

KAUAI PLANNING COMMISSION
REGULAR MEETING
May 10, 2022
DRAFT

The regular meeting of the Planning Commission of the County of Kauai was called to order by Vice Chair DeGracia at 9:07 a.m.

The following Commissioners were present:

Mr. Gerald Ako
Ms. Donna Apisa
Mr. Francis DeGracia
Ms. Lori Otsuka

Excused or Absent:

Ms. Helen Cox
Mr. Melvin Chiba

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

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Vice Chair DeGracia called the meeting to order at 9:07 a.m.

Mr. Hull: Alright Chair, it's 09:07. The Department's ready whenever you are for commencing the Planning Commission meeting.

Vice Chair DeGracia: This meeting is called to order for the Planning Commission meeting for Tuesday, May 10, 2022. Roll call please.

ROLL CALL

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

Mr. Ako: Here.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Here.

Mr. Hull: Commissioner Chiba is excused. Commissioner Otsuka?

Ms. Otsuka: Here.

Mr. Hull: Chair Cox is excused. Vice Chair DeGracia?

Vice Chair DeGracia: Here.

Mr. Hull: You have quorum, Mr. Chair.

APPROVAL OF AGENDA

Mr. Hull: Next we have approval of agenda. The Department has no recommended changes to the agenda.

Vice Chair DeGracia: Can I get a motion to approve?

Ms. Otsuka: Motion to approve the agenda as presented.

Mr. Ako: I second.

Vice Chair DeGracia: Motion on the floor is to approve the agenda. Let's take a voice vote. All in favor say aye.

It was moved by Commissioner Otsuka and seconded by Commissioner Ako to approve the agenda as presented. All were in favor by unanimous voice vote.

Mr. Hull: Motion passes. No additional receipt of items for the record.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: On to hearings and public comment. So, oral testimony will be taken this morning in the following manner. First, we will recognize all speakers who have signed up to testify in person who are physically present at the publicly noticed meeting location, Lihue Civic Center, Moikeha Building, Meeting Room 2A/2B, 4444 Rice Street, Lihue, Kauai. Next, we will recognize all callers by telephone number who have elected to attend the meeting by phone, using the join by phone telephone number provided on the agenda. Finally, we will recognize all attendees who have elected to join the meeting using the Zoom link provided on the agenda. All testifiers will be given 3 minutes per testifier, per agenda item. If you are not interested in providing testimony, please indicate so when you are recognized. If you have internet connectivity issues, please use the join by phone telephone number and we will return to any new callers for testimony before concluding the oral testimony portion of this agenda. Please note that the meeting is also viewable to the livestream broadcast at www.kauai.gov/webcast/meeting. Please note that the livestream broadcast does not allow viewers to provide testimony. Please refer to the agenda for instructions how to provide public testimony. So, for the in-person attendees, for the in person attendees, we have 5 individuals signed up specifically for one agenda item that has an agency hearing. This morning, public hearing, public testimony portion is for if you want to testify at any point, so for those who have signed up, I'll call through your names. You can testify now, or you can reserve that time to testify specifically on, and all these individuals signed up for F.2.a., L.2., HPM, you can also reserve your testimony for the actual agency hearing that is following this general public testimony section. So, I'll call through the names, if you want to testify now or during the agency hearing that is completely at your discretion. So, first person, in-person signed up, Catherine Clark.

Ms. Clark: I'll testify now.

Mr. Hull: Thank you Ms. Clark, you have three minutes for your testimony.

Ms. Clark: Aloha. First, I'd just like to thank you for this opportunity to give testimony. I'm here on behalf of the homeowners and land owners of Poipu Aina community as well as my own family. I have four children, my husband and my elderly mother. We have concerns in regards to the proposed HPM facility. Our primary concern begins with noise pollution. I don't know if you've been shown the structure, I'm sure you have. The proposed structure is an open-air tent. Its dimensions are 40 feet high, 100 feet wide, and 260 feet long. It's a steel frame, I believe, with a canvas like structure over the top. Trusses and prefab panels will be manufactured here with saws, nail guns, and power tools. The noise concern directly impacts our neighborhood. You can see this map here, that the elevation of their proposed location is at 172 feet, we're at 138 feet. We are just very, very close to this facility. This is a rendering that HPM sent our community, that shows the location of this tent. We feel like it's a really simple rendering that could possibly not illustrate the height, the impact and just the size of this building. There's also been concern with the operating hours being from 6:30 a.m. to 4:30 p.m. each day. Trucks going through the gravel road going onto the sugar mill property, the Grove Farm property, in and out, backing up, delivering lumber, fork lifts doing so, the beeping. This might be like a construction site every day of our lives, all year round. The current lease is 10 years with the option to renew. This is our family home. I have 4 kids. We go outside. My son surfs, we skate, we play in our yard. I can't imagine just living on what would be the other side of a dust screen. Instead of it being black, it's just a big white tent this time, but living there for the rest of our lives as a family with the sound of construction, nail guns, saws, etc. Also, I have a concern about Koloa town. I know that one of HPM's facilities is located in Lawai. The trucks will be coming down from the tunnel of trees bringing the lumber from Nawiliwili Harbor to this location, like I said as early as 6:30 a.m. I wonder, are they going to go all the way back up the tunnel of trees turn left at the highway.

Mr. Hull: Three minutes, Mr. Chair.

Ms. Clark: That was three?

Mr. Hull: Thank you for your testimony.

Ms. Clark: Thank you.

Mr. Hull: Next, we have signed up, Darryl Oliveira.

Mr. Oliveira: Good morning, Chair. Good morning, Commissioners. My name is Darryl Oliveira, Director of Risk Management for HPM. Just want to thank you again, for the opportunity to provide testimony and to ask for your consideration on the application before you. I've only been with HMP for five years, but I can say that I've been a customer life long and I've seen that this company is truly community minded and conscious in what it does. I'm also a co-chair with the Hawaii island housing coalition which is an organization under a nonprofit looking at the housing crises facing our community on island but also what we observe across the state. The proposed project will provide not only employment opportunities for members of the Kauai community but will also provide additional capacity for the construction industry here which will provide much needed housing for the Kauai community. Again, I just want to say thank you for your consideration of the application and I would hope that you would look at it favorably as the project would definitely increase capacity of the construction industry here and provide employment opportunities. And appreciation for the comments shared earlier. HPM will do its part to be a good neighbor for the residents of Kauai community. Thank you.

Vice Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next we have, and just a reminder, you can chose to testify now or during the agency hearing as

well, whichever is your discretion. Next, we have signed up Micah Agena.

Mr. Agena: Good morning. My name is Micah Agena and I'm born and raised here on Kauai, and I can truly say I love this island and the communities within. I've been fortunate enough to work in the truss building industry for 22 years and I'm currently the components manager for HMP Kauai, as the only truss designer on island. Like many of you here, I am in support of the proposed facility. My wife and I are blessed with three young boys and truly understand that family and community are real core values. Through HPM and the community support we can help ensure lowering building costs on island and create more affordable housing opportunities so that more young local families have a chance to become homeowners so they and the future generations can continue to live and enjoy our island culture and home. Thank you.

Vice Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next we have Michael McDermott.

Mr. McDermott: Good morning. My name is Michael McDermott. I worked with Micah, the previous speaker, for 20 years. Basically, I've been one of the only truck drivers if not the only truck driver delivering trusses for the last 20 years to the island of Kauai. I delivered a lot of those houses in Poipu, that full row pretty much. I developed a lot of relationships with people, customers, family, contractors over the years. I too have a family, two boys, my wife. You know, this career has taken care of me over the years for sure. I joined this company because seeing what they do for our community, seeing how they care about their employees, being an employee company, its huge. Makes you feel like, it's mine now, you know? I'm proud being able to continue to give back to the community and continue to serve the customers I've been serving for so many years. I would really like if we could have our plant there. It would be huge for us to again serve the community and just give back. Thank you.

Vice Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next we have Lindsey...

Mr. Carineo: Carineo.

Mr. Hull: Sorry, Carineo.

Mr. Carineo: Hi my name is Lindsey Carineo, related to three quarters of this island. You guys can talk about me. Everybody heard about me, one master builder. My testimony is for this truss thing. My family. I'm looking for my family, for their future, all my kids, all my cousins, everybody, you know for build affordable housing. You guys can look at 'em right now. I'm a contractor. I go out there into the community and I help people who have, they cannot build their house. So, I help them for cheap. I donate my time. I'm also the superintendent for Hanalei base yard, for the County. If you guys want to know, I'm building a project, we're at Hanalei right now. HPM has worked with us to provide our trusses so we can so we can get this emergency facility for the County done. Our trusses are on the barge right now. They have worked with us. We will receive it next week. We can start trussing, we can get this County building on the move. And then we moving to Wainiha. I support them full on. They did a lot for me. Micah guys is all with Island Truss. That's like my family. HPM provides them jobs. It's good that. I want my kids, I want my family to be builders so they can help each other, the local people come together. It's like Habitat, and help each other build these affordable homes. If I have to, in my future, as I get richer, more money, you guys will see me out there helping people with heart to build these homes. And hopefully, Jason guys will be backing me for these homes. I have a lot of fun on Grove Farm property. I'm like a security there. I live there, I work there, I fish there, I hunt there, I do everything there. It's a very nice thing we have there in Koloa. Born and raised in Hanapepe, 49 years old right now. Times two, I'm going to be 96. I want the best for our island, period. Whoever out there need some consulting on their home, I'm willing to help you guys

for free, hook you guys up with the best material, the best lead, the best wiggles, the best everything, just so your families, your local families, can have something nice. Go talk about me. Ask people about me. They going tell you what I do. I do from the heart and I totally back HPM for this truss facility and I hope we get it. So, if you guys look, Kauai has a lot of homes right now with no trusses. We need HPM here as soon as we can to make local people happy. Thank you. Aloha.

Vice Chair DeGracia: Thank you for your testimony.

Mr. Hull: That wraps up all the people that have signed up. Is there anyone in person who have not signed up that would like to testify on any agenda item at this time? Hearing and seeing none, Jodi, I'll turn it over to you for the telephone call list and Zoom list.

Ms. Sayegusa: Turning to the callers who have elected to attend the meeting by phone using the join by phone telephone number provided on the agenda. I'm going to recognize each caller by telephone number that was used to call into the meeting, one by one, and enable your audio. Please press *6 and unmute yourself to talk on your end. If you're comfortable doing so, please identify yourself and please also clarify which agenda item or items you wish to testify on and you will be given three minutes per agenda item for your testimony. If you're not interested in providing testimony, please let me know when you are recognized. First, we have number 1-808-222-2826. I've enabled your audio.

Mr. Delaunay: Aloha.

Ms. Sayegusa: Please identify yourself and let me know which agenda item you wish to testify on.

Mr. Delaunay: This is Christopher Delaunay with Pacific Resource Partnership. We are testifying on the HPM Building Supply's February 4, 2022, application for a special permit, use permit, and class IV zoning permit. And...

Ms. Sayegusa: Sorry to interrupt. Did you want to testify now during public comment, or do you want to reserve your three minutes of testimony during the agency hearing portion of the agenda? If you want to do it during the agency hearing, we'll make note and call you.

Mr. Delaunay: Okay, well I want to do my testimony now. We also have Abigail Holden who is our attorney who will actually probably be speaking later more about our petition to intervene and motion to postpone, but I'll go ahead and give my testimony now.

Ms. Sayegusa: Okay, go ahead.

Mr. Delaunay: Okay. Aloha commissioners. Pacific Resource Partnership is a nonprofit market recovery trust fund which represents approximately 7,000 men and women union carpenters and 240 large and small contractors in the state of Hawaii including approximately 250 individuals and unionized contractors on Kauai. We are testifying on HPM Building Supply's February 4, 2022, application. A lot of the assertions made by HPM is not supported by real evidence and need further analysis. Postponing the hearing on the application will allow time for full review of the information submitted by HPM and the Planning Director's recommendation. Moreover, postponing the hearing will provide time for further study of the project which is necessary given the significant impact to the economy, community, and environment. For instance, we don't know if the project supports the General Plan. We don't whether it will provide jobs, living wage, and actually reduce the cost of housing given that the materials must be imported to build these trusses and walls. They talk about importing wood from the mainland. We don't know if this is the right project for this site given that the land in this area is zoned agriculture and it appears there is no connection to ag at all since they are importing lumber here and they are actually manufacturing trusses and prefabricated walls and panels. So, there are a lot of things that we don't know about this project that needs to be examined. So, what's the harm of postponing it and looking a little more into this project? So, we respectfully ask that this

application be postponed or deferred. Thank you for this opportunity to testify.

Ms. Sayegusa: There are no other callers at this point, so I'm going to turn now to those who have elected to attend this meeting using the Zoom link provided on the agenda. I'm going to recognize each attendee one by one and promote you as a panelist. Once you click on join as panelist on your end, you'll be able to click on start video and unmute yourself. If you're comfortable doing so, please identify yourself. Please also clarify which agenda item or items you wish to testify on. You will be given three minutes per agenda item for your testimony and if you're not interested in providing testimony, please indicate so when you are recognized. If any Zoom attendee experiences any internet connectivity issues, please use the join by phone telephone number and we will return to new callers for testimony before concluding the oral testimony portion of this agenda. So first, we have Abby Holden. I'm going to enable your video and audio. Please click on panelist on your end and you'll be able to start video and unmute yourself. Please identify yourself and clarify which agenda item you wish to testify on.

Ms. Holden: Hi. Good morning, commissioners and Chairperson. Abby Holden. I'm the attorney for Pacific Resource Partnership. So, I'm here to discuss our petition for intervention, so I will wait until the agency part of the hearing.

Ms. Sayegusa: (Muted) Sorry, next we have Andy Hood. I've enabled your audio video. Please click on start video on your end and you can unmute yourself. Please identify yourself and clarify which agenda item you wish to testify on.

Mr. Hood: Hi my name is Andy Hood and I'm on agenda item for the Hanalei Traders SMA permit.

Ms. Sayegusa: Okay, would you like to testify during the public comment period now, or would you wish to testify during the agency hearing?

Mr. Hood: The agency hearing, thank you.

Ms. Sayegusa: Okay, thank you, we'll make note. Next, we have Christine Martin. I'm enabling your audio video. Please join as panelist on your end and then you'll be able to start your video and audio.

Ms. Martin: Good Morning. I would like to testify now on agenda item F regarding the HMP facility. My name is Christine Martin and I am a property owner in Poipu Aina Estates near old Koloa Mill. I'm also on the board of directors for our community association as treasurer. We filed a petition to intervene yesterday, and we respectfully request that you honor our petition. I would also like to request a deferral to give more time to evaluate the impact of the proposed HPM facility. We have concerns about HPM's assertions regarding the impact on the community. They say there's little to no impact on the community's noise, traffic or views and we would like to see more evidence to support HPM's claim. I'm also concerned that this request is for a special permit and therefore avoiding the standard rezoning process. I'd like to request that HPM take the time to apply to the normal rezoning process and not rush this decision using the special permit process. As a community for Poipu Aina Estates, we support the same kind of things HPM does helping our community and our neighbors. We would just like more evidence to support HPM's claims and that this is the right place for the facility that they're proposing. And that's all. Thank you very much.

Ms. Sayegusa: Next we have, let's see, we did formerly have Chris Delaunay, we also have Christy Arsales, no longer on the Zoom meeting. Next, we have Hal Hammat. I'm enabling your audio video, please join as panelist on your end and you'll be able to start your video and unmute yourself.

Mr. Hammat: Hello, can everybody hear me? My name is Hal Hammat. I am an archaeologist with Cultural Surveys Hawaii, and I would like to testify on the Hokuala project. Just a brief review of the work we've done related to this project. We performed a cultural impact assessment in 2022. This is a 16.8 acre project. We outreached to 29 people, we got four responses and the recommendations, basically, simple and

standard. There were no cultural practices identified in the project area. The recommendations were to notify SHPD if there were any findings during the preparation of the project. Also, in terms of the archaeology of the project, of course it was traditionally in sugar cane many, many years ago and there have been eleven surveys performed as part of the Kauai Lagoons project and the area was covered in 1980, 1988, 1990 and most recently in 2005. We identified that sites in the area are all located along the coast, so we feel that this area has been adequately studied. We feel there are no cultural archaeological concerns associated with the project. Thank you.

Ms. Sayegusa: Thank you very much. Next on the list we do have Hanalei Traders. I'm enabling your audio video. Please click on join as panelist on your end and you'll be able to press on audio and video. You gotta unmute on your end. Hanalei Traders?

Ms. Roberts: Oh, maybe this one's for me in addition to Andy Hood. This is Michelle Roberts. I'm with Sustainable Resources Group. We are the authorized agents for Hanalei Traders. I have no comment at this time. We're here to answer questions should they come up.

Ms. Sayegusa: Again, this is the public comment phase of the agenda. The matter will be taken up at agency hearing and also for action later on, if you are representing the applicant at this point.

Ms. Roberts: Yes.

Ms. Sayegusa: Alright, thank you. Next, we have Jeff Masters. Jeff Masters, I am enabling your audio video, please click on join as panelist on your end.

Mr. Masters: Get out of the picture.

Ms. Sayegusa: Mr. Masters, I think we can hear you at this point. You have the option to enable your video as well. Please identify yourself and if you're comfortable, please clarify which agenda item you wish to testify on.

Mr. Masters: Hello.

Ms. Sayegusa: Yes, we can hear you Mr. Masters.

Mr. Masters: Yes, my name is Jeff Masters. I'm an owner and lived in Poipu Aina Estates when the original owners that have been there since the subdivision was open. I'm also a building contractor here in Koloa area, I've been a builder here for over 15 years and I've built very high-end homes in the area. I've had a relationship with HPM for many years and want to continue my relationship with them. I just would like to defer this decision or approval of their facility to be put at the Koloa Mill area until we get further information given by HMP that would help us to see exactly what they would be willing to do regarding the list that we had sent them as far as our concerns with the property. We're not against affordable housing in any way or form. Like I say, I'm a building contractor and I support HPM with their products over the years. We just would like to further information and look more into how this is going to impact us which we think is substantial in our neighborhood and also the surrounding areas. That's it. Thank you.

Ms. Sayegusa: Next we have Jeri DiPietro. Please click on join as panelist on your end, enable your audio visual, identify yourself and clarify which agenda item you wish to testify on.

Ms. DiPietro: Aloha Commission. I am Jeri DiPietro, the president of the Koloa Community Association. I'd like to testify on the zoning permit for the HPM building and I'd like to testify after the agency hearing please.

Ms. Sayegusa: Got it. Thank you very much.

Mr. Hull: Just for clarification, Ms. DiPietro, the time to testify would be either now or during the agency hearing. You're requesting to speak during the agency hearing, correct?

Ms. DiPietro: Yes, I guess during the agency hearing or during the action.

Mr. Hull: We'll reserve for the agency hearing, thank you.

Ms. DiPietro: Okay, mahalo.

Ms. Sayegusa: Next we have Leila Rothwell Sullivan. When you're ready please start your video and unmute yourself and clarify which agenda item you wish to testify on and whether you wish to testify now or during the agency hearing.

Ms. Rothwell Sullivan: My name is Leila Rothwell Sullivan and I'm an attorney representing the applicant for consent item G.1.a. and I'm just here to monitor.

Ms. Sayegusa: Thank you for clarifying. Next, we have Leilani. Actually. Click on join as panelist on your end and you can start your video and unmute yourself. Please identify yourself and clarify which agenda item you wish to testify on. Leilani, if you're able to on your end, unmute yourself, start your video and just to clarify if you wish to testify on an agenda item let us know, and if not let us know otherwise. Thank you. If any Zoom attendee experiences any connectivity issues, please use the join by phone telephone number and we will return to new callers at the end of going through the Zoom attendee list. We'll give it 30 more seconds or so. Again, I've enabled the audio video for Leilani. If you're able to on your end, please join as panelist and then you'll be able to start your video and unmute yourself. If you are having any internet issues, please use the telephone join by phone number provided on the agenda and we can return to any new callers. At this point, I'm going to move on, and again if there's any issues, please use the join by phone number. Next, we have Mindful Harvest. I'm going to enable your video and audio, please click on join as panelist on your end.

Ms. Rizzo: Hello, my name is Sally Rizzo, I don't wish to testify.

Ms. Sayegusa: Thank you very much. Next, we have Nathaniel.

Mr. Kinney: Hello, Nathaniel Kinney, Political Director for the Hawaii Regional Council of Carpenters. I wanted to testify on the HPM matter on the agenda.

Ms. Sayegusa: Do you want to testify now during public comment or would you wish to reserve your three minutes for the agency hearing portion of the agenda.

Mr. Kinney: No, I'm okay with testifying right now. So, I just wanted to bring up some of the concerns brought up by some of the community members as well as Pacific Resource Partnership. Clearly, there is some controversy or some clarity that needs to be brought on this matter, and we'd like more time to get a more complete picture of what exactly is happening at this property and what exactly those impacts are going to be. There are industry impacts that the Regional Council of Carpenters is worried about, but it also seems like there's community concerns about what is going to be built there and why there is some sort of special use permit rather than a regular rezoning. So, again, just noting the community concerns and our concerns we would just like to ask the Commission to take a deeper look at this and give more information to the community before moving forward with any matters. Thank you.

Ms. Sayegusa: Next, we have Pacific Resource Partnership. Pacific Resource Partnership, I've enabled your audio video, please join as panelist on your end, identify yourself when you're ready, and clarify which agenda item you wish to testify on.

Mr. Delaunay: Yes, hi, this is Chris Delaunay. I already testified on behalf of Pacific Resource Partnership via phone earlier, so I'm finished. Thank you.

Ms. Sayegusa: Okay, thank you very much. Next, we did have someone identified as Rick that I no longer see him on this list. So, next we have Zoom user. I'm enabling audio video, on your end please join as panelist on your end, and you'll be able to start your video and audio and identify yourself, clarify which agenda item you wish to testify on or if you do not wish to testify on any agenda item.

Mr. Williamson: Hello my name is Mark Williamson and I'm a homeowner in Poipu Aina Estates. I moved there one year ago on April 29, 2021, and part of the reason we moved there was it was just a pristine, quiet area and I understand it is an ag zone. And with this HPM proposed site, we're concerned about the impact it will have on the subdivision environment. And also, I keep hearing the letters from HPM that this is for low affordable housing. Do we know what percentage of their building will be for affordable housing versus just regular construction? That's it for me.

Ms. Sayegusa: During this public testimony we did also have a new Zoom attendee call identified as all, a-1-1. I am enabling your audio video. Please join as panelist on your end. You'll be able to start your audio and video and identify yourself. Please identify yourself, if you're comfortable, and clarify which agenda item you wish to testify on. Again, Zoom attendee who has identified him or herself as all, a-1-1, please unmute yourself and enable your audio and video if you wish to testify on any agenda item. Again, if there is any internet connectivity issues being experienced, please refer to agenda and join by phone using the telephone number listed on the agenda and we will return to any callers next. Giving it about 30 seconds. If I don't hear a response, I think we're going to assume that no testimony is wished to be provided at this time by all, a-1-1. Okay, Madam Chair, I'm going to move on to any callers that joined late, there are none, or who have joined since after the Zoom attendees, there are none. So, at this point, I'm sorry Chair, we have gone through all of the telephone numbers and Zoom attendees who have joined the meeting. Is there anyone else who has joined the meeting by Zoom link who has not testified on what they would like to testify on, please raise your virtual hand and I can recognize you at this point. The final call for public testimony on any agenda item. Anyone on the attendee list who would like to testify now on any agenda other agenda item, please raise your hand. I'm seeing no virtual hands raised so this concludes our oral testimony at this point. Turning the meeting back to you folks, Madam Chair. I'm sorry, Sir Chair. Sorry about that.

Mr. Hull: That concludes the public comment portion of the agenda. Moving directly into the agency hearing portion of the agenda.

Continued Agency Hearing

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-3) to accommodate streambank stabilization repair work involving a parcel along the Hanalei River along the makai side of Kuhio Highway in Hanalei Town further identified as 5-5016 Kuhio Highway, Tax Map Key: 5-5-010:067, containing a total area of 2.32 acres = HANALEI TRADRERS INC.

Mr. Hull: Chair, we have F1., continued agency hearing, special management area use permit SMA-U-2022-3 to accommodate streambank stabilization repair work involving a parcel along the Hanalei River along the makai side of Kuhio Highway in Hanalei Town further identified as 5-5016 Kuhio Highway, Tax Map Key: 5-5-010:067, containing a total area of 2.32 acres. Hanalei Traders Inc is the applicant. We have no in-person people signed up to testify on this agency hearing. Are there any members of the public in person here that did not sign up for the Hanalei Traders Inc application that would like to testify on the agency hearing? Seeing none, Jodi, I'll turn it over to you. I believe have one testifier via Zoom that has specified they would like to testify during the agency hearing.

Ms. Sayegusa: Turning back to Andy Hood. Andy Hood, I am enabling your audio video. Please click on start video on your end and join as panelist. Whenever you're ready you can begin your testimony.

Mr. Hood: Hello, my name is Andy Hood. I'm with the firm Sustainable Resources Group International Incorporated. We're the authorized agents for the Hanalei Traders who's submitted a SMA major permit application. We are available to the Commissioners to answer any questions they may have regarding our request.

Ms. Sayegusa: Thank you, again this is the agency hearing. The action item will be taken up a little later on the agenda.

Mr. Hood: Okay.

Ms. Sayegusa: That concludes any continued or any testifiers wishing to testify and reserve their testimony during this item.

Mr. Hull: With that Mr. Chair the Department would recommend closing the agency hearing for Special Management Area use permit 2022-3, the applicant, Hanalei Traders Inc.

Ms. Otsuka: Move to close.

Ms. Apisa: Second.

Vice Chair DeGracia: Motion on the floor is to close the agency hearing for this item. Clerk, can we get a roll call vote.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Vice Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair.

It was moved by Lori Otsuka and seconded by Donna Apisa to close the agency hearing. The motion passed by the following roll call vote: (Ako-Aye, Apisa-Aye, Otsuka-Aye, DeGracia-Aye, 4-0)

New 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 eastern side of Ala Kinoiki, approximately 3,300 feet west of

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.

Mr. Hull: Next we go on to agenda item F2, new agency hearing, a., 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 eastern side of Ala Kinoiki, approximately 3,300 feet west of 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. The applicant, HPM Building Supply.

EXECUTIVE SESSION

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 Koloa, along eastern side of Ala Kinoiki, approximately 3,300 feet west of 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.

Vice Chair DeGracia: 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 Koloa, along eastern side of Ala Kinoiki, approximately 3,300 feet west of Weliweli Road and 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 4/28/22. Commissioners, can I get a motion to enter into executive session?

Ms. Otsuka: Motion to enter executive session.

Mr. Ako: I'll second that.

Vice Chair DeGracia: Motion on the floor is to enter into executive session. Could we get a roll call vote please.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Vice Chair DeGracia: Aye.

It was moved by Lori Otsuka and seconded by Gerlad Ako to move into executive session. The motion passed by the following roll call vote: (Ako-Aye, Apisa-Aye, Otsuka-Aye, DeGracia-Aye 4-0)

Mr. Hull: Motion passes, Mr. Chair. For the members of the public here, the Commission is going to move into executive session. We're going to ask that you vacate the premises. Do you anticipate long Mr. Chair, Madam Counsel?

Ms. Barzilaj: About 15, 20 minutes maximum.

Mr. Hull: About 15, 20 minutes before returning. Thank you.

The Commission moved into executive session at 9:54 a.m.

The Commission resumed agency hearing at 10:20 a.m.

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 eastern side of Ala Kinoiki, approximately 3,300 feet west of 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.

Vice Chair DeGracia: Okay, I call the agency hearing back to order. In light of my profession and in the best interest of this Commission on this matter, I will recuse myself for this specific agenda item.

(Vice Chair DeGracia recused himself)

Ms. Barzilaj: In this case, Clerk, we will have Commissioner Ako Chair this item.

Mr. Ako: Good morning. Let's see. Now that Commissioner DeGracia has recused himself, we no longer have a quorum to conduct business on this. So, what we will be doing is we will be continuing to take agency testimony, but any action on this will be deferred to the, will be placed on the next Planning Commission meeting. With that, I'll turn it over to our clerk.

Mr. Hull: So, what the chair is stating is that with no quorum no valid action can be taken. So, they cannot move to defer, they cannot move to take action, to approve, to deny, or whatever action may be deemed appropriate. So again, no valid action can be taken without quorum. In light of lack of quorum, we are still receiving public testimony, so we will go through the agency hearing, receive additional public testimony that is going to be provided outside of what was previously received. So, for the in-person testimony we had 5 members signed up. We have no additional members signed up for in-person testimony. We are in the agency hearing again for Class IV Zoning Permit Z-IV-2022-8, Use Permit U-2022-8, and Special Permit SP-2022-1, the applicant is HPM Building Supply. Is there anyone else in person who would like to testify in agency hearing on this agenda item who has not previously testified? Seeing and hearing none, Jodi, I will turn it over to you for anybody on the Zoom or the phone like who would like to testify on this agency hearing.

Ms. Sayegusa: Clerk, we do have Abby Holden who indicated that she would like to testify during the agency hearing. I have enabled your video and audio. On your end, please join as panelist on your end.

Ms. Holden: Yeah, good morning, Chair, Commissioners. I represent Pacific Resource Partnership, specifically related to our petition to intervene and to postpone hearing. So, I understand that without quorum there will be no action taken on that, so I don't actually have agency testimony to provide.

Ms. Sayegusa: Next we had Jerry DiPietro who indicated she would like to reserve her three minutes during this agency hearing. I am enabling your audio and video. Please join as panelist on your end.

Ms. DiPietro: Aloha Commissioners and Department Chair. Mahalo, Jodi. I'm Jerry DiPietro, the President of the Koloa Community Association. I was going to testify on the HPM building permit. Is this the proper time?

Ms. Sayegusa: Yes, this is the agency hearing for that item 2.a.

Ms. DiPietro: Mahalo, Jodi. Thank you again. I wanted to express some of the concerns our board had and also, first I'd like to mahalo the residents who testified earlier. They brought up a lot of issues and concerns that we had not considered. Our main concerns about the project there, while we realize that trusses are very much in short supply and greatly needed, the letter from Mr. Fujimoto which we really appreciated getting early on, doesn't really say which affordable projects they would be building the trusses for. And we know that there's a great deal of homes to go up in Kukuiula that are not the affordable projects. So, we are concerned about traffic routes and the extra truck usage going up Maluhia. We also have the concern about the regional sewage treatment plant that is planned for the Koloa Mill area. Since 2008, Aqua Engineers HOH, now Hawaii Water, had an EIS for a regional plant to get the temporary sewage plant that's so near the coast, to get that up to a higher elevation, and we really want to just be assured that the three-acre parcel that HPM is looking at is not be in conflict with the parcel which would be two or three acres for the sewage treatment plant. We just want to be sure everybody knows. We want to bring this up so everyone is on the same page. Those are our main concerns at this point so we will stay tuned. Thank you very much.

Ms. Sayegusa: That's all I had, Chair, for any other testifiers who wished to testify during this portion of the meeting hearing.

Mr. Hull: Thanks, Jodi. With that, there's no further testimony for this agency hearing. Again, there's no valid action that can be taken with lack of quorum, so this agency hearing will be placed on the next upcoming May 24th Planning Commission agenda.

Mr. Trask: Mauna Kea Trask for the record, attorney for HPM. I just want to get a little clarification on the process. My understanding is that public testimony has been postponed.

Ms. Barzilai: Agency hearing has been continued. So, I would deem that public testimony is still open.

Mr. Trask: Okay. And will members of the public, next meeting, people will still be able to testify, correct?

Ms. Barzilai: That is my reading, yes.

Mr. Trask: And let's see, my understanding too is that given that it's continued from today, no further public testimony, public notice, has to go out from the applicant, correct? This just gets taken care of.

Ms. Barzilai: No.

Mr. Trask: Thanks so much. No further questions.

(Vice Chair DeGracia returned to the meeting)

CLASS IV ZONING PERMIT (Z-IV-2022-9) and USE PERMIT (U-2022-9) to allow construction of a new single-family dwelling unit on a parcel situated at the southern terminus of Leleiona Street in Puhi, situated approximately 800 feet south of its intersection with Puhi Road and further identified as 1811 leleiona Street, Tax Map Key (4) 3-3-011:003; containing a total area of approximately 3.401 acres = HAWKTREE LAND INC.

Mr. Hull: Chair, we are at the next agency hearing , 2.b., Class IV zoning permit Z-IV-2022-9 and use permit U-2022-9 to allow construction of a new single-family dwelling unit on a parcel situated at the southern terminus of Leleiona Street in Puhi, situated approximately 800 feet south of its intersection with Puhi Road, Tax Map Key (4) 3-3-011:003. The applicant is Hawktree Land, Inc. Nobody testified during the public comment. We have no one signed up to testify in person. Just checking, is there anyone in person who did not sign up for the Hawktree Land Inc. application that would like to testify at this agency hearing? There's no one who's indicated that they would like to testify. On Zoom or phone numbers, Jodi is there any additional people that have logged on to Zoom or on phone that may want to testify on this item?

Ms. Sayegusa: There was one Shirai Soltren. I'm going to promote you as panelist. Please join as panelist on your end and you will be able to start your video and unmute yourself and please clarify which item if any you wanted to testify on, more particularly if you wanted to testify on the Hawktree Land Inc. matter number 2.b. on the agenda. Shirai Soltren, you are able to speak at this point. Please clarify if you wanted to testify on this item, Hawktree Land, Inc., item 2.b., on the agenda.

Ms. Soltren: No. No.

Ms. Sayegusa: Thank you. Did you want to testify on any other item, agency hearing matter, just to clarify?

Ms. Soltren: No.

Ms. Sayegusa: Okay. Thank you very much.

Mr. Hull: Hearing that, Mr. Chair, the Department would recommend closing agency hearing for the application for Hawktree Land, Inc.

Ms. Otsuka: Move to close.

Ms. Apisa: Second.

Vice Chair DeGracia: Motion on the floor is to close agency hearing for this item. Can we get a roll call vote.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Vice Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair.

It was moved by Lori Otsuka and seconded by Lori Apisa to move close agency hearing for agenda item F.2.b. The motion passed by the following roll call vote: (Ako-Aye, Apisa-Aye, Otsuka-Aye, DeGracia-Aye 4-0)

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2022-6, CLASS IV ZONING PERMIT (Z-IV-2022-10) USE PERMIT (U-2022-10) and VARIANCE PERMIT (V-2022-2) to allow installation of a stealth telecommunication structure and associated equipment on a parcel situated on the makai side of Aleka Loop in Wailua approximately 400 feet east of the Kuhio Highway/Aleka Loop intersection, further identified as 650 Aleka Loop, Tax Map Key: (4) 4-3-007:028 and containing a total area of 10.377 acres = CELLCO PARTNERSHIP (DBA VERIZON WIRELESS)

Mr. Hull: Next we have special management area use permit SMA(U)-2022-6, class IV zoning permit Z-IV-2022-10, use permit U-2022-10 and variance permit V-2022-2 to allow installation of a stealth telecommunication structure and associated equipment on a parcel situated on the makai side of Aleka Loop in Wailua approximately 400 feet east of the Kuhio Highway/Aleka Loop intersection, further identified as 650 Aleka Loop, Tax Map Key 4-3-007:028 and containing a total area of 10.377 acres. Cellco Partnership is the applicant. We have no one signed up in person to testify on agency hearing. Is there anyone in the audience, the physical audience here at the Civic Center, that has not testified for this agenda item, but would like to testify?

Ms. Phelps: I'm with the applicant.

Mr. Hull: Okay, we'll be coming to that section.

Ms. Phelps: I just wanted to make sure.

Mr. Hull: Thank you. Anyone else who would like to testify in person on this agenda item? Seeing none, Jodi do we have any additional Zoom or telephone call numbers that may want to testify on this agenda item?

Ms. Sayegusa: We do not have any other additional Zoom attendees nor conference call number attending.

Mr. Hull: Thank you. With that, the Department would recommend closing the agency hearing.

Ms. Apisa: I move we close the Special Management Use Permit SMA(U)-2022-10, Class IV Zoning permit Z-IV-2022-10, Use permit U-2022-10 and Variance Permit V-2022-2 agency hearing.

Ms. Otsuka: Second.

Vice Chair DeGracia: Motion on the floor is to close agency hearing for said item. Can we get a roll call vote.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Vice Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair.

It was moved by Lori Otsuka and seconded by Lori Apisa to move close agency hearing for special management use permit SMA-2022-10, class IV zoning permit Z-IV-2022-10, use permit U-2022-10 and variance permit V-2022-2. The motion passed by the following roll call vote: (Ako-Aye, Apisa-Aye, Otsuka-Aye, DeGracia-Aye 4-0)

Mr. Hull: We have no continued public hearings, no new public hearings. The Commission approved the agenda, so the consent calendar is hereby approved and received.

GENERAL BUSINESS MATTERS

Request to amend Condition No. 10 of Class IV Zoning Permit Z-IV-2011-12, Use Permit U-2011-12 and Special Permit Sp-2011-7 relating to commercial botanical garden tour operations involving a parcel situated approximately 900 feet west of the Ahonui Placde Kapa Ka Street intersection in Princeville, further identified as Tax map Key: (4) 5-3-008:012 affecting an 8 acre portion of 25.303 acres = Joseph Abbott & Jan Marie Jouflas (formerly William E Roverson Trust/Lucinda G McDonald Trust).

Mr. Hull: Moving on to agenda item H, general business matters, request to amend condition number 10 of class IV zoning permit Z-IV-2011-12, use permit U-2011-12 and special permit SP-2011-7 relating to commercial botanical garden tour operations involving a parcel situated approximately 900 feet west of the Ahonui Place Kapa Ka Street intersection in Princeville, further identified as Tax map Key 5-3-008:012 affecting an 8 acre portion of 25.303 acres. The applicants are Joseph Abbott & Jan Marie Jouflas formerly William E Roverson Trust/Lucinda G McDonald Trust. I'll turn it over to Dale for the Director's report pertaining to this matter.

Mr. Cua: Good morning, Chair, and members of the Planning Committee. If you guys are okay, I will be summarizing and highlighting portions of the Director's report.

(Mr. Cua read the Director's report into the record. Copy on file at the Planning Department.)

Vice Chair DeGracia: Do we have any questions for the Department.

Ms. Apisa: No questions.

Vice Chair DeGracia: Hearing none, we'd like to hear from the applicant or applicant's representatives.

Mr. Cohen: Good morning, Commissioners. It's been a long time. My name is Harvey Cohen I'm an attorney representing Joe and Jan Marie Jouflas. Jan Marie is sitting behind me. As represented by the Director's Report, the operation has been in existence for approximately 11 years. The current owner has owned since right before the pandemic. We've been closed the end of January 2020. I'm kind of in a

unique position because not only am I here as the applicant's representative, I'm also the owner of the property that's immediately adjacent to the botanical garden. In fact, the botanical garden envelopes my wife's and my property on three sides. I was just thinking about this when I was here about 11 years ago when the original applicant was applying for the special use permit, I testified as what I called a YIMBY which was a yes in my back yard, but because this just in my mind a perfect use for agriculturally zoned lands. It's also interesting that in the past year the County has adopted a modification to the CZO that makes botanical garden use not an approved use in the ag zone but that's when you use that, it would be considered favorably if you had a new applicant that would have come forward with this type of application. Most importantly, there have been, in addition to my own endorsement, there has been absolutely no complaints in 11 years of operation, and I think our request today to renew the application, or renew the permit in perpetuity, is really as much in an effort to minimize the Commission's time that we don't have to come back here every couple of years. Obviously, if there's complaints, we'll be notified and learn about it, but in my mind, this is a perfect opportunity to endorse an agricultural use, ecotourism, if you want to call it that, but an amazing operation that has taken a lot of doing and a lot of hard work and continues to provide an amazing educational opportunity for tourists and local folks alike. We fully endorse the Director's recommendation. I'm available to answer any of your questions.

Vice Chair DeGracia: Commissioners, do you have any questions?

Mr. Ako: I have a question. You know, since this operation started in 2011, since then you've had, what, at least three extensions, yeah? You got three years, two years, and then five-year extension, yeah?

Mr. Cohen: Correct.

Mr. Ako: Was the time limitations that were put on it because this is not a permissible activity?

Mr. Cohen: You know, I wasn't involved in the interim extensions, so I would have to ask what the Department's thinking might have been in limiting those to two-year intervals.

Mr. Hull: I can speak to that Commissioner Ako. I actually was the staff planner, ions ago. Generally when, at least in past practice, you see commercialization of agricultural land, I'm sorry let me take a step back. The botanical garden wasn't at that time an outright permissible use within the agricultural district, particularly for commercial purposes of touring the botanical garden. And so, a use permit was required that necessitated the Commission would view the application, or two particular purposes. One, to determine compatibility and not having negative impacts on surrounding area in the neighborhood and those who frequent the area. But two, to ensure that this is bona fide agricultural operation that isn't just a, you know, we see applications all the time the Department, we got some pretty nice scenery on agricultural land, come and trade money to tour it, which we would find to a certain degree contrary to the objectives of utilizing agricultural land to for the production of agricultural products. So, whenever, at least in the past, the Commission got these commercial proposals for actual tours and sales that would be occurring on property on agricultural land, there's always some hesitation to ensure that the operation is a bona fide agricultural operation and not just a commercial tour operation. And so, sometimes these limitations were put on it to ensure that the operation would continue a bona fide agricultural nature and not turn into a vested, you know, commercial tour operation that has no growing of products whatsoever. And so, this two-year time window has been placed on a number of operations. It's not unique to this one. They've been coming in for several years for renewals. At this point, after over a decade of operation and use, they are asking to be able to have this tour operation to be in perpetuity. The Department, in looking at it for years past, for how much they have been operating, are okay with that. There are still measures that need to be taken that if they did not continue that the actual operations of the tours should cease. We are comfortable moving forward with that, but also sympathetic to any concerns the Commission may have today. I don't know if that answers your question or not.

Mr. Ako: Yes.

Mr. Hull: Kind of long winded, sorry about that.

Mr. Ako: Thank you. I guess I'm just wondering also, yeah. What would be the adverse impact if a permit was not issued in perpetuity and issued with a timeline? Would there be any?

Mr. Cohen: I don't think there'd be any dramatic impact. There might be some hesitation on the part of the applicant to invest in more botanical garden infrastructure if you will. I know initially, there was a tremendous expenditure of resources in removing invasive species and planting indigenous species and so forth. So, I think it's more akin to like a long-term lease or a homeownership kind of thing. I think just knowing that as long as they remain good stewards and don't engender any complaints, feels like it would be a nice endorsement for a good use.

Mr. Ako: Thank you.

Ms. Apisa: I'll just offer my comments. I see that as sort of a probationary period, and I think they've certainly satisfied it. And speaking as a resident of the North Shore, I have heard only positive things about it and I've never heard one thing negative about the gardens. So, I'd just express my support.

Vice Chair DeGracia: Any further questions for the department? I have one question for the department. If there were any changes to the use, would they have to come and revisit, say if they were going to change their times, or density.

Mr. Cua: Yeah, one thing I wanted to note, in the Department's recommendation, we also noted the previous conditions 1-9 still remain in effect. One of the conditions specifies if there is any change in use or operation, that it may be necessary to amend the use permit.

Vice Chair DeGracia: Commissioners, any other questions? If we could have the recommendation.

Mr. Cua: Sure. Moving on to the recommendation. It is recommended that the Commission approve the proposed amendment that would eliminate Condition 10 of the Class IV Zoning Permit Z-IV-2011-12, Use Permit U-2011-12 and Special Permit SP-2011-7. In addition, the applicant is advised that all applicable conditions of approval shall remain in effect. Thank you, commissioners.

Vice Chair DeGracia: Any further discussion? If not, I'll entertain a motion.

Ms. Apisa: I move to approve the request to amend Condition Number 10 of Class IV Zoning Permit Z-IV-2011-12, Use Permit U-2011-12 and Special Permit SP-2011-7 relating to the botanical garden tour operations.

Ms. Otsuka: Second.

Vice Chair DeGracia: Motion on the floor is to amend said permits. Can we have a roll call vote.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Vice Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair.

Vice Chair DeGracia: Thank you.

Mr. Cohen: Thank you very much.

It was moved by Donna Apisa and seconded by Lori Otsuka to approve the request to amend condition number 10 of class IV zoning permit Z-IV-2011-12, use permit U-2011-12 and special permit SP-2011. The motion passed by the following roll call vote: (Ako-Aye, Apisa-Aye, Otsuka-Aye, DeGracia-Aye 4-0)

Request to amend Condition No. 5 of Class IV Zoning Permit Z-IV-1979, Use Permit U-1979-21 and Special Management Area Use Permit SMA(U)-1979-14 relating to sales activity involving The Cliffs at Princeville vacation resort further identified as 3811 Edward Road, Tax Map Key (4) 5-4-005:039 Princeville = THE CLIFFS AT PRINCEVILLE.

Mr. Hull: Next we have under general business matters H.2. Request to amend Condition No. 5 of Class IV Zoning Permit Z-IV-1979-30, Use Permit U-1979-21 and Special Management Area Use Permit SMA(U)-1979-14 relating to sales activity involving The Cliffs at Princeville vacation resort further identified as 3811 Edward Road, Tax Map Key 4-5-4-005:039, Princeville. The applicant is The Cliffs at Princeville. I will be turning it over to Alan Clinton, one of our planners for the Director's report is out sick. So, I'll pitch, in. Go easy on me.

(Mr. Hull read the Director's report into the record. Copy on file in the Planning Department.

Mr. Hull: Ultimately, in short and in summary, the Department's analysis and evaluation of this proposal is that being that it can actually reduce vehicular traffic congestion and owners within the site could have access to these two shared units, the department finds that it would not be impactful to the surrounding area or to vehicular congestion in the area and is ultimately recommending approval. We have the representative to the landowner as well.

Vice Chair DeGracia: Commissioners, any questions at this time for the Department?

Ms. Otsuka: I have a question. It says here, encourages guests to forego conventional vehicle rentals. How does the visitor get to the destination if they don't rent a car?

Mr. Hull: Whether it be like a taxi or carshares like Uber, Lyft, it's fairly common for locales to utilize carsharing options to get to your destination and that destination has additional types of car sharing to utilize. This is really the first of its kind in the EV system that we can think of.

Ms. Otsuka: And would you know why they are requesting two?

Mr. Hull: I think there's a part of the Department that also would like to see more of these types of opportunities available. I think the representative can address that.

Vice Chair DeGracia: Please if we could have the applicant or the applicant's representative.

Mr. Braman: Good morning. My name is Jim Braman, I'm the general manager of the Cliffs at Princeville. I'm sorry, did you need to re ask?

Ms. Otsuka: No.

Mr. Braman: The reason is we are the first in the State to start this, and so it's a bit of an experimental situation for us and we want to gauge the demand. We would hope that it would grow, but at this point we are starting out with the company with two. We are going to build a structure for four to begin with as we do it with the hope that it will grow, but at this point, because it's such a new idea for Kauai, we'd like to just start with two.

Ms. Otsuka: I was concerned if you were going to create the infrastructure for just two, and later on it got very popular I didn't want to imagine the cost involved for you to create more.

Mr. Braman: Thank you.

Mr. Ako: Chair, I got a question. Would the use of the EV cars be for your guests, or would anybody be able to use it?

Mr Braman: Initially, it would be for our guests only. I would potentially be open to having someone else do it, but at this point we are only planning them for our guests. We don't intend to become a rental car center

Ms. Apisa: You might even be restricted for just your own use just because of the zoning makes it not commercial.

Mr. Ako: One more question I had, you know on the Director's report on page 8 I think. It's on page 8, I think it's referring to the condition, condition number 5. You talk about the activity sales area shall be restricted for activities desk that's for sales of tours... And then, they go on to say that the rentals of large items that would be stored on property such as kayaks and bicycles shall not be allowed. So, I'm wondering whether that would, even if we crossed out motorized vehicles, the rentals of large items stored on property, would that include a car?

Mr. Hull: Given that the proposal before you is specifically to address the EV sharing, the Department would take the interpretation that in this situation it wouldn't, however I think your point is well, worth certainly taking a note, Commissioner Ako. We could be more specific to state rental of kayaks and bicycles shall not be allowed.

Mr. Braman: Could I ask a question there. The concern about bicycles. Would we not want to promote bicycles as well, there's the shared use path and that sort of thing, the ability to park bikes out front?

Mr. Hull: There's no prohibition on parking bicycles. The issue is that the condition restricts rentals of bicycles or kayaks still. To be quite honest, I think the Department would be open to making an analysis of opening up this area for bicycle rentals for commercial purposes, but that wasn't part of this analysis. If there was desire to do that, we'd ask for a deferral so we could make that analysis.

Mr. Braman: It's fine.

Mr. Ako: I don't have a problem with having the EVs on site, I was just wondering whether this language itself, just by crossing out that motorized vehicle whether that would be enough to allow you to have the vehicles on property.

Mr. Hull: With that, I think Commissioner Ako, that point is taken to note and I would actually make an oral amendment to our recommendations to state that condition number 5 be amended to state rentals of kayaks and bicycles shall not be allowed. And should the Commission affirm that in a vote, the Department would also like to state to the applicant we are open to entertaining looking at making an analysis for bicycle rentals or even kayak rentals, but we would have to do that on a subsequent application.

Mr. Braman: Thank you.

Ms. Apisa: Is it necessary to specifically mention bicycles being prohibited? Kayaks and bicycles?

Mr. Hull: Well, the condition is already in there with those two in there. I don't want, and the Commission, the members of the public who are going to be watching this to view it as the Department is engaging on anti-multi-modal improvements or uses. The Department is actually open to multi-modal and bicycle uses. Just in keeping with the spirit of the way that this condition was crafted back in 2006 we would need an analysis for other vehicles such as bicycles.

Mr. Braman: And it's true we did not ask about bicycles at this point. Thank you.

Ms. Otsuka: As Donna mentioned, we are all for bicycles, but you get to a point where it's gona turn into a commercial business.

Vice Chair DeGracia: Commissioners any other questions? I just have one question just moving forward. I'm anticipating personally thinking that this thing, you know, you guys are gona be successful. So, I guess, about how long do you think you guys want to analyze and maybe you guys want to come and revisit to expand on two vehicles to include maybe changing over to four or six?

Mr. Braman: That's a hard question. I would say a year at the outside. We should know very soon whether or not this is going to go well or not.

Vice Chair DeGracia: Thank you, I agree. Commissioners, anything further? If not, I will entertain a motion. Go ahead.

Mr. Hull: The Department, because it's on report, I just did it orally, so if you folks are willing to accept that. If there are any objections of course we can keep it to the way it's written. I orally made the proposed amendment that the condition number 5 be amended to read that activity sales area shall be restricted to activity desk for sales of tour activity or small local items for project guests only. A separate sundry shop area shall not be allowed other than for the sale of robot items in the activity sales area as represented. And the last sentence would state rentals of kayaks or bicycles shall not be allowed. Without any objections, I would stand by that amended report.

Vice Chair DeGracia: Hearing no objections, Commissioners, I would entertain a motion.

Ms. Apisa: I'll make a motion to amend condition number 5 as amended by the Department for Class IV Zoning Permit Z-IV-1979-30, Use Permit U-1979-21 and Special Management Area Use Permit SMA(U)-1979-14 relating to sales activity at the Cliffs at Princeville.

Ms. Otsuka: Second.

Vice Chair DeGracia: Motion was made and seconded. Motion is to amend Class IV Zoning Z-IV-1979-30, Use Permit U-1979-21 and Special Management Area Use Permit SMA(U)-1979-14. Can we get a roll call vote please?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Vice Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair.

It was moved by Donna Apisa and seconded by Lori Otsuka to amend Class IV Zoning Z-IV-1979-30, Use Permit U-1979-21 and Special Management Area Use Permit SMA(U)-1979-14. The motion passed by the following roll call vote: (Ako-Aye, Apisa-Aye, Otsuka-Aye, DeGracia-Aye 4-0)

Vice Chair DeGracia: Thank you.

Mr. Braman: Thank you very much.

COMMITTEE REPORTS

Subdivision Committee

Mr. Hull: Next we have no communications for this meeting. Following that, we have committee reports, subdivision committee. I'll turn it over to the subdivision committee chair for the report.

Mr. Ako: Thank you, Mr. Clerk. The Kauai Planning Commission's Subdivision Committee did meet this morning. Present at that meeting was Commissioner DeGracia and myself. The meeting was called to order at 8:32 a.m., and we had no minutes from the past meeting and no receipt of items for the record. On our agenda we had recommended for approval three different permits. One was S-2022-9, Tower Kauai Lagoons Sub 1, LLC, the second one was S-2022-10 which is the Hokuala Resort Subdivision 1A, and the third one was S-2022-11, Kauai Habitat for Humanity, and all three subdivisions were approved with a 2-0 vote. The meeting was adjourned at 9:06.

Vice Chair DeGracia: Thank you Commissioner Ako. Can we get a motion to accept the report, approve the report?

Ms. Apisa: Motion to approve the subdivision report.

Ms. Otsuka: Second.

Vice Chair DeGracia: Motion on the floor is to approve the subdivision report. We'll do a voice vote. All in favor say aye. Opposed? Hearing none, motion passes.

It was moved by Donna Apisa and seconded by Lori Otsuka to approve the Subdivision report. All were in favor by unanimous voice vote 4-0.

NEW BUSINESS

Special Management Area Use Permit (SMA(U)-2022-3) to accommodate streambank stabilization repair work involving a parcel along the Hanalei River, along the makai side of Kuhio Highway in Hanalei Town, further identified as 5-5016 Kuhio Highway, Tax Map Key: 5-5-010:067, containing a total area of 2.32 acres = Hanalei Traders, Inc.

Mr. Hull: Next we have L, New Business, Special Management Area Use Permit SMA(U)-2022-3 to accommodate streambank stabilization repair work involving a parcel along the Hanalei River, along the makai side of Kuhio Highway in Hanalei Town, further identified as 5-5016 Kuhio Highway, Tax Map Key 5-5-010:067. The applicant is Hanalei Traders, Inc. I'll turn it over to Romio for the Director's report.

(Mr. Idica read the Director's report into the record. Copy on file in the Planning Department.)

Mr. Idica: Any questions from the Commissioners at this time?

Vice Chair DeGracia: Commissioners?

Ms. Otsuka: No questions.

Vice Chair DeGracia: Can we hear from the applicant or applicant's representative for this agenda item?

Mr. Hood: Hello, this is Andy Hood with Sustainable Resources Group, the authorized agent on behalf of the Hanalei Traders, the applicant.

Vice Chair DeGracia: Did you want to sum up anything within the application?

Mr. Hood: The only thing to sum up is as previously stated, we were previously issued an SMA minor in 2017. Subsequent to that issue, we were waiting issuance of clean water act permits from the Army Corps engineer and the Hawaii State Department of Health. Those permits were acquired in late March of 2018 just mere weeks before the catastrophic flood event of April 14, 2018. As such, our client suffered significant economic hardships from that flood event and we weren't able to put the bio wall in at that time or subsequent. So, we are now looking to reissue or re-energize if you will the project and the SMA is just one of the permits that we are renewing. All permits will be adhered to. The scope of the project has not changed since the time of first issuance. We look forward to receiving the SMA and moving forward on the project in a timely manner. Thank you.

Vice Chair DeGracia: Thank you. Commissioners, any questions?

Mr. Ako: I have one question, probably just for my curiosity than anything else, but in determining property size, where is the boundary line? I guess now because of the erosion, does the boundary line change?

Mr. Hood: Good question. The best understanding of the deeded property line was, excuse me on the date but I think it was 1979 and it was the top of the river bank. Subsequent to that time, there's been erosion of the riverbank of 20 to 30 feet along the subject property. So, the original acreage of the property was deeded at 2.32 acres. It has decreased somewhat because of the loss of the riverbank over that length of river channel. So, the 2.32 is the deedable acreage, however the client, the Hanalei Traders was allowed to reduce their taxable area by the County to accommodate losses from the erosion of the riverbank.

Mr. Ako: So, as you put in this stabilization in there, is stabilization in the current property or is it on the former property.

Mr. Hood: It would be on the current property. It would be on the face of the river bank which is near the vertical along the entire extent of the property. So, the property, it would be on the river bank which is the Hanalei Traders property.

Mr. Ako: Thank you.

Vice Chair DeGracia: Commissioners, any further questions for the applicant? If not, Department, so you want to sum up your recommendation?

Mr. Idica: Yes. Based on the foregoing evaluation and conclusion it is hereby recommended that Special Management Area Use Permit SMA(U)-2022-3 be approved. If approved, the following conditions within the Director's report shall be included.

Vice Chair DeGracia: Okay, thank you. Commissioners, if no further questions or discussion, I'll entertain a motion.

Ms. Apisa: I move that we approve Special Management Area Use Permit SMA(U)-2022-3 to accommodate streambank stabilization repair work submitted by the Hanalei Traders Inc.

Ms. Otsuka: Second.

Vice Chair DeGracia: Motion has been made and seconded. Motion is to approve Special Management Area Use Permit SMA(U)-2022-3. Can I get a roll call vote please?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Vice Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair.

Vice Chair DeGracia: Thank you.

It was moved by Donna Apisa and seconded by Lori Otsuka to approve Special Management Area Use Permit SMA(U)-2022-3. The motion passed by the following roll call vote: (Ako-Aye, Apisa-Aye, Otsuka-Aye, DeGracia-Aye 4-0)

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 eastern side of Ala Kinoiki, approximately 3,300 feet west of 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

Mr. Hull: Next we have 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 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 is the applicant.

Vice Chair DeGracia: Clerk, at this time, I'd like to recuse myself for this item.

Mr. Hull: Thank you, Chair. With that, as with the agency hearing, this Commission no longer has quorum for this agenda item and no valid action can be taken. Accordingly, this agenda item will be moved to the May 24 Planning Commission meeting without any further discussion and action.

CLASS IV ZONING PERMIT (Z-IV-2022-9) and USE PERMIT (U-2022-9) to allow construction of a new single-family dwelling unit on a parcel situated at the southern terminus of Leleiona Street in Puhi, situated approximately 800 feet south of its intersection with Puhi Road and further identified as 1811 Leleiona Street, Tax Map Key: (4) 3-3-011:003, containing a total area of approximately 3.401 acres = HAWKTREE LAND INC.

Mr. Hull: With that, we'll move on to the next agenda item, Class IV Zoning Permit Z-IV-2022-9 and Use Permit U-2022-9 to allow construction of a new single-family dwelling unit on a parcel situated at the southern terminus of Leleiona Street in Puhi, situated approximately 800 feet south of its intersection with Puhi Road and further identified as 3-3-011:003, containing a total area of approximately 3.401 acres. The applicant is Hawktree Land Inc. I'll turn it over to Dale for the Director's report pertaining to this matter.

Mr. Estes: Hi.

Mr. Hull: Oh, sorry, not Dale. I'll turn it over to Kenny for the Director's report pertaining to this matter.

(Mr. Estes read the Director's report into the record. Copy on file in the Planning Department).

Vice Chair DeGracia: Thank you, Kenny. Commissioners, any questions for the Department? If not, can we hear from the applicant or the applicant's representative?

Ms. Dominguez: My name is Renee Dominguez, General Manager of Aloha Island Moving. Our purpose of housing is to bring in employees. We can't find people here on island and we can't provide housing for those who want to come down so that's why we're doing this.

Mr. Ho: My name is Raymond Ho. I'm the representative for the applicant Hawktree International and the general contractor.

Ms. Loo: Good morning, Chair DeGracia and Commissioners, Laurel Loo, attorney for the applicant. We're here to answer any questions you may have.

Vice Chair DeGracia: Commissioners, any questions?

Ms. Otsuka: Yes. I understand personally how difficult it is to find employees. I was curious, but you actually answered my question. I wanted to know if you exhausted your search for employees who are currently Kauai residents. So, with this building in mind, you're expecting to search for employees outside

of Kauai?

Ms. Dominguez: Yes.

Ms. Otsuka: So, you exhausted your search?

Ms. Dominguez: We're still exhausting. We're trying. We're still trying. We're using all avenues possible whether it's through word of mouth, Indeed, Craig's List, I mean everything we can do to actually bring work here for the community but unfortunately we can't find anybody.

Ms. Otsuka: You currently have employees now?

Ms. Dominguez: Yes, but it's very limited. We've had to close some of our divisions down because we're unable to service the community for the housing department which is household goods and whatnot. So, there's some divisions that we've had to close down because of lack of employees.

Ms. Otsuka: So, those employees you have now, is it safe to say no one will come to you and say can I have one of those bedrooms for six months?

Ms. Dominguez: I don't think so. I don't think anybody wants to, I mean that have access to them at all times.

Ms. Otsuka: Okay, thank you.

Vice Chair DeGracia: Any other questions?

Mr. Ako: Yes. I hate to prolong the meeting, and excuse me for my ignorance, but is that a Kauai based company or is this a statewide?

Ms. Dominguez: It is a statewide, so the main office is in Honolulu.

Mr. Ako: So, would you anticipate maybe bringing in employees from I don't know, Oahu maybe to stay here for six months to fill up vacancy?

Ms. Dominguez: No Sir, I don't think so. Well, I think we could if we needed to. Currently, we are renting hotels and whatnot to bring in people from other divisions like from Oahu, Maui, Hilo to come and work and fill those positions, but it's becoming very, very expensive, which in turn the cost is higher for the people here to get those services.

Mr. Ako: Was this a pre pandemic issue also or is it a post pandemic issue?

Ms. Dominguez: It started pre pandemic, but it just got worse.

Mr. Ho: If I may address that question. I'm also a realtor. I was approached by them to look for housing a number of years ago, the former manager was Ron Victorino, and I built a warehouse for them. And in that course I was searching, and having background on real estate and development, I knew they could build worker housing on site. Because they were willing to look at buying a place and I said if you buy a place to staff your worker housing off site, they're going to spend an hour just traveling to and from work. It would be better for you, for them, to have your employees right there. Although this is a temporary basis, no one has to go on buying permanent housing. So, I think it was a win win for them to consider that rather than going out and purchasing a home in the community, especially today.

Mr. Ako: So, right now it's only for six months, right. Is that an internal policy or is that something that

comes with the permit itself. I guess, I'm thinking in my mind, eventually you want to have that used as worker housing and not just a temporary place for six months. Would that be possible?

Mr. Ho: I don't think it makes sense.

Mr. Ako: Okay, I'm sorry. Let me withdraw that question.

Mr. Ho: I don't think they want to be landlords, dealing with families, and this type of issues, they rather keep it separate.

Mr. Ako: You mean the company would not.

Mr. Ho: Yeah, the company, I don't believe, has worker housings on any of the other islands.

Ms. Dominguez: It's meant more for transitional to come here and make sure that this is somewhere you want to stay and bring your family. So, that's really the goal, transitional housing.

Vice Chair DeGracia: Commissioners, further questions.

Ms. Apisa: Just a comment, I mean as a business owner and as a realtor, I do know both aspects, it's very, very difficult to gain employees, and housing is even worse, and traffic you know is a problem, so it is really smart to house someone on property. I think it's a great idea.

Vice Chair DeGracia: One question out of curiosity, how many employees do you guys employ statewide and how many employees do you guys employ for Kauai?

Ms. Dominguez: Here on Kauai, we have 50 employees, roughly. For the whole state, I want to say it's 800 maybe.

Vice Chair DeGracia: I guess I was wondering what your labor pool base and, you know, how this transitional housing will help facilitate your business.

Ms. Dominguez: I think for us here on Kauai, it's major. Not so much for other areas, I think we are the ones struggling the most. We actually have outsourced through other companies too, that's where we got the idea from for transitional, where we bring in helpers for six months at a time. We actually bring them in three months at a time. So that's where the idea came, so it is helpful. That 50 does not count those transitional, those that we're outsourcing right now.

Vice Chair DeGracia: Thank you. I'm excited to see how this all works, and this could be a model for other businesses.

Mr. Ako: I'm sorry, so 50 is your current or is that your total full employment number?

Ms. Dominguez: That's my full employment number when we're at full capacity.

Mr. Ako: Yes, currently you're at?

Ms. Dominguez: Forty.

Mr. Ako: Forty.

Vice Chair DeGracia: Commissioners, any further questions for the applicant or the Department? If not, Kenny, do you have anything further you'd like to sum up from the Department?

Mr. Estes: No, I do not.

Vice Chair DeGracia: Okay, I'll entertain a motion, Commissioners.

Mr. Ako: I'll so move for the approval of the Class IV Zoning Permit Z-IV-2022-9 and Use Permit U-2022-9, name of applicant, Hawktree Land, Inc.

Ms. Otsuka: Second.

Vice Chair DeGracia: Motion has been made and seconded. The motion is to approve Class IV Zoning Permit Z-IV-2022-9 and Use Permit U-2022-9. Could we have a roll call vote please?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Vice Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair.

Vice Chair DeGracia: Thank you.

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)2022-6, CLASS IV ZONING PEDRMIT (Z-IV-2022-10), USE PERMIT (U-2022-10) AND VARIANCE PERMIT (V-2022-2) to allow installation of a stealth telecommunication structure and associated equipment on a parcel situated on the makai side of Aleka loop in Wailua, approximately 400 feet east of the Kuhio Highway/Aleka Loop intersection, further identified as 650 Aleka Loop, Tax Map Key: (4) 4-3-007:028 and containing a total area of 10.377 acres = CELLCO PARTNERSHIP (DBA. VERIZON WIRELESS).

Mr. Hull: Next we have Special Management Area permit SMA(U)2022-6, Class IV Zoning permit Z-IV-2022-10, Use Permit U-2022-10 and Variance permit V-2022-2 to allow installation of a stealth telecommunication structure and associated equipment on a parcel situated on the makai side of Aleka loop in Wailua, approximately 400 feet east of the Kuhio Highway/Aleka Loop intersection, further identified as 650 Aleka Loop, Tax Map Key: 4-4-3-007:028 and containing a total area of 10.377 acres. Cellco Partnership dba Verizon is the applicant. I'll turn this over to Romio for the director's report pertaining to this matter.

(Mr. Idica read the Director's report into the record. Copy on file in the Planning Department)

Mr. DeGracia: I have one question. I don't know if you would be the department, but for archaeological monitoring and cultural monitoring, who conducts those monitorings? Is it a third party or is it an agency?

Mr. Idica: It's a third party.

Mr. Hull: Just to clarify, it depends on the project area and scope of work, if you will, as to whether or not State Historic Preservation Division is tasked with the jurisdiction over cultural assets or archaeological assets and the way they should be treated during development. So SHPD in their determination, based on the proposal, based on inventory, based on studies, what type of monitoring may be necessary for a particular proposal. Romio, correct me if I'm wrong, I don't believe we have received SHPD's comments yet on this application.

Mr. Idica: That is correct. No comments have been received by SHPD at this time.

Vice Chair DeGracia: Okay, Commissioners, any other questions for the Department? If not, can we please hear from the applicant or the applicant's representative?

Ms. Phelps: Good morning, Mr. Chair, and members of the Commission. Thanks for the opportunity to speak to you this morning. My name is Kathy Phelps, I'm Verizon's representative on this project. We have been working on the project for about two years due to mostly the global pandemic, so we're happy to be here this morning in front of you. The proposed project is designed to address a significant gap in customer usage in the Kapaa area. Specifically, the coverage improvements are directed at the Sheraton as well as the other resorts and commercial properties in the area. It will also improve service along Kuhio Highway in that general area. And just to, Romio did a wonderful job on the scope of work, but just to elaborate a little bit on it. The antennas, the reason that we need the 3-foot variance is they are 8 foot antennas that go inside the screening and they have cabling and wiring that have to be plugged in underneath the antenna hence the 10 feet rather than keeping it right at 8 feet antenna. The equipment, the reason that we chose to put in at grade was to limit our access. It is a resort. We didn't want to have to bargain all the time. It's usually equipment and generator that needs routine maintenance. It does have an emergency generator so in case there is a hurricane or what have you that will be up and going in a natural disaster. Then the issue came up with SHPD, so the building was built in 1977. So, when we filed the zoning application at the time, it was not required to file for that. The building does turn 45 this year. Verizon will have to, based on their guidelines that they do within their company, they will file with SHPD prior to construction soon as it turns 45 years old. There is a condition number 9 in here that addresses SHPD's comments. So, if they have any comments, mitigation measures, we will comply with that. That being said, Verizon accepts all the conditions of approval. They respectfully request that you approve this project today so that they can proceed and move forward. If there's any questions?

Vice Chair DeGracia: One question. So, my understanding is that SHPD still has yet to comment on this project.

Ms. Phelps: Yes, so Mr. Buckley in DLNR called me last week and asked for the Section 106. Generally, I'm not asked for those so it kind of caught me off guard. I went back to Verizon, asked if they had filed. The woman was on vacation until yesterday. I literally just got a text about why it wasn't filed two years ago when the project was put forward. So, that will be ordered as soon as possible because that can take a few months.

Vice Chair DeGracia: I guess a lot of my concern lies in that area, being that I believe that area to be very sensitive, especially with the trenching that will commence with over 700 linear feet going down x amount, that's quite a bit of dirt to be dug out.

Ms. Phelps: Correct. It's around 84 cubic yards of dirt. And then, any archaeological report there is, they do talk about potential artifacts there, and so we will comply with whatever mitigation, third party, we need to appease that.

Mr. DeGracia: Commissioners, you have any questions, comments?

Mr. Hull: Mr. Chair, just for clarification for your concerns concerning the archaeological work, the Department understands that there have been a fair amount of iwi kupuna unearthed within proximity to this proposal. Is your intention to look at holding the permits, holding action on the permits, until the Department has received comments from SHPD, or possibly taking action on the permits and say if action is taken having that as a condition of approval.

Mr. DeGracia: I have no problem with the permitting as long as there is, it's in place that they have their procedures if anything is unearthed and that everything is followed respectfully, mitigating so that we don't destroy any of these cultural resources. That's where my concern lies.

Ms. Phelps: Yes, Verizon, their license, their business is at stake, so yes, they completely understand that.

Mr. Hull: With that, should action be taken today, the Department will definitely fold that into effect that we will not be taking on building permit action until SHPD's requirements are met.

Ms. Phelps: Absolutely. We agree.

Vice Chair DeGracia: Commissioners, anything further? If not, I'll entertain a motion, unless you want to sum up.

Mr. Idica: Based on the foregoing evaluation and conclusion it is hereby recommended Class IV Zoning permit Z-IV-2022-10, Use Permit U-2022-10 and Variance permit V-2022-2 and Special Management Area Use Permit SMA(U)2022-6 to be approved with conditions of approval as outlined in the Director's report.

Vice Chair DeGracia: Thank you, Romio. I'll entertain a motion, Commissioners.

Mr. Ako: I will so move for approval of Class IV Zoning permit Z-IV-2022-10, Use Permit U-2022-10 and Variance permit V-2022-2 and Special Management Area Use Permit SMA(U)2022-6, applicant CELLCO Partnership doing business as Verizon Wireless.

Ms. Apisa: Second.

Vice Chair DeGracia: Motion has been made and seconded. Motion is to approve said permits. Could we get a roll call vote?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Vice Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair.

It was moved by Gerald Ako and seconded by Donna Apisa to approve Class IV Zoning permit Z-IV-2022-10, Use Permit U-2022-10 and Variance permit V-2022-2 and Special Management Area Use Permit SMA(U)2022-6, applicant CELLCO Partnership doing business as Verizon Wireless. The motion passed by the following roll call vote: (Ako-Aye, Apisa-Aye, Otsuka-Aye, DeGracia-Aye 4-0)

Ms. Phelps: Thank you, appreciate it.

Vice Chair DeGracia: Thank you.

ANNOUNCEMENTS

Topics for Future Meetings

Mr. Hull: With that we have no further general items or announcements. Topics for future meetings, coming up on the May 24 agenda we actually have to look at re-reviewing several agenda items that took place back in February. This is due to an objection made by the Office of Information Practices as well as Civil Beat Law Center. So, we'll be bringing back those agenda items to re-reviewed. This got put on May 24. Obviously, HPM will be on that agenda as well. And then, moving into June, we have a few zoning amendments pertaining to the Cliffs at Princeville, the proposal you folks just had, recognizing that that's a pilot but there is actually probably going to be a fair amount of benefits that can be made from such proposals, but as well as understanding that it needs to be done in appropriate areas. We are looking at drafting up a bill to look at EV car sharing something to the effect of in residential areas, only to be used by residents of those areas, within a certain proximity of that area of the driving stations and then allowing for commercial uses of those types of facilities in commercial or resort zoned districts. But anticipating that this pilot project may actually stir a lot more activity, we are trying to get out in front of the ball before it starts rolling over us. So, that's what we anticipate having on the agenda as well. If there's anything else, Commissioners, that you would like to see on the agenda.

Ms. Apisa: On that, I just forgot to ask the Cliffs about chargers or even if the County is going to be putting in or requiring businesses, I mean right now being an electric car driver myself, there are very limited places you can charge it, so I would assume we would see more places pop up.

Mr. Hull: Yeah, I don't want us to veer too far off the agenda, but there is demand for it, so you're seeing this come up more frequently. But also, Hawaii Revised Statutes had some requirements. There was a robust movement at the State Legislature this past session to get a lot of charging stations in play, and I think it ultimately died because it was almost too robust, but we are beginning to see those from a policy standpoint and from a marketing standpoint.

Ms. Apisa: I notice the County here at the County building, you have a number of charging stations. It's pretty proactive. Thank you.

Mr. Hull: Thanks, Commissioner. With no other agenda or points of interest if you folks have some or want to talk to us on the side then we can talk to the Chair. Please feel free to reach out.

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m. or shortly thereafter, on May 24, 2022. The Planning Commission anticipates this meeting to be held in person at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Hawaii, 96766. The Commission also anticipates providing telephone and a virtual platform capability for members of the

public to testify remotely. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

Mr. Hull: And with that, the following regularly scheduled Planning Commission meeting will be held at 9:00 a.m. or shortly thereafter, on May 24, 2022. The Planning Commission anticipates this meeting to be held in person at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Hawaii, 96766. The Commission also anticipates providing telephone and a virtual platform capability for members of the public to testify remotely. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date. With that Commission Chair, we are ready to adjourn.

ADJOURNMENT

Vice Chair DeGracia: Motion to adjourn?

Ms. Otsuka: Motion to adjourn.

Ms. Apisa: Second.

Vice Chair DeGracia: Motion is to adjourn. Let's do a voice vote. All in favor say aye. Opposed? Motion passes. Thank you, Commissioners.

It was moved by Lori Otsuka and seconded by Donna Apisa to adjourn the meeting. All were in favor by unanimous voice vote, 5-0.

The meeting adjourned at 11:43 a.m.

Respectfully submitted by:



Duke Nakamatsu,
Secretary

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

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