

KAUA‘I PLANNING COMMISSION
OPEN SESSION MEETING

AGENDA 1
June 14, 2022
DRAFT

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair Cox at 10:29 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. Francis DeGracia
Ms. Lori Otsuka

Excused or Absent

The following staff members were present: Planning Department – Deputy Director Jodi Higuchi Sayegusa, Staff Planner Myles Hironaka, Dale Cua, Kenny Estes, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – County Attorney Matthew Bracken, Office of Boards and Commissions – Support Clerk Arleen Kuwamura and Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Cox: Called the meeting to order at 10:29 a.m.

ROLL CALL

Deputy Planning Director Jodi Higuchi Sayegusa: Chair, If I can do the roll call...

Chair Cox: Ok.

Ms. Higuchi Sayegusa: Commissioner Ako?

Mr. Ako: Here.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Here.

Ms. Higuchi Sayegusa: Commissioner DeGracia?

Mr. DeGracia: Here.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Here.

Ms. Higuchi Sayegusa: Chair Cox?

Chair Cox: Here.

Ms. Higuchi Sayegusa: We have a quorum. Five Present.

Ms. Higuchi Sayegusa: Item C, approval of the agenda.

APPROVAL OF AGENDA

Chair Cox: I would like to entertain a motion to amend the agenda, so that we can have item L of item F-2 and that would mean that the agency hearings would immediately be followed by new business. Can I have such a motion?

Mr. DeGracia: I motion to amend the agenda as stated.

Mr. Ako: Second.

Chair Cox: We've been seconded. We have a (inaudible)

Ms. Higuchi Sayegusa: I can do roll call. Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: Chair Cox?

Chair Cox: Aye.

Ms. Higuchi Sayegusa: Motion carried 5:0.

EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)4), the purpose of the executive session is to consult with the Count’s legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters.

Chair Cox: Given the unusual nature of this, because again Agenda 1 is relooking at the earlier date of the commission meeting. I would like to have a motion to move into executive session at this point.

Ms. Otsuka: Motion to move into executive session.

Ms. Apisa: Second.

Ms. Higuchi Sayegusa: I can read the executive session (inaudible). Go ahead.

Chair Cox: Pursuant to the Hawaii Revised Statutes sections 92-4 and 92-5, and for the purpose of this executive session is to consult with the County's legal Council on question, issues, status, and procedural matters. This consultation, involves consideration of the powers, duties, privileges, immunities and other liabilities of the Commission and the county, as they relate to the following matters, 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 Lihu’e, situated approximately ½-mile north of the Lihu’e Airport terminal, further identified as Tax Map Key: 3-5-001:008, and affecting a larger parcel containing 720.974 acres, Airbourne Aviation, Inc. The Director’s report was received on January 25, 2022. The executive session will also be on amendment to Special Management Area Use Permit (SMA(U)-2001-2) to allow construction of a boat storage facility or 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. Finally, also Class IV Zoning Permit (Z-IV-2022-5) and Use Permit (U-2022-5) 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 Hawai’i, Department of Transportation. Director’s report received 1-25-2022.

Ms. Higuchi Sayegusa: Chair, I’ll do a roll call vote.

Chair Cox: Yes.

Ms. Higuchi Sayegusa: Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: Chair Cox?

Chair Cox: Aye. We'll now go into executive session.

Ms. Higuchi Sayegusa: Motion Carried 5:0. Is there a time frame? That you would estimate?

County Attorney Matthew Bracken: About 5-10 minutes

Ms. Higuchi Sayegusa: 5-10 minutes, so that'll be 10:45. Return at 10:45.

The Commission went into Executive Session this portion of the meeting at 10:34 a.m.
The Commission reconvened from Executive Session at 10:46 a.m.

Chair Cox: Call the meeting back to order after Executive Session.

We're reconvening back from Executive Session. Thank you for your patience and we're on item D.

MINUTES of the meeting(s) of the Planning Commission

Ms. Higuchi Sayegusa: D, minutes of the meeting of the planning commission one, September 28, 2021.

Chair Cox: Any questions, concerns about the minutes? If not, can I have a motion to approve?

Ms. Otsuka: Motion to approve the minutes of the September 28, 2021, meeting.

Ms. Apisa: Second.

Chair Cox: All those in favor, say, aye? Aye. (Unanimous voice vote). Motion carries 5:0.

Ms. Higuchi Sayegusa: Minutes of the October 12, 2021, meeting.

Chair Cox: Questions, concerns? If not, may I entertain a motion?

Mr. DeGracia: Motion to approve the minutes of October 12, 2021.

Ms. Apisa: Second.

Chair Cox: We're seconded. Any concerns? If not, let's take a vote. All those in favor? Aye. (Unanimous voice vote). Any oppose? Motion carried 5:0.

RECEIPT OF ITEMS FOR THE RECORD

Ms. Higuchi Sayegusa: Item E, Receipt Items for the Record. There are no additional items for the record for this agenda.

HEARINGS AND PUBLIC COMMENTS

Item F, Hearings and Public Comments. So, for the public's sake, there are 2 planning commission agendas that we're going to go through now, at this point today. Agenda 1, is a repeat of the February 28, 2022, meeting Agenda and contains the following 3 matters, as well as the subdivision matters Class IV Zoning permit (Z-IV-2022-4) and Use permit (U-2022-4) applicant was Airbourne Aviation, also an amendment to SMA use permit (SMA(U)-2001-2) applicant was Richard Hill and Class IV zoning permit (Z-IV-2022-5) and use permit (U-2022-5) applicant is the State of Hawai'i, Department of Transportation. The agenda 2 contains class 4 permit (Z-IV-2022-8) use permit (U-2022-8) and special permit (SP-2022-1) and the applicant is HPM building supply. At this point we are addressing public comment and oral testimony for matters on agenda 1. Agenda 2 will also contain an opportunity for the public to provide public comments and oral testimony as well. For both agendas the oral testimony will be taken in the following manner. First, we're going to recognize all speakers who have signed up to testify in person who are physically present at the publicly noticed meeting location, Lihue Civic Center Moikeha Building meeting room 2A, 2B, 4444 Rice St. Lihue, Kaua'i, Hawai'i. Next, we will recognize all callers by telephone number who have elected to attend the meeting by phone using the join by phone telephone number provided on the agenda. Finally, we will recognize all attendees who have elected to join the meeting, using the zoom link provided on the agenda. When you're called upon, please identify yourself if you are comfortable doing so, and clarify which agenda item you wish to testify on. All testifiers will be given 3 minutes per testifier per agenda item. If you're not interested in providing testimony, please indicate so when you are called upon. If you have internet connectivity issues, please consider joining the meeting, using the join by phone telephone number provided on the agenda. Please also note that the meeting is viewable through the live stream broadcast at www.kauai.gov/webcast-meeting. Please note though that the live stream broadcast does not provide a means to provide testimony. Please refer again to the agenda for instructions on how to provide public testimony. So, there's no speakers that were signed up to testify for agenda 1 but are there anyone here in the audience wishing to testify on agenda 1?

Ms. Cowden: Felicia Cowden for the record, County Council member. I can't get the internet in here, and I didn't see an agenda anywhere. Is some of this for the Department of Transportation, that piece, is that on agenda 1?

Ms. Higuchi Sayegusa: Yes.

Ms. Cowden: Okay. So, kind of in alignment with one of the speakers set back here. It is so hard to understand what any of these topics are about. My concern is that is, that about the expansion of the airport is the Department of Transport...

Chair Cox: No.

Ms. Cowden: Okay, thank you.

Ms. Higuchi Sayegusa: So, the matter, again, this is a region of the previous agenda heard on February 8, 2022. That matter had to pertain to the interpretive signs in the Hanapepe area.

Ms. Cowden: Okay. Is the airport expansion anywhere...

Ms. Higuchi Sayegusa: It's not on the agenda.

Ms. Cowden: Okay, I just wanted to make sure I wasn't hearing that in the background.

Ms. Higuchi Sayegusa: Okay, thank you. Is there anyone else here physically present wishing to testify on agenda 1? If not, I'm going to turn it over to Miles and Marissa to handle the conference caller or the call-in folks and also the Zoom attendees.

Staff Planner Myles Hironaka: Thank you Jodi. Turning to callers who have elected to attend the meeting by phone using the join by phone telephone number provided on the agenda. We will recognize each caller by the phone number that was used to call into the meeting one by one will enable your audio and what you will need to do is press *6 to unmute your phone in order for you to speak for us to hear you. If you are comfortable doing so, please identify yourself and also please clarify which agenda item or items you wish to testify on. You'll be given 3 minutes for agenda item for your testimony and also, if you're not interested in providing testimony, please indicate so when you are recognized. So, I will begin with phone number, 808-635-3231. I have allowed you to speak.

Caller: Hi, no testimony today. Thank you.

Mr. Hironaka: Alright, thank you very much. That is all that we have for those that have called in by phone. I will now move over to the Zoom attendees. Turning to those who have elected to attend this meeting using the Zoom link provided on the agenda. I will recognize each attendee one by one, promote you as panelists. Once you click on, join this panelist you'll be able to click on, start video and unmute yourself. If you please, clarify which agenda item or items you wish to testify. You'll be given 3 minutes for agenda item present your testimony. Also, if you're not interested in providing testimony, then please indicate so when you would recognize, and as previously indicated any of the zoom attendees experience internet connectivity issues. Please use the join by phone telephone number and we'll return to any new callers for testimony before concluding the oral testimony portion of this agenda. So, let me move on to and start with attendee, C. Martin. I will promote you as panelists, and what you'll need to do is click on join as panelists, and you'll be able to start your video and unmute yourself. And you'll be given 3 minutes for agenda

item, C. Martin.

C. Martin: I have no testimony for agenda item 1, I'll wait for agenda item 2. Thank you.

Mr. Hironaka: Thank you we'll make note of that. Next, we'll move on to Tara Rojas, promote you as panelist. What you'll need to do is click on join as panelist, and you'll start your video and unmute yourself. Tara...you need to unmute yourself, Tara, ok.

Caller Tara Rojas: Aloha.

Mr. Hironaka: Okay, go ahead, you have 3 minutes.

Caller Tara Rojas: Okay, so I'll keep you to this 3 minute but I just wanna say, so this is for 4a, 5a and just for what was approved at the subdivision committee meeting. So, I just wanna ask you a question to you all. Is this really...does public testimony have any effect on your decisions or you, as a commission as a board, already have it, have your decision made. I heard you saying the last one, since it's the same item agenda that you know this hasn't fallen on deaf ears. This is unusual, and you know what's really disheartening, just to hear you all say just like matter of just going through the motions. Okay, do we approve? Aye, aye, aye, you just approve it, like nothing. As if 2 hours of testimony in opposition, 71 pages in opposition to the Kukuuiula, to these approvals. You know of these developments again by foreign developers for outsiders. When and like, if you didn't hear the kupuna sitting right in front of you in person telling you per Mo'okū'auhau from the 1800's from before, if that doesn't move you and you're just gonna...it is falling on deaf ears because 71 pages of testimony, 2 hours of live testimony and at the end you're just, okay. Well, we're the preliminary approval. Aye, aye, aye and that's it. Please think about what you're doing, and if this is just all for show, please step down and remove yourselves. We need people in there with kānaka maoli mindset who are there to listen to the kupuna, who are there of blood or of kānaka maoli mindset, indigenous mindset, to do what is right for Kaua'i. Please do not, at the end of this meeting just add, okay for item number 4a, 5a tentative preliminary approval, 71 pages of opposition, 2 hours of live testimony. We are approved...aye, aye, aye. That's hewa and why are you even using aye, 'ōlelo Hawai'i to approve what the kānaka maoli are saying a'ole to. That should be your response. Please take a stand. Do not let money profit over people, run this planning committee. Listen, make the right decisions. Mahalo.

Mr. Hironaka: Commissioners, can you hear me? Are you able to hear me?

Chair Cox: Yes, we are.

Mr. Hironaka: Okay. Thank you. Next, we have Kulanui Perez. I'll promote you as panelist. What you'll need to do again is click on join as panelist, start your video and then unmute yourself and then also, please let us know which agenda item you would like to testify on.

Kulanui Perez: I don't have a testimony for any agenda item currently. I just had a question for the Planning Department. I do want to know, how many of you are actually kānaka maoli, how many of you have Hawaiian descent and are sitting on this board right now?

Ms. Higuchi Sayegusa: Sorry, so this is the opportunity for you folks to provide testimony to the

Commission. There's typically not a back and forth or question answer at this point. This is really the opportunity to share any insights or testimonies, viewpoints that the commission should consider.

Kulanui Perez: Well, I already gave testimony earlier and we saw earlier, other people had questions for the panel really quick, so this is my real quick question, just to clarify, how many of you are kānaka maoli?

Ms. Higuchi Sayegusa: So again, this is not a portion where there's a back-and-forth dialogue.

Kulanui Perez: No, I'm not going back and forth I just wanna know how many of you are kānaka maoli and then just be done with it.

Ms. Higuchi Sayegusa: This is going to be a part of your testimony. Thank you. It's your time.

Kulanui Perez: Okay, well I'm gonna take that as none of you then because no one's answering I'm gonna take that in response as none of you are kānaka maoli on this panel right now. Thank you.

Ms. Higuchi Sayegusa: Okay Myles.

Mr. Hironaka: Next, we have A.S. I'll promote you as panelist. So, what you'll need to do is click join as panelist and start your video and unmute yourself. Do you wish to testify on any agenda item?

Caller A.S.: Yes. Thank you.

Mr. Hironaka: Go ahead, you have 3 minutes.

Caller A.S.: Unfortunately, this feels like a charade. We heard I don't know...15/18 community members testify against S-2022-6 and S-2021-1 and they were ratified in about 40 seconds. There was no discussion on the panel. One gentleman said he understood the concerns, and immediately voted to approve everything. Every speaker here has questioned what the planning commissioners and subdivision committee members are doing on this panel, if they're not here to uphold the values of the island, if they're not here to uphold Hawaiian culture and understand what the community is saying, and the community concerns this feels like a kangaroo court. Something has to give. The woman who just spoke asked a very clear question. There's never been a dialogue between the planning Commission and the community members, it's all one way. I think it's important for everybody to recognize that the mayor alone appoints all of the planning commission members. Then they're approved by the council. but the mayor appoints everybody on this planning commission, and none of you have taken into account one word of the last 2 hours. I think it's a frightening situation, that's it.

Mr. Hironaka: Thank you. Next, we have Kiara Lorenzo-Rodrigues. I've promoted you to panelist. You need to join. Click on join as panelist and start your video, unmute yourself.

Caller Kiara Lorenzo-Rodrigues: Can you folks hear me?

Mr. Hironaka: Yes, we can, you have 3 minutes. Go ahead.

Kiara Lorenzo-Rodrigues: Okay, I just wanna again. go over the `aumakuas are the native animals that are in this area especially with the noted explosive that they were using. We know that this is an area where the `awe`awe or the bats, where they have their natural habitats and where they have their nesting. And for me I just have the quick question of what those are sounds doing to the to the babies that are in the area, and you know that in all the shrubs it's says it's like 10 to 15 feet, where they leave their babies while they go and search for their food. But nobody is taking an account to this yeah during their pupping season, which is June first to September fifteenth. There's a risk that young bats would be harmed or killed because they can't fly or move away from the disturbance. And also, the fencing in the area that obstruct the flying of all our natural animals. And, also again to just kind of hit the hammer on the nail. One more time about the Nene and how their nests are all in there, and it's kind of crazy for fish and wildlife to say, oh, there's no nest there when they're clearly evidence it's while they work all day, they have to find other homes especially throughout the golf course, and then they come back, and they kind of look at all their areas that were again destroyed. So once again, this is just me kind of trying to enforce you folks to help us protect our native species when we look towards the other `aina throughout Hawai`i, the other islands throughout Hawai`i pa `aina, we see that they take, they do their due diligence to protect these animals, they're in danger. So, I again command you folks to do your due diligence and protect our `aumakua. Mahalo.

Mr. Hironaka: Thank you. Next, we have Tessie Kinnaman. I've enabled your audio and video please click on join as panelist. Then you'll be able to start your video and also unmute yourself. Please let us know which agenda item you're interested in speaking on. Tessie...

Caller Tara Rojas: You promoted me instead of Tessie, but I will just take this opportunity to say that commission please, avoid using `Olelo Hawai`i to ratify and to approve any of these hewa decisions and please make a motion to defer them or to disregard them completely. Do pono for once on behalf of kānaka maoli.

Mr. Hironaka: Thank you. Sorry. Tessie I've enabled your audio and video. Please click on start, join as panelist. You can start the video and unmute yourself. There you go.

Caller Tessie Kinnaman: Aloha Commissioners, Tessie Kinnaman for the record. I'd like to speak on M, 3 and 4, the Kukui`ula developments and I'd like to continue from my testimony from the subdivision Committee. I would like to recommend that the Commissioners work with the planning director to amend condition, number 31 of the Kukui`ula ordinance which is PM 2004-370. I wish you would all familiarize yourselves with these conditions, and there's 15 pages of conditions, and there needs to be a timeframe put on a couple of these conditions so we, so the community at least benefit from opportunity zone projects cause it's approaching 20 years and I sure wouldn't want to see something, this project look like the Moana Corporation Project. Where it took the developers to put in a public restroom just about 20 years, and this is looking like the same thing, it smells like the same thing, so at least amend for now, Condition number 31, which reads: the applicant is advised prior to, and or doing construction and use additional governmental agency conditions may be imposed. It shall be the applicant's responsibility to resolve these conditions with their respective agencies and one priority, there's several priorities but the first priority would be to dedicate the harbor park which has already been

done for several years, and the applicant has developed it and now they need to do is dedicate it to the county and perpetually maintain the park. And that's the harbor park down at the Kukui`ula and that's about 4 parcels and it's already done, there's a parking lot all that stuff and the public has been using it thoroughly and so has the new residents over there the Kukui`ula Development and another one that should be done, including this implementation plan for the time frame that they develop and dedicate the 20-acre park and perpetually maintain the park. This community park is a regional community park that is, across from the recently built Kukui`ula employee housing across the street on Po`ipu road. And there are several cultural sites there and so if they can, as soon as they can so the community has something to go to besides Koloa baseball park, it's getting too small. Our community is growing with local residents, especially with children. So, we need all that space for them, and if they can build during this pandemic, if they can build a 5-to-7-tiered mountainside...

Ms. Higuchi Sayegusa: Three Minutes.

Caller Tessie Kinnaman: ...across from the harbor which I think it encompasses the lot TMK 2-6-015:001, which is supposedly from conception plan supposed to be the resort hotel, resort area. At least those 2 be, these 2 conditions be amended to implement the timeframe that they be, these 2 conditions be completed before construction or before subdivision approval, which you guys just approve. And of course, there is still archaeology to be followed up on update on the waste management plan. And the thing is this is these projects I mean the opportunity zone and so I think there also needs still needs to be a traffic impact analysis, report done or updated because I don't recall when it was last done. If there, was one done for the Kukui`ula housing project? I think they may have used the Moana Corporation one or Knudsen Trust one, that was, it's so old already. Because it'll affect the roundabout there at the Koloa and Kalanikaumaka intersection because with these developments it should be bringing more traffic and so, we need to put in that fourth spoke of the roundabout where it connects to Maluhia Road and Alakinohiki so, good traffic flow there. And I think that's pretty much...and there is another condition, number 7a, 1 and 2, it's the Major Project roadway that hooks up with the...

Ms. Higuchi Sayegusa: Five Minutes.

Caller Tessie Kinnaman: ...NTBG, east a little, near a boundary to the NTBG visitor center. That roadway is supposed to connect into the major project roadway and open to the public 24/7. And I hope that you can amend and work with the planning director. Amend condition number 31. And updates I think should be warranted for the wastewater, the wastewater and the solid waste, because wastewater, I do not recall, all I know is that Kukui`ula was supposed to, were going to build their own but then they amended their condition to be...

Ms. Higuchi Sayegusa: Six Minutes.

Caller Tessie Kinnaman: included in the Po`ipu community plan, Po`ipu wastewater plan and my question for that, the sewer is, does Kukui`ula Development has any injection wells on their project? I hope I have opened a few eyes. I would really appreciate if you would explore the implementation timeframe for condition number 31 to affect conditions number 15d and 15a and also c. I don't know what else I can say but I'm sure you can't say anything to me. But please

familiarize yourselves with all these conditions because I hear the general public very disappointed that you know everything's just passes through, and it doesn't there, there's no...

Ms. Higuchi Sayegusa: Six Minutes.

Caller Tessie Kinnaman: ...dialogue between commissioners so we can hear what you're thinking and that's the sad part, because I've been attending, as Myles know attending all these commission and Council meetings over 30 years and before the pandemic even then before then it was, it was ok. But then I think now that with all new commissioners. I hope you're studying all the paperwork that is in front of you because I've done over the years, I've done major studying. You're doing it for free, I'm doing it on my own time and it, it's very disappointing for anybody to be a part of this process when it feels like everything is falling on deaf ears. So, I hope that you can work with the planning director in amending condition number 31 to include a timeframe with these, I think this prioritize the conditions for the community, for the benefit of the community. that the implemented before any construction starts as stated over there in Condition Number 31. I guess this is Mahalo for now. Thank you.

Mr. Hironaka: Thank you. Now let's...

Caller Tessie Kinnaman: Oh, I'm sorry, I have one more. The update on the tram on the shoreline setback determination. This is the Kukui`ula Infrastructure, LLC., application number SSD 2022-26, Koloa the tram road required setback, 186 feet from shoreline proposed road is approximately 300 feet away on a cliff bluff at a 150 feet elevation height. I would like to know where the exact location of that is, or do I have to come into the planning department with that plan? Thank you.

Mr. Hironaka: Thank you. Now move to attendee by the name of Michael. I will enable your audio and video. please click on join as panelist and you will be able to start your video and unmute yourself.

Caller Michael Clark: Hi, Michael Clark here.

Mr. Hironaka: Go ahead. You have 3 minutes.

Caller Michael Clark: I'd like to also echo what Tessie said about the Kukui`ula development and their responsibility and the conditions they were required to build a park in Koloa town. I know that that was something that was supposed to happen a long time ago. I've been following along with that in every year they get to push it back. I don't know why the conditions are for that, but I know it was supposed to involve a skateboarding park and basketball courts and stuff. I think the point that I'd like to make is it seems

Ms. Higuchi Sayegusa: You have to unmute yourself.

Mr. Hironaka: Michael, you have to unmute yourself.

Caller Michael Clark: Oh, there we go, sorry about that. Oh, did you guys hear any of what I said so far?

Ms. Higuchi Sayegusa: We did.

Caller Michael Clark: Oh ok. I must have accidentally muted it again. So, what I was saying was that you know I'm speaking in regard to the HPM facility. but my one of my main points is, I'm a physician on the west side of the island so I'm sorry that I have to speak quickly but I feel like we're held as citizens here on Kaua'i to as homeowners and builders were held to a certain standard and we have to jump through a lot of hoops and we have to go through a process in order to build, in order to like have a vehicle here and I feel like since I've lived here that a lot of these private companies are not being held to the same standard. You know, this park was supposed to be built you know 10 years ago, and it still hasn't been built yet. There's supposed to be a skateboard park in a basketball court for my kids and Kukui`ula never built that they put it off for many, many years and it's something that we definitely need in our community, and as the planning commission, I would hope that you would hold private companies to the same standard that you hold us to. And so, you know, for the HPM facility I feel like there's a lot of unanswered questions and I have a lot of concerns about the impact that industry is gonna have in in our area in Koloa. I don't know why they've decided that they have to put this facility in Koloa town right near the sugar mill. There doesn't seem to be a great reason for it when you know, there's already an industrial park in Puhi, in town and now we're going to be, you know, taking large vehicles down small roads in an already crowded area, and you know hearing all this testimony about all the building that's going on in Po`ipu and all the new development. I feel like the planning departments job in this part is to prevent us from being overwhelmed by all this new stuff that's coming in. I think this is gonna overwhelm our community and I think that it needs to be better planned out. I think that having an open-air tent you know, manufacturing trusses, and apparently building modular homes. in Po`ipu just seems like...

Ms. Higuchi Sayegusa: Three Minutes.

Caller Michael Clark: it just seems like a bad idea to me. Okay? Well, thank you for the time.

Mr. Hironaka: Thank you. Let's move on to attendee by the name of Tom Robbins. We have enabled your audio and video. Please click on, join as, panelist and you'll be able to start your video and unmute yourself. Tom...Let me try this again, okay. Here we go, Tom, you need to unmute yourself. I think he has left the meeting. Jodi, that's all that we have, as far as that have called in by phone, and that have joined us by Zoom. However, we have 2 more people that wish to testify in zoom for agenda item number 2. Would we allow them to testify now or wait till we open agenda 2?

Ms. Higuchi Sayegusa: Yes, they'll be another opportunity for call-in testimony, especially for the items on the agenda 2.

Mr. Hironaka: Okay.

Ms. Higuchi Sayegusa: We'll try to move at this time. Is there anyone here in the audience last call for any testimony on agenda 1? Seeing none.

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].

Ms. Higuchi Sayegusa: Madam Chair, I think we can move on from item F to item F2, New Agency Hearing.

Chair Cox: We're at the point where we are looking at closing the agency hearing before we move on to actually action items. I wanted to just remind you all that this is a redo of the planning commission agenda that was back there in May. And so, there was testimony taken at that point at discussion at that point. So, we are now at F and what we need now is a motion be made and seconded by the Commission about the items on F.

Ms. Higuchi Sayegusa: Yes, and specifically item 2a, first it's 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 1/2-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.

Chair Cox: Can I get a motion?

Ms. Otsuka: Move to close agency hearing.

Chair Cox: Ratify and to close?

Ms. Otsuka: Ratify and to close.

Ms. Apisa: Second

Chair Cox: And this is to ratify close this February 8, 22 action (inaudible) on permit (Z-IV-2022-4). We've been seconded. Any (inaudible)

Chair Cox: Can we have a roll call vote?

Ms. Higuchi Sayegusa: Sure. Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye.

Ms. Higuchi Sayegusa: Motion carries 5:0.

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 5171Kukuna Road, Tax Map Key: 4-9-005:005, containing a total area of 8.142 acres = *Richard Hill*.

Chair Cox: We're moving on now to B, which is 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, further identified as 5171 Kukuna Road, Tax Map Key: 4-9-005:005, containing a total area of 8.142 acres = Richard Hill as the applicant. May I have a motion about this one if there's no further discussion?

Ms. Apisa: I move to ratify and close.

Ms. Otsuka: Second.

Chair Cox: We've been seconded. Any further discussion? Ok, roll call...

Ms. Higuchi Sayegusa: Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye. Motion carries 5:0.

CLASS IV ZONING PERMIT (Z-IV-2022-5) and USE PERMIT (U-2022-5) 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.* [Director's report received 1/25/2022].

Chair Cox: Moving on to C, CLASS IV ZONING PERMIT (Z-IV-2022-5) and USE PERMIT (U-2022-5) 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 Hawai'i, Department of Transportation is the applicant. May I have a motion?

Ms. Otsuka: I move to ratify and close.

Chair Cox: Thank you. Is there a second?

Mr. Ako: Second.

Chair Cox: Any further discussion? Roll Call?

Ms. Higuchi Sayegusa: Ok. Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye. Motion carries 5:0.

Continued Public Hearing

Ms. Higuchi Sayegusa: Moving on to item F3, Continued Public Hearing, there are none for this meeting.

New Public Hearing

Ms. Higuchi Sayegusa: Item F4 a, none for this meeting.

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

Ms. Higuchi Sayegusa: F5, all remaining public testimony pursuant to HRS 92 (Sunshine Law).

CONSENT CALENDAR

Status Reports

Director's Report(s) for Project(s) Scheduled for Agency Hearing

Ms. Higuchi Sayegusa: Item G, Consent Calendar, Status Report, there are none. Director's Report for Project Scheduled for Agency Hearing, there are none for this agenda.

GENERAL BUSINESS MATTERS

Ms. Higuchi Sayegusa: H, General Business, there are none for this particular agenda.

COMMUNICATION (For Action)

Ms. Higuchi Sayegusa: I, Communications, none.

COMMITTEE REPORTS

Subdivision

Ms. Higuchi Sayegusa: J, Committee Reports, for Subdivision Committee.

Mr. Ako: Thank you Jodi. Planning Commission Subdivision committee met this morning. We met on...the meeting was called to order at 8:34. We had met on 2 application items, one of those preliminary subdivision map approval, application number S-2022-6. As well as a final subdivision map approval, application number S-2021-1. Both motions were to ratify the actions taken on February 28, 2022, and both had passed with a 2:0 vote, and the meeting was adjourned at 10:19 a.m.

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

Ms. Apisa: Just a question. So, this is today's meeting?

Mr. Ako: Yes, the report is for the meeting we had this morning.

Chair Cox: Which was a redo of the (inaudible).

Ms. Apisa: Move to approve.

Ms. Otsuka: Second.

Chair Cox: Ok, it's been moved and seconded. Motion carries 5:0.

Chair Cox: I guess I know there's a lot of concern in the public, and those who have testified that I just want to clarify again, this is not having to do with the Kiahuna development. This is Kukui`ula, both of these items are Kukui`ula not Kiahuna. I'm wondering if the applicants want to just give an update on some of the concerns as far as timing at the park, etc...any (inaudible) Thanks for clarifying for those who...

Mr. Trask: Aloha, Chair Cox, Aloha Commissioners. Mauna Kea Trask on behalf of Kukui`ula Development Company, LLC. applicant for S-2021-1. The issue before you today is, whether or not the applicant is in comply with the requirements and conditions of tentative map approval, which they have. The ordinance itself, the private development ordinance is a larger issue. I'm not able to testify as to that today but I do know that there are numerous ordinance conditions within the tentative subdivision approval. And so, in relation to ordinance PM 2004-370, that's what we're talking about, correct?

Chair Cox: The conditions 31 and 15 (inaudible).

Mr. Trask: So, the condition 31 was not part of this approval. There was environmentally pack assessment fee, which was paid. Park dedication fee, which was paid. Conditions 3, 7, 14, 15, 16, 23, 27 and 30. All state and county (inaudible) comply with. So, you know I heard Aunty Tessie talking about that. It's my understanding that that condition is not attendant to this report but I'm sure that you know when it does come up, and or like, she said, the planning department can follow up with them or commissions but as far as it goes with this, I don't (inaudible).

Chair Cox: Thank you very much. Are there any further concerns or discussions? We have a motion on the table, a movement to ratify.

Ms. Apisa: Ratify and close?

Chair Cox: Ratify and close.

Ms. Higuchi-Sayegusa:

Chair Cox: Actually, this is for the subdivision committee.

Ms. Apisa: Oh, I'm sorry.

Chair Cox: It's ok, it's confusing. Can we have a roll call vote?

Ms. Higuchi-Sayegusa: Sure. Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye. Motion carried 5:0.

UNFINISHED BUSINESS (For Action)

Ms. Higuchi Sayegusa: Item K, Unfinished Business (for actions), there are none for this meeting.

NEW BUSINESS (For Action)

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].

Ms. Higuchi Sayegusa: Item L, New Business (for action), 1. 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, applicant was Airbourne Aviation, Inc.

Chair Cox: Motion to ratify the February 8, 2022.

Ms. Otsuka: Move to ratify the February 8, 2022, action of the commission on permit CLASS IV ZONING PERMIT (Z-IV-2022-4) and USE PERMIT (U-2022-4), applicant Airbourne Aviation.

Mr. DeGracia: Second.

Chair Cox: We've been seconded. Any discussions? Roll call vote?

Ms. Higuchi-Sayegusa: Sure. Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye. Motion Carried 5:0.

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 5171Kukuna Road, Tax Map Key: 4-9-005:005, containing a total area of 8.142 acres = *Richard Hill.*

Ms. Higuchi Sayegusa: Item L 2, 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 = applicant is Richard Hill.

Chair Cox: Can I have a motion?

Mr. Ako: I'll move to ratify the February 8, 2022, action of the commission on AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2001-2).

Chair Cox: Is there a second?

Mr. DeGracia: Second.

Chair Cox: We've been seconded. Any discussions? Roll call?

Ms. Higuchi-Sayegusa: Sure. Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye. Motion carried 5:0.

CLASS IV ZONING PERMIT (Z-IV-2022-5) and USE PERMIT (U-2022-5) 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. [Director's report received 1/25/2022].

Ms. Higuchi Sayegusa: Item L 3, CLASS IV ZONING PERMIT (Z-IV-2022-5) and USE PERMIT (U-2022-5) 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 Hawai'i, Department of Transportation.

Ms. Otsuka: I move to ratify the February 8, 2022, action of the commission on CLASS IV ZONING PERMIT (Z-IV-2022-5) and USE PERMIT (U-2022-5).

Mr. Ako: I second.

Chair Cox: We've been seconded. Any discussion? Roll call?

Ms. Higuchi-Sayegusa: Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye. 5:0.

Ms. Higuchi-Sayegusa: (inaudible) Executive session. So, item N, Announcements, there are none at this point. Moving on to O, Adjournment for Agenda 1.

Chair Cox: Can I have a motion?

Mr. DeGracia: I move to adjourn.

Ms. Otsuka: Second.

Chair Cox: We've been seconded. All those in favor of adjourning Agenda 1 say, aye? Aye. (Unanimous voice vote). Agenda 1 meeting adjourned. Motioned carried 5:0.

Chair Cox adjourned the meeting 11:31 a.m.

Respectfully submitted by:

Lisa Oyama
Lisa Oyama,
Commission Support Clerk

Approved as circulated _____.

Approved as amended. See minutes of _____ meeting.