

KAUA‘I PLANNING COMMISSION

OPEN SESSION MEETING

AGENDA 2

**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

Ms. Lori Otsuka

Mr. Francis DeGracia *10:29 a.m. recused self from meeting*

The following staff members were present: Planning Department – Deputy Planning 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: Just to clarify for those in the audience, this, what we are now moving into new items that have not been discussed before.

Ms. Higuchi-Sayegusa: Call to order?

Chair Cox: Called to order at 11:36 a.m. Agenda 2 of today’s Planning Commission on June 14, 2022.

Ms. Higuchi-Sayegusa: Chair, if I can do a roll call?

Chair Cox: Sure.

Ms. Higuchi-Sayegusa: Commissioner Ako?

Mr. Ako: Here.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Here.

Ms. Higuchi Sayegusa: Chair DeGracia has recused himself from Agenda 2.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Here.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Here.

Ms. Higuchi Sayegusa: We have quorum. 4 Present.

### **APPROVAL OF AGENDA**

Ms. Higuchi Sayegusa: Item C, Approval of the Agenda.

Chair Cox: Anyone else need anything changed on the agenda? Ok.

Ms. Apisa: Move to approve the agenda of the June 14, 2022, Planning Commission meeting.

Mr. Ako: Second.

Chair Cox: All those in favor, say, aye? Aye. (Unanimous voice vote). Any opposed?  
Approved. Motion carried 4:0.

### **MINUTES of the meeting(s) of the Planning Commission**

Ms. Higuchi Sayegusa: D, Minutes of the meetings of the Planning Commission, there are none.

### **RECEIPT OF ITEMS FOR THE RECORD**

Ms. Higuchi Sayegusa: Item E, Receipt of items for the Record, there are none.

### **HEARINGS AND PUBLIC COMMENTS**

Ms. Higuchi Sayegusa: Item F, Hearings and Public Comments. Again, as explained earlier and for the public's sake, there were 2 Planning Commission agendas, in addition to the Subdivision committee agenda that the commission will go through today. So, agenda 1 was a repeat of the February 8, 2022, meeting Agenda on advice of counsel, we had to redo that, and agenda 2 contains the Class IV zoning permit (Z-IV-2022-8) use permit (U-2022-8) and special permit (SP-2022-1) and the applicant is HPM Building Supply. We are addressing public comments and oral testimony for matters on agenda 2 at this time. So, again as explained earlier, oral testimony will be taken this morning in the following manner, first we're going to recognize anyone who is physically present, decided to testify in person at this public notice meeting location, Lihue Civic Center, Moikeha Building, meeting room 2A, 2B 4444 Rice Street, Lihue, Kauai, Hawaii. Next, we will recognize our callers by telephone number who have elected to attend the meeting by phone using the join by phone telephone number provided on the agenda and finally we're

going to recognize all attendees who have elected join the meeting, using the Zoom Link provided on the agenda. When you're called upon, please identify yourself if you're 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 recognized. If you have Internet connectivity issues, please consider using the join by phone telephone number, and we will return to any new callers before opening the remote oral testimony portion of the agenda and please note that the meeting is also viewable through the live stream broadcast at [www.kauai.gov/webcast-meeting](http://www.kauai.gov/webcast-meeting). However, the live stream broadcast does not allow for public testimony. Please refer to the agenda for instructions on how to connect, to provide public testimony. So, turning to the list of registered speakers, first we have Bridget Hammerquist.

Speaker Bridget Hammerquist: Good Morning, Chair Cox and members of the Commission. I'd like to explain and renew my comment about the notice to the public. I know the statute says 6 days before the meeting, but this agenda is not only confusing, it was amended and on agenda item 1, a map was produced this morning from a preliminary master plan of Kukui`ula just this morning. So, there's no way the public gets to really check it or respond to it, and it may be accurate, it may not be, but State Historic Preservation Division could've been involved and apparently weren't and I don't know the people who would be in the know on where the heiau's are, the burial caves, don't really get a chance to compare, so, I don't think it's a properly noticed meeting. But with that said, I'll move on, by the way, the packet was 720 pages long. The planning department might want to consider a means to show the public what's been amended because it's really a lot of material to go through to find a potential amendment. All we know is it got published as an amended agenda a day or 2 ago. So, it's not the 6 days before that we're getting material, but on the HPM matter my family home was built in Koloa almost 50 years ago. My parents are buried at St. Raphael's Church. I was born in Hawaii before it was a State. I really do care about this community. I consider Koloa home, and I always have what's happening to us is a travesty. There's one of the developers, Gary Pinkston is planning to add over 400 homes, 100 luxury condos he stated in Koloa town, 280 condos on Kiahuna Plantation drive and another 51 units in Kukui`ula, 45 of those or 41 of those being cottages and 12 being luxury homes and the cottages are going to be right across from the harbor in an area that was a natural drainage and I don't know what the county is doing, and the agenda doesn't tell us and the Planning Commission doesn't tell us what's really being done to protect the community in the event of a natural disaster. We already have fairly crowded roads in Po`ipū and Koloa. It's a residential and a resort community. It's not an industrial community. We have industrial areas on island. We have, as the gentlemen, said, Puhi, Lihu`e, Ele`ele and Port Allen, we have a lot of areas where they are selling industrial. We have an area outside of Lihu`e on the other side of Kaua`i Nursery where there's a large industrial plant, and that would be close to a highway. It would be away from residences, and it would be close to the harbor, where they say their trucks are gonna, have will come and go. They report, trucks will travel the eastern bypass...

Ms. Higuchi Sayegusa: Three minutes.

Speaker Hammerquist: ...roads in Koloa from 6:30 in the morning till 4 in the afternoon. Rather than allow them to circumvent a zoning change, because this is agland, important agland, it

shouldn't be given in a special use permit. And I think that the Kaua`i Springs spoke to that because they said the traditional and customary practices have to be looked at and the impact of the environment has to be looked at and, I don't find that either the traditional customary practices have been looked at by people in Koloa. Not people like Milton Ching in Kapa`a to comment on Ka Pa`akai analysis. That's not the community giving feedback to the planning commission planning department or the developer. It has to be people that live in Koloa and there are a lot of people now trying to fill these out with regard to other developments. Not this one, but it was done in a limited fashion, and I don't think it's complete. I don't think the Department...

Speaker Higuchi Sayegusa: Four minutes.

Speaker Hammerquist: ...of Land and Natural Resources has been contacted, and I'll let others address that. Thank you for your time but I would request that you not approve any industrial that's going to change our community forever because that noise that'll come from those air guns and compressors under a tent will be pretty awful for the children who sleep and live nearby these homes. It should be in an industrial park. Thank you for your time.

Chair Cox: Thank you.

Ms. Higuchi Sayegusa: Next registered speaker, Kamal Hassan.

Speaker Kamal Hassan: Good Morning everyone. My name is Kamal Hassan and I'm a civil engineer. I worked for the Oregon State Highway Division for over 10 years. I've been a Kaua`i, Koloa area for the last 5 years and I consider myself a permanent resident here. From what I have seen is as a rapid rubber stamping on everything that a developer, especially, for instance, is producing. First of all, concerning that the mill is going to produce trusses. I worked in Oregon for over 14 years at a lumber yard, and I'm very familiar of the noise level that's going to produce as well as the big trucks that will haul the lumber in and out so that the air pollution, the traffic as well as the highway that is going to be impacted. So, I definitely would encourage you to decline this preceding them. Thank you.

Chair Cox: Thank you.

Ms. Higuchi Sayegusa: Next registered speaker, Jason Edmonds.

Speaker Jason Edmonds: Hello! My name is Jason Edmonds, I'm a Union Carpenter Construction Superintendent and the Hawaii Regional Council Carpenter's delegate for the Island of Kaua`i. I've come here today to strongly oppose the development of the HPM fabrication facility in question. But I don't just speak for myself, I'm speaking for all union carpenters on Kaua`i. Many couldn't make it here today, because they must work but a few of my brothers and sisters, and myself have taken time out of their work schedule to come and speak out against what we see as a threat to our community and our way of life here on Kaua`i. I firstly had the experience of working in the trades in a highly non-union market in the mainland. And I understand the benefit of making enough money to live so both parents don't have to work one or 2 jobs to make it. Most of my Union brothers and sisters have families to support, and many studies have shown the benefits of having parents able to have the time needed to be there to

raise their children. It increases the success of future generations in their adult lives. This is the major reason why I decided to be a delegate for the Hawaii Regional Council of carpenters a decade ago, so I could vote to help working men and women. Since then, I've seen the cost of living go up due to inflation and other reasons, and the wages of the carpenters barely able to match the rising cost of living. This facility would have the potential to take a large percentage of union carpenters work, while giving work to others at a much lower wage and benefit. By letting this facility be built, essentially, we are saying it's okay to take money from the pockets of hardworking trades persons and put them into the hands of wealthy businessmen. There will be no trickling down of wealth, we all know that doesn't work. The extra money will make they make will represent money that should be put back into (inaudible) Kaua`i. Whereby helping other working-class people get back on their feet after being hit so hard by the Covid 19 pandemic. This money would also represent tax revenue that would go towards infrastructure and social programs. A vote to approve the HPM facility would be a bad decision, especially now when many are down. During this time there is need for our government officials to help protect the hardworking people of Kaua`i from those who would like to take advantage of them. We represent some of those hardworking people. We are your constituents, and we firmly say no, to the HPM facility, and we urge you to do the same. I could go further to say, we all know how expensive it is to live in Kaua`i, on Kaua`i, in Hawaii. The HRCC creates opportunities for men and women to have fair paying jobs. We feel like this facility threatens that we feel like it's a step backwards instead of forwards, and like I said again, we...

Ms. Higuchi Sayegusa: Three minutes.

Speaker Edmonds: ...don't know. Thank you.

Chair Cox: Thank you.

Ms. Higuchi Sayegusa: Next registered speaker, Keola Christian.

Speaker Keola Christian: I'm sorry, (inaudible)

Ms. Higuchi Sayegusa: Ok. Next, if you're not interested at this point. Adele?

Unknown male from audience: I think he left.

Ms. Higuchi Sayegusa: Ok. Next registered speaker, Chris Delaunay.

Speaker Chris Delaunay: Aloha Commissioners, Chris Delaunay with Pacific Resource Partnership. We are a nonprofit market Recovery Trust Fund, which represents approximately 7,000 men and women union carpenters and 240 largest small contractors in the State of Hawaii, including approximately 250 individuals and unionized contractors on Kaua`i. We are testifying on HPM Building Supply application. A lot of the assertions made by HPM are blanket assertions not supported by real evidence and need further analysis. This is a third time I've been testifying on this matter, so I'll keep it short. There is no real evidence that this project supports the general plan. There is no real evidence that this project will provide jobs and living wages. In fact, we believe that this project will take or could take away more jobs than it will provide, and the erode wages. There's no real evidence that this project will reduce the cost of housing

materials. given that HPM has indicated in its application that they will be shipping lumber from the Pacific Northwest, which will incur substantial shipping costs. Again. we are asking the Planning Commission to examine each team's assertions, and whether this is even an appropriate site to have such a manufacturing plant, given that it's on ag land. We need to understand the economic community environmental impacts that this project will have on the surrounding communities. Thank you.

Ms. Higuchi Sayegusa: Next registered speaker, Mark Williamson.

Speaker Mark Williamson: Hi there, my name is Mark Williamson, I'm a full-time resident on Kaua'i. Approximately a year and a half ago I moved to Po'ipu `Āina Estates, mainly due to the fact that it's a rural, agricultural zone area, which appealed to me. My family comes from an agricultural community of farmers and when we bought the property, we knew it was designated as ag zone and for it to be now flipped for industrial purposes, see now that is, it's not right. HPM has sent documents to us saying that it was for affordable housing. We think that's, I'm asking for myself not for HOA or anyone else but I personally (inaudible). It's not going to be used for affordable housing, if so, what percentage of their business has been communicated to you? If not, I consider it to be fraud in my opinion. And the other item is, has there been any environmental impact studies done? Maybe it has but to my knowledge there hasn't so, I think that needs to be done. Especially, in lieu working on other developments in the area as far as...and what not. The other item is, this is a, potentially it looks like a bright circus tent, I don't know if you've seen the Ringling, they said it may change color from a white to maybe blend it in. In essence, it's a 40-foot tall, almost a 100 yards long circus tent. And it's gonna wreck the view in that area. And the other item is, it's very disconcerting is, we keep hearing that the sound will be (inaudible) on the back that was from the owner of HPM. What studies have been done to show what the actual sound was going to be that'll impact us? You know we have kinds of facts and to me further investigations need to be done. And also, this tent, it's open and the trade winds come out of the Northeast, and you know, we're right at ground zero for this...our neighborhood, for some of us, if it escapes out, we're told that it wouldn't, but we haven't seen any proof...

Ms. Higuchi Sayegusa: Three minutes.

Speaker Williamson: Ok. So, I'm on the personal opinion that I'm speaking just for myself that further investigation needs to be done on this. I realize and I, trust me, my family came from a median background and I'm not trying to take anyone's job away from them, but this is not the right place especially in an ag zoned area because there's a factor and I welcome this. There's a family that's set up like a plot of land that they're using for agriculture. (inaudible) harvest for but in my opinion, I think this, put the brakes on this, (inaudible) Thank you.

Ms. Higuchi Sayegusa: Next registered speaker, Cal Santos(inaudible)

Speaker Cal Santos: Aloha, this is my second time here. Anyway, I represent the union, Business Union Local 745, and you know my brotherhoods and sisterhoods over here, and I strongly oppose this project. Not just because of the location. So, if we got a crew of 8 framers, and they're doing prefab walls, it cuts our crew down to 3 men. and what are we seeing? \$2.50 cents

a square foot versus losing hundreds of jobs and careers that we created. I got 22 years in the Union. 8 years of trade school, 2 different trades. This is a really bad idea and a bad location. This location is one mile roughly from my house and you know I get to look at Ha`upu Mountain from my kitchen window every morning. You know, I love that view. This is gonna open up, you know, a can of worms. If they pass this project to be an industrial site, what happens next? They're gonna pass more and more projects We already cannot even go into Maha`ulepu. There's no beach access right now. I grew up on that beach. I used to camp on that beach, you know you guys pass this project. It's just gonna destroy the quality of life for everybody in that area. You know my family's been there from the 1930's. You know my Hawaiian sides been there from a long before that. Uncle Billy knows. And you know, I said we needed to gather more information, but you know I think we should just shut this project down, and I'm gonna come here every single meeting with my soldiers and I'm gonna oppose every single project that you guys are gonna propose in that area especially Koloa. Thank you.

Ms. Higuchi Sayegusa: Next registered speaker, Tanner Edmonds...Tanner Edmonds. Okay, next registered speaker, Leo Compass.

Unknown male from audience: He had to go back to work.

Ms. Higuchi Sayegusa: Next is Fernando Gutierrez Jr.

Speaker Fernando Gutierrez Jr.: Aloha everybody, so I just to come and be, I'm against this project, the HPM project because first we all put in our time. Just like Cal, I get 2 different trades and I went to school for over 8 years. For me, all the time we put in and this kind of job we have, we are doing right now, is the only thing that mostly can provide for our family, being the economy is so high over here. It's just 100's of jobs going be taken away for something that's going to provide 15, 20 jobs. You ask for a lot more homeless. You know a lot of people going lose their jobs, where we going go? Not to mention that the union, the benefits that provide for our family, you know, health, medical, vision, dental everything, all that going be lost for our kids, our kids going be left with nothing. You know so, just like Hawaiian was saying, we represent for the kids. This is our land. I was...my family goes back generation after generation, you know and we gotta look out for the kids that is coming up. If, you know, we go on and approve this project, I feel that a lot of people going be homeless, and we are going be, kids going be all on the beach, living on the beach, we already see that happening already, you know. I get friends that they just cannot live here anymore. They got to move to the mainland because they cannot provide. There's no way that 2 parents with full-time jobs, get hard time provide for their children now, you know. And you know, like I said, we work hard for where we at right now. We put in our time, and I think that time really matters. Thank you.

Ms. Higuchi Sayegusa: Next registered speaker, Alfred Danog Jr. (inaudible).

Ms. Higuchi Sayegusa: Terry Hayes.

Speaker Terry Hayes: Would you let Rupert go before me please? He's 2 below me. Thank you.

Ms. Higuchi Sayegusa: Rupert.

Speaker Terry Hayes: Thank you.

Speaker Rupert Rowe: Morning, my name is Rupert Rowe. I testified in front the land use commission in this area. We stopped the zoning changes. We had critical things that took place in 2008. It was a drainage plan that was never put in place. Sorry about that, I guess I'm important they are calling me. Anyway, the drainage plan, the rubbish plans the community recreational areas. It's just a whole big mask with no answer and I think a class action suit should be levied against the planning department because all the rubbish that is being generated, it is being placed on Hawaiian homelands, and the State has never put the Hawaiian people on top these lands. But the County and the State is putting the garbage on these homelands. Garbage on this island, from Statehood to this day has never been corrected. Now we are looking in the future. How do we remove the first 65 years of garbage? We have another 65 years, that don't have an answer. But we have a process. So, some of the speakers I kinda notice when they ask, it sounds racist. When they ask, how many of you are Hawaiian? Our lives and our people depend on your decisions. The ka`naka doesn't have that input. The ka`naka doesn't have that input to protect its assets. The State will never protect the ka`naka, the whole thing about Statehood was colonization. So now, when you have all these developers, coming in spending all this money, and this Planning Department and State and County. Why is Hawaiian homelands a commodity to dump garbage for the private sector? I asked you folks all that when you pass all these zoning. Why is Hawaiian homelands a garbage pile? Why don't you put all the rubbish on Knudsen A&B, Grove Farm?

Ms. Higuchi Sayegusa: Three minutes.

Speaker Rupert Rowe: You know, they create the garbage. But the ka`naka, he's the homeless guy on the beach without a home and you guys all drive up and down looking at that, as sad. For me, I feel for them. I'm 80 years old, I look back at our people and I look ahead for our people. We have nothing in common. They all come here and dump their garbage; we live in the garbage. This island is called the Garden Island, but we turned it around and called it the garbage island. Where is the answer for the garbage that will be created, on all of the developments on this island? My last comment will be, if the island is only 28 miles in a circle, 2 (inaudible)...

Ms. Higuchi Sayegusa: Four minutes.

Speaker Rupert Rowe: ...of this island is not acceptable to take people, so how many people the island can handle in the future? The main question is growth. What is the growth? Do you folks have an answer? Now I sound like one old man, grumbling but the issue is, garbage, there is no answer for this garbage. That is the highest priority right now. Not about building houses, not about tourism. Let's think about our people, and the garbage that we all create from this office right here, this commission. That's all I get to say.

Ms. Higuchi Sayegusa: Next registered speaker, Terry Hayes.

Speaker Terry Hayes: Aloha, mahalo, Terry Hayes for the record. Speaking again, I would like to further address, SHPD. Yesterday I had a lengthy conversation with Dr. Allen Downer. After speaking to Susan Lebo, who is our...I have a report here from her that I wanted to share with you actually. and Dr. Downer was not familiar with this HPM. And he has a pretty good memory, and he said this was never brought before him and he suggested, I ask you, did you bring this for his review? For SHPDs review? Because he wasn't aware of it. He's aware of all

the rest of the problems that we have. They were one of the ones, they were the ones that recommended the small fence to prevent big trucks from coming onto Hapa Trail. That now they want to remove, I understand and use as evacuation on Little Hapa trail. The magnitude of this we might be talking about one warehouse, but that's not what we're talking about. Not at all. This is this is the literal tip, of the iceberg. And if you've been to many of our environmental meetings that we have here, you know, we have issues, we have huge issues, with climate change, with sea level rise, with drainage, with rubbish, and we're kind of pounding it on you, because it doesn't seem like anybody really, nobody wants to look at it. But we live in Po`ipu, every time it rains my street floods to the point, we cannot get out now if once in a...and on my street, by the way, there are 22 vacation rentals. Aunty Cynthia is my aunt, who's (inaudible) kupuna. She helps with the renting of them. She knows all about it she's watched her own homeland get taken away. They've worked long and hard to preserve what they have there, and so have we. And as stewards of Kānei`olouma, I'm mortified that this is again before you, after it's like we're meeting a dead horse. If you want to know the truth, I mean we discussed this, we proven it. Now, what I was told by public works, is that SHPD has to have due diligence, and if SHPD isn't available or allowed to do their work, then what are you pushing so fast to have this done for? What is so important? We have lots of construction workers that can help with work that needs to be done for people, we don't need...and these trusses or whatever they're called, trust me, trust me where the trusses are going, they're gonna go right over to Pinkston's property. It's the closest proximity. For all I know they're going to try to use Hapa trail for that. It's close that's what Good Fellow Brothers wanted to do when Knudsen...

Ms. Higuchi Sayegusa: Three minutes.

Speaker Terry Hayes: ...property wanted 500 homes on this property and the drainage was coming into Kānei`olouma. Our then Councilman for Fafaro, read, am I reading this correctly? Is what he said at a council meeting, that your intention is to put your drainage into Kānei`olouma? The State historical site which we have done an incredible amount of work for, and fought diligently to keep it what it is, and we have plenty more work to do. Water, returning to the owai is one of them. Now, when you start messing up all the areas between that that will never happen. Dr. Hammett is in possession of ground penetrating radar. If I could be so bold, as to make a suggestion, have him come and do the radar and find out what's under all of this. Because when you have years and years of chain, cultivation, and all that, things have been buried over and covered, how do they know? And when they send out their archaeologists to kick the rocks and do a field study, I mean even Missy Kamai, who I know dearly...

Ms. Higuchi Sayegusa: Three minutes.

Speaker Terry Hayes: ...and appreciate her work has said that what they have done was not the required archaeological or biological. Now the other thing I understand is that they're advisory to you. Well, Aha Moku, which Billy is now the po`o for our island. Governor appointed, is working on this. We have referred this to them. The fiscal year begins July 1st. I am imploring you to not make any action on this until they can do the work they need to do. OHA has this in their preview, and we have testified on their behalf. There are organizations that are here that you need to respect the opinions of, and they need to give you input before you can make such a devastating, oh, we're gonna just change the ag land to accommodate some, whoever he is that wants to exploit money for no benefit for anybody that lives in our community. Nobody can afford to live there anymore. Trust me, this is a...

Ms. Higuchi Sayegusa: Four minutes.

Speaker Terry Hayes: ...huge deal that you are just seeing the tip of the iceberg and waiting isn't gonna hurt HPM, it won't hurt you but if you don't wait, it could destroy us. And I'm waiting, I'm requesting that you table this until we determine the case. We have archeological inventory from SHPD that's related to the Maha'ulepu Ahupua'a that was done by Susan Lebo, and she's well aware of it. The dairy was a huge deal which got stopped because it wasn't right for there either. And 2 wrongs don't make a right. The dairy wasn't correct, this is not correct, Pinkston isn't correct. It all goes together. It has nothing. The dairy never planned to make any jobs for anybody, really. And then they're out I mean that was the craziest. Well, that was another developer let's be honest, Pierre Omidyar. Let's call this what it is. It's big money coming to Kaua'i to exploit our home, their whole life...

Ms. Higuchi Sayegusa: Seven minutes.

Speaker Terry Hayes: ... you're ruining the culture it's on your shoulders. Please do the right thing. Postpone any decision until you can get information that you need to make an intelligent qualified decision on this. That's what I'm requesting, and I thank you very much for your time.

Ms. Higuchi Sayegusa: Next registered speaker, Llewellyn Kaohelaui'i.

Speaker Llewellyn Kaohelaui'i: Aloha, my name is Llewellyn Kaohelaui'i. (inaudible) for Weliweli Ahupua'a, I'm the hui for Kānei'olouma and Manokalanipō. I'm against all this development coming down in Po'ipu area. I see it all. Nothing was there, now everything is there. First move they made; they moved the road. They moved the road from the beach area to on top, inland. When they had done that, they move all the hotels in the front, on the beach line. That was a mistake. Now, how they do all this development, they are stealing all the rocks. As why they get all this development and that's ka'naka land. How can we...we get plenty Hawaiians no more their house. How come we no can put them on there, on the (inaudible) land? Well, I'm against all these projects, I'm against all the buildings that they are going build because it's not for the people of Kaua'i. It's for development, it's for money. We don't have the money. I don't think we should put all this development in Hawaii. This is a beautiful place. Everybody like come Hawaii. We are going ruin um. It's not Hawaii anymore. I against all this projects. I against all the ones that going by, close to the ocean because it's going to impact the water. It's going to ruin all our fish. So, I was you guys, I would...I'm against all this projects they are putting out down there. This only the beginning as why they are building this. This trusses for build all these big hotels. Right in Po'ipu they are going build um, not, not...Kukui'ula Development, as million dollars. You are talking about 10 million dollars. Das where all the rocks, everything going over there. Our water. They are diverting all our water over there. And we been fighting for our water for how long. We, the people own that water, not everybody else. The people own the water. How you guys allow that? Anybody comes in, they take little bit water outta the river...

Ms. Higuchi Sayegusa: Three minutes.

Speaker Llewellyn Kaohelaui'i: ... they sell our water. How they allow that? The people live here all their lives, watch everybody come in just take, take take. What is that? You get money, you can have um, you no more money, stay on the side. Anyway, thank you guys. You know, I'm against all the development, I'm against all the ...look Po'ipu, it's so packed! You cannot

park your car. People walking all over the road! And if a little bit dark, you bang um. They all are walking all over the road and then, just to go to the beach they are parking right on the road. No more room, no more room for park. You look the tents all over the beach. No more room for park. So, why we are going to build this pandemic...

(Ms. Higuchi Sayegusa: Four minutes.

Speaker Llewellyn Kaohelauli`i: ...time. Neva has nobody here pandemic. All these hotels and all these condos, my friends bought 5 or 6 condos, they couldn't rent um, they took a loss. I tell um, why, why you buy that? It's not ka`naka land, you gotta pay, you gotta pay more. Thank you, you, guys. Sorry, I'm against all these projects. I'm against all the big timers coming in. They probably going to bring guns next time. Thank you. Aloha.

Ms. Higuchi Sayegusa: Next registered speaker, Michael McDermott.

Unknown male from audience: He had to leave.

Ms. Higuchi Sayegusa: Christopher M. Torcato.

Unknown male from audience: Oh, he left.

Ms. Higuchi Sayegusa: Next registered speaker, Keli`i Ka`imina`auao.

Unknown male from audience: He left too. He had to go back to work.

Ms. Higuchi Sayegusa: Max Kimura.

Speaker Max Kimura: Aloha, Kaua`i Commission and Kaua`i County, I'm Max Kimura. I'm an attorney from Honolulu but please don't hold that against me. And I'm going to take off my mask momentarily and smile at you to let you know that I sincerely come with aloha from Oahu. I represent the community association of Po`ipu Aina Estates, it's directly adjacent to the lot that HPM building supply tends to fill up their giant construction, manufacturing facility. The closest home is within a third mile of that proposed giant facility. Okay, so we filed a partition to intervene in this matter, and it was denied on procedural technicalities...

Ms. Higuchi Sayegusa: Just to clarify, the agenda and what was amended, is to formally recognize you folks, to have an opportunity for you folks to make argument on the petition (that you made).

Speaker Max Kimura: Oh.

Ms. Higuchi Sayegusa: So, that was the recent amendment. Which is to place it on the agenda, you folks would have an opportunity to argue.

Speaker Max Kimura: Okay.

Ms. Higuchi Sayegusa: Following testimony.

Speaker Max Kimura: Following testimony. Okay, thank you very much. Okay, at this point and time, as it stands. I've been listening to these public hearings and there's a lot of controversy., regarding, not just HPM building supply but the developments on Koloa. You know, there's talks about the micro blasting, the lack of transparency, lack of environmental statements, investigations, and especially the desecration of Hawaiian, native Hawaiian sacred lands and

artifacts that's there in Koloa and it's really surprising and I must say that, you know, we cannot just rubber-stamp this permit that HPM is submitting. That we need to ask hard questions and really analyze what they plan to do, and why they intend to do it. You know, when I read each HPM's application you know I'm really taken a back here, you know that and that's why you know I'm also asking for contested hearing of this matter. You know it's not reasonable what HPM is proposing first of all, like people said they had to do. You know, industrial work on agricultural land you know that's agriculture that designated by the county, by the State, and you know they try to such as that oh, we can have agricultural related projects on that land such as growing trees you know, trees for timber. You know. that is just smoke in mirrors they are not growing any trees on Oahu, they're not going any trees on the Big Island, you know, t's purely industrial. you know there...

Ms. Higuchi Sayegusa: Three minutes.

Speaker Max Kimura: ...excuse me, and also, we'll speak about the Koloa developments so I would like additional time. So, as I was saying, they're claiming now, this is gonna benefit affordable housing. I find that, you know truly this disingenuous. You know my understanding that the cost of trusses for a new house is under 2%. Now you tell me how HPM. by building trusses, and what have you on this large monstrosity facility is going to help with affordable housing on Kaua'i? I don't see it. You know I have a problem with the size of HPMs proposed industrial facility. You know it's 4 stories tall, 260 feet long, 150 feet wide. I mean that is just monstrosus, is that a word? It's a monstrosity, you know.

Ms. Higuchi Sayegusa: Four minutes.

Speaker Max Kimura: Okay, thank you. You know, there is a company already in Hawaii and Kaua'i, excuse me, who's building trusses for the majority of the projects on Kaua'i and they do it in a facility one-fourth the size and I don't know why HPM needs such a large facility. Also, the design of this project, it's an open tent how are they going to contain all the noise and pollution? And you know the sawdust and all the waste they're not, you know, the type of machine HPM uses on Oahu and on Big Island it produces a constant and incessant noise level of 120 decibels. That's the equivalent of a motorcycle, and you know when a motorcycle drives by your house, it's fine, it's occasional, it's rare but what HPM plans to do on their, this Koloa property is incessive like somebody else mentioned, it's from 6:30 a.m. to 4 p.m. Who wants the motorcycle roaring outside their house during...?

Ms. Higuchi Sayegusa: Six minutes.

Speaker Max Kimura: ...that time? You know, another problem is, that I drove by this area and that Maha'ulepu Road is unpaved, it's gravel, it's not lined and it's narrow. Now, these truss trucks require a large space. As, have you ever seen a truss truck deliver trusses to a home? You know, there's a (inaudible) back, that says wide load, it's a wide load. How are you gonna get truss trucks going back and forth up Maha'ulepu road? You know, as it is now, when two cars are going on Maha'ulepu road, they really have to accommodate each other and move to the side. Now how are you gonna do it with large truss trucks? So, that's just the tip of the iceberg. Thank you for your time, you know. We'll talk about this later, but you know my client, you know, has a substantive right to intervene in this matter, you know our client is..My law firm is working on an appeal right now to the circuit court on this matter. And you know, my client deserves the time to ask the hard questions of HPM. Thank you very much.

Ms. Higuchi Sayegusa: Sorry and the agenda was clarified. These items were already provided to the commission, i.e., the petitions from PRP, and there was an opposition for HPM...

The Commission recessed this portion of the meeting due to fire alarm alert at 12:26 p.m.  
The Commission reconvened this portion of the meeting at 12:45 p.m.

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

Ok, we are reconvening the Planning Commission meeting on the 14<sup>th</sup>, January 14<sup>th</sup>, sorry about the interruption.

Ms. Higuchi Sayegusa: Sorry everybody, I was just in the middle of explaining that. The petitions to intervene from Pacific Resource Partnership, HPM (inaudible) opposition. The petition to intervene from the associate, the community members of the Po`ipu Aina Estates and the HPM's (inaudible) opposition and also the community association (inaudible) filing to the petition to intervene were already submitted to the planning commission. We just wanted to make sure it was clarified and explicitly provide an opportunity on the agenda for that to be argued by all the parties on whether or not to admit the petitioners for intervention. So, that's what was clarified in the amendment yesterday to provide additional opportunity, for that issue to be flushed out. With that I think we are still on public testifiers and registered speakers. The next registered speaker is Michael Kaohi.

Unknown male from audience: I think he went back to work already.

Ms. Higuchi Sayegusa: Okay. Next registered speaker is Patrick Tacata?

Unknown male from audience: He went back to work also.

Ms. Higuchi Sayegusa: Let's see, did Benji or Ben...

Unknown male from audience: He went back also, sorry.

Ms. Higuchi Sayegusa: Okay. Thank for your folk's patience and stamina at this point. Jonah Santos?

Unknown male audience: He went back to work too.

Ms. Higuchi Sayegusa: Okay. Kai?

Unknown male audience: He also went back to work.

Ms. Higuchi Sayegusa: Okay. Kat Clark?

Speaker Kat Clark: Hi! Thanks for the opportunity to come and provide testimony. And I also want to thank you guys for your time. I know this has been a long day, and I think you just do this often, and I really appreciate you giving a public opportunity to chime in and to really consider what we have to say. I know there's been a lot of emotion and I think maybe one time I heard something about rudeness is just a fear of not getting what you want. I hope that everybody can feel that this isn't about being what we want. I think it's more, it's less about rudeness and more about the passion of hoping for good things to come in the future. And so, I just wanted to preface that before I tell you guys that I do oppose the h camp facility, and I just echo so many of

the same sentiments that you've heard and I don't want to be the dead horse but you know I do fear that this is the beginning of a domino effect, providing a special use permit to HPM, to change quickly from agriculture to industrial usage, could open the door for so many things in that areas around the sugar mill. Now and then, it also just feels fishy, I think, to a lot of us being in workers and members of the community. And we have over 1,500 units of different development, luxury, type, housing, and condominiums proposed on the south shore alone, and those are all going in and then HPM is talking about affordable housing with their prefab panels. You've heard about how that could affect union jobs and union workers. I love affordable housing; I love the idea of it. My husband and I went to apply for a loan for a property in Kalaheo, hoping that we can split it up and develop it and sell it to local families. I'm an interior designer by trade and I love building beautiful homes, and why on earth aren't there beautiful homes for the local people here being just, you know, showing up for people more and more. We didn't get the loan. Someday maybe it will be a miniature developer and we'll be able to get back to the community like I've always dreamed to be able to do. I don't see a affordable housing or workforce housing being shown anywhere on the south shore. How are the workers going to build these luxury units, and then where will they go? What will happen as their home prices skyrocket, and custom living skyrockets like, build us these beautiful luxury, multi-million-dollar properties and then good luck! You know what's going to happen? And so HPM promises affordability. Can they donate lands? Can they buy property and actually like, make affordable homes, or just they're going to give you the ingredients for the cake? It's like, Safeway sells flour and sugar, but they don't bake you a cake, well actually the bakery does bake. I'm just saying, they can talk about providing the materials, but the materials are one thing the land has to be there, the designation has to be there. The affordability has to be there. The availability has to be there. I don't know if you guys saw there's a lot up Akemama Road? It's like almost 3 acres around \$200,000 they just lowered the price. I'm like Oh, my gosh it's on sale, it's on clearance, right? It's like it's being sold from Ross', it's amazing! But I find out you have to go get a permit,

Ms. Higuchi Sayegusa: Three minutes.

Speaker Kat Clark: You have to apply for a permit to build. You first have to improve up Akemama road and on that side of Akemama and that side of the highway, it's basically carved into a mountain side so you can't even build on that land till you pay yourself to improve that road. And that's the type of thing that the individual has to do. The individual has to go and apply for these permits very specifically. My sister's neighbor, in order to improve his house that was built in the 1970's paid over a \$100,000 to switch from a cesspool to a septic tank because that's the proper procedure individuals are given here, but then we see big developers and companies. Bless Jason Fujimoto, his family's heart for HPM Building supply for all these decades, all these generations, amazing! But are they getting special permission to get a special use permit? And then we have to do it step by step literally, if you want to build a house on Akemama Road, you have to fix Akemama Road, you pay for it.

Ms. Higuchi Sayegusa: Four minutes.

Speaker Kat Clark: But we do those things to because it we believe that these rules that were given, and these permits that we need to pull, we believe that they help everyone. They're to benefit everyone and protect everyone from corruption and things going south on Kaua'i. And then we don't see that like shown. and we don't see that display when someone has a lot of money and the development/developer can just pay a lot of money it just feels like they're side

stepping the rules, and they're getting shortcuts. and all the while they're waving a flag saying, affordable housing, affordable housing. But is that real where is it? Where is it? I don't know but I tell you something if I can get the loan, I will split the piece of property and I'll make them beautiful because that's what I'm good at., I promise you that. I believe that we can do better. I really am so grateful for your time, and I see all of you listen to each and every testimony and that means so much to me, because feelings are a lot so thank you for hearing the words we say, and taking into account our feelings, and what we, what we're looking for. Thank you so much, and I just really appreciate it.

Ms. Higuchi Sayegusa: Next speaker is Nicole Clark. Okay, with that I'm gonna turn it over to Myles and Marisa to handle all the conference call and Zoom attendees.

Mr. Hironaka: Thank you, Jodi, currently, we don't have anyone that has joined the meeting by phone. But we do have people that have attended the meeting by Zoom. There are specifically at least 2 people that were specifically waiting to testify on agenda item 2. So, what I would do is recognize attendee, C. Martin. I've enabled your audio and video what you need to do is click on join as panelist, start your video and unmute yourself.

Speaker C. Martin: Hello and thanks for letting me speak. I'm going to keep this short. I know it's been long, but I would just like to specifically request you vote no for authorizing these permits. HPM has promised jobs and low-income housing which we're all for, but this is the wrong spot, this is ag land. There are other better places located on the island that are already industrial. So, the good news is we can have both. HPM can supply their jobs and help with affordable housing, if that's going to pass and we can, they can put it on industrial land and leave the ag land for agricultural and for our farmers. So, thank you for listening, and I appreciate your patience and consideration.

Chair Cox: Thank you.

Mr. Hironaka: Thank you. Next, we have zoom attendee Cox Fricke LLP. I've enabled your audio and video. Go ahead and start your video and unmute yourself.

Zoom Attendee Cox Fricke, LLC: Good afternoon and Chair and Commissioners. Abby Holden, council for Pacific Resource Partnership. I'm here to address the agenda addition related to PRP is petitioned to intervene. So, I will reserve my comments and argument until we get to that portion of the agenda.

Mr. Hironaka: Okay, thank you. Next, we have several other attendees that have raised their digital hand. Let me start with Tara Rojas. I've enabled your audio and video. What you need to do is click join as panelist. Start your video and unmute yourself.

Zoom Attendee Tara Rojas: Okay, So Aloha, I'm Tara Rojas and again I'm going to go out on a limb and see if at this third time if my testimony, as well adding my testimony to those of others who have joined from the unions who have been there for their second third time speaking, you know, before you all, for those who have been attending these meetings for 10, 12, 20 years or more, just if it really makes a difference. So, regarding this HPM I'm gonna go out on a limb. I'm just gonna tell you all that took me was one or 2 testimonies to hear to realize what the right decision is it's an absolute a'ole, it's an absolute no. It doesn't take being on a commission, it doesn't take a degree, it doesn't take sitting in that seat to hear one another, and to hear that the

community is saying no to this HPM. This building, which leads me to saying this, having been you know been a part of these testimonies on different islands for different issues, the wai, the `aina, outside corporations, developers, you know, astronomy, and seeing that everybody, everybody takes precedence over the people of this land. All of these rules in place right now. just you all there, being a part of this commission this board. This board and everything it's part of the history that stems from the 13 original illegal occupiers, these 13 businessmen that took over the islands. This place, our Queen, Lili`uokalani and having their generations after their legacy being in control or running these lands and allowing foreigners with big money to come and buy and control and to rule these islands, which we're gonna stop it's time to stand up and stop and say no to make the correction. So, if your rules I'm gonna say this now because if you have all these rules and all these designations is what I'm hearing, agriculture, urban, you have all these designations, why have them if seen through the history from the 1920's or probably even before in Kaua'i alone to see these agricultural designated lands easily be turned over to urban, for who, for these developers. Why even have these designations if these designations can then be swayed by money? Why have them? Doesn't make any sense at all. It's tied into, if and by the way, if these 4 and a half hours is an inconvenience to you. and if that fire alarm really hit home for you. that Oh, they're finally affected now

Ms. Higuchi Sayegusa: Three minutes.

Tara Rojas: Think about, no think about the kānaka maoli that have been feeling. and this affected this feeling for over 129 years going on 130 years. So, I wanna say this, if after these 4 hours it's just another business day, oh, my goodness, it went so long, you know what I will stay here, however long need to be until it's heard the people's voices are heard, the community is heard. you work for the people you don't work for these developers. You don't work for the person who has the most money you work for the community. You have these laws, and rules in place follow them, listen to the people. Listen to your na`au, your gut, your instinct to do what's right and I'll just end with this. If you

Ms. Higuchi Sayegusa: Four minutes.

Tara Rojas: Had to leave the building, no with this fire alarm. Can you imagine if the room was tapped and it was a real emergency, the panic and chaos it would create? And that's what people are telling you right now. There's only one road in, one road out. It's already over developed. You as a planning committee should stop that, deny any further development because that's what's gonna happen if any other, you know, a natural disaster happens, and people need to evacuate quickly. People are already saying, can I even drive on the road, can I even park, nowhere to park, and where all the rubbish is going? All these designations, all this racial discrimination still happening in Hawai'i in 2022. Please do your jobs, and if you are not fit to even stop and listen to once one item, this HPM or Kukui`ula, whatever, just to stop and deny and halt everything. If you can't even do that right now, and you're just gonna aye, aye, aye, aye, aye, ratify pass everything, then...

Ms. Higuchi Sayegusa: Five minutes.

Tara Rojas: Please, please, please, step down. Mahalo.

Chair Cox: Thank you.

Mr. Hironaka: Next, we have Kulanui Perez. So, we've enabled your audio and video, you need to click on join as panelist. Start your video and unmute yourself. Okay, go ahead.

Zoom Attendee Kulanui Perez: Aloha, so I just wanted to add on to another wahine who testified in person on the same agenda for agenda 2. I personally would be against this. I think after everyone's testimony, you guys should also be voting no. So, what she was testifying on was the potential use of Hapa trail for evacuation purposes or for the purposes of the large truss trucks, using that instead of the main narrow roads. And I just wanted to be like reiterate for my testimony earlier that there is, in fact, holes along Hapa Trail because of blasting from another development. So, I want us to stop acting in these hearings, as if these developments are all individualistic issues when they are all part of a big, of one big problem. These are not individualistic it's very haole to be acting like these issues are all individualistic, when it serves a greater larger problem, and that is the over development that it's obstructing this land and that is making these lands structurally, just unstable. If you look at the roundabout by the Kukui`ula shopping center, there is a sink hole already there, it's been there for years, ever since it was built it's been constantly sinking in. And again, if you go on Hapa Trail, because where the holes are placed, they are on the width of Hapa Trail and we've tested how far it goes, and you can't even hear where it ends. We've stuck sticks into it you cannot feel the bottom of it. It is the top of a lava tube, and there are holes in it. So, the next time we have a huge flood run through, we don't know it just might fall through when people are trying to use it, you cannot use that as an evacuation safety plan. You can't remove the rocks that are currently blocking the trail. You can't have large trucks going over it is structurally unsound. It is unfit to be used for any vehicles or for any evacuation plan. And I want that to be heard here and have that on record. When you guys make these decisions, and you think that Hapa Trail is going to be a viable option, when it is not, it is unsafe for people. It can cause many deaths within the community; do you guys think you're going to use that? And I just want that to conclude my testimony.

Chair Cox: Thank you.

Mr. Hironaka: Thank you. Jodi, I think that's all that we have, as far as, those that. Well, why don't we do this, let's make our last call for those that are attendees on Zoom if you have not had a chance to speak on agenda 2, please raise your digital hand. Seeing none. Jodi, I'll return the meeting back to you.

Ms. Higuchi Sayegusa: Okay. So, I just wanted to go through a final call for anybody that one wants to provide testimony at this time on the (inaudible) agenda 2. Are you stating you're representing the HPM?

Speaker Mauna Kea Trask: Yeah, I just thought if Max got to talk...

Ms. Higuchi Sayegusa: He's not a party at this point, he's in the back. Yeah...I think when we reach the matter then you'll be able to have opportunity for presentation.

Speaker Mauna Kea Trask: Thank you. I just want to address some inaccuracies, but I'll do that later.

**Continued Agency Hearing**

CLASS IV ZONING PERMIT (Z-IV-2022-8), USE PERMIT (U-2022-8) and SPECIAL PERMIT (SP-2022-1) to operate a construction material manufacturing facility on a parcel situated immediately adjacent to the Old Koloa Sugar Mill site in Koloa, along the eastern side of Ala Kinoiki, approximately 3,300 feet west of the Weliweli Road/Ala Kinoiki intersection, further identified as Tax Map Key: 2-9-001:001, and affecting a 3-acre portion of a larger parcel= HPM Building Supply [Director's report received 4/28/2022, New Agency Hearing on 5/10/2022, Continued Agency Hearing 5/24/2022.].

Ms. Higuchi Sayegusa: Okay, thank you. Chair...Right, so we're on item F-1, a., Class IV Zoning Permit. I'm sorry this is a continued agency hearing for, CLASS IV ZONING PERMIT (Z-IV-2022-8), USE PERMIT (U-2022-8) and SPECIAL PERMIT (SP-2022-1) to operate a construction material manufacturing facility on a parcel situated immediately adjacent to the Old Koloa Sugar Mill site in Koloa, along the eastern side of Ala Kinoiki, approximately 3,300 feet west of the Weliweli Road/Ala Kinoiki intersection, further identified as Tax Map Key: 2-9-001:001, and affecting a 3-acre portion of a larger parcel = HPM BUILDING SUPPLY.

### **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: I think this might be an appropriate time actually to go into executive session. But also, they provide that with a lunch break, so that we do come off faster. So, the executive session would be, first of all we need a motion.

Mr. Ako: I so move that we move into executive session.

Ms. Otsuka: Second.

Chair Cox: And this executive session would be, pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)4), the purpose of this executive session is to consult with the County'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: CLASS IV ZONING PERMIT (Z-IV-2022-8), USE PERMIT (U-2022-8) and SPECIAL PERMIT (SP-2022-1) to operate a construction material manufacturing facility on a parcel situated immediately adjacent to the Old Koloa Sugar Mill site in K6Ioa, along the eastern side of Ala Kinoiki, approximately 3,300 feet west of the Weliweli Road/ Ala Kinoiki intersection, further identified as Tax Map Key: 2-9-001:001, and affecting a 3-acre portion of a larger parcel = HPM BUILDING SUPPLY.

Chair Cox: We need to take a roll call.

Ms. Higuchi Sayegusa: Sure.

Chair Cox: Into executive session.

Unknown Female from audience: Chair, on the item, agenda item, we could maybe add one thing of correction. There are residences, 100 yards from that site that's gonna have HPM and the Saint Raphael's church, and all the residents around it are about 1,200. So, using Weliweli, the 3,000 through Weliweli is a far point. It doesn't properly (inaudible) the residences actually close to the site.

Ms. Higuchi Sayegusa: Okay, and just for the sake of you know, describing the subject matter that will be discussed. That's noted we also. It does provide a lot of details to at least minimally inform the public on the subject matter (inaudible).

Unknown male from audience: On that point, Weliweli Road that's being referred to, is the one that intersects Ala Kinoiki by Maha`ulepu, it's not Weliweli track, It's Weliweli Road (inaudible). Coming off of St. Raphael's Church across.

Ms. Higuchi Sayegusa: Right. And there's a lot of materials in in the record, as you pointed out. There's a huge vast amount of filings for changes to the subject that could all pertain to this item. So, I think there's been an ample amount of items to describe and depict what's being discussed on the agenda today. But in any case, I think we have the motion and second on the floor for executive session. I'll go through the roll call vote.

Ms. Higuchi-Sayegusa: Commissioner Ako?

Commissioner Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Commissioner Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Commissioner Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye. Motion passes 4:0. We just need to determine how long,

(Inaudible discussion between Chair Cox, County Attorney Matthew Bracken and Jodi Higuchi Sayegusa)

Ms. Higuchi Sayegusa: Okay, so probably about a half an hour break. Resuming around 1:30, I'm sorry 1:40.

The Commission moved into Executive Session at 1:10 p.m.

The Commission returned to Open Session at 1:48 p.m.

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

Okay, we are reconvening the Planning Commission Meeting of June 14<sup>th</sup>. Thanks for everyone's patience.

Ms. Higuchi Sayegusa: Okay, yes, I believe we are on right on item F 1, a. I.

Chair Cox: Yes. So, we're at the point, where, as you heard earlier. We have 2 petitions to intervene, and so what we will do is, what we will do is hear from each intervener, one at a time. So, we will hear from, let's see I guess we can do (inaudible) first, and then HPM will have a chance to respond, and each party will have 5 minutes to speak. Then we'll move on later to the other Po'ipu `Aina intervention and have the same proceedings. So, 5 minutes for Po'ipu `Aina and then 5 minutes for HPM to respond. So, let's begin with the first petition for intervention.

County Attorney Matthew Bracken: Which is Pacific Resource Partnership.

Chair Cox: Yes.

Unidentified male: Our attorney is on Zoom.

Chair Cox: Okay, thank you.

Ms. Higuchi Sayegusa: Let's give them a moment to coordinate.

Abby Holden of Cox Fricke, LLC: Good afternoon, Chair, Commissioners. Just a matter of a point of practice. Can I reserve any of my time for rebuttal?

Chair Cox: We're not having any rebuttal period.

Abby Holden of Cox Fricke, LLC: Okay, thank you. I stepped forth in our petition, in PRP's petition. PRP's motion is to promote a vibrant economy to create jobs and enhance the quality of life for all residents of Hawaii. Over the last 3 different hearing dates, we've all sat here and listened to, much, much testimony, you know, with a lot of emotion from both sides, expressing a common ground of, you know, a concern for jobs, affordable housing and appropriate development. PRP stands with those testimony. I think we can all agree here that those concerns are paramount and PRP also believes that those concerns are paramount; and it is with those concerns, and in that regard that the assertions by HPM, in its application warrant further study. HPM's claims regarding including, but not limited to, its claims that it will create jobs, that it will assist affordable housing, and that its development is appropriate and land that is zoned for agricultural purposes need to be further examined. Every person providing testimony for HPM written and oral as well as HPM's application itself, focus on how it will support the Kaua'i general plan related to the creation of affordable housing. There's been absolutely no evidence in any of that testimony in the application itself that this industrial manufacturing plant will support affordable housing. It's a bare assertion completely without any evidence. And the Commission and the community members are concerned, should be concerned about that, and we should see what kind of evidence HPM has that this industrial manufacturing plant on agricultural land will support affordable housing. In that same, and I think you know the issue is that you know cost of materials is one issue and we frankly we don't have any information any evidence that HPM, actually can produce things at a lesser cost. But housing costs are, you know, made up of many different things that include the cost of materials. So, even if HPM, which we don't have any evidence of but even if HPM is able to produce housing materials at a lower cost, is that going to benefit your average person your average family in Kaua'i who's trying to build a home? Or is that just going to be additional profits for HPM and the developers? The market is still going to drive an impact that housing costs and how

housing is sold. So, these are things that really need to be developed, and there needs to be a record created. HPM needs to come forward with evidence to show that they should be allowed to obtain the permits that they're requesting. Based on these assertions and these assertions: that support the Kaua'i general plan. In the same regard, the assertions that HPM will create jobs with their industrial manufacturing plant needs to be further evaluated. I think there was testimony today from a gentleman who's a Union carpenter that indicated that the use of prefab housing walls will cut down the amount of people that are needed by over half, so you know. Are we sort of robbing Peter, you know, to pay Paul here with regard to the creation of jobs? This is another thing that needs to be carefully evaluated, as it applies to the Kaua'i general plan. There's been other concerns that have been raised I think continuously, and these 3 days of hearings, as well as in the application related to whether the appropriate environmental studies have been completed and this is all within our application, our petition, excuse me, as well as the environmental and cultural issues that abound. Also, there is the issue again set forth in our petition related to whether the permits are appropriate. Given the fact that a boundary amendment, whether or not the special permit is appropriate. Given the fact that this is a use of agricultural land not supported by law, and whether a boundary amendment might be more appropriate. I'm turning just to the legal issues specifically regarding PRP's standing as set forth in our petition. PRP has both organizational and associational standing in as much as its interests, and the interest of its members will be directly.

Ms. Higuchi Sayegusa: 5 minutes.

Abby Holden of Cox Fricke, LLC: Thank you.

Chair Cox: I do have a follow up question, and that is, could you just spend a minute, and we will extend the other side of time appropriately. But could you spend a minute talking about why you have, like, what you have its good cause for the lateness of your intervention?

Abby Holden of Cox Fricke, LLC: Yes, thank you so much. I was, I was getting to that. So, thank you for the opportunity to address that, so the good cause for our late filing is specifically addressed in our petition and also relates to the fact that under the commission's rules, the petition is required to be filed for intervention 7 days before the hearing, but under chapter 91 and chapter 92 only 6 days is needed for the notice to be given of the hearing and so, frankly PRP was like, unaware of the specific allegations within the application, and even more importantly, within the director's report that sort of adopts those unsupported allegations related to housing and jobs. So, PRP has a concern regarding whether the commission's rules related to the deadline for filing the petition actually comport with chapter 91 and 92. And in that regard also there was no delay. There was no specific bad faith. Delay on the part of PRP, and under the good cause that's one of the elements under the good cause standard and I think one of the most important issues here is now we're almost 6 weeks away from when PRP filed its petition to intervene. HPM has had the opportunity and has provided a fulsome opposition to our petition to intervene, and there really can be no argument that there's been any prejudice at this point to HPM with regard to our petition, so given the fact that the amount of time that has passed which means the filing of the petition and HPM's opposition. It would really be putting forward over substance to suggest that PRP didn't have good cause, when it was only a couple days after the deadline and now 6 weeks have passed.

Chair Cox: Thank you. Any concerns or questions from the other commissioners at this point or we turn to HPM? SO, we're gonna move to HPM at this point, and how long do they have?

Ms. Higuchi Sayegusa: That was five minutes, with two minutes as addition.

Chair Cox: So, you have seven minutes. Go ahead.

Mr. Mauna Kea Trask: Thank you. Aloha, Chair and members of the (inaudible) planning commission. Mauna Kea Trask on behalf of HPM. So, you know, PRP spent most of this time talking about the application itself, and that's what the agency hearing is, for, we're very happy to be here today to answer all your questions and show absolutely why it's appropriate for Special Permit, Use Permit Class IV Zoning permit in this case. However, we're talking about the integration that's what this is right now, and there's absolutely no good cons or excuse for PRP to have filed its petition for intervention so late. Now they talk about the agenda wasn't posted online until 6 days prior to the hearing. No, that's it's totally appropriate and legal as require but 92-7 that's when you're supposed to post the (inaudible) however, under county code and planning commission rule, you have to, it's not just the agenda, you gotta get public notice (inaudible). So, in this case on March 24, 2022, the public hearing notice. Not the agenda, but the public hearing, that actually tells the public, hey, we're gonna have a hearing on this day, was posted on the planning commission website. That's 47 days before the (inaudible), thereafter the planning department pursuing to rule published their public notice in the newspaper April 8, 2022, that's 32 days before (inaudible) thereafter HPM comply with its requirements, and gave neighborly notice all properties within 300 feet, as shown by the list at Real Property Tax, an affidavit has been filed to that effect. So, there's absolutely no reason, it's not late it was done really early, and negligence is not good cause and that's a fact. How are you, that doesn't get you, and you cannot grant it, because of all its rule but putting that aside and addressing standing. This is what I want to talk about. PRP is not the benevolent organization that it pretends to be. I'm not saying they're bad, I'm just saying let's be honest. what is PRP? It is not a register nonprofit of the PCCA. It is unregistered (inaudible). If you look at online records of the State, you can't really tell who PRP is, but if you look up, PRP it's really interesting because there are newspaper stories. you can look on PRP's website. What PRP is, is a special interest organization they put together at least 4 or 5 super packs in the past couple of years, and they pump untold amounts of money into political campaigns, and something to say, I'm not saying that's bad, that's allowed by citizens united, that's what they do. They did get tapped by campaign spending commission for violating campaign spending laws. They got sued by Cayetano for libel or slander, I always forget which one is which, with regard to the Caldwell/Cayetano mayoral election, they got fined 10's of thousands if not 100's of thousands by campaign spending, it's in the opposition. They also supported, pro-development, anti-affordable housing and anti-environmental action in Hilo and Maui respectively. For example, they supported the Kumu Hole Development, which, took land out of the SMA. Included approval for 4 rezoning requests, I'm sorry, 8 zoning requests total for a project, including 900 timeshare units, 264 multi-family residential units and up to 25 single family residential lots. 140 units of workforce housing all on the makai side of Queen Ka'ahumanu highway, within the SMA and development include, crew private community centers, convenience retail center, golf support facilities, operational facility, public parks, recreational amenities and associate infrastructure. On Maui. they oppose a two-year moratorium, on new transient units under the Council and they also oppose, for some reason a bill on Maui that create an affordable housing wait list and shifted the qualifications process for the homes to the county department of housing or designated third party. I don't know why they were opposed to that, but they did. and what that goes through is I'm saying, it's not the shame it's just the truth but it in parts standing it addresses standing and they don't have organizational standing because they're not really an organization. They don't exist. They may have clients, but none of those clients have been, you know. They talked about the Union. but that's a union dispute. If you have problems with, it's not a landing issue, it's a union issue. Go to

(H?), wherever else you gotta go, go to the ledge, they go to the ledge (inaudible) but that's not a planning commission issue. You're here for a special permit. You're looking at whether it's an unusual reasonable use specifically, and if it complies to use permit standards within the agricultural zone, and it does, but you can't bring union beefs here. I'm a big support of union personally, my family's used the union, that's not the issue. The issue is land use. Per your rule, you don't get intervention if it inappropriately expands the breadth of the hearing and any issues (inaudible) that's all we've ever heard about, and the ecology all that next window dressing is there's no trigger for EIS here, the Ka Pa`akai has been done. I can answer the rest of the questions, but Mr. Oliveira here to answer the safety ones. But everything else is a union dispute, and they talk about factory bill housing. This is wall panels and trusses. But if you look at the county code 8-1.4, F or G, nothing in the CZO shall prohibit the use of factory-built housing. I'm not saying we're doing that today but that's in the code. Okay, and the housing crisis is so dire right now. Anything else. They say we can't prove it habitat for humanity submitted their own testimony in support of this action. HPM is an instrumental in keeping prices down for Kaua`i habitat for humanity at levels that our low-income buyers can truly afford. HPM supports not only Kaua`i habitat, but also four habit affiliates in Hawaii. We sorely need competitive options for roof trusses, as well as option for streamliner efforts to the use of wall panels and other products for affordable residential construction. HPM is high ethical standards and Fujimoto family honors are community committed. That wasn't...HPM did not have them come now and make representations that they were told to make that's from that. So, putting back to the issue, there's no excuse for the late filing, there's no good cause and they just don't have stand enough to type of the entity that gets standing in the so the wrong venue and you don't have jurisdiction to go ununionized.

Ms. Higuchi Sayegusa: Seven minutes.

Mr. Trask: Thank you.

Chair Cox: Thank you. Question? If there are no questions or concerns from the Commissioners, then are we ready? Does somebody want to make a motion? Are we ready for that? Remember, we're doing this one at a time, so we will also be giving Po`ipu `Aina a chance to give their...

Mr. Ako: Chair, you think it's appropriate to have a recess at this time?

Chair Cox: Recess or Executive session?

Mr. Ako: No, just a recess to try to...

Chair Cox: To try to think? You want to think and digest?

Mr. Ako: (Speaking while Chair Cox is speaking) what was just said. I think both sides being...very compelling arguments on both sides. So, to come to a decision, to be sitting over here and to make a decision that's gonna impact one or the other, either way...I don't know, maybe 5 minutes or so.

Chair Cox: Okay, okay. Alright, we'll take a 5-minute recess.

Ms. Higuchi Sayegusa: So, approximately 2:11 p.m.

The Commission recessed this portion of the meeting at 2:06 p.m.

The Commission reconvened this portion of the meeting at 2:11 p.m.

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

Okay, we're reconvening the Planning Commission session on June 14. I believe that there may be a motion coming.

Ms. Otsuka: Yes, I would like to make a motion to go into Executive session.

Ms. Higuchi Sayegusa: Sorry, excuse me, we're back on record, if you folks can, thank you.

Ms. Otsuka: Motion to go into Executive session (inaudible).

Ms. Apisa: Second.

Chair Cox: Okay, I believe that there's a motion and a second to go into Executive session and it would be for: Class IV Zoning Permit (Z-IV-2022-8) Use Permit (U-2022-8) and Special Permit (SP-2022-1), to operate a construction materials manufacturing facility on a parcel situated immediately adjacent to the Old Koloa Sugar Mill site in Koloa, along the eastern side of Ala Kinoiki, approximately 3,300 feet west of the Weliweli Road/Ala Kinoiki intersection, further identified as Tax Map Key: 2-9-001:001, and affecting a 3-acre portion of a larger parcel= HPM BUILDING SUPPLY.

(inaudible)

Chair Cox: So, we need to take a vote.

(inaudible)

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

Commissioner Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Commissioner Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Commissioner Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye.

Ms. Higuchi Sayegusa: Motion passes 4:0. So, give about 5 or 10 minutes or so? 10 minutes, okay.

Chair Cox: Thank you.

The Commission moved into Executive Session at 2:14 p.m.  
The Commission returned to Open Session at 2:34 p.m.

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

Now we are reconvening the Planning Commission on June 14. We're on F1.a.1.

Ms. Apisa: After much mental debate in my mind, back and forth, I'm ready to make a motion. I make a motion to deny, Pacific Resource Partnership's petition to intervene as untimely.

Chair Cox: Do we have a second?

Ms. Otsuka: I second.

Chair Cox: So, it's been moved and seconded, that the petition to intervene by Pacific Resource Partnership has been moved and seconded. There will now be a discussion.

Ms. Apisa: Well, I guess since I made the motion, I would just say that I didn't feel it was a compelling reason for the request.

Ms. Otsuka: I did not feel that there was good cause for the tardiness and Mr. Trask made excellent points of giving us exact dates of how early that it was posted and announced.

Chair Cox: Any other comments? Yes, Gerald.

Mr. Ako: Madam Chair, I'll add my 2-cents. I think when we entered into this part of the discussion here, the whole issue was about intervention and whether it should be a intervention or end this. I think the big elephant in the room was about the timeliness issue. I think parties were questioning whether they were timely or not and I'm not sure whether that question was even answered at certain times. It kind of gives this blockage for me in terms of whether I should cast my vote to allow them to intervene or not. And yet, this morning when I heard so many voices come out to speak on behalf, I guess I'm gonna say, on behalf of PRP group over here, that it's hard for me to say that, you know, these people are not gonna get their voice. So, I think because of that, man I really believe the people need to have a voice and I think if the vote comes up right now, I think I would be voting no.

Chair Cox: No? It would be no for the intervention? Or no?

Mr. Ako: No. No against the motion.

Chair Cox: No, against the motion okay. I think I just want to clarify that if we choose to vote against the intervention, so if the motion passes, that we have on the table right now. That does not necessarily mean that the voices, that you're concerned about, Gerald, and that I'm also concerned about, will not be heard. Because they could be heard, either if the other intervention petition passes or if either petitions is granted then we still have the opportunity to ask whatever clarifications we need from the applicant and from anyone who we need to have more information from.

Mr. Ako: (inaudible)

Ms. Apisa: My understanding is that this still goes forward, there's still opportunities. The voices are heard, and they will continue to be heard. Today's thing was simple about intervention.

Mr. Ako: Alright, yeah. (inaudible) I'm coming from the place where, if I am Po'ipu `Aina Estates...

Ms. Otsuka: We not talking about Po'ipu.

(Multiple people speaking)

Ms. Higuchi Sayegusa: So, right now we're still on Pacific Resource's...

Mr. Ako: Yeah, okay. I guess I'm theorizing now.

Ms. Higuchi Sayegusa: Okay.

Mr. Ako: If there is a Po'ipu `Aina intervener there? I think their interest goes into one direction. I'm not sure if their direction would be in line with those that spoke up this morning, as well as the other sessions that we have had. That's why I think that somehow, in their, whether their voices might be diluted, it may come up, but it might be diluted in certain ways. That's why I think they need to have an advocate out there, just to give them the voice and to give all parties to be able to come together at some point in time. Cause I really believe the parties need to come together because I think they all going in that same direction. They all trying to do the same thing, in my mind. The housing, whether it be for affordable housing or rather it be for the high-end housing. Both parties, no matter to me, how you look at it, are trying to make a better Kaua'i. I'm just looking at it in a different way and I just think that if the more people can get together, together at one party there and somehow maybe hopefully during that process sometime have some kind of discussions that they can all work out something, cause having to go through all parties. (inaudible) that is the hope. Just to bring everybody together. That's for me, anyway.

Ms. Apisa: I think that's a wonderful thought, but I guess I got lost in how that applies to the intervention.

Mr. Ako: Yes, because I think once we deny somebody to be interveners, then they lose their voice. And once you lose your voice, as much as it may come up, it might be diluted, and once it's diluted, then the parties really don't come together, to come to some kind of (amicable??) solution. Because if you cannot come out to an amicable solution by the 2 parties together, then I think going be pretty clear in my mind. Somebody going win and somebody going lose. I think it moves in my mind whether that makes us up that are Kaua'i or not. Because somebody going win and somebody going lose. So, hopefully in my mind it's a matter of getting parties together and whether it's a decision by a hearings officer or somehow along the way they can come to some kind of amicable agreement between them. Then I think we all win, if not in my mind, somebody going win and somebody going lose and who it's going to be, I don't know who it's gonna be.

Chair Cox: I guess for me I don't see the, I don't see the denying of the petition as necessarily leading to an outcome like you were talking about. Because to me, the petition question is, does PRP have standing and were they timely...

?: And good cause.

Chair Cox: Yeah, good cause for their untimeliness. Which is to me a different issue, then are we going to listen to voices that are passionate and concerned and have very real issues that need to be sorted out, and I agree, you do need to help the other. We need to get to the bottom of those issues. We need to hear people and find out, because a lot of times when something like this shows up, turns out, that there's a lot of misunderstanding on both sides and what we're here to do, is help get us through that. But I guess I just don't see the intervention petition as being the only way to do that. That for me, it's almost giving the intervener, a power that people should have rather than the organization.

Ms. Otsuka: We got to focus on what's at hand.

Ms. Apisa: If the intervention is denied, my understanding is that it still goes forward. It still, this isn't a decision. (inaudible) all make a decision, this is just, was the intervention timely and did they give just cause for reason for that. That's all we're voting on today. It still goes forward.

Mr. Ako: Right.

Ms. Apisa: Voices are heard.

Ms. Higuchi Sayegusa: (inaudible) to our Planning Attorney. Can we get clarification, what happens should...?

Mr. Bracken: So, we have 4 commissioners here today and that is a majority, so we need a majority vote. So, if the vote fails, you are potentially looking at another meeting, a special meeting to figure out this matter again.

Ms. Higuchi Sayegusa: Would they be able to lodge a new motion?

Mr. Bracken: A new motion, you could. Another motion could be made. I'm saying, ultimately the motion fails, if there's a split at the end of the day and no agreement, then we have to do a special meeting on this again. If this motion fails, another one motion can be made after that. But we could do (inaudible) all commissioners (inaudible).

Ms. Apisa: So, what happens if the motion passes?

Mr. Bracken: If the motion passes, you move on to the next.

(Multiple people speaking)

Ms. Apisa: To the next intervention?

Mr. Bracken: Right.

Ms. Apisa: What goes on beyond today?

Ms. Higuchi Sayegusa: Just to further color what's the situation today. Pursuant to the CZO, there are deadlines that we may run up against. I.e., the automatic approval of the zoning permits, and that's 60 days from the acceptance of the application. That time runs on June 25, 2022. Just for your folks' background knowledge. If this matter, the matter of intervention related to PRP is not decided upon, we are looking at a special meeting, if we are able to convene one, and if not, our next meeting is going to be June 28. In which case, we may be faced with an automatic approval for the permits.

Chair Cox: Which is one thing we all agree, we don't want. Because we want this.

Mr. Ako: If we still have a special meeting on this, my guess is there is still going to be 4 people here.

Ms. Otsuka: Yep, and yours is still the same.

Mr. Ako: I'm not sure about a different motion we could make.

Chair Cox: It has to be a yes or no.

Mr. Ako: (inaudible).

Ms. Apisa: Hung jury.

Chair Cox: So, if for some reason, is the timing that we just talked about, is that just for the intervention or is that for the whole thing?

Ms. Higuchi Sayegusa: That's for the permit.

Chair Cox: That's what I thought.

Ms. Higuchi Sayegusa: The department

Chair Cox: So, we actually have to get all the way through there by the 25<sup>th</sup>.

Ms. Higuchi Sayegusa: Yes, but I should clarify, a contested case is pursuant to HRS 91. It's governed under Hawaii Administrative Procedure Act. So, it takes it out of the realm of Sunshine and becomes more of a litigative (inaudible) judicial matter. So, in effect it's been advised to us before through the County Attorney's office that the timing for the permits (inaudible) because the matter goes through a contested case process and goes through an evidentiary hearing, a more formalized hearing process. That's also another facet of the situation today.

Chair Cox: If it goes there, then at that point, voices can be heard by the hearings officer.

Ms. Higuchi Sayegusa: If it is lodged then, well, first, if we're looking towards intervention, the granting of any particular petition for intervention, the process becomes a contested case process, a more formalized process and the department would make a recommendation to you folks to refer this mater to a hearings officer. Of course, you would have to act upon that recommendation. You also have the opportunity for you folks as the planning commission to act as a body, to act in that (inaudible) judicial matter and attest the judges. So, you folks could also choose to be the judges and go through the contested case but lately we have recommended these types of cases to go before a hearings officer. Procured by the Boards and Commissions.

Chair Cox: And whether or not it goes to a hearings officer or that we continue it, either way we have the opportunity, or the case has the opportunity to find out more. I guess that's the way to put it. Because there were a lot of issues that were raised that we haven't dealt with yet. Or they either get dealt with, without a petition, without an intervention by us, or they could be dealt with in a contested case through a hearings officer. Is that correct?

Ms. Higuchi Sayegusa: Right. You've heard a lot of testimony this morning. If we're not looking at intervention, allowing an intervener, you folks would then get to the consideration of the

permit itself. And you can incorporate as you wish, the testimony you heard this morning and if you're looking towards approving, you can look at conditions, you can also, of course another option on the table, is to just deny.

Ms. Apisa: That comes after?

(Multiple people speaking)

Ms. Apisa: This is simply to address the intervention request.

Chair Cox: Yes.

Ms. Higuchi Sayegusa: Yes.

Ms. Apisa: The first two?

Ms. Higuchi Sayegusa: Right.

Ms. Apisa: The first two?

Ms. Higuchi Sayegusa: Right.

Ms. Apisa: Madam Chair, hearing what I heard, I guess I'm listening to the commissioners in the situation that we're in, I think I'm ready to call (inaudible).

Chair Cox: Okay. Alright we have a motion on the second already so, if we can just get a roll call vote?

Ms. Higuchi Sayegusa: Sure. Commissioner Ako?

Commissioner Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Commissioner Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Commissioner Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye.

Ms. Higuchi Sayegusa: The motion carries 4:0. And that motion was to deny the petition to intervene.

Chair Cox: Okay. Now to the second petition to intervene. Which is from Michael Clark member, on behalf of community members of Po'ipu `Aina Estates concerning CLASS IV ZONING PERMIT (Z-IV-2022-8), USE PERMIT (U-2022-8) and SPECIAL PERMIT (SP-2022-1) to operate a construction material manufacturing facility. In order to be fair, I think what we would do is have...I was going to say, in order to be fair we want to make sure, the entities this time have the same amount of time. So, we'll start with the petition to intervene

representative, and you'll have seven minutes and remember to address timeliness and standing. And good cause.

Mr. Max Kimura: Good afternoon, Max Kimura on behalf of the community association of Po'ipu `Aina Estates. You mentioned Mark Williamson, he's the president of the, what's his...

Chair Cox: Michael Clark.

Mr. Kimura: Michael Clark, he's the president of the Po'ipu `Aina Estates and I'm their attorney. Our petition to intervene was denied on a procedural defect. But Po'ipu `Aina has a (inaudible) right being the adjacent neighbor to HPM. It has rights, it has title to make demands or to make sure that its neighbors follow the law. It's a (inaudible) right. And you cannot allow a procedural defect to infringe or advocate a (inaudible) right. There's a lot of (inaudible) on this. Just to let you know, my firm is preparing an appeal of your initial, I guess, tentative decision to deny our petition to intervene. If we're denied again in this hearing, we're going to file our appeal and all the case logs will be there, but I do not have it at this time. And you know, in fact after hearing all of that's going on the past few weeks and the past months, I'm surprised that HPM is opposing our petition or even Pacific Resource Partners petition to intervene, because look at all the controversy. All the parties should put all the cards on the table and you guys answer everybody's questions. And then the commission can make its decision and move forward. You know, I (inaudible) of the situation with the super ferry. You know, they allowed the super ferry to go on and then it's out and running, (inaudible) look hey, we didn't get our environmental impact statement done and the super ferry is yanked. HPM shouldn't be or wouldn't, you know, doesn't want to be in the same situation (inaudible). Maybe this special permit is kind of (inaudible) appeal and then things go forward. And then, look, things get yanked. So, let's, all the parties, let's just come together. You know, I like the idea that we all, look, they answer our questions, (inaudible) answer our people's questions, Pacific Resource Partners questions and especially HPM answers our questions. You know, they need to be cross-examined because again, their application is filled with just too many smokes in their mirrors. It's not, I feel honest with everybody. You know, earlier along, the young lady behind me justified about, you know, Allen Downer, the director of State of Hawaii Historic Preservation Division, that they're usually consulted, and you know, regarding these kinds of matters on Hawaiian lands, and they were not consulted regarding HPM's, you know, application for a special use permit. And that, you know, raises a lot of red flags that a lot of steps are being side-stepped. Because especially when you go through this special use permit. That the standards is just unusual and reasonable. And I hope that you all can see by all the testimonies that there's a lot of things to question about the reasonableness about HPM. You know, again, our, my client has standing. You know, it's the adjacent neighbor, it has issues with all the trucks, all the sawdust, you know, dust, the noise and the proximity. I know, from what I've heard that there's a issue about timeliness. It's true that my client, did not submit its petition to intervene in a timely manner. The agency hearing was scheduled for May 10<sup>th</sup> and my client sent in a letter on May 9<sup>th</sup>. You know, and he did not submit a, application fee, a petition fee of \$25 but he didn't know that, because he didn't know the law. And most of all, the most important thing is that he didn't know what a big deal this was. Okay, on April 22, 2022, (inaudible) I think it was signed by Mr. Mauna Kea, sent a letter

to my clients. And, you know that unlike Mr. Mauna Kea's thinking about, I notified everybody within 300 feet, no, the heading of the letter was 30 feet, that the neighbors within 30 feet. When my client got the letter of 30 feet, oh, this is not a big deal, oh, 30 feet is you know, literally, a 5-year-old kid could throw a stone, you know, 30 feet. It's not that big a deal but then later he attended a hearing, the first one on this matter. It says (inaudible) or some sort of meeting in February 2022, eh, this is a big deal. And then he came to the May 10<sup>th</sup> hearing, he said, it's even bigger than I thought. And then the community association, you know, put their heads together, eh, maybe we need to hire a lawyer. And that's when, late in May, I got a call and said, can you help us out? And I said, sure. But that's why (inaudible) is untimely. You know, they didn't realize it, you know, they're not sophisticated people, you know, they're just homeowners and they're (inaudible) farmers. Since 1996, this area of Koloa has allowed residential homes and the one thing they have to do is, they have to engage in some sort of agricultural activities. (inaudible) of this community association, they raise sod and now they're planning to raise trees through a local farmer. Oh, excuse, not trees but vegetables and fruits. So, (inaudible) homes and engage in agriculture but what is HPM going to do? And again, I said it earlier, I do not believe, and I don't think this commission should believe that, when they say they're going to raise trees for timber, and they're going to mill the trees for timber. No, they're not going to do it. And, you know, that's why the more people involved to ask HPM the hard questions, the better. For the commission, for the people of Kaua'i, but let as many people question HPM. What their motivation, what's their plans? Cause I really don't see it. And the people I talk to do not see why they need such a huge facility. And another thing that I want to mention that, so, I'm from Oahu, I spent the day driving...

Ms. Higuchi Sayegusa: Seven minutes.

Mr. Kimura: Seven minutes, okay. Thank you very much.

Chair Cox: Thank you. You have any questions for...

Ms. Apisa: Can I ask a question?

Ms. Higuchi Sayegusa: Sure.

Chair Cox: Yeah, you can ask a question.

Ms. Apisa: I feel like, 6 and a half of the minutes were used to talk about the issue in general but not about, the point here today is intervention. About 30 seconds were spent on why it was filed late. If I heard you correctly, it was mailed on May 9, the deadline was May 10, and it wasn't considered received because of a filing fee wasn't included? Is that what I heard?

Mr. Kimura: My understanding is that, you know, we got to our letters but, we didn't even get a letter response to my clients May 9<sup>th</sup> letter. It's when I filed a supplemental intervention, after I got involved. The supplement (inaudible) was giving for the May 24<sup>th</sup> hearing. I submitted on May 23<sup>rd</sup>. I believe my law firm was retain, like, May 18, to help the Po'ipu `Aina Estates. So, you know, and there was no response to my clients first petition to intervene. But then when I got involved, I said, oh you know, we need to submit a filing, they needed to answer these questions under the rules of the Kaua'i Planning Commission, and they said okay, and then I did it. But the

most important thing is, my clients have (inaudible) rights. You know, they have a right to enjoy their properties peacefully, and such. But they're going to be denied that right, that's all I hear from them, is the potential...

Ms. Apisa: We can't. We were just here

Mr. Kimura: Okay.

Ms. Apisa: For intervention. The reason for the intervention. Not the reason why it should or shouldn't. That's another whole meeting.

Mr. Kimura: Right.

Ms. Apisa: If it should or shouldn't be approved. Today is just an explanation on why, why a request was to intervene filed late. So, you're saying again, was it mailed on May 9? The deadline was May 10, or you're not sure?

Mr. Kimura: Oh, the deadline would be May 3<sup>rd</sup> for the May 10<sup>th</sup> hearing. (inaudible). That May 10<sup>th</sup> hearing, the agency has been postponed twice. And then the argument is that the reason why we have a 7-day deadline is to give time. You know, feasible time for the opposing party to prepare. So, that argument does no longer apply because this agency hearing has been postponed twice. Now we're in June 13, I believe today, oh June 14<sup>th</sup> is today's date. And accordingly, HPM has time to read our petition to intervene and the reasons why my clients are opposed to it. So, there's no prejudice to HPM.

Ms. Apisa: Okay. Thank you.

Mr. Kimura: Okay, so, basically, it's I guess, inadvertence, my client, inadvertently didn't realize that he had to submit any petition to oppose or to intervene on May 3<sup>rd</sup> and that that was required a \$25 fee.

Ms. Apisa: And do you know when he did submit it?

Mr. Kimura: So, we submitted our supplemental

Ms. Apisa: No, when did he submit the original one?

Mr. Kimura: He submitted the original one May 9.

Ms. Apisa: Oh, okay, okay. Thank you. Thank you. Thank you very much.

Mr. Ako: Madam Chair, I have a question.

Chair Cox: Yes.

Mr. Ako: (inaudible) But your client was aware of the February, was that correct? The February meeting? He attended.

Mr. Kimura: I believe so, yes.

Mr. Ako: As well as the May?

Mr. Kimura: May, correct.

Mr. Ako: And how...yeah, right, there was no May meeting, but he was there for public testimony?

Mr. Kimura: On May 10<sup>th</sup> meeting, right. There was a public testimony.

Mr. Ako: Right. And his knowledge of the meeting, was received how?

Mr. Kimura: There was a letter sent by Cades Schutttes Firm on behalf of HPM, dated April 22. Saying that some event is going to happen and all those property owners within 30 feet of this situation, you know, are invited to attend.

Mr. Ako: But he didn't get it from a publication or anything?

Mr. Kimura: No.

Mr. Ako: Do you know whether it was published?

Mr. Kimura: No, it's a letter directed to my clients.

Mr. Ako: No, no, no, I mean, a publication from the department. Say, I'm going to guess the Garden Island?

Mr. Kimura: No.

Mr. Ako: Or other websites?

Mr. Kimura: But I could ask them. That's a good reason to how do other people find out about this. And that's one of the things people are complaining about, I guess that people don't know about this.

Mr. Ako: Okay. Thank you.

Chair Cox: Thank you. Okay, you all have 10 minutes.

Mr. Trask: Hopefully, I won't have to use the whole thing. Mauna Kea Trask, on behalf of applicant HPM. Again, similar to the last motion. There's no good cause for the late file. Now, I'd like to correct some things on the item too, because again, we have to be accurate. The truth is important. So, the affidavit and the mailing did go out, but even before I sent out the requisite neighborly notice, as required by the CZO, Jason Fujimoto from HPM reached out to the neighbors, Po`ipu `Aina neighbors. He also talked to Koloa Neighborhood Association. Sent out letters to everybody. And I thought, based that on my experience that we should tell everyone. No hide nothing. There's no sense to hide. This is on TV. It's in the newspaper. They should run towards it, not away from it, that's the whole point. That's what it's about. So, I have emails from client, going back to March, saying, what are your concerns or visual? (inaudible) litigated noise. Not the (inaudible). The saws are so high-tech, there's not gonna be any noise. It is, what it is but we listen to you, we're sympathetic, of course we'll work with you. All those issues came up. Mr. Kimura talks very in, in hyperbolic terms. A huge facility, industrial facility. Nothing's bigger, nothing's more industrial, than old Koloa Sugar Mill. If you remember that

thing would crank 24 hours a day, 7 days a week, 365 days a year for a hundred years. The smells, the sights, the smokestacks, the bagasse, I never thought I'd miss that smell. I miss that smell. People talk about (inaudible), black snow, we used to play in it. Ash falling upon you in the recess in the playground. You know, the disintegrator seems to touch you. I say, hey, that's Kaua'i, okay? We sent out that notice. The Po'ipu `Aina didn't want to hear any of it. They were not interested in talking about it, they were not interested in (inaudible) old mill road. We offered painting, we offered camouflage, whatever. Forty feet is ten feet lower than the maximum height of an ag building in ag lands. Were lower than we have to be. The reason why we are where we are is because of we can't go, first off, it is already (inaudible) industrial use. It is to identify (inaudible) industrial in the general plan on the south (inaudible) community plan. CJR Enterprises is mauka of the mill. They're running vehicles, recycling scrap metal. You have, Kauai ATV. They're bombing around in ATVs, around Pu'u Manamana all day. They're making dust, they're kicking up dust all day, all over that place. From Waita, through the puka up to Kipu and down on the cane roads around, I know, I went it on it. I took my kids during the pandemic. Anyway, irrespective of that, we gave the notice, even though they said they weren't interested. The notice contains the public requirement. They say that these are not sophisticated, these are sophisticated. It states in the notice, petitions for intervention must be submitted to the remission and the applicant at least 7 days prior to the date of the hearing and advertised herein, and shall be in conformance with Chapter 4, the rules of Practice and Procedure (inaudible). They submitted it as written testimony, entitled petition on May 9<sup>th</sup>. I didn't get it until May 9<sup>th</sup>. We filed an opposition May 19<sup>th</sup>. Prior to the supplemental filed by Mr. Kimura, which was filed on May 23<sup>rd</sup>. The day before May 24<sup>th</sup>, which was the hearing and I cranked out supplemental opposition because supplemental petitions aren't allowed. You get a motion to petition, you get (inaudible). There's no allowance for a supplemental in the rules. I understand, and the representation (inaudible) case law and (inaudible) function. There is a broader standing (inaudible) environmental that's true. However, the case law is clear. If you don't follow the procedural steps, you don't get to come in. And LUC, you know, with the Mauna Kea case, the Ka Pa`akai case, all these cases that hold and protect traditional customary rights. Follow the plaintiffs in the (inaudible) and it will be interveners that follow the rules. There is always one who didn't (inaudible) ask for intervention on the day of the LUC, and they don't get to go in. We're not trying to cut anyone out, okay. Our clients were trying to work with PR...(inaudible) being on that issue, because it was brought up Mr. Kimura. They're, their best clients, our union contractors. Who do you think buys the trusses? It's truly contractors. That's who buys this product. They're the largest union in the state, they'll tell you. They use the most money in the state, that's the largest customer. Friends, customers that's that group. We've sat down with Po'ipu `Aina for months, trying to work it out. Find another road but they're not interested in it. It's a delay in kill, and it's not bad. I'm not going to put (inaudible) value to it but that's the fact. They're not interested in the environment, they want to protect what they see is their right, which is to take what (inaudible) the general plan says, that they just threaten, rule character of Kaua'i, and agricultural land, slow development, residential (inaudible). (inaudible), it's in the general plan (inaudible) plan. Po'ipu `Aina is exactly that. It's a 7 lot, ag subdivision, that was turned into a 17-apartment unit CPR. They say, we're growing sod, that's grass. They're growing grass. And then they say, they're going to grow fruit and stuff, fine, that's (inaudible) that's not real ag.

They couldn't take real Ag. (inaudible) there's no way (inaudible). But when there were seed corn, that was good, Kaua'i (inaudible) seed corn. When they wanted to do dairy further down the Miss Clark testified against dairy, included in our opposition. Kaua'i is at war with ag right now. It is what it is. And we never said we were going to grow trees. We're saying, there is inarguably, sugar cane industry, killed multi-use forestry in Hawaii. First territorial forester wanted to do timber and (inaudible). They kicked him out and put in Charles Judd and he killed it. (inaudible) strictly the water resource of pineapple and sugar. And if it wasn't for the total domination of Hawaii, Kaua'i sugar in the 20<sup>th</sup> century, we would have a robust (inaudible). Because during World War II the Navy told Hawaii, look, we need to double the number, so you guys start growing. In the early 20<sup>th</sup> century, Hawaii had contracts with Pacific Railroad, we were providing wood for railroad ties in California. That bond died because of pineapple. What we're saying is this, if there, if we included it (inaudible) exhibits (inaudible). Hawaii would lose (inaudible) project, Kaua'i Forestry Institute, they're all looking at how to get a lumber industry going. There's a huge (inaudible) 22, because without processing facilities, we can't support product. And without product, you don't have processing facilities. What we're saying is this, if there was a timber industry, in Kaua'i, this would be totally allowed. You don't even need a use permit (inaudible). (inaudible) come in for a Class I for a mill, just like sugar did. That's why, and the reason why, it's already in industrialized use. We're gonna have less of an impact in the existing impacts. We were told to go mauka of the mill, we can't go there because that's where the County is going to locate the Koloa Southside Wastewater Treatment Facility. And if people think that this is gonna smell bad, the smell of pine, wait till you smell all that. And that is essential, because without that wastewater treatment facility, we have injection wells, pumping human sewage into the water (inaudible) swim right now. We need to get away from that. That is the spot for (inaudible) southside and it's essential. And you don't get to move into ag and tell people that you can't do special use permits because it's unreasonable and is unusual and unreasonable. Precisely because of (inaudible) wants Hawaiian history. That's it. And HPM supports the idea of (inaudible), of course they would like to save money because we have ship it. Because of building codes, state and federal, you got to bring boron treated lumber from the Northwest, the only other option. (inaudible) nope you got to do it. In the future we hope to find and work with people to not do that. We're only one (inaudible), one part of the solution. But we're moving towards it. We're doing what we can to be part of that solution. We're going to work with, they're our neighbors, we want to be good neighbors. HPM's good neighbors with everybody, okay. But you just get to come in here and look at, and kill a good project, a legal project, an appropriate project that benefits all of Kaua'i. Because you're going to be against everything in your backyard. It's nothing more than a newbie issue. (inaudible) we'll work with that; we have worked with that. They don't want to work with us. And that's time wasted in contested cases because you're never going to come to with a resolution, we'd love that. We wouldn't have to do this; I wouldn't have had to come for 3 hearings. My client could've saved money on me. So, we're going to continue to work. We want to work with you. There's no question, but let's get to it.

Ms. Higuchi Sayegusa: 10 minutes.

Mr. Trask: Thank you. Can I close out really fast? No, no, no need, no need. Thank you, thank you.

Chair Cox: Thank you.

Mr. Kimura: (inaudible) he has ten minutes and I have seven minutes.

Chair Cox: No, you had 10 minutes.

Mr. Kimura: I had 10 minutes?

Chair Cox: Yeah.

Mr. Kimura: Oh.

Chair Cox: That's how we got to the 10 minutes, because we were keeping track. Okay. God, I love being on the commission.

Ms. Apisa: I would like to ask a question or counsel. If it's denied, it still goes forward to another meeting?

Mr. Bracken: If the intervention is denied, move on to the next agenda item.

Chair Cox: Which is (inaudible).

Ms. Apisa: But I meant beyond today. It's put forward on another agenda?

Mr. Bracken: No. You.

Ms. Apisa: Today?

Mr. Bracken: Today. It's the next agenda item. Which will then reviewed by commission (inaudible) petitioners here to present, planning department present.

Chair Cox: So, for the timeliness issue, I guess for me there is a slight difference, in that, an individual, I as an individual are much less likely to kind of understand how the whole thing works and I can see the possibility of not sounding the alarm bells and not doing it right until (inaudible) because I didn't understand how it happened. Cause it's not as if (inaudible) sophistication. I have a Ph.D., I still wouldn't know how to do it. So, to me there is a difference in the timeliness issue. Both were untimely but they (inaudible) good cause. (inaudible)

Mr. Ako: Madam Chair, I think I'm gonna be the odd guy again, I think.

Chair Cox: Sometimes you have to be.

Mr. Ako: If it's just the way the stars are lining up. You know in my mind; client knew very well from February already that the situation was going on. The department puts in, you know, puts in notices, you know, in the newspaper early enough. I think Mr. Trask made a comment over there that, you know, that his letters went out with even the date that you need to file if you're wanting to intervene. In my mind, you know, I mean they're not attorneys, they're not, but I think there was a lot of hints here and there that, if we wanna do something, that there are some rules that

are rules that are in place, so, how about we go and find out what those rules are. So, in my mind, they are not attorneys, this isn't their cup of tea. But I think they have an obligation to follow up and do what they think they need to do.

Chair Cox: Okay. Is that a motion coming forward?

Mr. Ako: Could be.

Chair Cox: If you wanna make a motion, then we can have it seconded and let's discuss further. Would you like to make a motion?

Mr. Ako: On that, thesis, I guess I move that we deny the request for intervention for Po`ipu `Aina Estates.

Chair Cox: Do we have a second?

Ms. Apisa: Second.

Chair Cox: Further discussion? About the standing issue. Well, there are 2 things we'll look at. One is good cause for the timeliness and the second is standing. (inaudible).

Ms. Apisa: (inaudible) kind of addressed them both.

Chair Cox: (inaudible) address the timeliness. I guess, maybe I just missed it. As far as standing by Po`ipu `Aina, did you feel like that was standing? If the timeliness doesn't work then it almost doesn't matter if we had standing, right? Cause if one doesn't work then it doesn't work.

Ms. Apisa: Doesn't work.

Chair Cox: Yeah. Any thoughts? Make a motion. Are you ready to call a question?

Mr. Ako: I'm ready.

Chair Cox: Okay. Everybody's ready? Okay. So, we have a motion and a second, to deny the petition for intervention from Po`ipu `Aina Association. (inaudible).

Ms. Higuchi Sayegusa: Sure. Commissioner Ako?

Commissioner Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Commissioner Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Commissioner Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye.

Ms. Higuchi Sayegusa: Motion passes 4:0.

Chair Cox: That means we are moving on to our own discussion of (inaudible)

**New Agency Hearing**

Ms. Higuchi Sayegusa: Yep, So, there's no New Agency Hearing.

**Continued Public Hearing**

Ms. Higuchi Sayegusa: Under F. 2. F.3. no Continued Public Hearing.

The next, I think I'm gonna just skip down there's nothing (inaudible).

**New Public Hearing**

Ms. Higuchi Sayegusa: No New Public Hearing.

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

**New Business (For Action)**

CLASS IV ZONING PERMIT (Z-IV-2022-8), USE PERMIT (U-2022-8) and SPECIAL PERMIT (SP-2022-1) to operate a construction material manufacturing facility on a parcel situated immediately adjacent to the Old Koloa Sugar Mill site in KoIoa, along the eastern side of Ala Kinoiki, approximately 3,300 feet west of the Weliweli Road/ Ala Kinoiki intersection, further identified as Tax Map Key: 2-9-001:001, and affecting a 3-acre portion of a larger parcel = *HPM BUILDING SUPPLY* [Director's report received 4/28/2022, New Agency Hearing on 5/10/2022, Continued Agency Hearing 5/24/2022].

Ms. Higuchi Sayegusa: We're on to item L. New Business (For Action), CLASS IV ZONING PERMIT (Z-IV-2022-8), USE PERMIT (U-2022-8) and SPECIAL PERMIT (SP-2022-1) to operate a construction material manufacturing facility on a parcel situated immediately adjacent to the Old Koloa Sugar Mill site in KoIoa, along the eastern side of Ala Kinoiki, approximately 3,300 feet west of the Weliweli Road/ Ala Kinoiki intersection, further identified as Tax Map Key: 2-9-001:001, and affecting a 3-acre portion of a larger parcel = *HPM BUILDING SUPPLY* [Director's report received 4/28/2022, New Agency Hearing on 5/10/2022, Continued Agency Hearing 5/24/2022]. We do have a director's report. That was transmitted previously, as well as several memorandums. I'll kind turn it to you folks regarding this item number.

Chair Cox: Can we hear from the Director's report?

Staff Planner Dale Cua: Good afternoon, Madam Chair and members of the Planning Commission. Before moving into the Director's report, just wanted to ask, if you wanted me to do a full presentation of the director's report or if you an opportunity to review the director's report? If not, I could just summarize (inaudible) report and just highlight portions of it? And then we can move on to the...

Chair Cox: Summary is good.

Dale Cua: Cause then we can...

Chair Cox: Cause we've all been here...

Mr. Cua read the Project Description and Use and Additional Findings sections of Supplement No. 1 to the Director's Report for the record (on file with the Planning Department).

Mr. Cua: Attached with the report by agency comments and at this time that will conclude the Director's Report.

Chair Cox: Thanks Dale. Okay, I don't have anything.

Ms. Otsuka: On page 9, Preliminary Evaluation 2. D. It states, there are known religious practices taking place. On your project site? Is that correct or?

Mr. Cua: That actually should be, no.

Ms. Otsuka: Okay, no, known.

Mr. Cua: There are no known. (inaudible).

Ms. Otsuka: Thank you.

Mr. Cua: Thanks for the catch, yes. (inaudible).

Ms. Otsuka: Okay, that scared me.

Mr. Cua: Yes, yeah.

Ms. Otsuka: Okay.

Chair Cox: Any other questions at this point for the Department? Again, you got one Lori.

Ms. Otsuka: Well, I'm not sure, it's for Dale or the applicant regarding the (inaudible).

Chair Cox: Let's let the applicant...

Ms. Otsuka: (inaudible)

Chair Cox: Yeah, and maybe you can ask.

Ms. Otsuka: Okay, so that's all the questions I have.

Chair Cox: Alright, go ahead.

Mr. Trask: Chair, if I can approach and just pass out (inaudible). This has provided the previously called the (inaudible). I just (inaudible) if you have (inaudible). Alright, for the record, Mauna Kea Trask on behalf of the applicant, HPM. To my right is Mr. Dan Caldeiro-Oliviero, he's the Director of this risk management for HPM and...why don't you introduce yourself?

Mr. Caldeiro-Oliviero: Sure. Good afternoon, Dan Caldeiro-Oliviero with HPM Building Supply. I've been with this company for 5 years. Prior to that (inaudible) crew with County of Hawaii, did 2 years with Fire Department, last 5 as the Fire Chief, and last 3 years as Hawaii County Civil

Defense (inaudible). I share a hope that some of the information I provide (inaudible) credibility based on my previous experiences not only as a public safety official (inaudible), thank you.

Mr. Trask: So, I start first with a brief presentation. HPM Building Supply is a locally family-owned company, it started, was founded in 1921, by Issei Kametaro and Sanzo Kawasaki.

Ms. Higuchi Sayegusa: Sorry, I am so sorry. I can't put it up on the zoom call shared screen.

Mr. Trask: Okay. Thank you for that. Is there, I also have a thumb drive if you could put it up anywhere else, though I am not sure?

Ms. Higuchi Sayegusa: I'm getting strong shaking of head from the IT guy. (inaudible).

Mr. Trask: Okay, got it. (inaudible). Again, it was founded in 1920. In 1941, the navy assumed control of all of HPM's inventory, operations, and employees for the record. 1946, HPM went to (inaudible) tsunami at that time. 1959 it began an employee profit sharing, and this is important because it does because it does (inaudible), again, my client really wanted me to emphasis, really articulate that HPM doesn't have any problem with the Carpenters Union. Again, their best customers are union contractors, friends, and all kinds of people, it is Hawaii, we all know somebody. But the only thing that is different, HPM has chosen, and its employees have chosen for their own reason to do an employee profit sharing instead of being within a union the employees own shares in the company. You get to share in the profit and all that so that is the difference in philosophy. Unfortunately, it's become a point of contention, but that is not why we are here today, that is the underlying concern. In 2006, HPM became 100% employee owned. HPM is not a faceless corporation its up there with the Jeff Bezo's and whomever else occupies the less than one percent As Jason Fujimoto has said, it's the other people that work there, its all the employees that's HPM its not a (inaudible). 2011, it expanded to Kauai, so as you know it's been said HPM id in Lawai Canary (inaudible) issue. (Inaudible) it's been maxed out to capacity. There is no industrial area in southside to go, there is nowhere in Lihue to go, and in Hanamaulu (inaudible). Hanapepe too, you all know, you are on the Planning Commission industrial zones (inaudible) and its very, very difficult industrial zones. The only land left is Ag. And Even HPM and like the landlord they don't want to necessarily re-district a thousand-acre lot, it's necessary, it's not appropriate. We are asking for a Special Use Permit to occupy a (inaudible) acres and that is it. You know, and then in 2018 HPM was part of a rebuilding effort after Kilauea Volcano eruption and HalePlus. If you look on the slide on the bottom right hand that photo, that is HPM's workers out there building (inaudible) again, that was a point of contention because of some other industries interest because that was the (inaudible) factor of housing, but that was not what they were doing, they were just trying to house people whose houses burned down. Next slide, please. Again, I quoted this earlier on the record, this is Kauai Habitat for Humanity a testimony for 2022, that was presented I'm not going to reiterate it but the record speaks for itself. Public interest groups, nonprofits, Habitat for Humanity, they need this they want this. There has been talk about "oh if it gets denied HPM doesn't get hurt. Yes, that is not true. The community gets hurt, you don't have the product, if you don't have the product, you don't have the competition, you don't have the competition, you don't have the lower prices (inaudible) and what we need is thousands of units of affordable housing. In fact, I

was speaking to Council (inaudible) the other day, apparently because of the legal issues involved with (inaudible) the southside is actually lost units from residential to (inaudible) this year alone. We need to build more houses, and people like Habitat it speaks for itself. The Trusses facility location slide, please. So, as I said this is in what has historically been industrial agriculture farm use. I think the Koloa Mill was built in 1912, I am not sure, but it has been in operation until 1996, when the sugar mill was closed the sugar died. If you look on the left picture that's they area approximately where we are at it is within the shadow of the mill, it is adjacent to current Kauai ATV Tours which is on the corner of Mahaulepu/Welewele Road, and it is kiddy corner to the current mill, and behind them is CJ Enterprises, and to the right of the mill is the proposed location for the Koloa Wastewater facility. The other picture is the current illustration of Wele Wele Road going towards the mill on Mahaulepu Road as you can see there was concern in the record about running powerlines. If you look to the northwest of the arrow, you will see that lot in the gray, that is all KIUC's solar facility. Again, this is in an industrial use, and I am not saying like poisonous chemical industrial, but industrial. They run wires all for renewable energy towards the States goals of 100% by 2050. And (inaudible). Next slide, please. Again, the Koloa Mill site like I said since 1912, has been identified as an industrial site in Kauai Kakou General Plan 2018, which I would like to say won a national award for "Best General Plan" in the country 2018. The entire community Kauai's community chose this site for future industrial for Koloa. It's also as I said the future location of Koloa Poipu (inaudible). Its going to be smashing down there. I included pictures on the top left, an aerial photo from USGS in the 1950's as you can see the industrial use there. The other photos were taken by Carolyn Davis before she passed her sunset days of the operation of the Koloa Mill, in the photo you can see the Koloa Mill operating at night, you can see the stars, you can see the smokestack blowing. Bottom left that one over there by the sugar cane grinding and processing it, day, and night 24/7hrs. and then, you can see right now, what is left (inaudible) its definitely something that is not being used. But the facility, we are not going to move in over there but that is the area. The next slide is the HPM Truss Facility, and I am going to let Mr. Oliveira speak as far as the nuisance noise and traffic and such.

Mr. Caldeiro-Oliviero: (Inaudible) I would like to extend our regrets of both our CEO and President Fujimoto and (inaudible). They have been coming to the hearings by unfortunately could not be here today, they definitely wanted to be present to hear the communities' concerns and address questions (inaudible). Another thing is what Mauna Kea already shared (inaudible) foolish decision on the part of HPM to do something to impact negatively its best customers and contractors across the state were that is where our largest volume of purchase that take place because we are contractors. So obviously we will not do something to jeopardize that relationship. The other thing is I did spend some time this morning talking to the Kauai County Building Division regarding manufactured trusses, and I just asked the simple question, out of all the projects you folks inspect how many of them have site-built trusses verses manufactured trusses? Because you do have a manufactured facility currently on island. They don't see site-built trusses anymore because that skill and art is being lost plus it is not the most efficient way of doing business. The reason why HPM stepped into this market is the opportunity help because we were hearing from the contractors and customers that we had that they would benefit from a timelier delivery and maybe a cost competition in away. Having a second producer

would ensure those things the competition as well as quality assurance and pushing both parties to be timely in deliveries. So, I think HPM would a step in what they are investing in here if it wasn't going to be a beneficial investment based on a customer market too. The other thing is that I spent some time looking at the 2018 Kauai County General Plan and interestingly enough it pointed out that by 2035 Kauai would need nine thousand plus new housing units or residential units. So, there is obviously a need for housing units. Manufacturing trusses we not meant for one market, it's for all the construction needs. Affordable housing what I would say is attainable housing it is for your everyday middle-class population and yes, even for commercial structures. So, there is a need for this product. As a, I will talk a little bit about the facility, so at it pertains to noise, I spent personally as part of the risk management, which is assessing the noise of the equipment, we are using to operate a truss plant in Keaau, I have to do that to ensure OSHA compliance as well as to protect the hearing and health and wellbeing of our employees. But as it pertains two this project, I wanted to make sure that credible information as to what is that noise impact to the neighbors? So, in sitting within one meter of the tools in our manufacturing plant and recorder using the Department of health approved Decimal meter, and showing meter readings of 83-90 decibels again, that is within one meter of machines running. Nail guns, saws, etc., What I also do is walk outside the facility both outside the barrier walls and step out forty feet and saw a drop down to 60-65 decibels. I walked on the open-end section of the building simulating will give an idea of an open tent structure, I walked out as far as one hundred feet, and saw a drop down to 60-65 decibels. I also did research on how fast the sound dissipates or drops over distance and there are various (inaudible) standards and formulas calculating that, but essentially, every time you double the distance by the original measurement you reduce the decibel by six. So, I took the measurements that was provided to me from the where the site would be to the nearest home, which I was given twenty-five-hundred feet, or seven-hundred-eighty-two meters, it dropped the noise it dropped the decibel meter down to 30 which is comparable to ambient indoor noise. Throughout this hearing I have been in the back with a decibel reader it's an application on my phone, it's been registering anywhere from 60 to 70 throughout the day just in this environment. Just to give some perspective and to give an idea of what kind of noise level we are talking about. So, Again, I think we can continue to work with the community and address as I did overhear a conversation with Mauna Kea and one of the residents saying, she is much closer than what we think. So, I spoke to my executive because I would like to approach the resident and go out to the site and quantified and qualified measurement on her property to where we can give her an idea of what that noise level might be like. Another thing is we have the wind condition coming out of the northeast which is typical trades that will also affect noise carrying. Any questions on the noise issue from our plant? The other thing I would like to share is regarding the dust, sawdust, and other byproducts. You know one of the things that we use or the system that we use there is a computer-based software that optimizes and picks the best dimension of lumber for two reasons, he wants to be efficient, and he wants to reduce waste. So, picking the best dimension of lumber will reduce the amount of waste in the landfill with access cuts. The other thing we do is we avoid the waste of money as Mauna Kea can share all of the lumber is imported, the last thing we want to do is to be throwing away sections of lumber that we had to pay for to get here, so it optimizes that. The other thing is these saws are completely contained if you can picture like in a case. They are in a room that

collects all of the sawdust and shavings. We actually package a lot of the sawdust and shavings for people who want to use it as ground cover as well as for absorbency but is never out in the open stockpiled, hills or mounds. It is cleaned up, its bagged, its packaged for disposal properly. Two reasons, we don't want to have a fire problem near our property, so we don't want to have dust accumulating. Every day and at the end of the day the workers clean their machines and accumulating and compiling all of the dust and packaging. Every Friday, the facilities get a thorough cleaning removing any of the dust that could present as a fire hazard. So, there is really no dust flying around the property in Keaau and I can confidently say that would not be the case here on Kauai as well. As far as the issue of water, contamination, or environmental impact it is my understanding that the property has already been previously used for industrial purposes and purposes of plantation system its not a soil virgin area, native species and other things may have already been impacted. We intend to be good neighbors and respectful of the community and environment and not add to anything that may already exist on the property. We know that during the plantation era a lot of chemicals were used pesticides, herbicides, etcetera, we are not going to use any chemicals. Mauna Kea shared that our products come in already treated (inaudible) which is an environmentally friendly product. It won't pose any issues or environmental impact based on the sawdust or byproducts of the operation as I said we are not using any of the chemicals. Regarding the view plain and concerns for this white tent, as was noted in the Director's approval Condition that would change into a blander color and would be better for the view and not be so intrusive as the white. So, we already started the process of ordering the appropriate color which would be a little greener, to camouflage cover and would blend in with the background and not be so intrusive at the white tent. Lastly, I will just touch on the water and the impact. We are not going to be putting in any restroom facilities the project will involve bring in portable restroom porta potty type of operations. That would minimize the need for any onsite water use or discharge. For those systems that we will have for handwashing will be rainwater we collect in containment tanks and pumped out sewer to the porta potty so there will be no discharge into the ground or wastewater on site. And again, the water uses in mainly towards hygiene and clean-up for personal not for any type of industrial application. The last thing is with traffic. Again, looking at some of the studies that have been done here on Kauai, we all appreciated the decrease in traffic through the pandemic, but the numbers are climbing back to pre-pandemic levels. While we do not anticipate adding significantly to the traffic counts, I have been talking to our manufacturing production vice president, he anticipates that at its peak about ten vehicles going in and out per day and this is being very optimistic, we went into peak production and the highest we would say this not a significant amount of vehicle traffic at the peak or high production. I just wanted to give you a quick overview of our facility and answer any questions you may have about our operations.

Ms. Higuchi Sayegusa: Again (inaudible) refer back to (inaudible).

Ms. Otsuka: I want to thank you for being so thorough with your report and I appreciate you answering most of my questions before I had a chance to ask so, thank you.

Ms. Higuchi Sayegusa: Do you have questions you want to ask, or do you want to wait for...

Chair Cox: Would like to have one question. You just hit on traffic a little bit, but I know earlier, there was a concern about the width of the trusses and the trucks that would be going down this narrow country road. Any you comment on that?

Mr. Caldeiro-Oliviero: Sure, with the State Department of Transportation and County of Kauai, rules haven't looked at the county rules, but I guess it' be similar to the Big Islands rules we would need to get an oversize permit, something that hangs over greater than nine feet bed width we would need to get an oversize permit. Based on the hazards it my present, we maybe required to hire escorts as well. So, if by chance we are hauling a truss system that exceeds and poses a traffic hazard, we would be required to go along with safety measures that would help the motorist and not present additional safety problems.

Chair Cox: Okay, I have a follow up along the same line, and that is we got great testimony we got that were concerned about trucks going through Koloa, actually through the town. Would they be going through Koloa? Or will they be coming down?

Mr. Caldeiro-Oliviero: I think a lot of this is dependent on the road, or shipping, or where the order going as well as what is the best route coming from the harbor and where the source of material is going. I think there is great opportunity for us to work together with the community to identify the optimal routes at the least amount of impact as well as safety concerns. But the source of entry is going to be the harbor and the material will be going to the site where the production (inaudible).

Mr. Trask: As was stated in the application, the site is very, very, it is actually situated. It's coming up from Maluhia you know, the bypass like the park, (inaudible) you go to the back roads (inaudible), you make a left to go (inaudible) to the facility, and then you can either go down continuing across of Koloa Road, which is wide enough to take the capacity. If the end point is over there, if the end point is Omao, you are going back, if the end point is someplace else, you go mauka. The end point is in Koloa obviously, and that is where they are going to have to deliver but correct me if I am wrong. But the goal is to absolutely to avoid the internal Koloa gulch because it is so narrow and there's going to be so much entailed and safety it is just not worth it, it's easier just to take the step bypass roads which is what they (inaudible). A couple more on this slide. So again, there are some questions we're on the left of the picture that's actually a picture of your account that is what it is going to look like very high tech, this is not the organ sawmills back in the day. What is on the right is an approximate and is not the same exact structure, it is what is being used right now. So, these are what is being used right now. So, these are called "vinyl barns" they are using agricultural all across the country because they are easy to put up and they are easy to take down. It is very low impact to our environment. So, it's not like the last thing generational structure you see the (inaudible). This is up and its down and this is one of the reasons why a special permit is a (inaudible) because it is they want to do as little impact as possible, they don't want to do dig up a lot of grading and that stuff. Going to really the heart of the matter, which is the Special Permit Standards and the Use Permit Standards, and again, pursuant to HRS 205.415 (a)(1) and (10). Lands within any agricultural district shall include (inaudible) cultivation of props from timber and buildings and uses that support agricultural activities mills, processing facilities and vehicle and equipment storage

areas. As I recall that is Agricultural Industrial Use that's what it says. So, the development of a mill type facility that processes and manufactures integral trusses is inexplicably allowable use in the state when used agriculturally within state lands, however, that's qualifying, we have nothing to (inaudible) 2,d, 10, there is a requirement that they accessory use support the agricultural activities of the fee or lease hold owner, it's a requirement that HPM can't satisfy, it's a requirement that know one in Hawaii can satisfy. It's a requirement that is being looked at to be able to be addressed. Like I said, by the Hawaii (inaudible) Association, by the (Inaudible), by the Hawaii Lumber Industry Association, there is a huge conglomerate interest in trying to make Hawaii more sustainable. Like we saw in the pandemic, shipping is risk sensitive, and we need some kind of (inaudible) industry. They are even going as novel as looking at the Albizia and cutting and layering Albizia like a skateboard deck and using that as EWM, is it EWM? Composite material to be used in manufacturing homes. Whenever these ideas come up, we get criticized for it, that is unfortunate, because that is exactly the type of thinking we need, we need to be novel, we need to be bold. And so again, to where the catch twenty-two is that HPM is taking a risk to create a facility that could process that in the future hoping that the current process with the industry advocates does proceed forward, because it has too. So again, so if not for that specific and unique Hawaii historical issue, then this would not even be a problem on that and those are allowed. And the reason why this site is because it has been identified as light industrial, it has been used as light industrial even before the CZO was in. And when you look at Ag, land, say by the land use district, about the 60's, 70's I think, and should we run everything back then? Everything was put in. You had the urban areas that were already urban, Honolulu was already urban, Lihue was already urban. All the mills were on Ag. everything was sugar, everything was Ag. There is a huge issue right now the way the community is recognized, the way the land use committee is recognized, the planning committee is recognized. We have DVD lands, we cannot grow much there, those meant to be repurposed and used for housing, it needs to be used for infrastructure, it needs to be used for other uses that benefit the community. However, Kauai is going to be a place where it is extremely, extremely difficult to do that. If HPM were to come here to re-designate this as urban, first, that would be inappropriate we don't want to do that. We don't want to re-district the whole lot, we can't subdivide this (inaudible). And we are not the landowners so we cannot re-zone. There are so many issues, but we don't want to do that we don't want to lose Ag. land. Just because you do low impact facility especially one that can be taken down very easily. So that is the perfect place for it, you got the roads already coming in right next to the bypass, currently in uses, (inaudible). And identified as such in all the applicable land uses plans. Therefore, it is an unusual, but it is a reasonable use of this land, and the future of this will be put to light industrial use for everybody else, so their reason is no reason, this is the perfect place to go, and I'll just leave it at that. And finally, the last slide. Again, this is not to denigrate anybody or any special interest, we all work for a living, and we all get paid and I guess we got to do what we got to do. But if you look at the testimonies and the issues coming in, there is a lot of confusion in Koloa right now, everyone thinks that everything touches meridian, it doesn't. Everyone thinks you know, everyone's concerned about the caves, everyone is concerned about customer practices. HPM is concerned about those, this is another reason why this is a perfect spot for them, it's been in Ag, use, we are not saying that Ag. always desecrates everything, (inaudible) but in this case it did. Further, we

held a Ka Pa Akai conducted and we looked at previous studies, even though we did not trigger the EIS, we included the EIS from other projects so you could see that. We did not want to subvert that responsibility; and we show you the products that are already there. There is no endangered species there, there is no caves there. We talked to and there was concern that we did not talk to the right people. We went to and spoke with individuals who either lived in or who were descended from people from Koloa. Milton Ching, he doesn't currently live there, but his ancestors do, he can trace his genealogy to that place. Sandy (inaudible), Kahale Blackstad, Holly Blackstad, Uncle Rupert, Missy Kamai, Carol Blake, Marino (inaudible). We have testimony and I would just like to read one of them. This is from Sandy (inaudible). "I am a cultural descendant, and I am responding as follows: My lineage to the area (inaudible) ohana was known to reside in the vicinity. I have knowledge of cultural practices or artifacts on noted property. From my memory, I believe this location was heavily disturbed with the building of the Sugar Mill and surrounding landscape created for agriculture purposes. I have no knowledge of cultural practices within this specific vicinity. Cultural practices I am aware of are closer to the ocean shores and within the Heiau sites within the complex of Kaneiolouma and the connecting Koloa field system. I am representing myself, as a citizen of the community and Native Hawaiian Organization Na Hui O Kaneiolouma. I am pleased to know that the Ka Pa'akai analysis is being implemented properly prior to any approvals for any project development. I pray full measures are taken for any fines that may result (inaudible) from your analysis. So not hesitate to contact me etc." We fully know that the law requires anything found during the work that we have to stop. However, we have (inaudible) in archaeology reports and (inaudible) there is nothing identified there. I was speaking with Ms. Cummings earlier. If you have concerns go to the Burial Council who can previously identify the burial sites, because no developer wants that. It happens unfortunately. But no one wants it. Earlier a (inaudible) was talking about drainage, that is again, confusion. It's not this site. This is miles away. That is right above Poipu Beach Park, that's the swale that leads right into Kaneiolouma Park, again, that is the drainage issues (inaudible). Uncle Billy, concerned about the water, that is 100% correct, water is essential. In Poipu, the whole coastline is just ejection wells, there is a lot of concern about (inaudible). Everyone knows the human waste system is a big issue down there. That is why the Wastewater recommendation you have to take that away. But all that (inaudible). The waste that Mr. Olivera is talking about its not us, there is not going to be any structured use of toilets (inaudible). Any green water is coming from a ground catchment very low impact that is the point. So I guess just to rap it up, as I don't want to take up too much of your time, everything that could be done as far as (inaudible) liked at allies, and past studies, talking to state agencies, looking at land use, talking to neighbors, it is appropriate. It is an unusual reasonable use. It is within compliance with the General Plan, (inaudible) SMA. So, any mention of (inaudible), but this is what Kauai needs and this is what it needs to be. With that if you have any questions, I am happy to...one more thing though, a lot of this issues we've talked about were manufactured. If you look at the talking points at the bottom left hand on the slide, you will see "harm your agricultural land, destroy native species, increase truck traffic on your streets tenfold." None of that is true. A lot of people bought it. If you look Its PRP's Info Action Network for this campaign. It is the same website that's used to support the huge development on Big Island, to oppose the affordable housing and the transient unit moratorium on Maui. If you look at the

written testimony you received today, this is exhibit “A” public testimony to this agenda item, Mr. Lee’s testimony said, “it would harm our historic Ag. Land, it would destroy native species, it would increase truck traffic on our streets ten-fold. His email was issued via info action network. Org. Wendy (inaudible) Harm historical Ag. land, destroy native species, it would increase truck traffic on our streets ten-fold, email info action network. Same thing with (inaudible, Terri Renee, (inaudible), Gia alumni 2, I don’t know who that is, and (inaudible). The point being is that the concerns are out there and HPM acknowledges them, and we want with them. We cannot combat this information, we cannot appease these actions, and we cannot work with people who don’t want to work with us. Not because we don’t want too, but it just cannot be done. So, with that regard, we are open to everyone’s suggestions, we welcome yours on how to improve this (inaudible). But just be aware that we live in a time of social media can’t catch a lie on those things, it goes to fast. Thank you very much.

Chair Cox: Thank you. Question from any Commissioners?

Ms. Otsuka: I have a question. And its just for my personal curiosity. The facility hours of operation are Monday through Friday 7:00 a.m. to 4:30 p.m. and the application it states, “HPM anticipates additional two or three semi-trucks with trailers, (inaudible) vehicles a day who would access the property 6:00 a.m. to 4:00 p.m.? For me 6:00 is really early. So I was just wondering, why one hour gap or the difference?

Mr. Trask: Some of that is the change with a lot of the concerns as your taking with community from when the application was submitted. But also too, most of that traffic is workers, so they are going to drive there early.

Ms. Otsuka: Oh.

Mr. Trask: Yes, just to get to the site. You know if that is a concern it is something definitely, we can address that is operational.

Chair Cox: Are there any question. Lori?

Ms. Otsuka: No, sorry no. Thank you.

Mr. Ako: Hi. I know you addressed it in our presentation but of all the land on Kauai why did you pick this land on the Koloa old mill property?

Mr. Trask: Great question. You know, again, as I said before its (inaudible). A lot of the issues you know, having a centrally located, having a truss facility in this area, maybe it’s the traffic you create from shipping everything from Hanamaulu where it currently is. If over the past few years, I lived in Omao or since I came back to Kauai. I would take my kids to school. You have to hit tree tunnels before 6:50 a.m., absolutely. Otherwise, you are stuck in that until and 8:30 a.m. I get yelled at if I go to counsel late and my kids don’t get to school on time, so you have to run early. That is because so much of this land runs from Wailua to Lihue, they go north, they south, they go west. So if you can cut, if you are shipping in from Nawiliwili and you are moving trusses from Nawiliwili and you are also (inaudible) and you to go over to the west side, you got to come in from there, if manufacture the trusses in Hanamaulu you got to come in from there, if

this is over here you cut out that quarter of traffic that whole time, that's a benefit of traffic. That not being acknowledged. Its more centrally located too, everything that is manufactured (inaudible) is in Lihue, you bring this over here, you serve more readily another operation, you don't have to drive into Lihue for their work. They don't need to drive through Knudsen Gap. Anyone that lives west of Knudsen Gap would love not to go passes that thing. And there's a (inaudible) available places to go, you can't go anywhere north of Kealia for any kind of industrial use Ag. or otherwise. Kapaa is loaded up, Lihue is loaded up, and west side is loaded up. This was identified as the future industrial site; we don't want to put it anywhere else its not approved for anywhere else (inaudible).

Chair Cox: Are there any questions?

Mr. Ako: You know there was a lot of concerns about HPM building these trusses that's going to be taking jobs away from other carpenters. Right now, I think when you read the paper now, our issue is affordable housing out there. That is a real big deal whether its affordable housing what every that means? Whether its workforce housing, and yet when we build these trusses for these projects, in your estimation, are we saving money? Or are we losing money in terms of the big picture of this economy?

Mr. Trask: Good question. I think we are saving money. The reason why I say that is because like what Mr. Oliveria said on the application says, "the numbers don't lie our largest customers are union contractors." So, we are not selling to the union contractor, that's who is buying the equipment. All you see is (inaudible). There is so much need for housing (inaudible).

Mr. Ako: I think the need is there, I don't think anybody would argue with that. I think the question is do we have the capacity to build (inaudible) property and the land to sell those houses? So, if we have property and we have will, I think in my mind, why do you believe that there is such a gap that we need so many houses?

Mr. Trask: So, that is what the General Plan says, we need thousands of units. I am not saying it, I am just reiterating what's already said, okay? (Inaudible) when I was studying this (inaudible) where was this argument coming from (inaudible) it did not make sense because they are buying up all the property. I think it goes back to HPM and the employee's choice to be employee owned, its not a unionized business, because they have a different (inaudible) I think that's where the rub is, and I am being as objective as possible in trying to understand it. So, I don't think this is a zero-sum employee (inaudible) no one going to lose jobs its going to make more jobs (inaudible). and like Mr. Oliveira said, they were asked to do this, it was identified as a needed business, they would not be investing on Kauai. (Inaudible) HPM shows up, they show up in the tsunami, they (inaudible) they show up, that is what they do.

Mr. Ako: I think the question I am really struggling with to is the fact that when you sit on this Planning Commission and all these subdivisions come up (inaudible) you are dealing with trusses, and the types of projects that are coming up where to you see the trusses going?

Mr. Trask: (Inaudible) So I think it's a two-part answer. So one, Kauai has got a big issue were I think is causing a big shortage on land and I think its directly related to the prohibition on the

one time subdivision of Ag. land 1972. You can only subdivide Ag. land once, or you have to put it in rural (inaudible) that is a big problem because what it does is it keeps (inaudible) with ownership within a small number of people, five people own (inaudible). I have talked to people about this you get a target on your back because you are a council member (inaudible). A lot of the Ag. Land is shored up it needs to be opened up. But as far as affordable housing the product Pa'anau, phase one and two, Koloa affordable housing, the only time, not even the county can afford land. The only time you see affordable housing go up, when you approve a hotel or a huge subdivision because the county gets its third, whether its land housing project or money to build a housing project. So, what I was saying about Kukui'ula earlier, Kukui 'ula the subdivision (inaudible) led to all the affordable housing in Koloa in the past (inaudible) years. And that is where the trusses are going to go, for affordable housing. There are going to be Habitat Projects, there are going to be County housing projects, there are going to be others they are going to use it (inaudible) but that is what we are seeing. (inaudible) that's a huge policy question that (inaudible) and that is great.

Mr. Caldeiro-Oliviero: (Inaudible) This crisis of housing across the state, I happen to co-chair and coalition on Big Island comprised of nonprofits, direct community stockholders, Hilo County government and even housing departments participate. (inaudible) it's the attainable middle-class people that work for the county, people that work in the resorts, they are struggling with access to housing. Supply and demand, it's very little on the market. Let me speak from Hawaii island standpoint, the median home prices right now are four to five hundred thousand, I know it's not even close to what it is here Kauai, its way pass that. (Inaudible) can't afford homes. There is a shortage of rental units across the state. the process of making trusses does not discriminate on any one type of structure, we cover the full gamut even for high end homes and resorts. So, when you say affordable housing, these are the products that goes into it, (inaudible). So again, it's not a discriminant product it's a product being used. As I said I talked to your own Planning Department today, its what's the current process a (inaudible) having more capacity might increase production of housing. There more available resources.

Mr. Trask: (Inaudible) in 1920, Prince Kuhio (inaudible) I pay my mortgage every month to first Hawaii back, I would love to (inaudible) I would love to be on Hawaiian Homes, that would take care of a huge amount of homelessness and houses. (inaudible) so that is a big, big problem, and I think this whole manufacturing structure we need to really look at our government and how things are structured and address issues now and not (inaudible) Kuhio originally wanted, we have huge opportunity for houses (inaudible).

Mr. Ako: I think the one thing that brother me is whether we vote yes, or whether we vote no, (inaudible). I think there is gong to be a lot of angry people out there. People that live inside that community there (inaudible) big traffic problems, (inaudible) you know, what I am hearing is I want to see Kauai, Koloa, what Koloa is, but (inaudible) forty years ago whatever it is. I think what I am trying to get to is we are all trying to get to the same place. Those who have lived here for the past fifty years, are trying to make Kauai a better place to live. HPM is coming in here wanting to make this a better place for everybody, and I'm no sure we are achieving that goal, in terms of house getting cheaper. What is the anxiety that is going on inside the

community itself, yeah? I want HPM inside there. I'm trying to figure out, what can you do to bridge that gap? Because at the end of the day all of you will be going to that same grocery store, your kids are going to the same school, you guys going see each other all over the place. What do you see that you can do? So, from what I see and heard from the employees that have come, its sounds to me that HPM is a great employer, they do a lot of good things in there. So I am wondering what other steps you can do to kind of bridge this gap?

Mr. Trask: So, what specific hard things we can do like looking at mitigation whether softening the white to some kind of different kind of (inaudible) looking at some other kinds of colors. The sounds are going to be so low we can look at other strategies to mitigate that, but I think that the conditions are going to be where you focus from experience the Planning Department enforces those community. They don't walk away from those things despite (inaudible). If there is a problem with those Conditions, if the noise is to loud, we are going to have you and the Department of Health knocking on our door saying you have exceeded 70 decibels here on Ag. land. That is going to happen, and we have a lot of neighbors who would probably report that. If there are wastewater problems, if they find iwi, if they find anything, government response. We will behold accountable and as we go forward can we guarantee anything? No. but what we can do to approach this is to try our best and do what we can to continue to work with everybody, because you are right, we are going to see each other in the stores.

Mr. Ako: So, for me I see the gap being not so much the Department of Health that you folks are making to much noise or the Planning Department or anything. I see the gap being between a new facility is coming up, changes coming up, and trying to fill that gap over there with the community itself. Something within there. Not so much about what you can do to limit the trucks that are going up or the noises. (Inaudible) for the community as well as for HPM (inaudible).

Mr. Trask: (Inaudible), you brought it up it's the community. And some people want to keep it as how it was 50 years ago, 40 years, some 20 years, some 30 years (inaudible). There is always going to be an issue of what Kauai is and that is individual to all of us. But let's see what we are trying to say is that we need to work together, its always a moving target the way I look at it Kauai, like 10 years ago after the hurricane like 10 years ago, (inaudible) and that is where I stand, and is not where a lot of people stand today. A lot of people that community supports this. The bunch who supported Kauai Christian Fellowship all the people on the other side, Tony Brun, had nothing to say about this, he has that huge Ag. lot. (inaudible), some disagreement, you are always going to have some disagreements, but we look at the community wholistically, all across Kauai. And the point is we work together, and we make sacrifices for the greater good of the community. As a community we all paddle together, we all try together. This nit-picky neighbor thing, take it to the commission (inaudible), I don't know if that is the community. WE know who is our neighbors and the ones that are concerned about us, and we also have the by-in of the neighbors who do support us. That is doable, but beyond that, we just (inaudible) and what their concerns are and give appropriate considerations to the other issues.

Chair Cox: Good question. Any other questions? Are we ready to make a motion?

Ms. Apisa: I just want to say excellent presentation. I can feel the sincerity coming from the heart. Thank you.

Mr. Trask: Thank you, Chair. I mean Commissioner.

Chair Cox: Are we ready to make a motion?

Ms. Otsuka: Are we ready to a make the motion?

Chair Cox: We have to clarify Conditions and we have to hear the recommendation. Sorry, it must be a long day.

Mr. Cua: The Department is recommending approval of this project. There are a total of 12 Conditions that (inaudible) the Department stands by its recommendations.

Chair Cox: Thank you. Commissioners, do you need the conditions read or maybe we want to talk about additional conditions based on testimony we heard? Any additional?

Ms. Otsuka: We are not going to add on?

Chair Cox: We had added, that is why I am saying this is the time that if we believe there should be additional Conditions, this is the time to bring that up. So for example, who heard testimony about traffic, as well as visual litigation, we also heard backf rom Mauna Kea Trask that they might address traffic, and noise and visual mitigation, and so we could add conditions that require certain things (inaudible).

Ms. Higuchi Sayegusa: I apologize. I think we went through quite and morning and quite a day we have had so far, I'm not sure we went ahead and dealt with the public agency hearing on whether to close that.

Chair Cox: Oh.

Ms. Higuchi Sayegusa: Yeah, or if you wanted to (inaudible).

Chair Cox: That would come before the agency hearing?

Ms. Higuchi Sayegusa: Yes.

Chair Cox: So, I guess we do want to see if there are any further public testimonies on this issue.

Women: I apologize, but for those of us that are here and have also spent a long day, I don't think we have the 12 conditions that are supposed to be imposed, that's they condition of this special use permit. And I think it would be helpful for those we care a lot about it to hear what some of the recommendations are for additional conditions. I would just renew that this is a residential resort community. And the sugar went out in 1976, there really hasn't been industrial use on this parcel for over 25 years, so it is 20 years plus at least. So it is really disheartening and to say that there is no industrial anywhere else on the island, I agree with the Commissioner who suggested that this should really go to a contested case hearing so some of these things can get flushed out. Because even the noise testing you know, we are really not in a place to get evidence through that accept through contested case, because than, lawyers and parties get a

chance to go out and check the noise levels at other HPM facilities. Right now, the Commission just gets to consider what's put through and smoothed presentation with 8 by 10 glossy photographs and that is not where the community lives. And if we have 450 units planned Koloa plus an 1100 mixed use village, the grow farm is proposing on the corner of the eastern bypass road and it is in the general plan, that is 1500 units in Koloa. I can pretty much guarantee you that a lot of those lumber trucks and trusses are going to be running through our community and creating havoc with children getting to school, people that's just trying to travel around. Its our quality of life and I think its being pushed way to fast. And I would just ask or a pause to allow some time to actually have and (inaudible). Thank you.

Chair Cox: Thank you.

Speaker: Can I just ask a question. Concerning the noise...

Ms. Apisa: Name please?

Speaker: I'm sorry?

Ms. Apisa: Name please, for the record.

Speaker: My name is (inaudible) I have worked in the lumber yard...

Ms. Apisa: I just wanted it for the record, thank you.

Speaker: No worries. (Inaudible). I heard Mr. Oliveria, talk about the use of compressors, I am assuming the industrial compressors.

Mr. Caldeiro-Oliviero: (Inaudible), it will be same testing as we so on Big Island.

Speaker: Will it be out in the open?

Ms. Higuchi Sayegusa: We don't allow (inaudible). This is your time to provide your testimony.

Speaker: My concern is if the compressors are going to be just out on the slab, its going to be very noisy as far as I now. (inaudible), in a small building with insolation. Would that be the case?

Chair Cox: Thank you.

Speaker: Aloha (inaudible) Pacific Resource Partnership. And like I said we represent carpenters, contractors, who work here in Hawaii. And you know, (inaudible). You know you heard from the members they are the ones that work here, its going to take the work away. You have heard that straight from, that is why this intervention was for it so we can lay it all out and show you the facts, show you what is real. By the way, we built thousands of affordable houses in the state of Hawaii, we have done a lot in Hawaii too. (Inaudible) its our guys out there building that stuff, our guys were there building and for free too. So, I take offense with this big corporation that has no face and this and that, you know. We are a real organization that represents real people that live here in Hawaii. Its offensive and it is going to take away jobs, it is. So, what's the big deal? Let's get it all on the table lets see it. That is what this intervention is

about, it's about the people Kauai. (Inaudible) SHPD documents that we pulled. Is there Nene goose? It seems to be identified. Its Ag. Land there is no agricultural connection with building these trusses. This is actually about building houses, there is no agriculture mentioned. And to a point it is a violation of the law. This is ag. land with now connection to agriculture and isn't this one of the (inaudible) of the special permit, you got to follow the law, you know that is first and foremost. We got to represent the people of Kauai you heard from. (Inaudible) there lives. And they through out the numbers to like 2 dollars and 50 cents. A lot of people are going to lose their jobs and a lot is at stake. This is a company that is coming in you know, I guess they are based on the Big Island, and they are coming in and they are going to take these jobs away. So, we have to lay it out and get the facts on the table. (Inaudible) if feel we are not deceiving anyone here you heard it from the people of Kauai, right? Hear these guys, so thank you.

Ms. Haz: Aloha. Terry Haz, for the record. I am about to lose my ride home with Billy. He is so upset. I am upset. We asked you to please slow the roll as we say in Hawaii. You don't need to make this decision today, because you don't have all the facts. I love Mauna Kea Trask for many years, I respect him as a person. But this Ka Pa aina, he showed me there are seven people on it, that I personally interviewed. Seven people personally. Ruperts testimony is not connected with that, his name is on there. I could pick it apart, many things (inaudible) I am telling you (Inaudible) told me that he received nothing. You are supposed to allow due diligence to show what is there. If you don't know what is there, why are you allowing something to happen that is going to change the whole face of our community. People are up in arms. These guys left work to come here to talk to you and never had a chance because this went on and was so confusing (inaudible) you got me confused and I am pretty sharp, actually. I get what he is saying, and I get who they are but it's the whole big picture that you're failing to look at. And if you allow this, what is going to stop the next project? Oh, you are going to let them do it. Let's just slow down let's get the information in on the real analysis coming down the pike through Dr Hammond per Kukui'ula Development, I told you, I have already spoke to him today, he told me the as long as there is information in, they don't close it there is not a deadline (inaudible), to tell this man who has who has cerebral palsy that filed a day late, I am appalled. He is gone now, that is why I was late, that gentleman had cerebral palsy, but he still filed the document for that area. This is adjacent to where you are talking about. You don't want to hear what they have to say? I hate to say this but shame on you! That you are not listening to us. This is our life. This is Billy's whole life! And again, the governor appointed him to protect Kauai, and you are not helping us. You are going in violation of what Aha Moku Advisory Committee is supposed to do. They have not had a chance to chime in. When I go home, I am to call his Susan Cases assistant, Leimana Demonte, that is what I was ordered to do. I also supposed to call Doner and tell him what happened. He said, "ask them, why haven't they asked me about it?" "I've got nothing on it" and maybe they sent something, but Doner did not get it. Just like the lady who got hers at her door. You know, how do you know she got it on the 8<sup>th</sup>, the 7<sup>th</sup> or the 6<sup>th</sup> if its not certified mail? I think one of them was. But you are just listening to stuff.

Ms. Higuchi Sayegusa: Three minutes.

Ms. Haz: We have got stuff to say. We have a lot of stuff to say, and you are not giving us a chance. So, we are asking for a chance to continue this hearing. Please. Give us chance to give us the evidence to make an informed decision. How can you make an informed decision without information? Its pie in the sky that you are doing. There is no need to rush this, there isn't land for affordable housing. The land for affordable housing is not in Poipu. You said it sir, I appreciate that, why did pick Poipu, because Pinkerton is doing a gazillion condos across the street. That is where all this is going to go. If you think that is not the truth, you think its not? Wait. That is all I can say to you, my dear. I know I am not supposed to talk to them, but the point is you got your blinders on, I know we have mask on, but I think your going over your ears at this point or your eyes, maybe? You know, you are not seeing this for what it is. I apologize I am very passionate about it, I worked for to help preserve the pono lifestyle here, it is not easy. Its not easy. Not in environment where everybody has a chance to help and doesn't. You look at us like oh, well. Oh, you know, this isn't going to happen. Maybe it will be ten trucks, you know when I am in my home, I can hear every motorcycle that go in bypass. Because the bikers ride every Sunday. You can hear them all the way up the bypass. Why wouldn't I hear those trucks barreling down, barreling 7:00 in the morning? No, thank you! 8:00 in the morning? That doesn't sound good either! (inaudible) this project doesn't belong here; it can be else where and that is the point. Oh, and they don't want to have to drive on the highway? No body does! So, live all the developments, look at all the cars there's a lot of solutions. Try Catalina island's philosophy. You don't let another car in (inaudible). There are solutions to this. Mass transit, But you are not looking at that, what you are doing is you are allowing more transit, more trucks, more everything. And nobody seems to really care, and nobody is really looking, but come on down to Poipu. And try to get down my street when it's totally packed with people, and God forbid we get a tsunami, and you will be responsible for all of those who can't get out and have no place to go. We are scared because we see what's happening because we live there. And if Billy wasn't outside and so furious, he would come in and tell you so. But he is beside himself. So now I am going to go, and I am going to thank you, but I am going to beg you to not make a decision on this today, because you no not have all the information you need. Mauna Kea did a great presentation because that is what he does. Because he is good at his job. God bless him for finding him and a soul However, there are some issues here that are not right and when they are not right, they are not right. That is what I got to sat about it. And I hope you all consider it. You don't need to make a decision today. Who needs a truss tomorrow? Raise your hand. Nobody! Thank you.

Mr. Kimura: Good Afternoon, Max Kimura again for community association of Po'ipu `Aina Estates. I have a sense that maybe you, the commission has a, you know, a rush, a deadline. You guys mentioned June 24th is the deadline (inaudible) actions taken the HPM's application automatically approved. But I do recall reading in the commission rules that this commission can ask for an extension, I believe a 30- or 60-day extension. Maybe you all might wanna think about that. And is that 60 days, that you allow my client and other people to intervene and let's have a full hearing. Because once again, we would ask the hard questions of HPM. I sit here and I listen to Mauna Kea speak on behalf of HPM and HPM's representative speak, and I have a lot of questions for them. You know, I scratch my head and says, well, you can't accept what they see at face value, it needs to be cross-examined. Let me cross-examine them. You know, I misspoke

earlier (inaudible). I was at a disadvantage. I didn't have my client sitting next to me, to clue me in on the dates but I misspoke. My clients got a letter from Mauna Kea Trask on April 22<sup>nd</sup>, the letter is dated April 22<sup>nd</sup>. That's when they found out about this matter. About HPM's Building Supplies giant, monstrosity of a building facility. My clients engage in conversations with HPM via email. They were talking about, oh, can we try. My clients trying to work with HPM. Oh, then the size, the concerns about the color, you know, the pure white, why is this thing, you know, all white, against this green scenery. So, they were engaging in conversations via email but it suddenly stopped. The ball was in their court. My clients gave them a list of things that they wanted that HPM to, you know, to consider and, you know, amend in their plans but the conversation stopped. And then they be like, oh. And my clients, you know, being good people they are, they thought, oh, they're gonna act on my clients' suggestions but no, nothing was done. They came to the May 10<sup>th</sup> hearing, the day before, look, the hearing is already tomorrow, May 10, you better file something, so they did, on their own. So, then my clients come to the May 10<sup>th</sup>, and they see what's going on and after that, you know, they start to think, hey, we need to hire a lawyer cause this is bigger than (inaudible). Because I think, as you can see, my dear commission, that this is huge. That do not rush, like everyone said. Make a decision, ask for an extension. In that time, please consider again, the intervention by myself, by my clients, cause we will be filing an appeal. Because this is not gonna stop here. Let's give everybody an opportunity to questions,

Ms. Higuchi Sayegusa: Three minutes.

Mr. Kimura: Cross-examine HPM. Thank you very much.

Chair Cox: Thank you.

Mr. Trask: Chair, I wanna just respect the request to be able to refuse (inaudible) petition again. So, I just like to (inaudible). Again, those neighbors are...

Ms. Higuchi Sayegusa: Again, we're on the Agency Hearing, we're trying to wrap up the testimonies at this point. And get through that. So, is there anyone else in the public, wishing to testify?

Michael McDermott: Hi everybody. My name is Michael McDermott. I was on the sign-up list earlier, but I had to leave. I work with HPM. I was with the truss company in Hanama`ulu for 20 years with Mike (inaudible) and (inaudible). I had to leave today cause I had a truss delivery to a local person, that lives up in Kapahi, building a house for his son. I left here to delivery that trusses. (inaudible) ship um here from Hilo. Wish we could've done it here. Our truss plant that we worked at for 20 years is in Hanama`ulu. Directly across the dirt, I don't know if you guys know where Back Country Adventures is but, directly across the neighborhood in Hanama`ulu. Our saw was probably about from here to the adjacent building away. 20 years, we had not one complaint. A lot of these people's homes in Po`ipu `Aina, I delivered almost all of um. All of um, we had to do by wide load escorts. They all wanted (inaudible). They had no problems when we got there at 4 in the morning. The neighbors had no problems across the road in Hanama`ulu, when we brought it to them. Now we don't discriminate, we here for help people. We not here for take jobs from the Union. We here to work with the Union. As we have been for years. We've done many jobs. I've delivered many jobs. I know foreman's and everybody on a first name basis. They see me coming

in, they excited, it's truss day. I'm for this truss, we just need a place to continue helping out people. I delivered, all the (inaudible), almost, if not all, affordable housing, you know, everywhere. Hawaiian Homes, constantly bring houses out there, all the time. We wanna still help out and do that. And we did it for 20 years in Hanama'ulu. (inaudible) I went door to door trying to ask people for testimony for over there. Everybody's all for us. We no need one hearing, at all. An as far as trucks going in and out of Koloa, there's a ton of trucks going in and out every day. If you ask me, there's 1500 dune buggies going in and out of there every day. You know, I'm not here to argue about what they say, I'm just stating facts. From my point of view, from where I work for 20 years, and I have had no issues. When we deliver, we wait till people wake up. We follow the rules. We do everything by the book. You know, and as I said, I had to leave today to deliver a house to someone. (inaudible). I get where they're coming from (inaudible), we did all their roofs. They were our customers. They got their roofs from us. Wide load, giant loads, everything (inaudible). Wasn't one issue when they got their stuff. So, you know, not to start arguments with anybody but without (inaudible), you know.

Ms. Higuchi Sayegusa: Three Minutes.

Mr. McDermott: A truss plant for us local people. Keeping all our workers local. I mean, we going get paid from this, we going to put the money back into the economy, not into the community, we don't go anywhere. Our paycheck goes straight to this economy, straight to the local grocery stores. You know, HPM is like an Ishihara Market, like a Hamura Saimin, we just don't see it because they're in Hilo. And Hilo, their main store, it's like a landmark. And we just trying to bring that here, you know. People still, grandpas and grandmas cut their hair at Ikeda's. HPM is the same thing. They been here forever. They just moving here just because they wanna help out more local people. They not mainland, there's no HPM in California or Florida. You know, and that's why we work for them, and they take care of us, and they treat, you know, I believe, with your approval for this facility, we're gonna continue that and we're gonna make a difference. We just need the opportunity. And I appreciate your guy's time. Thank you so much.

Chair Cox: Thank you.

Ms. Higuchi Sayegusa: Anyone else in the audience wishing to testify? Okay, I'm gonna turn it over to Myles, to recognize and hand, and any people that joined by Zoom, who with their hand raised wanting to testify.

Myles Hironaka: Yes. Hi. We have some people that (inaudible) and I'll start with attendee Tara Rojas. I will enable your audio and (inaudible). Turn on your video and also your audio.

Ms. Rojas: Aloha, so (inaudible) being all for local, you know, companies and support local. However, as I was sitting and listening to the hours of testimony (inaudible) but especially these (inaudible). (inaudible) a presentation and this HPM and the PRP guys aren't they. All I could think about was this, (inaudible), you know, (inaudible) passion (inaudible) defending why they should be the one, you know, chosen, or why you should be in favor of them. And the only thing I can think of is this, the same thing they're saying is what k̄anaka maoli (inaudible) cause why, Hawaii, is what k̄anaka maoli have been saying all this time, the same thing. Pleading, stating their case. Not only for 5 years that they been here, 5 years that they working here, no, for generations.

When is enough, enough? (inaudible) how come (inaudible) entities in (inaudible) able to get these special 5, 10 minute, you know, long testimony, and able to get this interaction with you all. Back and forth, back and forth questions and listening, Executive Session, and then went recess, and another Executive Session, when do kānaka maoli, get that same respect? When do kānaka maoli get to be heard? When does the community get to be heard? Why is it that only when companies come in, with bells and whistles, local or not? Why is it only them? Bells and whistles, money, developers. All these other people, why do they get precedence? And the kānaka maoli are always put to the side. Couldn't even answer the one question about, how many of you on the Board of Commission right now is kānaka maoli (inaudible) blood or connected to this land? I am not of blood, I'm not of koko but I'm born and raised here, and I respect our (inaudible). It's time for what all they been saying. It's time to hear the kānaka maoli and the long-term residents, born and raised. Please leave Hawaii, Hawaii. If after all of this, you just gonna revert, no sense. I heard that you guys are finally starting to listen but still, just approve, aye, aye, aye. This has to stop. We need kānaka maoli, we need people connected to the `aina, and the wai with kānaka maoli indigenous mindset. We need those people in these positions, on this colonized system, boards and everything, we need them on. Because things will definitely change.

Ms. Higuchi Sayegusa: Three minutes.

Ms. Rojas: (inaudible). Enough is enough. No is no. Please listen. Please make the pono decision. Please decolonize your mind. Mahalo.

Chair Cox: Thank you.

Ms. Higuchi Sayegusa: Myles, is there anyone else with their hands raised?

Mr. Hironaka: Sorry, yes. Attendee A.S. I will enable your audio and video. What you will need to do is click "Join as panelist" then you can execute, start your video and unmute yourself.

A.S.: Hi.

Mr. Hironaka: Hi. Okay, go ahead.

A.S.: I feel like I'm living in a parallel universe, listening to this today. Anybody from any other place in the world would hear 95% of the community saying that they don't believe that this factory should go in Po`ipu. With numerous reasons why, archeological, environmental, traffic, pollution, you've heard them all. The (inaudible) of the culture and yet it looks like people sitting up on the dais are about to approve this. It is very difficult to understand. It's almost as if the (inaudible) were in. Or an agenda that you were trying to keep up with that nobody else has been made aware of. There is no reason to rush this. There's no reason to put this factory in Po`ipu. If the gentleman that was speaking that works for HPM wants to continue working there so badly, and I appreciate that. That's his job. This factory could go in Puhi or anyplace. To put this in Po`ipu is absurd. Please listen to the community. That is your job, that is your role. Mahalo.

Chair Cox: Thank you.

Mr. Hironaka: Thank you. Okay. C. Martin? I'll enable your audio and video and what you need to do is click "Join as panelist". C. Martin?

Ms. Martin: Hi. This is Christine Martin.

Mr. Hironaka: Go ahead.

Ms. Martin: You know, I think that Mauna Kea Trask has done a very smooth job of presenting and representing his client, but I have to say I take exception with the way he painted the residents of Po`ipu `Aina Estates. As unwilling to work with them and not accepting of any proposed, you know, proposal that is presented regarding the ag land. You know, we tried to work with them, and they went silent. And, you know, we tried to let our voices be heard by filing the petition to intervene as best we could, with limited knowledge as you know, homeowners without a lot of backing or money to put towards this. And when we filed our petition or tried to file our petition, the city counter (inaudible). At that point we knew we had to get an attorney so our voice could be heard. And then I just wanna address, you know, there's other uses right now, that Grove Farm is just leased land to an organic farmer right adjacent to us. 27-acre farm, using, used to grow organic fruits and vegetables. I mean, we highly support her. That's an example of what the land should be used for, not for this. And I just ask that you would consider taking more time to find out if the assertions that HPM is putting forward cause I think they're pretty weak. But thank you. Thank you very much for your consideration.

Chair Cox: Thank you.

Mr. Hironaka: Alright. Thank you. Okay, attendee, Kulanui Perez. I've enabled your audio and video. What you'll need to do is click on "Join as panelist" and then, oh ok. Okay, go ahead.

Ms. Perez: Aloha. So, I just want everyone on the board to remember that you're there to work for the community. Your decisions is to work for us, the community and not these big companies that are trying to bulldoze over all of us. So, when you guys make your decisions, you should be making your decisions based on the community's testimonies and not some big wig companies and their lawyer who paid like a \$10 subscription to (inaudible) to make you guys a pretty little PowerPoint. This should be your decision should all be based on all what the community has said, in this room and on this Zoom. And I just wanna close that as my statement. Thank you.

Chair Cox: Thank you.

Mr. Hironaka: Thank you. Anyone else that is on Zoom that would like to present any testimony, that hasn't spoken and would like to present testimony? Please raise your digital hand. Seeing none. Jodi, send this back to you.

Ms. Higuchi Sayegusa: Thank you very much. So, I think we've sufficiently extensively gone through the HPM hearing and testimonies at the point.

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

Ms. Apisa: Move to close the Agency Hearing.

Ms. Otsuka: Second.

Chair Cox: So, moved and seconded. All those in favor of closing the Agency Hearing? Aye (Unanimous voice vote). Motion carried 4:0.

Ms. Higuchi Sayegusa: Okay, we're back to the recommendation, in light of the testimonies, Chair did you wish for our planner to read through the conditions of the initial proposed conditions, and then possibly some additional conditions to address some of the testimony concerns? (inaudible) the daily traffic issues, visual litigation, noise litigation and did you also want to venture into operating hours?

Chair Cox: I think we definitely wanna hear the conditions, even though we've had them. We've had a request from the audience that they don't have the conditions, so, we would like you to read all the conditions.

Mr. Cua: Sure. (Read the conditions from the Director's Report)

Chair Cox: Thank you. Then we also did have some based on testimony, the department has come up with some other recommendations that we might want to consider. Do you have those too?

Mr. Cua: Yeah. (Read additional recommendation from the Department)

Chair Cox: Okay. Any discussion?

Ms. Higuchi Sayegusa: Perhaps we can clarify for the applicant, with the applicant, if that's something (inaudible).

Ms. Apisa: (inaudible) I'd also like to hear from the applicant. Any corrections that (inaudible).

Chair Cox: And I would also like to, if we could hear from the applicant on the answer to the question about compressors, cause you know I didn't get a chance to ask.

Mr. Trask: Oh okay. For the record, Mauna Kea Trask. There will be compressors. I'm not sure what type of compressor Mr. Hassan is talking about but what Mr. Oliviero said, the compressors we're gonna use are high-tech sub contained, and they were included in the sound decibel measurements that he had taken previously and had sent to you. Now I just add, HPM (inaudible) absolutely nothing (inaudible) to this commission, I mean but, everything we say is required has to be truthful and it doesn't be (inaudible) to make up the numbers, those are the numbers. With regard to the conditions, it's all fine, we have no objection to them. Some of the things I just wanna talk about briefly. With regard to just the notice of the neighbors. We sent a letter, this is in the affidavit, by certified mail April 5<sup>th</sup>, as required. I don't know what they're talking about, 30 feet. It says right here, in accordance with Section 8-3.1, of the CZO, as codified, the applicant is required to mail a written notice of public hearing at least 12 days prior to the public hearing, throughout at least 85% of the owners, who in 300 (inaudible) feet from the nearest point, etc....And there was emails (inaudible). And we got some calls after that initial April 5<sup>th</sup> letter. So, in addition we sent out another letter. This was not required. HPM wanted to send out, the first one was on my stationary, the second one was on theirs. And we explained it further. This was dated April 11<sup>th</sup>; this may have been what the other gentleman had received on the 20<sup>th</sup> or something. But it just goes to show that we had sent a letter prior to the required, we sent the requirement letter after the required. We're committed to working with this. We'll talk to the neighbors. We'll call who they want, what earth tones would you like? No problem with that. As

far as the, as how to address the Hawaiian issue. This property that this sits upon, was a royal grant given to R.W. Wood, by Alexander Liholiho, Kamehameha IV in 1855. This was crown land, this is what he gave, his own crown land for all the hoopla and the overthrow and the annexation. I was at Liholiho's property. He sold it because (inaudible) company had established, a failed but R.W. Wood came and he was a doctor and he, they took off. That was Koloa Sugar. That was the beginning of the sugar industry in Hawaii. I have my own personal feelings about that. It's not relevant till today but the king gave, sold it to him. This is not a Hawaiian island that has been stolen, it's a Hawaiian island sold. The unique species, the desecration, does it apply here? It's tied up with what you've heard. The other developments, the other stuff, it's not within this. So, I just wanna correct that as important. (inaudible) to the applicant and say that. Message me, (inaudible) me but (inaudible).

Ms. Apisa: So, you have no objection to, or you accept all the conditions, the applicant accepts all the conditions.

Mr. Trask: Yeah, we do. Thank you.

Chair Cox: Thank you. Okay, I feel a discussion.

Ms. Otsuka: Yeah. (inaudible) these guys.

Chair Cox: Okay.

Ms. Otsuka: I'm not sure this is appropriate. You know, like how we did with the Beach House. We asked them to put or check and get the reports to Planning Department.

Chair Cox: Status Reports?

Ms. Otsuka: Yeah. I don't know if that would make a difference. You know, so, (inaudible) 18-months. We would review their situation and see if this goes through. What the community has to say in 18-months. (inaudible) anything new to say or I don't know (inaudible).

Ms. Apisa: I think what I'm hearing you say is, the applicant give us a status report within 18-months? I think it's a little different than the Beach House, in that, they were an established business in that way. (inaudible).

Ms. Otsuka: (inaudible) condition, if they were to be approved.

Ms. Apisa: Yeah. If they were expanding, something that was already there. It doesn't have the expense of setting up a whole new business. Might be a little different factor.

Chair Cox: But on the Status Report?

Ms. Apisa: On the Status Report in 12 or 18 or 24 months. Would be reasonable.

Chair Cox: (inaudible) the applicant is okay with that. (inaudible)

Ms. Higuchi Sayegusa: So, just to further clarify. You folks are looking at a 12-month (inaudible) annual report or is it within the next, within the period, 18-month approval to provide a status report?

(inaudible)

Ms. Apisa: I would say 12 to 18, within 12 to 18 months.

Chair Cox: Yeah, I agree.

Ms. Otsuka: Upon completion of building.

Ms. Apisa: Or start of operation.

Ms. Higuchi Sayegusa: Start of operation.

Ms. Apisa: 12 to 18 months, from start of operation.

Ms. Otsuka: Just so we can hear what the community

(inaudible)

Ms. Apisa: The conditions are being met. Make sure the conditions are being met.

Ms. Otsuka: Yeah. Cause in the appropriate world everybody works in harmony.

Chair Cox: Any other conditions that you would like to add or are there any other concerns?  
Discussion (inaudible).

Ms. Higuchi Sayegusa: So, perhaps we can just summarize, I think we're swapping out, condition pertaining, number 4, to the language that was read (inaudible), pertaining to visual (inaudible). So, medium or dark earth tones, specifically brown, gray, green or gray. In addition, imposing a new condition that would be number 13, regarding traffic, that was read, limiting traffic, except for (inaudible) within Koloa town and Po'ipu to Ala Kinoiki and onto Maluhia to access Kaumuali'i Highway. In addition, another condition, 14, regarding noise mitigation, on the decibel levels, that was previously read by Planner, Dale Cua. In addition, it's another condition, 15, pertaining to the Status Report due within 12 to 18 months from the start of operations to the Planning Commission related to or in compliance to all the conditions.

Chair Cox: Any other discussions? Yes.

Mr. Hassan: For the record, my name is Kamal Hassan. So, if the conditions are not met in that period, is the applicant prepared to close down?

Ms. Higuchi Sayegusa: Usually how that works is, if there ever is an issue on compliance, it would be something that could be subject to the (inaudible) Hearing and heard before the Planning Commission on why the permit should be modified or revoked. So, yes, the conditions once opposed for any particular permit is (inaudible) and there's a mechanism to make sure that it's heard, and that compliance is done through another hearing at the Planning Commission here. Thank you.

Chair Cox: (inaudible). Commissioners, we ready to move ahead. (inaudible) make a motion.

Ms. Apisa: I...Gerald, do you wanna make a motion?

Mr. Ako: No.

Ms. Apisa: I move that, we approve planning or CLASS IV ZONING PERMIT (Z-IV-2022-8), USE PERMIT (U-2022-8) and SPECIAL PERMIT (SP-2022-1) to operate a construction material manufacturing facility on a parcel situated immediately adjacent to the Old Koloa Sugar Mill site in Koloa, along the eastern side of Ala Kinoiki, approximately 3,300 feet west of the Weliweli Road/Ala Kinoiki intersection, further identified as Tax Map Key: 2-9-001:001, and affecting a 3-acre portion of a larger parcel = HPM BUILDING SUPPLY. With the 15 conditions as read into the record.

Ms. Otsuka: Second.

Chair Cox: We've been moved and seconded. Any last-minute discussion? In that case (inaudible).

Ms. Higuchi Sayegusa: Sure. Roll Call. Yes. Roll call vote. Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox?

Chair Cox: Aye.

Ms. Higuchi Sayegusa: Motion passes. 4:0.

Ms. Apisa: I guess, I do feel the need to say that I did hear the community and I am sensitive, and it obviously was not an easy decision. This has been an all-day meeting with primarily one agenda item. I do appreciate the input from the community, and I am hopeful that this will all work out peacefully.

Chair Cox: I believe that's the thoughts of all the commissioners here.

## **ANNOUNCEMENTS**

Ms. Higuchi Sayegusa: With that Chair, we are on Item N. Announcements. 1. Topics for Future Meetings, I believe that our next scheduled would be on June 28, 2022. We are hoping for a pretty light meeting. That day we have several zoning amendments measures to be heard that day. But at this point, not, no permits at this point (inaudible) on the 28th of June. With that, we're on Item Adjournment.

Chair Cox: Can we get a motion to adjourn?

Ms. Otsuka: Motion to adjourn.

Ms. Apisa: Second.

Chair Cox: All those in favor? Aye. (Unanimous voice vote). This meeting is adjourned. Motion carried 4:0

Chair Cox adjourned the meeting 5:16 p.m.

Respectfully submitted by:

*Lisa Oyama*

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Lisa Oyama,  
Commission Support Clerk

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

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.