay, thanks, Jodi.

Continued Agency Hearing

New Agency Hearing

CLASS IV ZONING PERMIT (Z-IV-2022-4) and USE PERMIT (U-2022-4) to allow construction of a new tour/administration and repair facility, aircraft hangar and associated improvements on a parcel located along the makai side of Ahukini Road in Lihue, situated approximately ½-mile north of the Lihue Airport Terminal, further identified as Tax Map Key: 3-5-001:008, and affecting a portion of a larger parcel containing 720.974 acres = *Airbourne Aviation, Inc.* [Director's report received, 1/25/2022].

Mr. Hull: Moving on, we are on New Agency Hearing, I believe it is 2.a, CLASS IV ZONING PERMIT (Z-IV-2022-4) and USE PERMIT (U-2022-4) to allow construction of a new tour/administration and repair facility, aircraft hangar and associated improvements on a parcel located along the makai side of Ahukini Road in Lihue, situated approximately ½-mile north of the Lihue Airport Terminal, further identified as Tax Map Key: 3-5-001:008, and affecting a portion of a larger parcel containing 720.974 acres, the applicant is Airbourne Aviation, Inc. We have no testimonies received during the previous time, but at his time, if there is anybody that would like to speak on the Airbourne Aviation application please, as a panelist or as an attendee, raise your hand. Seeing none.

The Department would recommend closing the Agency Hearing.

Deputy County Attorney Ms. Laura Barzilai: Madame Chair, we need a motion.

Chair Cox: Could we have a motion to close the Agency Hearing.

Ms. Apisa: I make a motion to close the Agency Hearing.

Chair Cox: Is there a second?

Ms. Otsuka: Second.

Chair Cox: All those in favor? Aye. (Unanimous voice vote). Any opposed? Hearing none. Motion Carried. 7:0.

Mr. Hull: With that we will jump directly to the Departments review analysis and the applicant's response and presentation. So, I will turn it over to Dale for the Director's Report pertaining to this matter.

Staff Planner Dale Cua: Good morning, Madame Chair and Members of the Planning Commission. At this time, I would like to through my Director's Report and summarize the highlights.

Mr. Cua read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Mr. Cua: At this time, the Department has not received any agency comments. However, we will be incorporating these requirements as they come into the Department. That concludes the Departments findings for the project.

Chair Cox: Thank you Dale. Are there any questions for the Department or for Dale? Hearing none. Do we have someone from the applicant to speak?

Mr. Ian Jung: Good morning, Commissioners, Ian Jung on behalf of the applicant Airbourne Aviation, Inc. With me, to answer any questions is Dee Miranda who's the president, as well as Brandon Miranda, who is in charge of operations.

Chair Cox: Thank you.

Mr. Jung: Yes. So, I think the Director's Report summarized the application in general. One of the things I would like to note, is that we are on State of Hawaii, Department of Transportation Land and Jurisdiction. So, as a part of the 30-year lease that was issued as part of this application, we are required to obligated to comply with zoning requirements and that is why we are here before this commission. The Use has been on-going, it's just a three-dimensional structure as proposed for the hangar and office, waiting room and all that. It is in the Special Treatment Public District Density for the Use Permit, and Class IV Zoning Permit. I can answer any questions as to the use and building related items that the commission may have, but I have on here both Dee and Brandon, that can address any of the operational issues that the commission may have questions on. So, we will leave it to you folks to ask any questions or if you need additional information, we are happy to provide it.

Chair Cox: Thank you, Ian. Any questions?

Ms. Nogami-Streufert: Yes. I do have a couple of, am I on mute? I am not sure where I am.

Chair Cox: No, you are fine.

Ms. Nogami-Streufert: I have a couple of questions on this. Is this an existing helicopter tour company, is this correct?

Mr. Jung: Yes, I'll let Brandon and Dee jump into this with a little more detail, but yes, it's existing. The focus of their primary operations is to assist utility operation companies, search, and rescue, as well as construction companies and conservation efforts. The air tour component is something that was relatively new to this operator that they recently got approval for, but Brandon do you want to jump into the specks of your operation.

Mr. Brandon Miranda: Good morning, Commissioner's. Yes, a little bit of history on Airbourne Aviation. We came in as a basically a utility company. We assist, we operate the Air 1 helicopter, the County helicopter. Our company does the pilots as well as the maintenance on Air 1, and we also do a lot of the utility work for Kauai Island Utility Corporation (KIUC), and all the Departments bringing in extracting and people into the mountains was our number source of operations that we did. We expanded into the tour side of things just because of the fact, that we are somewhat leveraged by another operator that had the ability to do both tours and utility work. And it was bringing the cost down for us as it was not sustainable for us to manage operations within the capacity of what is needed. So, we did file and went through the whole state process with Department of Land and Natural Resources (DLNR) and got approval through them, and this kind of leveled the playing field in our operation. Our number one focus is on the operations of utility work that's the type of aircrafts we have. We also, extended the growth of our facility for the purposes of filing for Parts 145, which is an aviation's mechanic shop. There is none on the island at this point that holds that certificate. So that specific hangar that we are building is within the airport's limitation and not outside in the tour operator's area. So, idea is to open and facilitate aviation mechanics and support as well. That is why we are in a specific lease which is an FBO, which is a Fixed Based Operator, because it would be in conjunction and use for additional operations as well as our own.

Ms. Nogami-Streufert: In one portion you also say that you are going to be doing some pilot

training?

Mr. Miranda: Our goal is to eventually grow that into some kind of a school or something to that matter. We are trying to be well versed and not just one operation. So, that is our ultimate plan, to grow into something where we can also support the community in that fashion as well.

Ms. Nogami-Streufert: And how, what kind of pilot training are you planning on, we have got so many operations down there. Is that a security issue, not a security a safety issue to be doing pilot training at the same place where you are having lots of operations and it's our only airport?

Mr. Miranda: Well, everything is restrictive upon the airports and all that stuff. So, whatever is approved by the airport is what we will follow. So, it is not something that we will start on our own, we will have to get all the approvals, we must get certain permit requirements to be able to qualify. So, there is going to be a restricted plan of how the operation can be, it's not just we just start teaching people how to fly and just open our doors, so it's all a process that needs to be done under certain protocols.

Ms. Dee Miranda: It's regulated by the State and DOT, Department of Transportation as to what they will allow within the facility and with approval through the DOT management.

Ms. Nogami-Streufert: Okay, thank you.

Chair Cox: Questions from any of the other commissioners? Hearing none. I guess we are ready for you Dale, for you to give us the Departments recommendation.

Mr. Cua: Okay, you got it. Moving on to the recommendations, there are a total of eleven (11) Conditions that is being recommended by the Department. Would you like me to reads the Conditions or do you have any questions about any of the conditions? Either way, works for me.

Ms. Nogami-Streufert: If I could ask one more question, it's not a question but there is a 30-year lease, from the Department, approval from the Department of Transportation. If we do a zoning approval that is in perpetuity, yet, this lease is only for 30-years, is there some way to combine or to limit the zoning to the lease? Because if we don't, this will be that forever even though lease will expire.

Mr. Hull: Well, the Commission cannot tie explicitly a zoning approval to say a tenant. Or say, you cannot do it to a tenant as it runs with the land, so it doesn't run with a person or operation. But a time frame could be imposed as a Condition of approval that allows up to the same time frame as the lease, let's say a 30-year window of entitlement to have this Use Permit, excuse me, Class IV Zoning permit.

Ms. Nogami-Streufert: Which would not person specific but would be for that particular permit.

Mr. Hull: Right.

Ms. Nogami-Streufert: Is there such language that could be put in there as a Condition of approval for this?

Mr. Hull: Yes. I kind of have something here I'm typing up addressing to discuss and receive of the applicant. The term, well the Condition could read, "The term of this permit shall run concurrent with the State Use DOT A 20-007, which is set to expire on February 28, 20 (inaudible). If the applicant requests an extension to the lease and this permit prior to the expiration of term, the applicant shall submit an update to the Planning Commission noting operational changes to conform to the updates to the master plan. The Planning Commission may extend this permit upon its showing that the applicant establishes compliance with the updates to the master plan provided further during the leases term the applicant shall seek to incorporate policies of any future update to the master plan into the applicants' operations." The Department would amend if the applicants were amendable and consents to it, the Department would amend our Conditions of approval to incorporate that as a final Condition of approval.

Mr. Jung: This is Ian Jung on behalf of the applicant. We are amendable to that type of Condition, to get an extension, we would have to go back before the Board of Land and Natural Resources, and we are happy to pay the Planning Commission at the time, a visit as well to give any update or whatnot that maybe necessary for any future DOT plans that are in place. So, we are okay with that type of Condition.

Ms. Nogami-Streufert: I would ask that that Condition be added as an amendment to report.

Mr. Hull: Yes, Commissioner Streufert, with the applicant's consent the Department amends orally a report to that Condition of approval.

Ms. Nogami-Streufert: Okay. So that if we take a vote now that would include that amendment?

Mr. Hull: Correct.

Ms. Nogami-Streufert: Thank you.

Chair Cox: Okay, back to Dale, who was going to give us the recommendations. Does anybody feel they need to hear all the Conditions and for him to read them? Or do you want to just ask questions? Okay, nobody is asking for them to be read so, just give us your recommendations Dale, and when we get to the vote, we will know that our vote is going to include that orally amended Condition. Dale, please go ahead and give us our recommendation.

Mr. Cua: Sure. The recommendation based of the forgoing evaluation and conclusion it is hereby recommended that Class IV Zoning Permit Z-IV-2022-4 and Use Permit U-2022-4 be approved subject to the following Conditions as previously discussed the Department initially recommending a total of eleven (11) Conditions and after a thorough discussion there is an inclusion of a twelfth (12) Condition.

Chair Cox: Thank you, Dale. Are there any questions? Are we ready for a motion?

Ms. Nogami-Streufert: I move to approve Class IV Zoning Permit Z-IV-2022-4 and Use Permit U-2022-4.

Ms. Otsuka: Second.

Chair Cox: It's been moved to approve Class IV Zoning Permit Z-IV-2022-4 and Use Permit U-2022-4. I will just again, reiterate that this is with the Condition already stated and the Condition add to the floor today. Any final questions before we vote? Okay, roll call vote, Kaaina.

Mr. Hull: Roll call, Madam Chair, for a motion to approve. Commissioner Ako.

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa.

Ms. Apisa: Aye.

Mr. Hull: Commissioner Chiba.

Mr. Chiba: Aye.

Mr. Hull: Commissioner DeGracia.

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Otsuka.

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert.

Ms. Nogami-Streufert: Aye.

Mr. Hull: Chair Cox.

Chair Cox: Aye.

Mr. Hull: Motion passes, Madame Chair. Motion Carried 7:0.

Mr. Jung: Thank you.

Mr. Miranda: Thank you very much.

New Agency Hearing

AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2001-2), to allow construction of a boat storage building on a parcel situated at the terminus of Kukuna Road in Aliomanu, further identified as 5171 Kukuna Road, Tax Map Key: 4-9-005:005, containing a total area of 8.142 acres = **Richard Hill**.

Mr. Hull: Moving on to Agency Hearing. At this time, the Department would recommend closing the Agency Hearing 2.b, Amendment to Special Management Area Use Permit (SMA(U)-2001-2), to allow construction of a boat storage building on a parcel situated at the terminus of Kukuna Road in Aliomanu, further identified as 5171 Kukuna Road, Tax Map Key: 4-9-005:005, containing a total area of 8.142 acres and the applicant is Richard Hill. At this it is an Agency Hearing so, nobody signed up to testify during the public hearing portion. Anybody in the panel or as well as any attendees, please indicate so by raising your digital Zoom hand. Seeing none.

The Department would recommend closing the Agency Hearing.

Chair Cox: Do we have a motion to close this Agency Hearing?

Ms. Apisa: I move to close the Agency Hearing.

Ms. Nogami-Streufert: I second.

Chair Cox: Thank you. It's been moved and seconded to close the Agency Hearing. All those in favor say, aye? Aye. (Unanimous voice vote). That was a very ragged aye. Any opposed? Hearing none. We have closed the Agency Hearing and ready to move on. Motion Carried. 7:0.

Mr. Hull: Moving on to the same item, I will turn it over to Romio for the Director's Report and the Applicant's presentation to follow, so Romio.

Staff Planner Romio Idica: Aloha. Good morning, Madame Chair. Good morning, Commissioners for your consideration an amendment to Special Management Area Use Permit (SMA(U)-2001-2).

Mr. Idica read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Mr. Idica: So that pretty much concludes my summary of the Director's Report. Any questions for myself or the applicant?

Chair Cox: Thank you, Romio. Any questions for Romio?

Ms. Nogami-Streufert: Yes, Romio. As I looked at some of the diagrams that was provided with this, the is being used as a garage, a three (3) car garage, is that correct?

Mr. Idica: Yes, it's going to be used as a boat storage.

Ms. Nogami-Streufert: No. The new one is but the one that is currently there.

Mr. Idica: Oh, the one that is currently there, yes.

Ms. Nogami-Streufert: It's supposed to be a barn, but it is used as a garage?

Mr. Idica: That one, we can probably get some clarification from the owners I believe probably, yes, we could have some clarification from the applicant on the existing use of that structure.

Mr. Jon Kagle: Yes. Hi, this is Jon Kagle. I am the architect for the project and here on behalf of Mr. Hill the owner. The current barn in reference here that we are proposing to add on to is kind of a multi-use building in a way. It is three (3) stories with a basement that houses a bunch of mechanical equipment, hot water systems, air conditioning systems for the property. The main level is kind of shown as a garage on my drawings, and they are using it as such as well as for equipment storage. They have got like a lawn tractor and some yard equipment, maintenance equipment in there, and then the upper level is sort of a management area for the caretaker just for him to keep record and such for the property. So that's the current use of the building, and then our proposal is to attach on to that mechanical level the basement of the existing barn.

Chair Cox: Thank you. Any further questions? Did you get your question answered, Glenda?

Ms. Nogami-Streufert: Yes, I'm just wondering about how a barn can be a garage for three cars and it looks like a small tractor. But I don't know if we have a definition for what a barn is supposed (inaudible). Thank you for the information.

Chair Cox: Any other questions? I guess since we have already started questioning the applicant. Jon, do you have anything else you would like to add before we ask you more questions?

Mr. Kagle: No. I am you know, here to answer and be as helpful as I can in making sure everybody has a clear understanding of the proposal.

Chair Cox: Okay. In that case, any questions for either Romio or Jon or the applicant?

Mr. DeGracia: Chair Cox. This is Commissioner DeGracia. I have a question for the applicant.

Chair Cox: Okay. Go ahead.

Mr. DeGracia: Jon, on that Ka Pa`akai o Ka `aina Analysis I noticed that there were several organizations that was, that you reached out to, but there were a few that according to what I have in front of me, that there was not much reply for three of the organizations of the four. I was just wondering if there were attempts made to further reach out pass the November 9th date.

Mr. Kagle: You know, as I kind of outlined in my report there, I did reach out to State Historic Preservation, Queen Deborah Kapule, Civic Club, Office of Hawaiian Affairs, and Surf Riders Foundation. I sent them via email basically the same report that I have submitted to the Planning Commission here. The only person who returned with a phone call was Queen Deborah Kapule, and that was Alberta Abao, and she and I had a very pleasant conversation for about 45 minutes. It was a lot of talk story and at the end of it her concern kind of came down to whether we were impeding any public beach access, which we are not. You know, there are public beach access at each side of the property, but none through the property. As I followed up, I played phone tag a little bit with Councilman Kipukai Kualii, but never established full contact, kind of exchanged phone calls a handful of time. And yeah, nobody else really called back. I spoke directly with David Buckley at Island Burial Council and sent him everything and talk to him directly. And after assuming he reviewed the project he never returned with any questions or comments or anything. So, I did a kind of initial outreach and follow up with each of these groups and nobody responded.

Mr. DeGracia: Thank you.

Chair Cox: Any further questions? If not, we are ready to hear from Romio with the Department's recommendations.

Mr. Idica: Based on the forgoing evaluation and conclusion it is hereby recommended the Amendment to Special Management Area Use Permit (SMA(U)-2001-2), to be approved with the following Conditions of approval within the Director's Report.

Chair Cox: Any further questions? Or are we ready to entertain a motion? Looks like we are ready to make a motion, can someone make a motion?

Ms. Nogami-Streufert: Could I ask another question before we go into this motion?

Chair Cox: Yes, Glenda.

Ms. Nogami-Streufert: This is an agricultural property, is this correct? It's zoned agriculture but it's a, there asking for a permit to improve or to expand their barn, but it's with a boathouse. Is that an appropriate expansion of a barn? I guess it's a question for I guess the Department.

Mr. Hull: Yes, it is a fair point, Commissioner Streufert. Generally, when looking at use permit applications in the agricultural districts, what the Department and Commission looks for is an agricultural nexus component to a proposal. This is not a use permit application in the same way, it's a different use that's above and beyond agriculture. It's an SMA permit that is looking at essentially, a personal use, which to have a house in the agricultural district, the owner has to sign a farm dwelling agreement that necessitates that owner to farm the property. But in the same way that the farm dwelling agreement has to farm, I mean not in the same way, but on the side of having a resident farm a property they also are allowed to have accessory uses that are accessory to the residential use. So, if somebody wanted to put, right like a jungle gym for their kids to play at their farm dwelling, where there is no nexus between the jungle gym and the farm it is considered an accessory to the residential use of the farm area. So, there are requirements for them to farm, but having accessory use to the units, the Department doesn't usually make that same analysis.

Ms. Nogami-Streufert: Thank you.

Chair Cox: Thank you, that was good clarification. Are we now ready for a motion? Or are there further questions? Can I entertain a motion to either approve or deny or amend our Special Management Area Use Permit (SMA(U) -2001-2)?

Ms. Apisa: I make a motion to approve the Amendment to Special Management Area Use Permit (SMA(U) -2001-2), to allow construction of a boat storage building on a parcel situated at the terminus of Kukuna Road in Aliomanu.

Chair Cox: Thank you, is there a second?

Mr. Chiba: I second.

Chair Cox: It's been moved and seconded to approve the Amendment to Special Management Area Use Permit (SMA(U) -2001-2). Any further or final questions or discussion? Hearing none. We are ready to do a roll call vote, Kaaina.

Mr. Hull: Roll call on motion to approve. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Nay.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami Streufert: Nay.

Chair Cox: Aye.

Mr. Hull: Motion passes. Madam Chair. Motion Carried 5 Ayes: 2 Nays.

Chair Cox: Thank you.

CLASS IV ZONING PERMIT (Z-IV-2022-5) and USE PERMIT (U-2005-5) to allow installation of interpretive signage and associated site improvements at the Hanapepe Town Park & Playground facility in Hanapepe, along the western side of Kona Road and immediately adjacent to the Hanapepe Fire Station, further identified as Tax Map Key: (4) 1-9-005:048 and containing a total area of 45,600 square feet = *State of Hawaii, Department of Transportation.*

Mr. Hull: Moving on to the next Agenda Item is Agency Hearing for CLASS IV ZONING PERMIT (Z-IV-2022-5) and USE PERMIT (U-2002-5) to allow installation of interpretive signage and associated site improvements at the Hanapepe Town Park & Playground facility in Hanapepe, along

the western side of Kona Road and immediately adjacent to the Hanapepe Fire Station, further identified as Tax Map Key: (4) 1-9-005:048 and containing a total area of 45,600 square feet. The applicant is the State of Hawaii, Department of Transportation. This is the Agency Hearing, no public testimonies were submitted, but I will make a call for anybody within the panelist or the attendees, if you would like to participate in this hearing, please indicate by raising your digital Zoom hand, please. Seeing none.

The Department would recommend closing the Agency Hearing.

Chair Cox: May I have a motion to close the Agency Hearing.

Ms. Otsuka: I motion to close the Agency Hearing.

Ms. Nogami-Streufert: I second.

Chair Cox: It's been moved and seconded to close the Agency Hearing. I think we could just do a voice vote. All those in favor say, aye? Aye. (Unanimous voice vote). All those opposed. Hearing none. Motion Carried. 7:0.

Chair Cox announced that the Agency Hearing in closed.

Mr. Hull: With that we will move directly into the same business matter, and I will turn it over to Dale for the Director's Report and then the applicant for their presentation. Dale.

Staff Planner Dale Cua: Good morning. Commission Members. We will move on to the project description and use of the project of the Director's Report.

Mr. Cua read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Mr. Cua: On the Agency comments we have not received them, but these requirements will be incorporated into the recommendation of the Director's Report. Moving on to some of the Findings, the park is immediately adjacent and mauka of the Hanapepe Fire Station. Primary access to the project site is along Kona Road, which is a County Roadway. The project itself complies with the development standards specified in the CZO. As far as parking, there is existing public parking along the shoulder area along Kona Road. And that pretty much concludes the Director's Report.

Chair Cox: Thank you, Dale. Any questions for Dale? Do we have someone representing the applicant that would like to speak about the project?

Mr. Lawrence Dill: Yes, good morning, Chair Cox, and members of the Planning Commission. Thank you for your time this morning to look at our permit applications. My name is Larry Dill, I am the Kauai District Engineer for the Highway's Division of the Hawaii Division of Transportation. This permit before you today, is for the kiosk that is a portion of our Hanapepe Bridge project. Hanapepe Bridge was done as part of a partnership agreement between DOT and the Federal Highway Administration. The Federal Highway Administration managed that project for us so on the call today, we have Andrew (inaudible), Federal Highways Central Federal Lands and their environmental consultant from Jacobs, Nancy Nishikawa. I don't have anything to add to

the report, thank you to the Planning Department. And we are in agreement with the recommendations of that report, and between Andrew, Nancy and I we will try to respond to any questions you may have.

Chair Cox: Any questions from any of the Commissioners?

Ms. Nogami-Streifert: Yes. Good morning, Larry, this is Glenda. Was there any other site that was possibly considered for this signage or was this the only site?

Mr. Dill: There was some other locations that we looked at and maybe I will ask Nancy if she can speak to that one, please.

Ms. Nancy Nishikawa: Good morning, this is Nancy Nishikawa with Jacobs. We did look at several alternative locations including shoulder space near the bridge. Both are on the east and west approaches to the bridge, but those areas did not provide a safe enough area for people to pull over and to look at signs. We also, looked at Hanapepe Library was too far, Hanapepe Stadium also a little bit to far. This area turned out to be the most favorable, and we also had a public meeting in February of 2019, with members of the community, this was held at the library, and we had about 45 members of the community there, and that provided an opportunity review some of these alternative sites and give feedback. The people who attended the meeting were generally in favor of the Hanapepe Park location, and so we went with that alternative.

Ms. Nogami-Streifert: And the reason for asking this is because the Hanapepe Library is right across the street from this park. And this is going to, the signage is, I have no problems with it with the input in terms of the content of it because that is what I have read here in your report, is that there was a lot of input on the content, and they were in agreement with the content. There is nothing about the location so I was concerned about that, because it will take away according to the dimensions that were in the report about 500 square feet from a playground and a public park area, which is now used for a children's playground as well as a sunshine market. So, the question is really about is their no other alternative, since I think that is the only park for kids that is mauka of Kaumuali'i Highway. But I may be wrong, there may be another one, but I don't know about it, a to take away there may be another one, but I don't know it, as this is the area that I frequent often and it seems to me to take away space from kids, if there is another alternative which is safe. I understand that at the bridges it is not a safe place that was never a consideration, but if there was a place that will not take away from the kids and it will also be not very much further from the bridge, because right now, it is not co-located with the bridge anyway. So, if it is across the street from this park, which is not any further from the park from the bridge where the park is, I am not sure way that was not considered. If you are saying that the community has responded and they do not have a problem with it, then I will listen to what you got to say.

Ms. Nishikawa: Yes, thank you.

Mr. Dill: Glenda, I could say a little on that too. Yes, am sure you are aware that there is already one interesting monument in that park, speaking to the Hanapepe Massacre, and so we are placing that in this in that same vicinity though this is certainly an expansion of that use in the park, and it certainly takes away from the park use. However, we did coordinate with the Parks Department on this because we did want to make sure we did not impact anything unnecessarily or take away significantly from any of those uses. So, coordinating with William Trujillo and the Parks Department, they were supportive of placing that kiosk there and that it wouldn't impact their plans for the use of that park site.

Ms. Nogami-Streufert: Thanks for explain.

Mr. Hull: I can also add to, Commissioner Streufert, not sure you are aware, but that under one of the grants that the Planning Department administers there is now a temporary skate ramp half pipe in that park, two temporary half pipes, and part of that is the programing of the park. The monies for those skate ramps are just to kind of test the area to see its use, its impacts, and what have you. But are also the beginning phases of working with the Parks Department to kind of masterplan that site so to incorporate several types of uses as well as to accommodate the existing uses that are current, particularly the farmers market. But that process is going to take a while, but there is a long-range plan and vision that is going to be occurring with the community for that park.

Ms. Nogami-Streufert: And does this include this signage and this historical signage?

Mr. Hull: So, in working with the community, right, like envisioning it out with the community the option of having to go out and fold in the signage wouldn't be necessary, I mean it wouldn't preclude the Parks Department from later on approaching DOT saying, "A the signage has been kept there but we need it moved to a different site to facilitate or plan out other venues that can be situated at that park."

Ms. Nogami-Streufert: Meaning that you would build the signage now, and then when the plan comes out than you would decide where it would go? I don't quite get that one.

Mr. Hull: No. The sign is fine there, but what I am saying is as the Park Department does master planning for that park with the community, we don't know what's going to go in there, we would have to work more specifically with the community to figure out is a skate ramp feasible? Are they doable? Do we want to have it as a long-term permanent solution, permanent resource? And then masterplan their park. The signs, the way they are being proposed right now, the Parks Department is total fine with that, what I am saying is that in master planning other facilities may be warranted and would not preclude the Parks Department from saying, "Department of Transportation is going to move your signs because of these future park improvements the community wants." I am just saying that master planning is going to occur for this site for other facilities and it doesn't preclude them from having to work with the Department on where the signages are now.

Ms. Nogami-Streufert: Do you know when the masterplan is going to be available? Is there any plan for that? In other words, should the masterplan be there before we put the sign, or does it matter?

Mr. Hull: No. I mean masterplans for facilities could take years to do because there is a series of charades in working with community members. I wouldn't image a masterplan for that park being done in no less than two (2) two and a half (2-1/2) years. Just because you want to spend at least working with the community going over possible improvements, choosing it out, reworking it. I mean when we do our plans, right? West Kauai Community Plan, two and a half (2-1/2) years. A year and a half of that was just working with the community. So, their masterplan for this park would be in place in the near, near, future.

Chair Cox: Any other questions? Thank you, Glenda, I thought that was a good question about the park and the kids.

Mr. Ako: Yes, I don't have a question, but I do have a comment. I just wanted to thank Larry and

his Department for putting something like this up, and I know they have done others in other places. I think we are at a point in our society right now, where our first generation that has come here, is literally I guess, has gone already and the second generation the baby boomers well, this is coming to an end. And at a point and time, I think somebodies got to be able to keep track of where we came from and who we were regardless of what countries we initially came from. So, I think as we move along in society, we are a point right now, where things are beginning to change, right? Like we need new bridges as well as we need new stories. So, I just wanted to say for doing it like this and keeping the preservation and keeping the preservation alive as who we are in Hawaii.

Ms. Nogami-Streufert: I think it's a great (inaudible), I'm just concern about the location.

Chair Cox: I would echo what Gerald said as well. I think it's looking forward to being able to see those plaques. And I just hope and actually I trust that the Hanapepe community may be unlike some other communities I suspect that they will actually make use of these and keep it alive. Which you know, sometimes you have plaques that go up and know body every sees them and nothing ever happens to them, so part of it is getting them up so Thank you, Larry and thank you for doing this. But also, the second part is keeping that history alive, so thank you.

Ms. Otsuka: I wanted to add a comment and thank Larry and his staff also. My mother was born and raised in Hanapepe along the river, so I appreciate and applaud the inclusion of the remnants of the old bridge, because even if I never grew up there, I know my mother grew up there so it's very emotional for me, so I really appreciate that.

Chair Cox: Thank you. Any further comments or questions at this point? Dale, I have kind of lost track, did you already give us the recommendations? If not, can you give us your recommendation.

Mr. Cua: Yes, I read the report but didn't work my way into the recommendation. I just want you to know that there are ten (10) Conditions for the report, for the Department's recommendations. So, if you want, I could read them or if you have any questions regarding the Conditions, I could review it with you folks.

Chair Cox: Would anybody like to have the Conditions read? You have them before you as well. Or do you have questions about any of the Conditions? Okay, I guess you don't need read them Dale. Please read us your final recommendation.

Mr. Cua: Sure. Moving on to the recommendation. Based on the foregoing evaluation and conclusion it is hereby recommended Class IV Zoning Permit Z-IV-2022-5 and Use Permit U-2022-5, be approved subject to the following Conditions, and as previously noted there are ten (10) Conditions being recommended for this application.

Chair Cox: I'm sorry when I misspoke early when I said "recommendations" I meant "Conditions" so yes there are Conditions that go with the recommendations, thank you, Dale. Any final questions or comments? I have to say, along with Lori, my dad grew up in Ele`ele and so again, this is sort of a seems like a little bit of a personal moment as well. Thank you. So, I think we are ready for a motion.

Ms. Otsuka: I motion to approve Class IV Zoning Permit Z-IV 2022-5 and Use Permit U-2022-5, subject to the ten (10) including the ten (10) Conditions as listed.

Chair Cox: Thank you. Do we have a second?

Mr. Chiba: I second.

Chair Cox: It's been moved and seconded that we approve the Class IV Zoning Permit Z-IV-2022-5 and Use Permit U-2022-5. Any final discussion. Hearing none. Alright, we are ready to go to a roll vote.

Mr. Hull: Roll call, vote for a motion to approve. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Chair Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Abstain.

Mr. Hull: Chair Cox?

Chair Cox: Aye.

Ms. Barzilai: Clerk Hull, if I may, its Laura Barzilai. I just wanted to advise Commissioner Streufert, that an abstention is an aye. There is no vote to abstain.

Ms. Nogami-Streufert: Okay, I understand.

Ms. Barzilai: Just to advise. Thank you.

Mr. Hull: Motion passes. Madam Chair. Motion Carried 7:0.

Chair Cox: Thank you.

Continued Public Hearing

Mr. Hull: There is no Continued Public Hearing

New Public Hearing

Mr. Hull: There is no New Public Hearing

All remaining public testimony pursuant to HRS 92 (Sunshine Law)

CONSENT CALENDAR

Status Reports

Mr. Hull: Moving on, we don't have no agenda items for consent calendar.

Director's Report for Project Scheduled for Agency Hearing

Executive Session

Mr. Hull: There is no need for Executive session.

GENERAL BUSINESS MATTERS.

COMMUNICATION.

COMMITTEE REPORTS.

Subdivision

Mr. Hull: Moving on to Committee Reports, Subdivision Committee Report, and in reading this I recognize that Subdivision Chair Ako, I am not sure if we prepped you on ready the Subdivision actions. But I could have the staff planner Kenny Estes read he actions.

Mr. Ako: I could so a quick one, but I would love it if staff could give it.

Mr. Hull: Okay, I apologize for not going over that with you earlier, but we can have Kenny do this one and we can work with you for the next agenda.

Mr. Estes: Good morning, Commissioners, I will give the Subdivision Committee Report. So present in the Subdivision Committee was Commissioner Ako, Commissioner Chiba, and Commissioner DeGracia. The meeting was called to order at 8:31 a.m. and was paused at 8:32 a.m. due to issues with Granicus. It reconvened at 8:53 a.m. with Commissioner Ako and Commissioner DeGracia. Commissioner Chiba entered the meeting at 9:00 a.m. For receipt of items for the record there was a memorandum number one to the Planning Commission that included that included four (4) items of public testimony. Under New Business for Action for Tentative Subdivision Map Approval there was Subdivision Application No. S-2022-6 Kukui`ula Development Company, LLC that was approved 3:0 with recognition of the revised Condition, and under Final Subdivision Map Approval there was Subdivision Application No. S-2021-1 also Kukui`ula Development Company, LLC that was approved 2:1. The meeting adjourned at 10:03 a.m.

Chair Cox: Thank you, Kenny. May I have a motion to accept the Subdivision Report.

Ms. Apisa: I moved to accept the Subdivision Committee Report.

Ms. Nogami-Streufert: I second.

Chair Cox: All those in favor say, aye? Aye. (Unanimous voice vote). All those opposed. Hearing none. Motion Carried. 7:0.

Mr. Ako: Thank you, Kenny.

ANNOUNCEMENTS

Topics for Future Meetings

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter on March 08, 2022. The Planning Commission anticipates meeting via teleconference but will announce its intended meeting method via agenda electronically posted at least six days prior to the meeting date.

Mr. Hull: Thank you, Madame Chair. Moving on to Announcements, topics for future meetings, the Department is noting that in the next March and the April meetings we still anticipating just one meeting per month given the case volume. There is only a handful of permit applications one for a farm tour expansion on an existing one, one for some schoolwork up a St. Catherine's, as well as a (inaudible) Telcom application. We have a pretty March is when we are commencing our robust zoning amendment launches so we will have three zoning amendments in the March meeting. One, concerning the All-Hazard's Siren Facilities and another concerning CPR processes for density on agricultural land, and then a commercial warehouse cleans up. Later, we will be looking at multi-family easements certain requirements and fees as well as TVR a real slight change to our TVR ordinance. This is kind of the beginning of this year, it just must go before legislative actions. The ones in the beginning will be relatively I wouldn't say easy but relatively some of them benign and some of them really easing up on restrictions. At the tail end of those when we get into May, June, and July we will be looking at some robust zoning amendments, some possibly concerning climate change as well as plantation camps zoning amendments that we have been working out at the Pakala and Kaumakani camps. So those are the tail end of these zoning amendments. Other than that, do you folks have anything you folks would like to see agendized? You folks do have a training coming up tomorrow, which we really appreciate you folks attending as it is not an official Planning Commission meeting. But we really appreciate you guys spending the time to do that training. I will be in the Bay area (inaudible) will be with you in all of the training as well.

Ms. Nogami-Streufert: Can I say something very quickly. The Hanapepe thing is also something very emotional to me because I live in the Kalaheo area. I like the historical portion of it and the idea that we are preserving history. My only concern was taking away land or taking away park space from the kids. That was the only concern that I had, its just the location of it. Just to clarify, is why I did an abstention, can't do both.

Ms. Otsuka: I just wanted to clarify. On a previous meeting you had mentioned that March may be face to face, so are we still doing Zoom?

Mr. Hull: I would anticipate I mean; it looks like we are trending downward with the Omicron threat so its good news that we are trending downward. I would anticipate not having the numbers low enough where it would warrant finally coming back in person.

Ms. Otsuka: Okay.

Mr. Hull: I think a target date might be the April meeting. I am almost certain that the March meeting we won't have those numbers that would make all of us confident and feel safe enough to come back as much as we miss seeing you all in person. I don't think March will be that meeting quite honestly, Commissioner.

Ms. Otsuka: Okay, thank you.

Mr. Hull: If there are not any further topics or questions the following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter, on March 8, 2022. The Planning Commission anticipates meeting via teleconference, via but will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date. With that we are ready for adjournment Chair. Thank you.

ADJOURNMENT

Chair Cox: I would be happy to entertain a motion to adjourn.

Ms. Otsuka: I move to adjourn.

Ms. Nogami-Streufert: Second.

Chair Cox: It's been moved and seconded that we adjourn. So, could we just do a voice vote. All those in favor say aye? Aye. (Unanimous voice vote). Any opposed. Hearing none. Motion Carried. 7:0. We are adjourned and thank you all very much.

Chair Cox adjourned the meeting at 11:06 a.m.

Respectfully submitted by:

Arleen L. Kuwamura

Arleen Kuwamura,
Commission Support Clerk

() Approved as circulated (add date of meeting approval).

() Approved as amended. See minutes of _____ meeting.