

KAUA‘I PLANNING COMMISSION
REGULAR MEETING
March 22, 2022
Draft

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair DeGracia at 9:32 a.m., - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Ms. Donna Apisa
Mr. Gerald Ako
Mr. Francis DeGracia
Ms. Glenda Nogami-Streufert
Ms. Lori Otsuka

Excused or Absent

Ms. Helen Cox
Mr. Melvin Chiba

The following staff members were present: Planning Department – Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Myles Hironaka, Dale Cua, Romio Idica, Kenneth Estes, Shelea Blackstad, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai, Chris Donahoe, 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 DeGracia: Called the meeting to order at 9:32 a.m.

ROLL CALL

Planning Director Kaaina Hull: Alright, Chair, its 9:32, I think we are ready for the gavel whenever you are ready, sir.

Chair DeGracia: Good morning. I would like to call to order the March 22, 2022, Meeting of the Planning Commission rescheduled from March 8, 2022, Meeting. For members of the public who wish to testify, if you are not already on the Zoom platform, please utilize the join by phone instructions on the agenda and you may testify by phone. Clerk, roll call, please,

Mr. Hull: Roll call, Mr. Chair. Commissioner Ako?

Mr. Ako: Here and by myself.

Mr. Hull: Chair Apisa? Excuse me, Commissioner Apisa is excused. Commissioner Chiba is

also...I apologize, I am reading this wrong. Commissioner Apisa?

Ms. Apisa: Present and by myself.

Mr. Hull: Commissioner Chiba is excused.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Here and by myself.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Here and by myself.

Mr. Hull: Chair Cox is also excused.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Here by myself.

Mr. Hull: You have a quorum. Five present, Mr. Chair.

APPROVAL OF AGENDA

Mr. Hull: Concerning moving on to the actual approval of the agenda. The Department has no recommended changes to the agenda. I think it's been pretty standard that we have been amending the agendas in the past to immediately have the use permits and/or zoning amendments immediately follow their respective Agency or Public Hearing. At this time, I we not going to ask that the agenda be amended to follow that practice, so we are standing by the agenda as posted.

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

Ms. Otsuka: I seconded.

Chair DeGracia: Motion is approved and seconded. All those in favor? Aye. (Unanimous voice vote). Opposed? Hearing none. Motion Carried. 5:0.

MINUTES of the meeting(s) of the Planning Commission

Mr. Hull: Thank you, Mr. Chair, next, we have Minutes for the Meetings of October 26, 2021.

Chair DeGracia: Could I get a motion, please?

Ms. Nogami-Streufert: I move that we approve the Minutes of the October 26, 2021, Meetings.

Ms. Otsuka: Seconded.

Chair DeGracia: Motion on the floor is to approve the October 26,2021 Meeting Minutes. All

those in favor? Aye. (Unanimous voice vote). Opposed? Hearing none. Motion Carried. 5:0. Thank you.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: We have Receipt of Items for the Record. We have nothing listed, however, we did receive a correspondence after the timeline, which we could transmit. So, we did receive a correspondence from Rosalyn Cummings concerning ZA-2022-2, ZA-2022-3, and ZA-2022-4, in which the testimony just reiterates the summary of each of the zoning amendments. As well as the previous Subdivision application for S-2022-8. A lot of this may have been sent in as a request to testify, but just to note for the record that this was received and will be transmitted to the Commission after the agenda subsequent to the meeting.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: Now moving on to Hearings and Public Comments. The Planning Commission accepts written testimony for any of the agenda items listed as well as provide the opportunity, the Commission provides the opportunity to testify either to call in by phone or to do so virtually by the Zoom registration process. We have I believe two (2) attendees. Jodi, would you like to see if the attendees would like to testify on any of the agenda items.

Deputy Planning Director Jodi Higuchi Sayegusa: First, I might go through through the callers on the line. First caller is 1-808-720-1091 on the attendee list. When you are ready you may be able to unmute and provide your testimony.

Mr. Hull: Sorry, let's try this, again. Area code 808-720-1091, this is the public testimony portion of the Planning Commission agenda. Would you like to testify any of the Planning Commission agenda items, if so, please unmute your phone and state which agenda item to which you are testify for. Moving on I believe the caller was also calling to testify on the Subdivision agenda but moving on to the next member of the public, Jodi.

Ms. Higuchi Sayegusa: So, I am going to go back to my registration list or the list that indicates which...Mr. Jerry Ornellas? I am going to promote and allow your video and audio to be operational. Whenever you are ready, you may begin your testimony.

Mr. Jerry Ornellas: Yes, I am here.

Mr. Hull: Thank you, Mr. Ornellas, you have three-minutes for testimony on any of the agenda items. You can also testify on multiple agenda items if you would like, you just need to identify what agenda items you are testifying on now. You have three-minutes for testimony.

Mr. Jerry Ornellas: I will be testifying on the Steelgrass Farms proposal.

Mr. Hull: Thanks, Mr. Ornellas, feel free to go ahead.

Mr. Jerry Ornellas: Are you accepting testimony now?

Mr. Hull: Correct, Jerry.

Mr. Ornellas: Thank you very much, members of the Planning Commission. My name is Jerry Ornellas. I am a farmer up in Kapaa Homesteads actually, only about a quarter to and half mile away from Steelgrass Farms. And I've known Will Lydgate for a very long time, and you know, I can say he is a real farmer, I know that, because I have been to his property and helping him with with prepping land to plant cacao trees. He also has a sizeable vanilla facility going. He is one of these guys that not half and no cattle, he is a real farmer. And unfortunately, I have to tell you today, I wish it was otherwise, but farmers are in trouble you know, farming is getting much more difficult. I have been in this business for fifty (50) years, and we need all the help we can get. I did not always believe this, but I firmly believe this now, we really do need that tourist connection for us to make it. As far as impact, we do live in a rural area, but I think the impact on especially on this operation will be minimal. Yes, I talked about farming being in trouble, but tourism is also in trouble. There is a lot of perception now about how and some people are, hostile to tourist now, because of over tourism and I think that a lot of that comes from people that are not getting a piece of the pie. So, I think that we really explore this option right now in having more people participate in tourism, and I think this is a great way for us to do it. So, again, I strongly favor his application to amend his use permit and special permit and I would be more than happy to answer any questions if you have them.

Mr. Hull: Is there any questions for Mr. Ornellas? Hearing none, thank you, for your testimony, Mr. Ornellas.

Ms. Higuchi Sayegusa: I just wanted to make sure, there was a request in by Rosalyn Cummings to provide testimony on the agenda item. Is Rosalyn available at this point? If so, please raise your hand. I do not see her on the call. I do not see Ms. Cummings. Is there any...

Mr. Hull: One last call, Jodi. For Ms. Rosalyn Cummings, we did receive her request or at least communication it would appear that you were pressing to testify on some of the Planning Commission agenda items particularly some of the zoning amendments. Ms. Cummings are you on the line? And if so, please speak and provide your testimony. Hearing none. Jodi, is there any one the line who would like to provide testimony or signed up?

Ms. Higuchi Sayegusa: I just want to make sure we did provide a phone line for anyone wishing to call in and provide testimony. I do not see any other number except for the one previously called. Is there anyone else on the meeting wishing to provide testimony at this point on any of the Planning Commission agenda items? Please raise your virtual hand. Last call for any testimonies at this point on any of the Planning Commission agenda items? Okay, I do not see anyone else wishing to testify.

Continued Agency Hearing

New Agency Hearing

Mr. Hull: Thanks Jodi. Moving on Chair, to agenda item 2, New Agency Hearing. We have none for this meeting

Continued Public Hearing

Mr. Hull: F.3, Continued Public Hearing. We have none for this meeting.

New Public Hearing

ZA-2022-2: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, standards involving the placement, design, and construction of outdoor hazard warning sirens = County of Kauai, Planning Department.

Mr. Hull: F.4, New Public Hearing a., ZA-2022-2: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, standards involving the placement, design, and construction of outdoor hazard warning sirens = *County of Kauai Planning Department*. This is the public hearing portion of the agenda, is there any member of the public that would like to testify on Zoning Amendment ZA-2022-2? If so, please, either raise your virtual hand if you are on Zoom or just speak if you are on the phone line. Again, last call for any public testimony for Zoning Amendment ZA-2022-2? Hearing none. Mr. Chair the Department would recommend closing the Public Hearing for Zoning Amendment Za-2022-2.

Chair DeGracia: Could I please get a motion to close the Public Hearing for this item?

Ms. Apisa: I move to close the Public Hearing ZA-2022-2.

Ms. Nogami-Streufert: Second.

Chair DeGracia: The motion on the floor is to close the Public Hearing for item ZA-2022-2. All in favor say, aye? Aye. (Unanimous voice vote). Any opposed? Hearing none. Motion Carried 5:0.

ZA-2022-3: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-2.4 of the CZO relating to the Table Uses and more specifically, permitting requirements for warehouses within the General Commercial zoning district= County of Kauai, Planning Department.

Mr. Hull: Thank you, Chair. Moving on to F.4.b, New Public Hearing ZA-2022-3: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-2.4 of the CZO relating to the Table Uses and more specifically, permitting requirements for warehouses within the General Commercial zoning district = *County of Kauai, Planning Department* is also the applicant on this.

Ms. Nogami-Streufert: Sorry about that.

Mr. Hull: Sorry, I think we are all getting the same notice. Again, Kauai Planning Department is

the applicant in zoning amendment ZA-2022-3 relating to permitting requirements for warehouses within the General Commercial Zoning District. Is there any member of the public that would like to testify on this zoning amendment? If so, please speak and state your name or raise your hand in the virtual platform. Okay, last call for any public testimony for zoning amendment 2022-3. If there is any of the members of the public that would like to testify on this agenda item, please, speak or raise your virtual hand in the Zoom platform. If you are on the telephone line, please speak. Hearing none. Mr. Chair the Department would recommend closing the New Public Hearing for Zoning Amendment ZA-2022-3.

Chair DeGracia: Thank you, go ahead.

Ms. Apisa: I move to close the Public Hearing ZA-2022-3.

Ms. Otsuka: Second.

Chair DeGracia: The motion on the floor is to close the Public Hearing for item ZA-2022-3. All in favor say, aye? Aye. (Unanimous voice vote). Any opposed? Hearing none. Motion Carried 5:0.

ZA-2022-4: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, density standards involving parcels that have been partitioned through the Condominium Property Regime (CPR) process, pursuant to Chapter 514 B of the Hawaii Revised Statutes = County of Kauai, Planning Department.

Mr. Hull: Thank you, Chair. Moving on to last amendment F.4.b, New Public Hearing ZA-2022-4: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, density standards involving parcels that have been partitioned through the Condominium Property Regime (CPR) process, pursuant to Chapter 514 B of the Hawaii Revised Statutes *County of Kauai, Planning Department* is again, the applicant. Is there any member of the public who would like to testify on Zoning Amendment ZA-2022-4? If so, please speak if you are on the phone or if you are on the virtual platform, please raise your virtual hand.

Ms. Apisa: Kaaina, could I just ask a question?

Mr. Hull: Right now, it would be prudent to just let the public testimony come in first, and then we can go into the actual details of the agenda item. Okay, last call for any of the members of the public that would like to testify concerning Zoning Amendment ZA-2022-4, if so, please speak on the telephone line or raise your virtual hand if you are on the Zoom platform. Hearing none. The Department would recommend closing the Public Hearing for Zoning Amendment ZA-2022-4.

Ms. Apisa: I move to close the Public Hearing ZA-2022-4.

Ms. Otsuka: Second.

Chair DeGracia: Thank you. The motion on the floor is to close the Public Hearing for item ZA-2022-4. All in favor say, aye? Aye. (Unanimous voice vote). Any opposed? Hearing none. Motion Carried 5:0.

Mr. Hull: And to round this out, we will make one last call final call. Are there any members of the public either here or on the virtual Zoom link or on the telephone line listed above the Planning Commission agenda, would like to testify on any of the agenda items? Last call for anyone who would like to speak or testify, please speak, or raise your virtual hand on the Zoom platform. Hearing none.

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

CONSENT CALENDAR

Status Reports

Mr. Hull: Moving on the Consent Calendar was adopted via the approval of the agenda.

Director's Report for Project Scheduled for Agency Hearing

GENERAL BUSINESS MATTERS.

Request to amend Condition No. 2 of Class IV Zoning Permit Z-IV-2015-10, Use Permit U-2015-9, and Special Permit SP-2015-1 relating to commercial tour operations, involving a parcel situated at 5730 Olohena Road, further identified as Tax Map Key: (4) 4-4-003:045, CPR Unit 3, Wailua Homesteads = *Steelgrass Farms*.

Mr. Hull: Moving to General Business Matters H.1., Request to amend Condition No. 2 of Class IV Zoning Permit Z-IV-2015-10, Use Permit U-2015-9, and Special Permit SP-2015-1 relating to commercial tour operations, involving a parcel situated at 5730 Olohena Road, further identified as Tax Map Key: (4) 4-4-003:045, CPR Unit 3, Wailua Homesteads, the applicant is *Steelgrass Farms*. I will turn this over to Dale for the Director's Report pertaining to this matter.

Staff Planner Dale Cua: Good morning, Chair, and members of the Planning Commission. I would like to summarize the Director's Report for you.

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: The Department's evaluation and recommendation is contained in the Director's Report, and I am available for any questions you may have.

Chair DeGracia: Thank you, Dale. Are there any questions for the Department?

Ms. Nogami-Streifert: Yes, I do. Dale, the twelve (12) off road parking spaces were based upon no more than twenty-five (25) at each tour (twenty-five in the morning and twenty-five in the afternoon). Now, that there is not going to be any limitation number of participants, is there going

to be a corresponding increase in the number of parking spaces that are going to be required?

Mr. Cua: Yes, there should be, and I believe the applicant would have to provide for that. In the initial consideration of the project, there was discussion where the applicant was encouraged to shuttle patrons into the property so I believe that option may be available and that it's a question that is a question or something for the applicant to address when he is available to speak. But yes, most definitely, there should be ample parking stalls available for the additional traffic into the property.

Ms. Nogami-Streufert: So, if that were the case, shouldn't it be one of the Conditions in here?

Mr. Cua: Yes, I have only cited two (2) of the Conditions that will be affected, but in the previous Conditions there were parking requirements that were associated with the project and if needed to, we can add an additional Condition, where the Director can revisit the application and have the applicant provide for more parking.

Ms. Nogami-Streufert: I think that might be useful because this is agricultural district and the roads are not exactly very wide, and would like to see this work, because we really do need this. But I also do not want the community to get upset before it has a chance to even get started.

Mr. Cua: Sure, absolutely.

Ms. Nogami-Streufert: And so, I would like that in there that it would increase the number of parking spaces based upon the maximum number of tourist or clients that would be part of these tours, that would be great. I don't know what the numbers should be but that is something that you guys can kind of figure out.

Mr. Cua: Sure.

Ms. Nogami-Streufert: I do appreciate the idea that we are starting to look at different was of increasing agricultural, the viability of agriculture (inaudible), thank you.

Chair DeGracia: Any further questions, Commissioners, for the Department? If there is none at this time, could we hear from the applicant?

Mr. Will Lydgate: Yes, absolutely. Aloha. My name is Will Lydgate and it's such a pleasure be before you today. I have some brief remarks I can read from just off right of the bat, Commissioner Glenda. We have a half-acre parking lot that has been sufficient for any parking needs, and definitely feel that it is important to have the parking. We have never ever wanted to be in this situation where we had parking on any kind of shared street or roadway understanding those kinds of concerns and considerations. So, we would be happy to work with the Department to codify that in some way, but as I said we have a half-acre area, it's been sufficient for our numbers so far and I see management of parking as critical and basic issue, and I appreciate that. I am so happy to in front of all of you and it is great to hear a few pieces of comments of support. I think Jerry Ornellas summed it up with his testimony. It is such a pleasure to see people supporting agriculture and seeing that the old model of discount wholesale ag. is not as functional as it once was, and we don't have those large tracks of land and large operations and we have a few left but we need to

utilize our visitor dollars and sell directly to our visitors in a reasonable and responsible way. And I love what Uncle Jerry said about the piece of the pie too, I think that just this whole concept of regenerative tourism, right? And on a very basic level regenerative tourism is when the tourism dollar stays here. And, the tourist behaviors and activities lead to more resident sentiment, and it is all part of Destination Management Action Plan that HTA, Hawaii Tourism Authority is putting together and was a part of that on the (inaudible), it's a pleasure to feel that support. So, and I am the owner and manager of Steelgrass Farms although better known by the DPA Lydgate Farms, which we moved to in 2017–2018. We are on Olehena area in Kapaa Homesteads by Uncle Jerry right behind sleeping giant. We have 27 cacao trees, about 800 vanilla vines, 38 coffee plants, just under 10 beehives, and our chocolate was recognized twice amongst the best in the world with the Cacao Awards of Excellence in Paris, first in 2017 and again, in 2021. In 2017, I got to go to Paris which was amazing and mind blowing we were representing not Hawaii but the United States. So, I got a Hawaiian flag and a United States flag, and we were Team Cacao USA basically like the Jamaican bobsled team of chocolate, they were all giving us side eyes. But I'm just proud. In 2021, it was a Zoom meeting, I did not get to go to Paris, I am sure you could all relate. Yes, we are excited to be growing, we employ eleven (11) people here on the farm and we are proud to carry on the tradition of agriculture here in the Hawaiian Islands. I think with a business model that is designed to propel us into the future. We sell pretty much everything as value added products directly to customers, in person, on-line, or wholesale. We have Hawaiian grown chocolate covered macadamia nuts, dark chocolate, milk chocolate bars, jars of honey, vanilla extract making kits, as well as other items like Cacao shell tea and brewing chocolate. We supply and have an exclusive relationship with the Koloa Rum Company where we supply them with our cacao nibs, which is what we make into chocolate. They soak those in rum and macerate them and then sale that rum as the Kauai Cacao rum. We take the nibs back, we evaporate off all the alcohol, and then we grind them into a 75% dark chocolate bar with Koloa Hawaiian rum. It is a very popular product. We are also the only exclusive chocolate supplier to Holy Grail Donuts, which started as pop up doing taro-based donuts in Hanalei and now has multiple locations in Hawaii and starting now in southern California, it's very exciting. And we are also, exclusive chocolate supplier to Aina Kauai, which is the new restaurant in Kapaa by Michelin Star Chef Hide Sueyoshi. We are very inspired by the business smalls of Napa Valley and wine countries where they have highland values but also, high quality products and are able to find ways to have a visitor industry that is drawn by their products and just really excited for the future of (inaudible) and value-added sales of products here in Hawaii and on Kauai. So, on our farm we host a tour, and we operate a gift shop selling our products. We have a limit on how many people we can have on our farm tour of 25 a tour one tour a day, but there is no limit on the amount of people we can have in our gift shop, and of course now County Council has shown intent for all farms to run value added gift shop. So, basically limit on the tour but no limit on the gift shop, and the tour is very popular, so it's almost always sold out one and two weeks in advance. Some dates get sold out six-weeks in advance, which is great, because it creates this demand and people Know, "we got to book before we come," which we like, but at the same time, we often turn away enough people to go on a tour each day so those people can shop at our gift shop. And so that is basically what we have been doing. Our farm is rated 5-stars on Trip Advisor. It is strangely listed as the number one thing to do on the island of Kauai based on just positive reviews. So, being granted to host more visitors on our tours will allow us to earn more revenue from the customers that are already coming to the farm. I think it's more of an efficient way to let us grow our agricultural business. It is going to let us grow our team, increase our plantings by clearing new areas to plant so these visitors are already coming to our farm and there is no difference in impact if they stay three (3) hours or forty-five (45) minutes.

So, we are asking that the limit of the number of tour visitors be removed, and we be allowed to freely operate tours within the hours of 8:00 a.m. to 4:00 p.m. We have wide support in the neighborhood for a permit amendment. I am also the president of the neighborhood AOA, and we have received no complaints about our farms business operations there as well as the Planning Department has received no complaints. And I am very sensitive to the neighborhood setting, obviously, being a good neighbor is not only a good thing to do for me as a person and for my spirit but it critical to our farm operations being that we are operating under the framework of a use permit. I held a neighborhood meeting on February 22nd pursuant to this meeting here where every household was invited to attend. At the meeting we discussed my farm operation and our plans for this amendment and our future. No issues were raised at that meeting only voice support, the only thing feedback I got was actually a few people said was which one of their chocolate bars were their favorite, because everyone in the neighborhood gets some chocolate around Christmas. So, if there ever is an issue, AOA is a great place to find a remedy. Even though there are no issues raised at the AOA meeting, I have still taken some preemptive action to improve safety in the neighborhood. I went ahead and hired Austin Tsutsumi and Associates, Inc., on Oahu to do a traffic study for us, which I sent into Dale as testimony for this hearing you may have it as testimony. They confirmed that the narrowest parts of the driveway which is the very back part of it by us, can handle up to fourteen hundred vehicle trips per hour. So, at this point if we are doing fifty (50) to eighty (80) people in a day I figure it's less than half forty percent (40%) if most people are two people per vehicle. And their finding was that there was no significant impact to traffic operations resulting from our tours. I haven't done the exact numbers, but I think if you crunched it the driveway the entire fifteen hundred feet of the driveway is basically empty ninety-five percent (95%) of the time. During my work with Austin Tsutsumi, I designed for and paid for nine (9) traffic signs for the driveway with the goal of slowing traffic and creating situational awareness and again, just trying to be a good neighbor. This includes eighteen (18) inch traffic mirror to help people see around this one corner and there is one place for where an easement intersects one of the owners sometimes, my staff had told me drives out into the main easement without looking to the right, so we are putting up one driveway sign there just in benefit of him, and just to be sensitive to that situation. Yes, I gave you some of these details because I wanted to illustrate some of the diligence that we approached that we have approached the neighborhood and we are very happy to operate, I mean everyone is in a farm dwelling and we understand you know, not everyone can be actively engaged in farming. I have helped some of our neighbor's ability to do some contract farming for us and plant some cacao trees on their lots or vanilla vines. We are doing a research project called the Kauai Vanilla Partnership Program with County Economic Development right now, and we will be releasing vanilla material to local growers who want to grow beans and then sell them to us as sort of the central co-op. So, we are talking about that to some of our neighbors as well, so I just wanted to give you some background as I think you saw a dozen or so neighbors sent in positive testimony and there are many more that would if asked. Hey, I really want to thank Dale Cua and Kaaina Hull for making this happen, they have been fantastic and just super supportive of what we are doing, and we really appreciate them getting us on the agenda and guiding this process through in a reasonable way, and really, really, super appreciate it. So happy to answer any questions. We do have that half-acre parking area which has been sufficient for fifty (50) to eighty (80) people a day. We had hundred-five (105) people come one day. That's you know, I would rather it be smaller and be able to control the number of visitors that I have with reservations on a tour then to have an open gift shop and keep growing because this site has a certain character and I want to be able to control how that character grows. So, thank you so much for all your time and I would be happy to answer any questions.

Chair DeGracia: Commissioners, any questions, or comments for the applicant?

Ms. Otsuka: I have a question. I was just curious, the reason to amend the Condition. What was the purpose to shorten your hours? I feel if you had left it at 6:00 p.m., you would have more flexibility say with some of your business. What is your purpose?

Mr. Lydgate: Yes, you know, Lori, I would totally be open to that. You know, I think I felt I just want to be accommodating for everyone, and you know, there is only a certain size we want to grow to here, so I was open to doing that and you know, this idea of sort of have carte blanche and the control of what we do within a certain time frame. I thought you know; we could take it top eight (8) hours. However, you know, the extra two hours will give us more flexibility obviously as a business. I think at the heart of it and what you just said, which I so appreciated I would like just like having shown that we are good neighbors would like the ability to control that, and as you know, if there are issues you will hear about it. You know we operate under this use permit framework, so whatever the Commission would recommend I am not sure we could use the time.

Ms. Otsuka: Thank you.

Mr. Lydgate: Thanks, Lori.

Mr. Ako: I got a question.

Ms. Nogami-Streifert: I'm sorry. Go ahead, Gerald.

Mr. Ako: Mr. Lydgate, you made me excited that I kind of feel like I want to go on your tour already, you know. But saying that, can you put it into perspective for me, you talk about that half-acre of parking, yeah? Quantify wise, we are talking about how many stalls are there and how many stalls does that come out too?

Mr. Lydgate: Yes, thank you, Commissioner. I think the most cars that I would ever want is fifty (50). When I say half-acre parking lot you know, I mean we have a half-acre area we could convert into parking. Right now, we have its set-up for thirty (30) stalls for parking and then we have six (6) upfront that we never use and then we have some tarp tents, and then we have an air stream trailer that my friend Dave is leasing a spot from us he is turning it into an operation he is doing. We have got our certified kitchen were our cacao air drying tents, so if we wanted more parking spots or if it was necessitated, we would move some of that stuff out of the way and there is some Hau to clear, but at this point its about thirty (30) parking spots and we haven't needed them.

Mr. Ako: And I think you are going to just guess but if you had to estimate your increase in the number in the number of participants on your tour, what would that number be?

Mr. Lydgate: Yes, you know, I would say, our plans to do a second tour. So right now, our average is fifty (50) to eighty (80) people per day. So, my guess is that most of those at least seventy percent (70 %) of those people probably wanted to come on the tour. And so, I am looking for an eternal conversion rather than increasing the overall number to sort of convert people who wanted to come on the tour with people who can come on the tour. So, the goal would be to keep it

at at fifty (50) to eighty (80) and if that works, we can then move the gift shop to by appointment only, and then we can control how many people come every day because I am just concern hat we are getting very popular and so scarcity creates value, right? And so, I am looking to maximize what we are doing on this parcel while as a farm entrepreneur I am looking for other parcels that are further away from this kind of estate setting where we can do more business kind of like a Kauai Coffee model. So, our goal would be to put this at a certain level that we think fits with the parking and the traffic. You know, I think a hundred (100) people would be the most that I would every want to host here, and that is maybe forty (40) cars to guess as your answer to answer your question.

Mr. Ako: And I guess your success as a farmer as well as a business guy on your shop is great, but are you still limited to one tour a day or is that not a limitation?

Mr. Lydgate: Correct. That's the limitation, one tour per day and the tour can have twenty-five (25) people.

Mr. Ako: So now your tour could be still one, but you could have up to eighty (80) people or whatever?

Mr. Lydgate: No, we like the twenty-five (25) person tour and really what I am wanting is to freely operate commercial tours within a set of hours. So, I would probably set up a second tour a mid-morning tour. Does that answer your question? Eighty (80) people seems way too much on a tour we'd like to keep things intimate. So instead of twenty (25) people plus another twenty (25) to forty (40) at the gift shop, we would have twenty-five (25) people on a tour, twenty-five (25) people on a tour, and twenty (20) at the gift shop or something like that.

Mr. Ako: But you are not limited to one tour a day?

Mr. Lydgate: We are limited to one tour a day per, and that is why I am here before you today, is to request that limitation be removed.

Mr. Ako: Okay, I am sorry. So, what is before us is the elimination of the one tour as well as the limit of twenty-five (25) per tour?

Mr. Lydgate: Yes, I mean, I'd love it if could set that number myself, my intention I mean as a tour operator is I like that number twenty-five (25). But sometimes, someone or if it is a big family or a wedding they might want to come together. So, it would be great if we could set those ourselves within the guidelines that we can set. So, my preference and request would be that the conditions for how many people we could have on a tour and the number of people we could have on a tour be eliminated. So, we can conduct commercial agriculture tours between these hours and anything regarding numbers of tours and number of people be eliminated from the condition. Those are the details I think that was sent over.

Ms. Nogami-Streufert: I have a question of the Planning Department at this point. I appreciate Mr. Lydgate's concern for the environment and for his neighbors. I think it is wonderful and a great way to go but permits go with the land it doesn't go with the person that currently on it. In other words, once we give the permits the permits go forever, I think. If Mr. Lydgate were to sell the

land God forbid, I don't want that to happen, but if that should happen and another owner comes in and maybe not as ethical as Mr. Lydgate is, what happens at that point? How does the Planning Department control that? And the reason for asking that is because listening to part of the subdivision meeting earlier, and many of those permits were given years, and years ago, but we are not stuck with those permits. And that cannot be changed because it goes with the land and not with the person. Should there in the future there be a problem, how does the Planning Department correct that?

Mr. Lydgate: Before the Planning Department speaks Commissioner, I would love to give background for this specific project. I will never sell this parcel of land ever. I mean, o my god! My cousins just sold a parcel in Haena because there is not enough of them here anymore and the land is insane, they just can't maintain it. And I'm just like, no! But I am completely open to, and I think that is a pertinent comment in terms of the larger picture. I'm not, you could put any type of condition on here if it's sold. My one concern is if I create a different holding company that needs to be able to transfer that and for tax reasons or whatever how we do this agricultural side and there is this retail side and so you know, I wouldn't want me creating some new entity for tax or liability reasons to change that and maybe we are getting into the weeds now, I am sure the Planning Department has excellent things to say about this.

Ms. Nogami-Streifert: I would like to know what kinds of remedies there would be or mitigation there would be in twenty (20) years or in thirty (30) years when...go ahead I am sorry.

Mr. Hull: Sorry, thanks Commissioner. So just building off the comments about the subdivision application vs this one. So, the comments that were made about the subdivision application, right? Those are germane to those properties have a particular residential resort zoning district, so that zoning is in place and the only remedy to really change that type of zoning via an ordinance at the County Council, so that is the remedy for that. Mr. Lydgate application and entitlement is a bit different from that in that his property does not enjoy if you will resort zoning in which tour operations are outright permissible. He had to come in here to get a special permit and a use permit to be able to have these commercial tours operating on his property. In general, like you said Commissioner, these entitlements run with the land so there are not Mr. Lydgate's exclusive preparatory right of the property should he sell it, or should he change ownership, the property change ownership these permits should run with the land. And the general principle on these types of permits is, if it is suitable for the land, in so far as any new owner coming on board, they must avail themselves and adhere to the respective conditions of approval that have been placed on the applications. So whatever conditions that are in place on Mr. Lydgate, he said he is not going to sell it, but should he sell it at some point, the next owner should they want to conduct these tours, the next owner may not want to conduct these tours, but should they want to conduct these tours, they would still need to adhere to the specific conditions of approval. And then beyond that, if they don't adhere to the conditions of approval or even if they do adhere to the conditions of approval as in Mr. Lydgate's standpoint even if he adheres to conditions of approval and they become a nuisance issue where his commercial use is negatively impacting in some way the community or environment or around or in the area in which the use is occurring, that's when the Department can either with the urging with the community, the Planning Commission, or on our own initiate wither modification or revocations of the subject permits. And it doesn't happen often I would say that we do get complaints sometimes on uses that quite honestly if we do find that they are in fact negatively impacting the surrounding neighborhood, we do issue a revocation on the permits.

Often, it gets resolved at the Planning Department before it gets to the Planning Commission. In that you can argue your case before the Planning Commission, but the Department feels these new uses are negatively impacting therefore, you should change it. So that is kind of how it works in a nutshell. Having said that all that though for this application we have imposed a two-year timeline, to say, “we are looking at, we are recommending opening up the ability for this particular site to have additional tour participants on their respective tours, but it is within that two-year time period.” If within that two-year time period, there are negative impacts even though we have the revocation clause, Two-years Mr. Lydgate or whoever the property owners are in two-years, has to come back and apply for an extension if you will or a longer period of time. But it’s a two-year window that’s being proposed on the application.

Ms. Nogami-Streufert: And Mr. Lydgate, is two-years enough time for you to do this or do you need more time to see whether it’s viable?

Mr. Lydgate: Yeah, I think the goal would be to continue as we have which is in sensitivity to the neighborhood and to do our best. And then to come back in two-years and everything is totally fine, and I trust the Planning Department would be a good partner for us in terms of our issues and taking a close look at the merits of them, and I think that it fine. And in terms of sort of the overall comment here with the structure of the use permit you know, no significant impact on surrounding properties that’s really the, what’s the right word? Not the lynch pin, but the pin that pulls it. And until the Council or some other body decides to codify Ag. tourism and eliminate the use permit structure which maybe something that is coming, I think this is a situation that we have.

Ms. Nogami-Streufert: Well, I appreciate that you are willing to work with the Planning Department and the Planning Department with you. It’s the only way to go in a small community like this and we are all thinking about the future and not just today, and the people that are here today, but also for the people of the future progeny and how this land is going to be used, so, I really appreciate that and thank you very much for that you make me feel a lot better about this whole thing.

Mr. Lydgate: Thank you, Commissioner.

Chair DeGracia: Commissioners, are there any other questions?

Ms. Apisa: Yes, I guess I just would like clarity because I think where I am reading here about the hours, it says, “The hours of operation shall be from 8:00 a.m. to 6:00 p.m.” its like dictating you don’t have any flexibility in your hours that’s why you want to change it, it seems you should have more flexibility, that those are the maximum 8:00 a.m. to 6:00 p.m. are the maximum hours that you have, and it also says. “No more than five (5) days per week.” Maybe you want to open seven (7) days per week? It just seems like we are opening restrictions it should be not limited to five (5) days a week and not specific to when you have too you know, those should be maximum hours.

Mr. Lydgate: Commissioner, its music to my ears, I feel like I’m just trying to be the best driven business operator I can. I like the weekends, it’s an opportunity to make noise if we have to do a project around the tour grounds or sometimes do a big arborist project or something like that and I enjoy relaxing. However, it would be nice to have the flexibility to sometimes do an event because often, local people you know, Saturday is a great day for them its kamaaina and that kind of a thing,

so just these comments about removing restrictions, great. And I will, as I said it's a use permit context you will hear from me, you will hear back if people think there are abuses, you will hear back, and I am sensitive to the neighborhood setting and wouldn't plan on using all that time. In fact, make this nice and type it and then I am looking for other parcels (Inaudible) and closer to the highway.

Ms. Apisa: I do see here that on July of 2017, the restriction of one (1) tour per day was increased to allow two (2) additional tours I believe, is that correct? Right now, you are allowed up to three (3) tours? If I am reading this right?

Mr. Lydgate: Yes, it was five (5) some of the Conditions were in the introductory paragraph and some of the conditions were listed in the introductory paragraph is the one that states I believe one (1) tour per day. And then I think the condition number two (2) just states twenty-five (25) people per tour. I could have that wrong. So yeah, so no.

Ms. Apisa: Permit history in July 2017, the applicant requested Condition No. 2., to allow two additional tours and it was subsequently approved. So, it seems like you are allowed three (3) tours? But it doesn't say per day, per week, it doesn't say...I assume it means per day.

Mr. Lydgate: Yes.

Mr. Cua: A just for the application purposes you know, the project was originally approved for three (3) tours per week and in 2017 they allowed two (2) additional tours, so it increased from three (3) to five (5) and today, it remains as that. You know, its still five (5) days in the week.

Ms. Apisa: Okay, so it is basically one (1) tour per day five (5) days a week.

Mr. Cua: Technically there was no limitations on the amount per day, but I believe Will represented at the time, that as a good neighbor just to limit his tours to a single tour per day. But Technically the original approval did not specify any restrictions to the amount of tours per day. And I understand that Will is trying to control the environment as well.

Mr. Ako: I have a question too, I'm still not clear about the number of tours per day? Or per?

Mr. Cua: Just for clarification purposes I can read the Condition. So, as it currently reads today, and this was the result of the amendment that was done in 2017, the current Condition reads, "the agriculture commercial tours shall be limited to no more than five (5) days per week with no more than twenty-five (25) paying participants per tour, and the hours of operations shall be from 8:00 a.m. to 6:00 p.m." that is how it currently reads today. And with the request that's being proposed the applicant is seeking to eliminate the restriction on the number of participants in the tour and the hours of operation will be shortened by two (2) hours. So, the new Condition if approved will read, "the agriculture commercial tour shall be limited to no more than five days per week and the hours of operation shall be from 8:00 a.m. to 4:00 p.m." That is what is being proposed or that is what is before you for your consideration.

Mr. Lydgate: So, I guess I came before the Planning Commission to get my hours shortened. I guess what I am looking for here is just a mandate from the Commission you know, to be able to

conduct tours and maybe as the Commission has suggested it's something simple. I know that we have discussed hours from 8:00 a.m. to 6:00 p.m. and maybe eliminate the days per week and I don't intend to use all of those, but gosh the flexibility is nice. We have a popular product, and it is exciting award-winning product and people want to get it feel that mandate from the Commission to move forward. But its really in terms of the details I was operating under the assumption that we could only do one (1) per day and maybe misinterpreted the way the letter was written but I appreciate Mr. Cua and yes, I am here and in your hands.

Mr. Hull: Yes, if I can add Commissioners, I think there may have been some confusion there, I think, and the Department is open to an array of different options for actions with Mr. Lydgate application. I think if the Commission is looking at opening beyond what his petition asks for the Department would be hesitant in taking action today, because of the fact that his application has been made publicly available neighbors, community members could read it, and some may have chosen not to participate or say testify under grounds the did not have any objections to what the application was asking for. And so, I think to be prudent if there is, and I think the Department open to opening it up for possibly another day or additional hours beyond what's requested on the application, but again, I would be hesitant to take action on that type of action here or recommend taking that type of action or proposal here today, on the basis I think we would need to do further publication notices as well as making that application publicly available. So, think from the Departments position I think we are ready to recommend taking action as proposed with these Conditions or If the Commissions need is to open it up further the Department is definitely open to that and would be genuinely supportive, but I think additional leg work would need to be done and would ask for a deferral.

Mr. Lydgate: If I could, if I could just comment as the applicant. I am more than happy with these unlimited operation of tourist within 8:00 a.m. to 4:00 p.m. five days per week and perhaps two (2) years from now when we see each other again, for those of you who are still serving we can then go for he further thing. I'm not looking to, that would be sufficient for our growth.

Ms. Apisa: Just being the devil's advocate here, I am not reading that its limited to one (1) per day. Technically, what it says is "the agricultural commercial tours shall be limited to no more than five (5) days per week," it does not say how many per day, it just says "no more than five (5) days a week and no more than twenty-five (25) per tour, and your hours of operation shall be 8:00 a.m. to 6:00 p.m."

Mr. Hull: Yes, Commissioner Apisa, you know, to that I think there maybe some disagreement on how perhaps the applicant had interpreted the previous amendment and how the Department interprets it. But what I think is before you folks today, is a straight up "the applicant is allowed to have tours between 8:00 a.m. to 4:00 p.m." with no restrictions on tour amount and no restrictions on number of participants on the tours. Its just tour operation time frame from 8:00 a.m. to 4:00 p.m.

Ms. Apisa: If I heard him correctly, he is okay with the twenty-five (25) participants he just wants to have more tours per day, is that correct?

Mr. Lydgate: Commissioner, it would be great to have that twenty-five (25) removed, I mean somebody, twenty-five (25) is an odd number you bring your husband he can't come on because it

would be twenty-six (26). I would love the free operation of commercial agriculture tours within 8:00 a.m. to 4:00 p.m. striking language that mentions number of tours and striking language that mentions number of people per tour would be my request.

Ms. Apisa: I am ready to make a motion. If I may, Chair?

Chair DeGracia: Actually, before we move forward with that, I know further earlier comments, surrounded the inclusion of parking conditions or any amendments to that to include, I know it was discussed within a half-acre, but for the Department is there any way to include I guess language?

Mr. Hull: Yes, the Department, and Will, I am going to read this as an oral possible amendment to the recommendation of approval. So, in addition, the Department recommend in addition to Condition No. 2., which is amended and the Condition of Condition No. 10., which is listed in Mr. Cua's report, we would look at amending Condition No. 3 to state the following: all tour participants vehicle parking demands shall be accommodated with an (off street, off-driveway) parking area that is located on the subject property or associated properties.

Mr. Lydgate: Very reasonable.

Ms. Nogami-Streufert: So, there are three (3) Conditions, three (3) amended Conditions. Three (3) and ten (10). Okay.

Chair DeGracia: I will accept a motion.

Ms. Nogami-Streufert: I move to accept the Director's Report with the addition of the third Condition on parking.

Ms. Otsuka: I second.

Chair DeGracia: It's been moved and seconded. Clerk, could we have a roll call?

Mr. Hull: Roll call Chair.

Ms. Barzilai: Pardon me, pardon me, Chair. I'm sorry. It is Laura. Office of the County Attorney. Commissioner Streufert and Chair, I think maybe we clarification on the motion to approve the various permits with Conditions and not primarily with regard to the Director's report. Perhaps, Commissioner would like to restate her motion.

Ms. Nogami-Streufert: all right, I move to approve Class IV Zoning Permit Z-IV-2015-10, Use Permit U-2015-9, Special Permit SP-2015-1 with the three (3) amendments.

Ms. Otsuka: I second.

Chair DeGracia: It's been moved and seconded. Clerk, could we have a roll call vote, please?

Mr. Hull: Roll call, Mr. Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Chiba, excused.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes 5:0, Mr. Chair.

Ms. Nogami-Streufert: Congratulations and good luck.

Mr. Lydgate: Thank you so much I look forward to delivering good things for Kauai and very much appreciate your support. Thank you all so much.

COMMUNICATION.

Mr. Hull: Moving on to the next agenda item, we have no further Communications.

COMMITTEE REPORTS.

Subdivision

Mr. Hull: Next, on the agenda item is J. Committee Reports excuse me, J.1., Subdivision Committee Consideration and Action on all Subdivision matters listed on the Subdivision Committee Agenda. I will turn it over to the Subdivision Committee, Chair Ako for the Subdivision Committee report.

Chair Ako: This morning our Subdivision Committee Planning Commission met it was called to order around 8:50 a.m. and present were Commissioner DeGracia and myself. The Committee acted upon two (2) applications. One (1) was a preliminary map subdivision of the Kukui'ula map and the second one was the final subdivision of the proposed DLNR Base yard facility out in Hanapepe. Both were approved by a 2:0 vote. And the meeting was adjourned at 9:23 a.m. Do you have any questions?

Chair DeGracia: May I have a motion to accept or approve the Report?

Ms. Apisa: I move we approve the Subdivision Report as presented.

Ms. Otsuka: Second.

Chair DeGracia: It's been moved and seconded to approve the Subdivision Committee Report. All in favor say, aye? Aye. (Unanimous voice vote). Any opposed? Hearing none. Motion carried 5:0.

UNFINISHED BUSINESS (For Action)

Mr. Hull: Moving on to agenda item K., Unfinished Business we have none for this meeting.

NEW BUSINESS (For Action)

ZA-2022-2: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to the Application of Regulation and more specifically, standards involving the placement, design, and construction of outdoor hazard warning sirens = *County of Kauai, Planning Department.*

Mr. Hull: Moving on, Chair to L. New Business for action. Zoning Amendment ZA-2022-2: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to the Application of Regulation and more specifically, standards involving the placement, design, and construction of outdoor hazard warning sirens, the County of Kauai, Planning Department is the applicant on this. I will turn it over to Romio who is our planner for this for the Director's Report.

Staff Planner Romio Idica: Aloha. Good morning, Chair, and good morning, Commissioners. For your consideration this morning, Amendment to Chapter 8, Kauai County Code as amended relating to all hazard outdoor Statewide warning sirens systems ZA-2022-2, Applicant County of Kauai Planning Department. Within the Director's Report provided to you the Kauai County Code does not specifically say that all hazard statewide outdoor warning sirens systems are exempt for zoning permit requirements. If any new proposed warning systems are being proposed especially within the coastal areas where these sirens are needed, would subject through sometimes a lengthy permitting process such as public hearings, planning commission approvals, environmental assessments, and variances to our shoreline ordinance. This amendment is to remove any excessive permitting process for something that is beneficial to the general health, safety, and welfare for the Island of Kauai. That concludes my summary for this amendment. Any questions before I read the recommendations?

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

Chair DeGracia: Commissioner's any questions?

Ms. Apisa: No questions.

Chair DeGracia: Okay.

Ms. Nogami-Streufert: I guess I am a little confused. Your recommendation is to tentatively approve but also to defer. How does that work?

Mr. Idica: It goes to the County Council, Commissioner.

Ms. Nogami-Streufert: Oh, that's what the deferred part of it means?

Mr. Idica: That is correct, yes.

Ms. Nogami-Streufert: Okay.

Mr. Hull: Apologies, Commissioner Streufert, I think you caught a possible type of error. The tentative approval we are recommending approval and stop. The deferral, it's a type-o there it's a full approval by the Planning Commission, which would then be forwarded to the County Council for review and action. And just for further clarification, the bill essentially exempts them from the zoning requirement and a class one zoning permit is relatively easy its \$30.00 over the counter you provide the plans. The thing is that some of these facilities need to be in the shoreline setback area, and as you guys are aware, we have served every robust requirement to situate, to cite a structure in the shoreline setback area because of the fact, that it will be subject to coastal inundation. That generally applies to private structures and structures that you know, aren't necessarily related to the public good and overall healthy and safety and well-being of our community. There are no exemptions for facilities like this, and so theoretically under the standards of the Shoreline Setback Ordinance which is generally for single family dwellings and residential or private structures. The citing of these facilities may not be able to be cited appropriately within that area given our requirements for the shoreline setback area. We thought it prudent to exempt these facilities to get them cited exactly where they needed to be cited.

Mr. Ako: Kaaina, does that mean that pretty much that H.E.M.A (Hawaii Emergency Management Agency) has full discretion in terms of where they would like to (inaudible)?

Mr. Hull: From a zoning perspective, yes, it will take away all jurisdiction from both the Planning Department and the Planning, forgive me. It will take away all jurisdiction from a zoning perspective but not from the special management area perspective. They would still have to get SMA permits, which are technically is a state regime that the County processes on behalf of the state. Almost all these facilities could be done via an SMA minor permit because they are within the five hundred-thousand-dollar threshold. But they could theoretically get bumped up to a SMA major like in the event we identify say, "culture" it's been a heavy topic over the past few months, we identify the fact that it maybe impactful to cultural practices or assets or resources. And we felt it not prudent for HEMA to cite it there, we couldn't deny it, but we would send it up to the Planning Commission for further review given say, impact of that resource. So, from the SMA prospective it doesn't take away that review and analysis, but from the zoning perspective, and just be clear the shoreline setback ordinance is a very particular ordinance for structures to be moved away from coastal hazard areas. And the fact of the matter is we need these sirens in these areas where there are coastal hazards warn for those hazards sometimes.

Mr. Ako: Got it. Thank you.

Chair DeGracia: Any further questions? Alright, you can move forward Romio, with your recommendation.

Mr. Idica: Thank you. Based on the forgoing and conclusion it is recommended that the subject request to amend Section 8-1.4(e) of the Kaua`i County Code be approved and deferred further for analysis...

Mr. Hull: Sorry, that was taken from the previous language. Romio, we are just recommending approval on this.

Mr. Idica: Okay. Should I read it again?

Mr. Hull: Please do.

Mr. Idica: Okay. Based on the forgoing and conclusion it is recommended that that the subject request to amend Section 8-1.4(e) of the Kaua`i County Code be approved.

Ms. Nogami-Streufert: I move to accept the Planning Departments recommendation for Zoning Amendment ZA-2022-2.

Ms. Otsuka: Second.

Chair DeGracia: Motion is to I`m sorry, is it to approve Zoning Amendment ZA-2022-2 with the recommendation of the Department?

Ms. Nogami-Streufert: Yes. Right, and the recommendation of the Department is just to approve the amendment.

Chair DeGracia: Okay. Thank you for that clarification. Kaaina, can I please get a roll call vote.

Mr. Hull: Roll call vote motion to approve Zoning Amendment ZA-2022-2. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes 5:0, Mr. Chair.

Could we take a brief second the Deputy informed me that a member of the public has raised their had concerning public testimony with your discretion Chair, we would like to allow this member of the public to raise their concerns?

Chair DeGracia: Please.

Mr. Hull: Jodi, we are going to let the member of the public in

Ms. Higuchi Sayegusa: I...Ms. Kaiulani (inaudible) so you are now able to unmute yourself when you are able and raise any concerns you may have. Whenever you are ready are audio and video are abled and are operational at this point on our side so whenever you want to unmute, yourself you may begin to talk.

Mr. Hull: Kaiulani, this is the Planning Director and the Clerk of the Commission. So, the time for public testimony has passed but we are recognizing that you are logged in after the time, so if you would like to provide testimony on any of the agenda items the Chair has provided you with the opportunity. So, you must unmute yourself and state what agenda item you would like to testify on.

Ms. Higuchi Sayegusa: And if that fails there is an ability for you to call-in, in an abundance of caution the agenda does list a means to call in using a phone line and I can read that to you right now. One of the numbers that you could call is 1-669-900-9128, you would enter the webinar ID 141 0280 0366, and whenever it prompts you to say participant ID you just press #. That is also listed on our agenda, so if you are not able to unmute yourself (inaudible) you are able to call in.

Chair DeGracia: Clerk, hearing no response would it be prudent to take a five (5) minute recess to maybe sort this out?

Mr. Hull: Yes. Chair, if we could take a ten (10) minute recess. And Jodi, if you could relay the phone numbers to the member of the public so that perhaps she can call in if she would like to. But if we could get a ten (10) minute recess for now, Chair.

Chair DeGracia: Okay. Ten (10) minute recess lets reconvene let's say about 10:55 a.m. or a little under.

Mr. Hull: Thank you, Chair.

The Commission recessed this portion of the meeting at 10:46 a.m.

The Commission reconvened this portion of the meeting at 11:00 a.m.

Chair DeGracia: Call the meeting back to order after the recess.

Mr. Hull: All right, Chair. Its 11:00 a.m. whenever you are ready to reconvene the meeting, we can do a roll call.

Chair DeGracia: Okay.

Mr. Hull: Roll call, Mr. Chair. Commissioner Ako?

Mr. Ako: Here and by myself.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Here and by myself.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Here and by myself.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Bye myself.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Here and by myself.

Mr. Hull: You have a quorum Five present, Mr. Chair.

I apologize for that brief (inaudible) Kauai were going through a series of thunderstorms and flash floods, and I think it's having an effect on some of our power systems. Since we are back, I think that should have given ample time, to the member of the public to call in and sort out any technical issues.

Ms. Higuchi Sayegusa: I believe I heard her audio. Whenever you are ready, please state...

Mr. Hull: Kaiulani, as I was stating earlier, the time for public testimony has passed however, the Chair is allowing for additional testimony. So, did you have a particular agenda item you wanted o to testify on?

Ms. Kaiulani Kahakuakoi: Aloha, can you hear me?

Mr. Hull: Yes.

Ms. Kaiulani Kahakuakoi: Aloha, can you hear me?

Mr. Hull: Yes.

Ms. Kaiulani Kahakuakoi: Yes, I have been on for almost an hour trying to get in. The pound

didn't work, I guess you had to put # 294978# in order for me to be put through and that wasn't posted, I don't know, there is some kind of confusion. I had couple things I wanted to share. Thank you for allowing me the opportunity to speak. There was a motion passed with only two persons. I was just wondering if that was your quorum, that two is your quorum? There was a motion passed and accepted. Let it be known by all persons and those present that I, Kaiulani Kahakuakoi am the Hawaiian National Aboriginal Descendent a Lineal Heir and Representative of Heirs and Assignees of Royal Patent 7714, which is mateo Ke Koanna 'oa, the lands of which are in question. Hereby, declare and vested to you notice of my preservation hereditary undivided lineal interest in the land that is referred to a Royal Patent 7714 held in an allodium with all its rights, titles, and interests to include all mineral rights as declared in said certain parcels of lands and granted by the King Kamehameha as described in the registry of land title book deposited with the minister of interior Ko Hawaii, Hawaii Pai 'aina. These royal patents having been adjudicated by the board of commissioners to quiet land titles and authorized by the Hawaiian Government of Ko Hawaii Pai 'aina, and having never being acquired by another jurisdiction, is preserved under said jurisdiction within its legal territory with all the rights and benefits thereof, Kaiulani, known here an after as an heir with an undivided interest. I wanted to make it known on the record for your committee meeting, having been made privy to this information as of last night, the land in question belongs to my grandfather, and as a lineal descendant of these lands I will be serving your committee. The parties in question, I wanted to get some addresses, but I just wanted to inform you guys, the lands that government protect allodial title lands in question, freed allodial title holders to step forward as the supreme title holders patent as evidence in a court of law of regularity of all previous steps to it, and no facts behind it can be investigated a patent cannot be collaterally avoided at law even for fraud. So, I am bringing known for the record because this is being recorded that as a lineal descendent to these lands, our entire family that exceeds over a thousand of us currently have vested interest in the lands in which you decided upon in which jurisdiction is given to you by the State of Hawaii. However, as a lineal descendent, we have the superior land title holder, and being having made this information brought to me last night, I am making it known to your committee in whatever service and extension you do and serve to the people of Kauai, that the lineal heirs supersedes all those in which you grant authority by permit to authorize business, commercial, erections, agricultural, residential, and just be informed that I will be participating further and here on out to bring forth the heirs interest who cannot speak and those who are yet to be here. So, if you are not aware of the royal patent under this land in which you are acting to issuing permits, the patent in prima facie conclusive evidence for the title, this could be evidenced by Marsh vs Brook. A patent once issued is the highest evidence of title and is the final determination of existence of all facts. So, for the record, once again, I just wanted to make it known that the lineal heirs and descendants of Ke Koanna'oa for these lands in question in which you permit titles and issuance for commercial expansions I will be on the meeting as well. Mahalo for your time, I greatly appreciate it. Mahalo, mahalo, mahalo.

Mr. Hull: Thank you for your testimony and just as a follow-up, if you send an email directly to the Planning Department email address, we can get you the contact information and addresses for the parties involved with those applications. Thank you for your testimony. With that Jodi, do we have any other members of the public that logged in?

Ms. Higuchi Sayegusa: I am not seeing anyone further on the attendee list.

Mr. Hull: Thank you, Jodi. With that Chair, and with your discretion are you okay with moving on

with the rest of the agenda?

Chair DeGracia: Yes. Let's move forward.

Mr. Hull: Thank you.

New Business (For Action)

ZA-2022-3: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-2.4 of the CZO relating to the Table of Uses and more specifically, permitting requirements for warehouses within the General Commercial zoning district = **County of Kauai, Planning Department.**

Mr. Hull: Moving to the next Agenda Item L. New Business 2, Zoning Amendment ZA-2022-3: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-2.4 of the CZO relating to the Table of Uses and more specifically, permitting requirements for warehouses within the General Commercial zoning district. The County of Kauai, Planning Department, we have a Director's Report pertaining to this matter I will turn it over to Shelea Blackstad who is the planner for this matter.

Staff Planner Shelea Blackstad: Good morning, Chair and Commissioners. For your consideration this morning Amendment Chapter 8, Kauai County Code 1987, as amended relating to the General Commercial Zoning District Table of Uses, ZA-2022-3, applicant the County of Kauai Planning Department. As currently written in the Table of Uses Section 8-2.4 (J)(25) identified warehouses in the Commercial General Zoning District as a permissible use. However, Section 8-2.4(1)(13), requires warehouse in the General Commercial Zoning District to obtain a use permit. The proposed amendment seeks to rectify the oversight and to generally permit warehouses in the general zoning district as what it was intended to be. That concludes my summary of the amendment. Any questions before I read the recommendation?

Ms. Blackstad read the Project Description and Use, Additional Findings, and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Chair DeGracia: Commissioners, any questions for the Department?

Ms. Apisa: No questions.

Chair Nogami-Streifert: This is just to rectify an oversight this is not anything new, is that correct?

Ms. Blackstad: Correct.

Chair Nogami-Streifert: Thank you.

Chair DeGracia: Okay, if there are not further questions, you can read your recommendations.

Ms. Blackstad: Based on the forgoing evaluation and conclusion it is recommended that Zoning Amendment ZA-2022-3 be approved.

Ms. Otsuka: Motion to approve ZA-2022-3, amending Chapter 8 Kauai County Code 1987 as amended.

Ms. Nogami-Streufert: Second.

Chair DeGracia: Motion on the floor is to approve. Kaaina, could we have a roll call vote, please.

Mr. Hull: Roll call vote motion to approve Zoning Amendment ZA-2022-3. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair. 5:0.

ZA-2022-4: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, density standards involving parcels that have been partitioned through the Condominium Property Regime (CRR) process, pursuant to Chapter 514B of the Hawaii Revised Statutes = **County of Kauai, Planning Department.**

Mr. Hull: Next up, we have L.3 New Business Zoning Amendment ZA-2022-4: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, density standards involving parcels that have been partitioned through the Condominium Property Regime (CRR) process, pursuant to Chapter 514B of the Hawaii Revised Statutes County of Kauai, Planning Department. We have a Director's Report for this matter I will turn it over to Kenny for a summary of the

proposal.

Staff Planner Kenneth Estes: Good Morning Commissioners. The proposed bill for the ordinance has been initiated by the County of Kauai Planning Department and is hereby submitted to the Planning Commission for review and approval. I will read the amendment and justification as a summary of this report. The proposed legislation will regulate the number of CPR units created in a condominium property regime project based on the number of dwelling units that the project site is entitled to through the density standards established in their respective zoning district of the CZO. Currently, there is no language in the Kauai County Code that provides a nexus between a number of CPR units created in a CPR project and the density standards that are outlined in the CZO. Condominium property regimes are created through and regulated by the State of Hawaii Department of Commerce and Consumer Affairs. Likewise, the underlying land of a CPR project is regulated by the County of Kauai, through county zoning ordinances and land use regulations. Subsequently, there is no language in the Kauai County Code, that regulates the number of CPR units within a project as it relates to the permissible density of the parcel. As a result, there is a potential that the number of CPR units exceeds the permissible density of the property. A CPR project could be partitioned into units that could be greater than the maximum density. As proposed the legislation would implement a county regulatory standard that restricts a number of CPR units for a CPR project such that the number of CPR units would be consistent with the allowable density of a project and does not exceed the maximum allowable density. Further, the proposed legislation ensures that each individual CPR will qualify for at least one (1) dwelling unit since it would be consistent with the density standard established by this CZO. The Findings and Evaluations are in the report and that concludes my evaluation.

Chair DeGracia: Commissioners, any questions?

Mr. Ako: Yes. I got a question. You know, the fact that there is no nexus between this two, I guess these two issues, I guess, yes? Is that an oversight? Or was there no language for a purpose?

Mr. Hull: Sorry, Commissioner. Could you repeat the question?

Mr. Ako: Yes. I guess the fact that there is no nexus between the two, is it just an oversight that there is no language? Or is there was no language for a reason?

Mr. Hull: You mean, as far as no language previously about density, capacity within a condominium property regime?

Mr. Ako: Yes. It might have been an oversight and you know, it just not able to put the two together or was there no language because there was a...

Mr. Hull: Yes, so deserves a little bit of a history lesson but we will try to be brief on the condominium property regime process in that Kauai is, you have to look back at why condominium property regimes were set-up. Kauai is the only island in the State of Hawaii, that has the one-time restriction on one time subdivision applications for the agriculture and the agriculture district. Meaning once a lot of land within the agriculture district is subdivided, it can never be subdivided again. It is one of the biggest protection tools we have for agriculture land to

ensure it doesn't get chopped up and somewhat suburbanized that can happen on say other islands. It was a very preventive and protective tool for years but recognizing there were density units on agriculture land beyond so you can have one, two, three, four or up to five, but you could not resub divided it to utilize those densities as separate parcels. What happened back in the 80's is you know; I don't want to mischaracterize it, but a group of very savvy land use attorneys and realtors took the condominiumization process, the legal process of condominiumizing a lot, which was generally used for vertical structures, right? When you have condominium A, B, and C, on the first floor and you know, and so on and so forth on the second and third floors. It's a vertical property regime that allows you to buy individual units on a single lot of record. So, it's a fractal ownership of individual units on a single lot of record. What they did back in the 70's or 80's was they took the condominium regime from a vertical standpoint and flipped it horizontally so that they could lay condominium units over agriculture lots that could no longer be re subdivided because of the one-time sub rule. That created a CPR process to CPR condominiumize units on one existing lot of record in the agricultural district. That was kind of the purpose of it, and I want to say that it wasn't a nefarious thing of trying to scheme against a particular land use policy, I wouldn't say that was at the heart of it. It was just a way of looking at separate and fractal ownership of lots of record. What happened with that process where now by you can have individual units and break up these agricultural lands as they are germane to the density to have a dwelling unit on it, some developers started getting a bit nefarious with that process and did begin chopping up CPR units that were not entitled to dwelling units. And what happened was the units started getting sold in the market and granted in the various series of documents and what have you, buyer beware, some people bought those units and for better or worse could not construct dwelling units on it. Add that component here have been some projects (inaudible) that have explicitly gone in and created CPR units for farm purposes that do not have dwelling units. It ended up in a bit of a mess in that, many of those properties ended up having illegal structures because the farmers need to put a dwelling unit on these sites. And to a certain degree the farmer worker housing ordinance was spun up to specifically address those housing needs of farmers on CPR units without dwelling unit capacity.

So, what happened with some of that stickiness to go back to some developers creating units without density, and not really for just farm purposes but just for the speculative market. We, I wasn't here, but my understanding is the Planning Department warned and explained to the Hawaii Real Estate Commission, this will be problematic, you will have buyers that will be upset, it could create conflict and possible liability for the selling of these lots without dwelling units. At first, the Hawaii Real Estate Commission was not lending an ear to the Planning Department's concerns in the 80's, because a lot of these units ended up on the market, because there was a lot of problems with buyers purchasing without dwelling units attempting to get building permits for dwelling units, they did not have a right to. The Hawaii Real Estate Commission, whom we really got to give kudos to this, started checking in with the Planning Department on every condominium property regime on application. So, every CPR application that comes in goes to the Hawaii State Commission. They now send to the Planning Department to determine if it meets all our standards and codes. We respond our biggest check is whether or not it has density, each of those units have the ability to construct a dwelling unit. If it doesn't, Hawaii Real Estate Commission will essentially not allow the CPR to go through until the CPR capacity meets the dwelling unit capacity of the respective lot of record. It has had to be going on for fifteen years, and it has worked wonderfully. What we have been informed of by some attorneys at least in speaking, is that absent and actual codification of that rule in our ordinance and administrative rules that

CPR's need to be restricted, that there is some legal thought that the Planning Department does not have the authority or the Real Estate Commission to restrict CPR units to the respective property's density. So, this is just putting it on the books to officially have that there to prevent any legal challenges. Sorry, that was I know, a lot. I am not sure it all made sense. If it didn't? I can fully clarify, just let me know.

Mr. Ako: Thank you, I did understand the meaning.

Chair DeGracia: Any further questions, Commissioner?

Ms. Apisa: Kaaina, thank you. And I want you to know I do support this I just have questions to make sure I understand it. Does this apply to new CPRs or existing?

Mr. Hull: Only new CPRs.

Ms. Apisa: That is what I thought, thank you for clarifying. And then, a guest house, if you have five houses and a guest house, could that be a six unit or a five unit?

Mr. Hull: Under the way we interpret the existing rules as well as this rule, the guest house could not be on separate CPR.

Ms. Apisa: Very good. Thank you. I also, support that.

Chair DeGracia: Any other questions? If not, I'll entertain a motion.

Ms. Apisa: I move that we approve the Planning Departments recommendation regarding ZA-2022-4, a bill for an ordinance amending the Chapter 8, Kauai County Code 1987, as amended relating to Comprehensive Zoning Ordinance (CZO). Amending Section 8-1.4 of the CZO relating to Application of Regulations and more specifically, density standards involving parcels that have been partitioned through the Condominium Property Regime (CPR) process.

Ms. Otsuka: Second.

Chair DeGracia: Motion is to approve Zoning Amendment ZA-2022-4. Roll call, Mr. Clerk.

Mr. Hull: Roll call, Mr. Chair, for motion to approve ZA -2022-4. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, 5:0. Mr. Chair.

EXECUTIVE SESSION

Mr. Hull: Next on the agenda, we have Agenda Item, M., which is essentially listing of executive sessions for all possible agenda items under the expressed instructions of the Office of Information Practices, we did need to restructure on how we listed our executive session agenda matters. Being that all these issues have passed I don't anticipate the Commission needing to go into executive session, but just to check were there any Commissioners that desire to go into executive session items listed under agenda item M? Hearing none. That just about rounding out the agenda.

ANNOUNCEMENTS

Topics for Future Meetings

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter on April 12, 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: Next, we go into N., Announcements and Topics for Future Meetings. Before we go into those topics I would just like to note this is Commissioner Streufert's last meeting unfortunately for us.

Ms. Otsuka: So, may I say something?

Mr. Hull: Absolutely, go ahead commissioner.

Ms. Otsuka: Okay Glenda, it saddens me that today is your last meeting and I want to acknowledge and thank you for your dedication, your support, and your knowledge for years of service with the Planning Commission. I personally, am going to miss your presence. Thank you.

Ms. Nogami-Streufert: Thank you. I appreciate it.

Ms. Apisa: Glenda, I second that, having served I think my whole time, you've been on the commission with me. You will certainly be missed. You have been a wealth of wisdom, and good questions and will definitely be missed.

Ms. Nogami-Streufert: Thank you. I will still be around the island (inaudible) see you at Costco and Walmart and around town.

Mr. Ako: Me too, Glenda. I would just like to thank you for all that you have done, I mean, I am the guy who has just come on board and I am not sure how to act and how to behave and yet I think you were the one who gave me the courage to ask questions and then again, maybe you

gave me to much courage, I don't know but thank you so much, and I hope I see you in Costco too.

Ms. Nogami-Streufert: Sure. I hope Kaaina doesn't (inaudible) the day that I talked to you and said you can ask questions.

Chair DeGracia: Yes, Glenda, thank you so much. I'd like to echo everybody's sentiments as well. Thank you.

Ms. Nogami-Streufert: Thank you, I thought I was going to ease out very quietly.

Mr. Hull: Well, I can say Commissioner Streufert and for all the Commissioners, that obviously we have stumbled in the past few meetings with agendas, postings and not withstanding today's power outages in the middle of a flashflood and thunderstorms. Half of my thinking is that the land use gods not wanting to let Commissioner Streufert in making everything as hard as possible to get through these agendas but alas, all good things must come to an end. But, before that does happen, I just want to much like the other commissioners, Commissioner Streufert extend our heartfelt thank you, to you and your service here at the commission. I think you brought this wholistic approach to all of the policies and applications you reviewed. There is definitely a thoughtful tenacity you bring to everything that comes before you that keeps not just the Commission but indeed the Planning Department, the members of the public, and the applicants on their toes constantly looking and ensuring that the policies and applications that get reviewed are done to the betterment of Kauai. And I do think having you here, and your time with us here has truly benefited the built environment not just today, but for future generations to come. So, thank you, thank you so much for your time here. So sorry we are not in person, but I am sure we are able to gather shortly as move into a somewhat of a sense of normalcy within the pandemic, but thank you, thank you, again.

Ms. Nogami-Streufert: Well, I...go ahead, I am sorry.

Ms. Otsuka: I'm sorry, before Glenda puts on her party hat. What is the ruling as far as a commissioner can come back?

Ms. Nogami-Streufert: Well before we get into that, I want to thank everybody for everything we have done and been through and I don't want to take anything off the table for the Planning Commission, but I just want people to know on Kauai, that the Planning Department is one of the hardest working departments in the County and the quality of work and the quality of people that are in their just can't be beat anywhere else. And we are very lucky, I am sorry, we are very fortunate that we have people in the Planning Department who are so dedicated not just for today, but also, looking into the future with all of the different plans we have for the different parts of the island. Its so refreshing to see that we have a path forward and it's a well identified path. And it also allows for flexibility so, I really, I don't know how else to say this, but we on Kauai are extremely fortunate to have everybody that we have in the Planning Department. And thank you very much for all of the help and all of the answers given to all my questions and I really appreciate that, and I really appreciate you working with me, and I appreciate working with you. Thank you and good luck to everybody because it is not going to get any easier but it is going to be a lot and the future of Kauai is in very good hands with all of you, so thank you so much and I appreciate it.

Ms. Otsuka: Thank you, Glenda.

Mr. Hull: Thanks, Glenda. And with that, the following regularly scheduled Planning Commission Meeting will be held at 9:00 a.m. or shortly thereafter on April 12, 2022. The Planning Commission and this is going to be a new one and first in a while, anticipates this meeting to be held-in-person at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Hawaii 96766. The Commission also anticipates providing telephone and virtual platform capability for members of the public to testify remotely. The Commission will announce its intended meeting method via an agenda electronically posted at

least six days prior to the meeting date. And with that, we are ready for adjournment, Chair.

Ms. Apisa: Kaaina, can I ask? In April do you anticipate two meetings or just the one? Just so I can plan my calendar.

Mr. Hull: We are looking at I think right now, just one.

Ms. Apisa: Okay, thank you.

Mr. Hull: Just for you folks to know too, May is shaping up to possible have two.

ADJOURNMENT

Ms. Apisa: Okay, thank you. I move to adjourn.

Ms. Otsuka: Second.

Chair DeGracia: Motion to adjourn is on the floor. All those in favor? Aye. (Unanimous voice vote). Any opposed? Motion Carried. 5:0. Thank you Everybody.

Chair DeGracia: adjourned the meeting at 11:30 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.