

KAUA'I PLANNING COMMISSION
REGULAR MEETING
August 23, 2022
DRAFT

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Cox at 9:05 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako
Ms. Donna Apisa
Ms. Helen Cox
Mr. Francis DeGracia
Mr. Jerry Ornellas
Ms. Lori Otsuka

Excused or Absent

The following staff members were present: Planning Department – Director Ka`aina Hull, Staff Planner Myles Hironaka, Dale Cua, Kenny Estes, Romio Idica, Shelea Blackstad, Marisa Valenciano, Alisha Summers, Kristen Romuar-Cabico and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – County Deputy Attorney Laura Barzilai, Office of Boards and Commissions – Support Clerk Arleen Kuwamura and Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Cox: Called the meeting to order at 9:05 a.m.

ROLL CALL

Planning Director Ka`aina Hull: First order of business, Madam Chair is roll call. Commissioner Ako?

Commissioner Ako: Here.

Mr. Hull: Commissioner Apisa?

Commissioner Apisa: Here.

Mr. Hull: Commissioner DeGracia?

Commissioner DeGracia: Here.

Mr. Hull: Commissioner Otsuka?

Commissioner Otsuka: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Ornellas: Here.

Mr. Hull: Chair Cox?

Chair Cox: Here.

Mr. Hull: You have a quorum Madam Chair.

APPROVAL OF AGENDA

Mr. Hull: Next up we have the Approval of the Agenda. Are there any proposed modifications or amendments to the agenda?

Mr. DeGracia: Motion to amend agenda to move item G.1. Consent Calendar to H.1. General Business.

Ms. Apisa: Second.

Chair Cox: We've been moved and seconded, to move the item, G.1. Consent Calendar to item H.1. general Business. I think we should take a roll call.

Mr. Hull: Roll call. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Cox?

Chair Cox: Aye.

Mr. Hull: Motion passes, Madam Chair. 6:0

MINUTES of the meeting(s) of the Planning Commission

Mr. Hull: Next up we have the Minutes for the biggest Planning Commission on May 10, 2022, the May 24, 2022, the June 14, 2022 Agenda 1, the June 14, 2022, Agenda 2, and June 28, 2022. The Department respectfully withdraws the minutes for the May 10, 2022, meeting because of the fact that there's some errata's that need to be corrected but we still submit the other minutes for your review and action.

Chair Cox: Thank you. Any corrections or comments about the minutes? If not, do we want a motion to address all of them at once, other than the May 10?

Ms. Apisa: It's nice to see we're getting caught up. I make a motion to approve the minutes of the May 24, 2022, meeting, the June 14, 2022, Agenda 1, June 14, 2022, Agenda 2 and the June 28, 2022, minutes.

Ms. Otsuka: Second.

Chair Cox: All those in favor say, aye? Aye (Unanimous voice vote). Any oppose? Motion carried 6:0.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: Next, we have no new Receipt of Items for the Record. We have no Continued Agency Hearing. No New Agency Hearing. No Continued Public Hearings.

NEW PUBLIC HEARING

Mr. Hull: Moving on to Agenda Item F.2.

ZA-2023-1: A bill for an ordinance amending Chapters 8, 12, and 13, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO), Building Code, and Electrical Code respectively. The purpose of the ordinance is to establish parking requirements involving electric vehicle charging infrastructure in the CZO, Building and Electrical Codes = **KAUAI COUNTY COUNCIL.**

Mr. Hull: This is the Public Hearing portion. We have one individual here in-person who has signed up to testify.

Chair Cox: Can I make a statement before you go to testimony?

Mr. Hull: Okay.

Chair Cox: I'd like to make a regarding the proposed item that we're on now. In my other volunteer work, I'm the Chair of the Kaua'i Climate Action Coalition, which is a nonprofit organization for the purpose of educating the public as well as direct action and working on policy to address the climate crisis and on July 18th, in my capacity as Chair, I submitted to the Kaua'i County Council a piece of written testimony in support of this bill. I've had no other involvement with this proposed Bill, but I wish to disclose this. I don't feel that this impacts my ability to consider this zoning amendment as Chair and member of the Planning Commission but if other Commissioners have no objections, I'd like to proceed. However, if you have concerns, please let me know now.

Commissioner Apisa: No concerns.

Commissioner DeGracia: No objection.

Chair Cox: Okay, in that case we'll go ahead. Also, mahalo to the members of the public who have come to this meeting to provide or to listen to public testimony regarding the Status Report from Coco Palms Hui.

Mr. Hull: Chair, that would be the next agenda item.

Chair Cox: Oh, I thought you wanted me to do it at the beginning.

Mr. Hull: I apologize.

Chair Cox: Sorry, take that back. I still welcome you and mahalo you for being here.

Mr. Hull: For the Electric Vehicle Charging Infrastructure bill we have one member of the public in person signed up, Paul Ricky Cassidy.

Chair Cox: May I make a statement about decorum?

Mr. Hull: Absolutely.

Chair Cox: I know we have some heated items this morning, so, I wanna just again, thank you all for being here and wealth of you who are here in person and as well as those of you who are here on Zoom. Your presence and participation are valuable to us during our decision-making process but please be reminded that in the spirit of aloha, respectful communication and proper decorum are necessary in order to maintain an orderly meeting. Public statements and or remarks of aggression, threats of violence, profanity or personal comments about Commissioners or staff may result in the speaker's removal from the meeting. Please note Planning Commission Rule 1-2-20 g., Any person or persons who willfully disrupt a meeting or hearing to prevent and compromise the conduct of the hearing, may be removed from the room. So, mahalo for your cooperation during this meeting.

Mr. Hull: Thank you Chair. Returning back to the in-person testifier list for the EV draft bill. We have Paul Ricky Cassidy signed up.

Mr. Cassidy: Aloha.

Mr. Hull: You have three minutes for testimony.

Mr. Cassidy: Thank you, okay. Well first of all, I wanted to thank you all for serving, public serving is...

Ms. Apisa: Your name?

Mr. Cassidy: Oh, Paul Richard Kanahoaokalani Cassidy Jr. aka, Ricky. I am part Hawaiian and I'm not here about Coco Palms, although my father did buy it for Amfac from the Guslanders, they were really nice people. I'm here because I know something, and I care about. I know something about affordable housing. I've done studies for thirty years for these people, testified very many times. I did a 2014 study that, for the County, all the Counties and it was instrumental in getting HUD to change their regulations and allow us more money to flow to the State for affordable housing because it proves something about rents. By training, I'm an economist and big mouth haole. I'm just curious about everything that happens. I do swear but I thought that statement that you gave Mrs. Cox, about civility is really important today, thank you for that. So, back to public service, one of my guiding lights is the great is good for the greatest number of people and then also, taking care of those least fortunate of us. EV is a great thing. I'm all for it but let me read you something that happens to do with affordable housing and the impacts and where it goes to. Because as you all know, particularly candidates and those in public service, affordable housing for thirty years has been an issue and this year, it is the biggest issue of all. To quote from one of the former Housing Directors of HHFDC, she goes, every added cost incrementally, uses finite dollars from the affordable housing subsidy bucket, which overtime has added to others systemic failures that is resulted in the reduced number of units that were built. This systemic, oh it's only a few hundred dollars, misunderstands and it adds over time and the result is a lack of housing supply. This ordinance, and I've gone back and forth with Luke about it. My questions about EV's on Kaua'i all of that but it boils down to parking is one of the most, one of the biggest costs of building and if you have a bunch of saws and you have to put in one for one, a plug, that's gonna add up. The other thing about parking has to do with cars

and affordable housing. The other biggest problem for affordable housing besides building it, you know, is cars because every time somebody comes and applies for, turns in their application, they have a car loan out and that car loan kicks so many people out of the process, not only for affordable housing but for regular housing.

Mr. Hull: Three minutes, Madam Chair.

Mr. Cassidy: Okay, so loan officers always telling their guys, hey, get that off. So, here's where I'm going, if you add cost the benefit is wide, it is...

Mr. Hull: Please wrap up your testimony Mr. Cassidy.

Mr. Cassidy: Okay.

Mr. Hull: You have three minutes.

Mr. Cassidy: I gotta come back, I have nothing. Okay. This is a tradeoff; I want you to think what the tradeoffs are. Thank you.

Chair Cox: Thank you.

Mr. Hull: We don't have any additional people in-person signed up to testify on this public hearing. Is there anyone here in-person that has not signed up to testify and would like to testify on this agenda item? Hearing none. For those attending virtually through Zoom, if you'd like to testify on this agenda item, which is the Electrical Vehicle Charging zoning amendment bill. If you'd like to testify on this agenda item, please indicate so by raising your digital hand.

Staff Planner Shelea Blackstad: There's no one with their digital hand raised up at this point.

Mr. Hull: Thank you Shelea. With that, the Department would recommend closing the Public Hearing.

Chair Cox: Can I have a motion to close the Public Hearing?

Mr. Ako: I so move to close the Public Hearing.

Ms. Otsuka: Second.

Chair Cox: It's been moved and seconded. All those in favor say aye. Aye. (Unanimous voice vote). Any opposed? Motion passes. 6:0.

GENERAL BUSINESS

Mr. Hull: With that, I'll move on to H.1. General Business, Status Reports

2022 status report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1, and Special Management Area Use Permit SMA(U)-2015-6 at Tax Map Key 4-1-003:004 (por.), 005, 007, 011, and 017 and 4-1-005:014 and 017 (the "permits"), with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kaua'i (the "Conditions") with Coco Palms Hui LLC, as Applicant ("Applicant").

Mr. Hull: This is the Status Report that was moved to the Consent Calendar into the business (inaudible). There was a number of written testimony that was submitted to the Planning Commission.

Chair Cox: Okay, so the statement I mistakenly started to make earlier, and I just want to let you know I realize how the tensions and the emotions and the concerns in this audience are today, which is why I'm nervous too, so please forgive me for having started this at the wrong time, and I again want to thank you for being here. We know there are several concerns regarding the Coco Palms property, but we want to make sure, we feel it's really important to give a short explanation of why we're here today. On today's Planning Commission agenda. The Commission is asked to acknowledge, on its consent calendar that the 2022 Status Report from RP 21, Coco Palms LLC., was received for filing by the Planning Department. This annual status record is submitted pursuant to Condition 29 of the development permits. The status report does not require commission action because the Status Report is listed as an agenda item, the Commission will accept public testimony. And as you know we moved it to General Business so that we have an opportunity for discussion. Today, there is no substantive matter pending before the Commission regarding the Coco Palms Development. In 2015, the Planning Commission sitting at that time approved the current permits and established 29 conditions of approval. At that time there were community members with concerns regarding this development, and there were also community members who supported moving forward with the project. The Commission voted to approve the permits without intervention. Since then, the developer has complied with the permit conditions. We expect to hear today that the developer is in compliance with all conditions. Again, mahalo for being present to voice your concerns, just as concerns and support were both voiced in 2015.

Mr. Hull: Just to fill out on that end (inaudible). This is an agenda item, and we are here to take testimony and receive testimony and hear that testimony. But ultimately the action for the Commission is a Status Report. We received a number of written pieces of testimony requesting approval of the permits and a number more requesting denial of the permits. These permits were granted in 2015. They stand and are (inaudible). So, we understand that there are a number of media organizations and news organizations that ran stories over the weekend, quite honestly framing the discussion as the faith of Coco Palms is up for discussion and action by the Planning Commission. I will state for the record that not a single one of those new organization reached out to confirm the story with the Planning Department, the Planning Commission, or the County of Kaua'i, at all. The way the (inaudible), the way the news portrayed that was as if these permits are up for action and up for approval or denial today, that is not the case. And I apologize if you showed up here under that pretense. But it is a Status Report, and we will be taking public testimony at this time. With that, I'll turn to those who have signed up here in-person and if you haven't signed up and would like to testify on the agenda item, we will be making that time available as well and then we'll go to those who are attending virtually who would like to testify on this agenda item. So, those who have signed up for the Coco Palms Status Report, I have first signed up Jane'e Marie Taylor. Please state your name for the record and you have three minutes for testimony.

Ms. Taylor: Jane'e Marie Taylor. I have Item One, which is very short and Item Two, which is short as well. My testimony. Is regarding conflict of interest between the County of Kaua'i and the development team, because the County of Kaua'i is obviously now very indebted into the climate change initiative, which is concerned about water temperature rises, and as we all know, so I see a conflict of interest between the County of Kaua'i and this project. Secondly, and if you don't mind may I submit this as public testimony, please, thank you. Aloha, my name is Jane'e Marie Taylor, I am here today in the spirit of aloha. I am Kaua'i representative of the Hawaii Natural Law Assembly. I am (inaudible) all unalienable rights, reserved living wahine and I am here to find out who is or who are the individuals in this very room, who knows about and is able, ready to confirm in writing with their signature autograph the true title and jurisdiction of 'aina known as Coco Palms. TMK numbers 4-4-1-003-007, CPR numbers 12164410051441003004410030041003005 portion, 4100317 portion. Please raise your hand now and give me your contact information, so that we can connect and work together. Truth is sovereign and we all look forward to arriving at a pono and lawful conclusion. Once again, please raise your hand anyone here can prove clear title to this property in question, not a soul. Thank you. Respectfully. Mahalo.

Mr. Hull: Thank you for your testimony.

Chair Cox: Mahalo.

Mr. Hull: Next we have signed up to testify is Gary Hooser.

Mr. Hooser: Good morning, Commissioners. I want to thank everyone for being here. I know we've worked with several of you here today and I appreciate the time and energy and stress that is involved with this particular plan, this particular Commission. I really do appreciate that. I know you look to represent the interests of many parties, the landowner, the developer, the public, the County itself. And I ask that you look toward what is in the best interest of the people of Kaua'i. Even if, as you measure the other interests, think about what's in the best interest and long-term for the people of Kaua'i as you make these decisions. And congratulations, Commissioner Ornellas on your appointment. My name is Gary Hooser and I'm here to testify on my own behalf, even though I'm affiliated with several organizations who are also involved in this discussion. And if I would, I would encourage you to recognize that you have the ability no to receive this report today. You can defer. (inaudible) argue that it's just paperwork, it's not substantive but you have the ability to defer and not to receive or to not approve it. I'll go into my testimony if I can and give you the reasons. I'm here today, testifying in opposition to the Commission's approval and receipt of the 2022 Status Report and in support of a petition filed this morning by Coalition of Environmental and Social Justice Organization, to determine whether the Developers SMA permit has lapsed. It's my understanding, that permit has lapsed. In addition to acknowledging that the Developers SMA permit has lapsed, I'm requesting that the Planning Commission reject the premise. Reject the premise that existing permits and approvals are valid because of this lapse, and because of deficiencies in the existing application, the new owner Developer must be required to reapply, start the process over and comply with all existing laws, rules, and requirements. Well, I serve as President of the Board of the Hawaii Alliance for Progressive Action. One of the organizations on the petition speaking today only on my individual capacity as a resident of Wailua Homesteads, I'm impacted directly by the proposed development. The significant and immediate impact this project will have on the adjacent shoreline is of special concern. The broader impacts involve historical and cultural preservation. The visitor industry carrying capacity, water usage, waste disposal, adjacent wetlands, and affordable housing, these are all critically important areas. Needless to say, traffic congestion and access to this area is already exceeding capacity. As a former Council member...

Mr. Hull: Three minutes, Madam Chair.

Mr. Hooser: Pardon? Pardon Me?

Mr. Hull: Can you wrap up your testimony? You have a three-minute limitation.

Mr. Hooser: That's my three-minute limit? Okay, I ask for, unless there's...I ask for the ability to complete it if I could, but I'll go ask quickly as I can. As a former Kaua'i Council member and State Senator representing Kaua'i and Niihau, and a former Director of the Office of Environmental Quality Control, I know and understand, HR 343, the EIS law, and I'll say it's unquestionable that this project triggers Chapter 343, unquestionable. There are three triggers, one is the use of the shoreline, one is the existence of historical registered properties and the other is use of State property. Those three triggers, any one of those triggers is enough to require an EIS or (inaudible)...

Mr. Hull: Four minutes.

Mr. Hooser: ...and that has not happened, so...

Chair Cox: Sir, can you wrap it up?

Mr. Hooser: Yes, I'm doing my last paragraph, if I could. In addition to the EIS provision, I do appreciate your consideration, I really do. In addition to the EIS consideration, a fundamental premise on the Iniki Ordinance is a special interest legislation which was passed specifically for this Developer and owner. The

Supreme Court has ruled that you can't have special legislation. I was in the room, and it was clear this law was passed. It is formed to support this project. The Supreme Court again has ruled this on the Super Ferry, I was in the room at the State Senate at that time too. Because there's been no EIS, because this is based on a faulty Iniki Ordinance special legislation and because the permits have lapsed, I encourage you...

Mr. Hull: Mr. Hooser, (inaudible).

Mr. Hooser: ...strongly urge you to reject these permits and appreciate your consideration for allowing me to testify today. Thank you. I'm in the room and available for questions if anybody has questions.

Chair Cox: Thank you.

Mr. Hull: Next we have signed up is Teresa Tico.

Ms. Tico: Thank you, Director Hull and Good morning, Commissioners and Deputy County Attorney Laura Barzilai. My name is Teresa Tico, I've been an attorney here on this island for over 45 years. Now involved in a lot of environmental issues over the years. This morning on behalf of the Surfrider Foundation, Sierra Club Hawaii Chapter, Hawaii Alliance for Progressive Action and (inaudible) and individual. I filed a petition for declaratory order, asking this Commission to find that Rule 10, of your Planning Commission Rules and Practice, and Procedure applies to these permits and based upon Rule 10, because we have found no substantial progress in this project and the first two years since the issuance of the permits in 2015, those permits have lapsed and I know that many of you Commissioners and indeed the County Attorneys Office and Director Hull are well familiar with West Sunset 32 Phase I vs. County of Kaua'i Planning Commission, where Judge Watanabe ruled that rule 10 requires the mandatory not discretionary, but mandatory lapse of these permits. If the director has not made a specific finding that substantial progress has been made within the first 2 years. So that is one of the bases of our petition. There are other bases. I have gone into more detail and the written testimony that I submitted. But I would ask you to not receive this 2022 annual report until you've had an opportunity to schedule a hearing on our petition. Listen to the evidence and receive testimony (inaudible) on our contention. There are several other matters that I'd like to bring up. Putting this petition together, Fern Holland and I made a number of uniform information practices at request to the planning Department to review all of the Coco Palms files. Now this is an arduous task to try to put together. Everything that's happened regarding Coca Palms in the past 30 years, especially when you know we received the documents piecemeal, and I'm not going to blame Director Hull or any of the planners, they don't have a lot of room in their files. Lots of people in the public have gone into the Planning Department to look at the files. Files have gone missing the first time we went in there we received 2 banker boxes, and all of the documents from 2014 to the present were missing, and at (inaudible) credit Director Hull did locate subsequent files. but even when we went in the second time those files were incomplete, and I made a third request last week, and wanted to see all of the files. I was given only 2 banker boxes that went up to 2014. So, it's been very frustrating, and challenging to even know what the chronology is. There are 2 pieces of vital documentation that we would require in support of our petition.

Mr. Hull: Three minutes, Madam Chair.

Ms. Tico: That would be the 2016 and 2017 annual reports. We do have 3. We don't have any more than 3 I'm sure they're in there somewhere. I would volunteer my time to organize all of those files and (inaudible) try to put them back in chronological order by date. The other thing I wanted to bring up is that in the last time these permits...

Mr. Hull: Please finish up your testimony. You had three minutes.

Ms. Tico: ...Okay, I would like, see, I think all of us would like to see some deadlines, and post on these developers, on other permits, on other SMA permits, you've got three years to complete your project or a certain deadline. Why aren't there any deadlines for these permits that were issued in 2015? We need to

have deadlines; we need to comply with Rule 10. We cannot allow annual reports to be coming in for the next thirty years and nothing happens, while Coco Palms sits there in ruins. Thank you very much Commissioners.

Mr. Hull: Thank you for your testimony.

Chair Cox: Thank you.

Mr. Hull: Next we have signed up to speak is Kimberly Souza.

Ms. Souza: Morning everybody. Sorry, I not used to this kind. I not used to this kind. For me, I gotta let you guys know now cause I not going be showing up every time cause I stay trembling over here and I not used to this setting and I not into politics, and this is all politics. And I here for tell you guys that if you guys do research on me, then you guys know where I came from. I am a native Hawaiian, kānaka maoli. My family migrate from Keapana, Kealia. My grandmother was Wilhelmina Cummings Kauai, my great-grandfather was David Kauai Ku. I have Lili`u descendancy in my blood but this is not about that. Cause I was raised Portuguese, from Portugal, my father's family. My dad was a construction worker. All of his life as a little child, I listened to stories, and I never believed it but there was one story I need to testify to today. My father, with Nielson Construction was one of the contractors hired long ago, I think I was maybe seven years old, and a rock fell on his tractor and almost killed him, and he said, my dad, a Portuguese man, doesn't know anything about Hawaiian stuff. He said that there was something that came and stomped its feet, caved in the wall. Now I going tell you, I been doing ceremony, ritual, the return of the kauna from Wailuanui Ahuanu and Mr. Ka`aina Hull, I look at you because, Sir you are native Hawaiian and I trembling here because Uncle Val Ako asked me in my dreams to show up and let you guys know. Ms. Guslander took over this place in 1953. She unearthed 87 iwi kupuna and he told her, I will move them but if they are ever moved again, be aware. In 2018, I'm sorry, I'm gonna wrap it up, this is a long thing, three minutes is not enough. I spent seven years sacrificing for what my people don't know. (inaudible) Hawaiian people had one way they practice they religion and it was straight for that higher source; his name is God. Everybody was ruled under him, Pele, Kanaloa, Ku, everybody they talk about...

Mr. Hull: Three minutes.

Ms. Souza: ...there is only one God. Now I going tell you guys again, I told Mason Chock, I told Felicia Cowden, I told many people. You guys have the power. The developers bought the property but they need the permits to move forward and I am asking you guys, for the safety of Kaua`i, the waters will rise if those giants are dug up another time and you guys do not know where they are, but if somebody wants to take time outside this place, we can walk and I can show you and bring you their presence. I am in complete opposition if this moves forward, I will be there to protect those iwi. Thank you.

Chair Cox: Thank you.

Mr. Hull: Thank you for your testimony. We have next signed up, Roger Netzer.

Dr. Netzer: Good morning, everybody. My name is Roger Netzer, I'm a retired ear, nose, and throat doctor. I've been here for 50 years. I just retired two months ago...

Unknown: Hi everyone still on Zoom, so, we're gonna take a little recess. We just lost the feed, so we're trying to get it back up. And once we get it back up, we'll come back. Thank you.

The Commission recessed this portion of the meeting at 9:38 a.m.

The Commission reconvened this portion of the meeting at 9:47 a.m.

Chair Cox: We will now resume the Planning Commission meeting. I apologize for (inaudible). Thank you.

Mr. Hull: Dr. Netzer, this is for clarification too, because it happened mid-testimony, we'll restart the clock. You have three minutes for testimony but if you could please give testimony (inaudible). Thank you.

Dr. Netzer: Yeah. So, I'll re-state my testimony in this (inaudible). I've been practicing here committed to Kaua'i for 50 years. I live right across from Smiths Boats on the Wailua river, so I've watched the river, I've watched Coco Palms, whether it should've ever been there or not, it was the best hotel on the island. You could close your eyes and walk across the highway to the beach, amazingly. Now the beach is gone, traffic is inundated. Our North/South traffic maybe an issue regarding this property because it is low land, it floods. My house floods occasionally, so, the point that I'm making is, it seems to me, all of you who have lived on Kaua'i, just step back. You'd have to say it's totally impractical to build another hotel there. Whatever other plans the community can come up with. But building another hotel just won't work and I'm actually shocked that there's a developer thinking that he can somehow make it work. So that's the sum and the substance of my testimony. I appreciate your listening to me, and I just finished reading the life of Lili'uokalani. And it's hard to believe I've been here this long and never read that biography, but I can see now why the Hawaiians were so mad at me back in the 70's because of what we had done to them and how insensitive we have been to their land issues, the 'aina. I appreciate you guys listening. I wish the developer well but it's not going to work.

Chair Cox: Thank you.

Mr. Hull: Thank you for your testimony. Hold on one...(checking Neat screen) Apologies. The hybrid use (inaudible). Next, we have signed up to testify is, can't quite read the handwriting, Shawn Villatora?

Ms. Villatora: Aloha mai ka kou, on the record, for the record, Shawn Nicole Nakai'elua Villatora. I am a wahine maoli, kānaka maoli here on the island of Kaua'i. I just want to submit my testimony against the project in Coco Palms. I wanted to also add that my experience, I was there at the archeological survey for the widening of the road that was done by Cultural Surveys Hawaii and it was interesting that they had excavated or they had dug up a or found a Mother of Pearl fish hook and also a limestone fish hook, which in our culture it's a makau, which is what they used for fishing and what we were able to pick up there spiritually is, that there, the place that Coco Palms resides on, in the ahupua'a of Wailua was a fish pond during the time of Kamakahēlei when Kaumualii was very young and that is the history that I wanted to share to you folks, so that you guys understand the cultural significance of that. And, you might question and ask, how do I know this, as kānaka maoli we have this ability to connect to our iwi kupuna or to our kupunas through their bones and also my concern is about the ancestral bones, iwi kupuna that is in that location, which lots of people are aware of and there is accounts, I can pull it up from an article on the Garden Island newspaper and I'm not sure exactly what the year of this publishing was but it was by Hank Soboleski and I quote, "in February of 1973, about 30 skeletons were unearthed at Coco Palms by Luis Rego Trucking Co. Workers drained their bulldozer and steam shovel excavations for new construction at the hotel." Unquote. So, knowing that there is iwi kupuna there in that area and it was reinterned to that specific spot, as kānaka maoli we have vested interest in our ancestral property. So, iwi kupuna belongs to the people, especially those who are directly descended from the (inaudible) descendants, her mo'opuna. And as a kānaka maoli, a wahine maoli, also mo'opuna of that area, I would like to deny the County to put it in writing what their interest is to that said property and that is my testimony for today. Mahalo nui.

Chair Cox: Thank you.

Mr. Hull: Thank you for your testimony. And last, we have signed up for in-person testimony is Fern Holland.

Ms. Holland: Thank you all nice to see you. Thank you. So, I submitted this late, so, I'm just going to basically transcribe it to you guys here. Our working group, I Ola Wailuanui has been working on a path and solution for the future of this property for the last few years. That would serve generations to come for the betterment of Kaua'i and all of Hawaii. We strongly believe that this location is so culturally and historically

significant that it's value to the general public far exceeds any monetary value if built by a hotel. Furthermore, we believe this site is one of the most significant cultural sites for Hawaiians everywhere and it must be protected from inappropriate developments, use or damage. The burial sites here that were disturbed and dug in the 1970's and the mass grave of iwi kupuna present must not be further disturbed by development or hotel use. The ancient fishponds on this property are both historically listed and culturally and environmentally critical infrastructure for our people. It must be restored and utilized for the benefit of community and resilience not developed around and made into aesthetic ponds for the viewing pleasure of tourists. This critically important agricultural land is vital to the survival of our people and our culture and these crown lands that were wrongfully taken and overdeveloped, must be respected for what they are. Our wastewater treatment plant is completely unable to deal with the resort in this location and our roads, our parking lots, our resources, cannot handle hundreds of more visitors in Kapa`a. Now we are on a pivotal turning point in Hawaii. We need to reassess the excessive marking of our islands for tourism in a way that for decades has lacked foresight and has been extracted. We are at a point where the value of our way of life and our culture, our resources, and our ability to survive in our homeland is more important than more development of hotels that use our lands and our people at liquidation. After 30 years the permits have long lapsed repeatedly for the development of this site. Really, they should never have been approved by the unconstitutional one-off special legislation they were. So much has changed in 30 years since Hurricane Iniki devastated our island and to rebuild this site based on outdated traffic, outdated archaeological and environmental studies is unacceptable. There are multiple triggers for a complete environmental impact assessment as well as a detailed cultural assessments and up updated shoreline certification survey. No official archaeological study that needed an ancient fishpond or archaeological sites on these immediate parcels can be found. The numbering of the known cultural sites on the map, attached on Exhibit A, which I have for you, for the bike path work, suggest that these sites were documented early in our archeological history as early as the 1920's. Science and archeology has evolved so much and advanced so much in our time and a new archeological assessment of the entire site is required before any work happens on that property. The immense importance of Wailuanui Ahuanu is also covering the E. Kalani Flores report of 2000 historical research with the Coco Palms property and that is available in your Coco Palms files. There's no denying the unique value Wailuanui Ahuanu is to the Hawaiian people, culture and the future of our sustainability and survival. Just because wrong was done there in the past, does not mean that we continue to build on that and perpetuate it and allow developers to continue to benefit from it. It's time to correct it. It's not just about mitigating the impact from (inaudible)...

Mr. Hull: Three minutes, Madam Chair.

Ms. Holland: ...around cultural sites for the viewing pleasure of the transient guest. It's about the correct and rightful use of this land, these critical resources are priceless ancient cultural sites and the service they have to our island and our people. It's about restoring and doing what's right because we know better, we do better. So, please stand for the betterment of Kaua`i, for Hawaiians everywhere and the world and find that these permits have lapsed. Please ensure the highest level of due diligence is observed in any developments proposed for Wailuanui Ahuanu, as this is our Mauna Kea. Mahalo.

Chair Cox: Thank you.

Mr. Hull: (inaudible) list individuals who have signed up to testify in-person, so we'll go into that. We have a Richard Gene Rodrick.

Mr. Rodrick: Aloha and Good morning, my name is Richard Gene Rodrick Jr. I've been hanaied by the Aipa-Rivera Family as (inaudible) Kaulike. As one of the last employees at Coco palms hotel, I'm a haole. Had the opportunity to sing the narration of the chant of the night. Sung 2-3 nights a week. I've been of service to this island since 1978 and this development is a further travesty of the Hawaiian people, the sovereign nation of Hawaii. I'm nervous because I'm passionate and this is just a bunch of bureaucracy and

the reality is you're desecrating a sacred spot, please reconsider developing something that should never be developed. Thank you very much.

Chair Cox: Thank you.

Mr. Hull: Next we have signed up Dawn Divinaste? Sorry.

Ms. Divinaste: Aloha, my name is Dawn Divinaste, and it was a made-up word, it serves that I serve the highest that I serve. I serve the divine, I serve the `aina. I've lived here since 2016 but I was blessed to stay at Coco Palms in 1979 and felt like I did leave my heart there and I had to return. I'm here for the `aina, so what would the `aina do? Would the `aina not be greedy, the `aina would want to be taken care of and that's what I'm here for is to ask on behalf of the `aina. For the highest good to be done. Not for anybody but for us all. This is an us land, not an I land. This is the us land and we need to take care of her. For me to be in this meeting is a miracle. I'm not a person to wanna talk or (inaudible) or make waves at all. I'm a healer, I work in a (inaudible) feedback and all kinds of energy medicines. I'm a healer, I'm a shealer, she (inaudible) balance. So, without balance and if I'm here, we're out of balance. Thank you for listening. Thank you.

Chair Cox: Thank you.

Mr. Hull: Thank you for your testimony. Next, I apologize the last name is illegible, but I have Noa K.

Mr. K.: Hi, my name is Noa, now my name is Noa Kilihua on the Title 8 U.S. Code. No longer one U.S. citizen under that U.S. Federal law. In my previous case versus Coco Palms Hui, LLC., my name was Noa Mau-Espirito, I no longer carry that name, but I would like to say that I'm here to represent the Kaumualii land commission award and Royal Patent and the Kapule land commission award toward Royal Patent within the Coco Palms Resort. We still reside on the property and all, which I'm sure most of you probably know that we still there. I just like to say one quick pre-history in our case, where we subpoenaed the title search for that property, we found that people was trying to use one fictitious name on how the lands was took. And it was found in the case that they had use one fictitious name for claim of how they got the land. The person's name was never one real person, so yeah, they had use fake names for try take the land from the family. We found that out, the judge threw out the title search and if gotta we go court again, I subpoena the title search again and bring up the issue again, for show that no more title. The judge had rule that the title issue was not determined, so still to this day, the title issue is not determined over there. The judge had rule that in my case. And I'd also like to say I would like to propose to the County, the developers, the Coco Palms Hui, LLC., instead of us having to battle you guys again, we rather you guys just sell um to us. We had manage to put together one group of investors that is willing for buy um for us, for the Hawaiians. I get the land commission award claims down in Wailua. We get investors lined up for buy um out for us. We'll highly consider you guys to sell um back to the families who get the commission awards claims down there, instead of tryna push something without involving us, who get the title claim down there. So, I would highly suggest you guys take that proposal from us, sell um to us. I not joking around and talking (profanity). We get means ready for da kine buy our family land back. We like you guys sell um to us so we no need fight you guys in court over one stupid title issue. Just sell um back to us already, we'll buy it back. That's our offer, our proposal. You guys sell um back to the families from the Deborah Kapule land commission award and from the Kaumualii land commission award. Sell um back to us, let us run the show down there. That's the most pono proper thing can happen. We got the money for put up. Everybody can be happy so we no need interfere with anything. Sell um to us. You guys can contact me XXX-XXX-XXXX, this is not one joke I not talking (profanity). We ready for buy um back. Please contact me. Mahalo.

Chair Cox: Thank you.

Mr. Kilihua: Thank you.

Mr. Hull: Next we have signed up is Nawai Aipa.

Mr. Aipa: Aloha, my name is Nawai Aipa-Rivera. (inaudible) to Kaumualii and we been cleaning the `aina for the past seven plus years since we been (inaudible). You know we been cleaning the local fishponds and planting kalo, cleaning up ordinance that they left in the ground. You know we dig into the ground there's cement blocks that they buried into the ground and on our farmlands. And as old rice fields and things happen in history, where if those happen but like my cousin said, we got the money buy out our property and to do good for our property. Just let us buy our property back and let us do what's right for our land. Mahalo.

Chair Cox: Thank you.

Mr. Hull: Thank you for your testimony. We don't have any other individuals signed up to testify here in-person. Is there any individuals in the audience here in-person that would like to testify but had not previously testified, if so, you can approach the microphone. If you can state your name for the record and you have three minutes for your testimony.

Ms. Bailey: My name is Bethany Bailey. I've never done this, but I just think that the land should go back to its people, and I've been standing with these people for the last seven years and in and out and honestly heartbroken that it's still at this stage and I just have seen them take care and they deserve it and nobody else does. That's what right. Thank you.

Chair Cox: Thank you.

Mr. Hull: Thank you for your testimony. Is there anyone else here, not signed up but would like to testify on this agenda item? Come forward.

Ms. Cowden: Aloha, I'm Felicia Cowden. I suppose I am testifying as an individual. For a couple of decades, I have followed this, and I know I was here in the room in 2015, when there was the question to extend the resort entitlement and I happen to be sitting next to the attorney from the lender, and he listened to all of it and we were speaking outside and he was really, really surprised that it had been extended. It was in a portfolio for distressed assets, and they had come here completely planning on it to be, have that entitlement taken. He was recognizing, even at that time, the company was recognizing that there's too many pieces working against it. I have followed this from a number of different layers and certainly in the role that I have had, as a community affairs program and community radio station. And watching how much there is profound cultural roots in that property and including and listening to Uncle Val Ako, who was the excavator from the second part of the development and the records that even are reflected in the book by David Penhallow, there's was, I believe 86 bodies, very extraordinary bodies that were found symmetrically buried, fetal upright position, missing tooth. I had said something to that, to the Board of Land and Natural Resources meeting, they never even saw the testimony, never looked at it. I'm a Council person, I know how somethings just come like this (snapping fingers). They didn't even look at the information, they just passed the state lands being attached to this private lands. That was very disappointing as was the 2015 decision. And I just ask you, I would respectfully ask you to defer this, so that, as Terry was speaking, do look at whatever the records are. I sat through the court case that these young men were at, and it seems that consistently, not enough review has been made. I understand the business side of it but that would be what I would ask, that we don't yet again break hearts, upset people and when people buy this, this is a distressed asset, it is well known that there is this type of cultural conflict on it. And I'm a big advocate for keeping our young people out of conflict, out of jail, off drugs. And when I saw that happened during that...

Mr. Hull: Three minutes, Madam Chair.

Ms. Cowden: ...time was a lot of health rebound when these people have a sense of purpose and a real connection to the land. So, I am respectfully asking, if you haven't reviewed what's being said here to defer and look at it, so that we don't mistakenly move past it. Thank you.

Chair Cox: Thank you.

Mr. Hull: Do we have any other individuals here in-person that have not previously testified and would like to testify on this agenda item? If you could state your name for the record. You have three minutes for testimony.

Mr. Peter: Thank you. My name is Joseph Peter. I made an oath that I would not speak of what I saw (inaudible) but there is noninvasive archeological equipment that needs to be used. There's more here than meets the human eye. And for the benefit of humanity, it's important to honor what our ancestors have done and the lineages that they carried. In deep conversation with Liko Martin, I understand that there has been extensive research done as to how to care for the land that is pono. I will refer to him. Thank you.

Chair Cox: Thank you.

Mr. Hull: Thank you. We have an addition that signed up to testify, So, next to testify, Bethany Bailey?

Ms. Bailey: (from audience) That was me, I did.

Mr. Hull: Oh, okay. Sorry about that. We also have Benjamin Short.

Mr. Short: Hello.

Mr. Hull: Please state your name and you have three minutes for testimony Sir.

Mr. Short: Benjamin Short and I'm sorry, how am I (inaudible).

Mr. Hull: You signed up to testify on this agenda item, so you have three minutes to provide testimony.

Mr. Short: I been staying at Coco Palms, we been (inaudible) the land and farming and the Nawai and La been teaching me much about the culture and accepting, like, accepting like travelers who come here and try to bring us an understanding (inaudible) place and of the love they have for it and how like, how it could be food for all with so much ease, like (inaudible). They know their ancestral lands are there. They remember through the stories, the fishponds, they remember the lo'i's. They remember how there was abundance. There was no need for bringing food from the mainland. That was one of the very first things I learned coming here, a good portion of the produce we eat here would come from the mainland and a good portion of the produce that was grown here be exported. I share their vision more, more like, food security and the return of that. No need more hotels, no need more large buildings or bringing that kind of economic stimulation. We need meat to feed each other, build a village. They been teaching me language, they been teaching me like, everything they know, food sharing, big open heart and (inaudible) that. They have my loyalty. I don't think I have anything more to say. Thank you.

Mr. Hull: Thank you for your testimony. We don't have anybody signed up. Is there anybody that has not signed up and has not previously testified, that is here in-person that would like to testify on this agenda item? Seeing none. I'm just checking with you before switching to the testifiers online. You want to take a recess or keep going?

Chair Cox: Keep going.

Mr. Hull: Okay, with that, for that are attending this commission meeting virtually through Zoom, if you'd like to testify on the Coco Palms Status Report agenda item, please so by raising your digital hand.

Staff Planner Shelea Blackstad: We have a few people looking to testify. The first person I'm going to call is Tara Rojas. I'm promoting you to a panelist, you'll need to click on join as panelist and enable your audio and video. You'll be given three minutes for your testimony. Tara Rojas, you'll need to click on join as

panelist in order to be able to talk and enable your audio and video. Tara, you'll have to unmute yourself and enable your video and audio.

Ms. Rojas: Yeah. Aloha, can you hear me, okay?

Ms. Blackstad: Yes.

Ms. Rojas: Okay, I just wanted to start my testimony really quickly with this, this is a really, really short portion of this song. Let me know if you can hear. Do you recognize that song? Were you able to hear it okay? And if not, what I was playing was just really quickly, yeah, the beaches, yeah, the beaches, they sell to build our hotel as my father, and I once knew. Can you imagine this song that was written so long ago and it's still happening today. How you gonna sell Hawaii's beaches? To build hotels? On Kaua'i island, you heard the testimony, you know the history of Hawaii, you heard, and you know that there's iwi kupuna, you know that it's on the shoreline, you know about climate change, you know about high tide. Please just use common sense, please obey the law, that knowing iwi kupuna there, there should be no building. There shouldn't have been a hotel built there in the first place. So, again, just listen to that song, Waimanalo Blues. Please stop building on the beaches, please stop populating the beaches and please what is correct by respecting iwi kupuna and cultural and historical sites. Last, I wanna this, it's written in the songs, all you gotta do is listen to it. That Hawaii is for Hawaii, it's not for tourists, it's not for foreigners' paradise. Keep Hawaii, Hawaii and please obey by your own rules and laws. Mahalo

Ms. Blackstad: Next person I'll be promoting is, Alfred Medeiros. You'll need to click on join as panelist and enable your audio and video. You'll be given three minutes for your testimony. You'll have to unmute yourself, Alfred.

Mr. Medeiros: Aloha mai kakou, Alfred Keaka Hiona Medeiros. First off, mahalo for letting us speak and giving us time to speak on this very important matter. First and foremost, I'm a k̄anaka maoli, born and raised in Hawaii nei. I am a kia'i to protect all Hawaii Ko Pae `Aina, I'm a Oahu water protector but first and foremost I'm a iwi protector and what's over there at the former Coco Palms is iwi kupuna that needs to be protected, that needs to be unbothered. We don't need any more hotels as you can hear everybody saying. We're already living in an overpriced paradise. Your guy's job as the a part of the Kaua'i planning committee is to ensure people in Hawaii can still live here and manage to live here in Hawaii. You guys' job is to be public servants. The public has been speaking but it seems we been speaking to deaf ears. I believe it's time for the people that work for Kaua'i Planning, you know County, to actually start listening to the people. I not too sure what we have to do, do we have to protest, do we have to block the road, do we have to lock down buildings? Because that's what's coming next if you guys do not listen to the people. You guys gotta understand that what is happening has been going on for decades, for centuries and we're tired of it. We wanna call this place home and we wanna still have it to be our home but you guys are making it so hard to do so. You guys have a job and it's not only for us in this age, I'm talking about, in this bracket, you know, in this lifetime, we're talking about our future keiki, for our children, for their children, so they can have a home, so they can call Kaua'i home and not go to Kaua'i as a multi-millionaires paradise and a place that only tourism and commercialism exist. Beyond just the iwi kupuna that is buried there that needs to be unbothered and not disturbed, is also the local i`a that has very significance and also cultural significance that also is recorded and not to be touched. It actually has to be restored and preserved. That's a part of what your jobs, you know, it also entails in your guy's job categories too. You guys need to know the land. As a part of the permitting, it's not only having the right documenting from the other side and the money in hand, it's also about listening to the public and what they have to say and listen to the history of that land. We're tired as people having to stop, you know during our day, you know to come to these meetings either on Zoom or in-person, but we will as you can see it's been coming a more regular thing that people have been coming to these meetings. You guys are too normalized, to having one or two people speak up. You guys are about to have hundreds to thousands of people show up. So, please listen to the people and understand the significance of Elvis Presley filming a movie at Coco Palms has zero, zero impact to the people of

Hawaii. And for one thing Elvis Presley was a pedophile, so if you guys wanna build a hotel, you guys are only perpetuating his legacy as a pedophile...

Mr. Hull: Three minutes, Madam Chair.

Mr. Medeiros: ...and not the people (inaudible) should be. So, please stand up for the people of Hawaii because we are here and we are present, so please listen. Mahalo for your guys time and mahalo to everybody out there. To the descendants of Kaumualii, we stand with you guys, we hope you guys get you guys `aina back that you guys rightfully deserve and we going fight for you guys too. I tell you guys this right now, this thing goes in the opposite end and you guys agree, developers, we'll be there front line, locking arms and stopping it every single (inaudible).

Mr. Hull: Please wrap up your testimony sir.

Mr. Medeiros: Mahalo. Have a good day. Aloha.

Chair Cox: Thank you.

Ms. Blackstad: Next person I'll be calling on is Kiara Rodrigues. You will need to click on join as panelist and enable your audio and video. You'll be given three minutes for your testimony.

Ms. Rodrigues: Hello, can you folks hear me?

Mr. Hull: Yes, we can, Ma`am. Please state your name and you have three minutes for testimony.

Ms. Rodrigues: Perfect. My name is Kiara Lorenzo-Rodrigues. My intentions today is just to preserve our culture and protect all of these sacred spaces, especially throughout Hawaii Ko Pae `Aina, especially iwi kupuna. I wanna go ahead and start off by saying, I think you guys have a great opportunity here to help our native people and protect everything that we stand for. The fact that this land was even developed that my iwi kupuna were disrupted and desecrated and I believe you folks all have the prime opportunity right now to do what is right. So, I ask you folks to do your due diligence and I ask you folks to listen to the people and hear our cries. We've been crying for far too long and you guys all have the power to make this pono. I plead, I plead, I plead, and I pule, I pule from my kupuna that are buried there, that have had to hear the false narratives of this pilau greed that runs ramped my communities. I mahalo every single one of you who came to step up and talk for the iwi kupuna that don't have a voice and we need to continue this, but I have to, today be 100% against this. Please defer this. Please do not desecrate them yet again. My kupuna have nothing to you folks, nothing. They've set such a great standard for you all to follow so I hope you follow that, especially Kaumualii and all the great things he's done as an Ali`i. You guys can look up to him and look what he did for his people because they made great changes and he did what was right and what was pono and that's what we ask of you guys today, give this land back to the descendants who need to malama their iwi kupuna who need take away all that hewa, the lepo, that `eha, the pilikia that is stuck with them, that is transferred through the mo`o of our people to us living today. Please help us huli this system, please help us, give us back our `aina. Mahalo. Mahalo pono.

Chair Cox: Thank you.

Ms. Blackstad: Next person I'll be calling on is Mason Chock. I'll be promoting you to a panelist. You need to click on join as panelist and enable your audio and video. You'll be given three minutes for your testimony.

Mr. Chock: Aloha mai kakou. Can you hear me?

Chair Cox: Yes.

Mr. Chock: Okay. Good morning, Commissioners. Thank you so much for all the hard work that you folks commit to for our island. My name is Mason Chock, I'm here in my individual capacity and just wanted to, my understanding is that there was a petition for declaratory order was filed this morning. This has been an ongoing, as all of you know, it's been an ongoing saga with Coco Palms and in 2015 we were all under the assumption that we wouldn't be here today, that we would have a hotel or that we would be moving in a different direction. We were fooled, many of us and the leaders at the time thought that it would move forward, and it didn't and so, I ask that we look at the history that has transpired since then. I do think that this order should be taken a look at, reviewed properly by you folks, and maybe even given the opportunity to run through its course to understand the claims that are being made within it as it relates to the commission rules and the fact that the permits have taken a long time to get off the ground here. I realize that this is merely an update to the conditions, but I do think that with this order we should be paying attention to the possibility of us as community members seeking reparations in ways that we can ensure that we are doing the best for the environment and for the needs of the island. Certainly, it's location is a challenge and issue. We know the environmental impact of sea level rise and so forth are also and traffic issues that we are facing with are all issues we should be considering. And if, at the very least this order provides an avenue for us to come back to the table and have a discussion with our owners about what we would like to see and how we would like to see it done in order to protect the cultural sites on this property. I would ask you folks to take that opportunity to review it, to look at it over with your Counsel and seek ways that we can get to the table so that the outcome here is much more favorable to our community and to our future. I thank you for the time today. Aloha.

Chair Cox: Thank you.

Ms. Blackstad: Next person I'll be calling on is Rick Cooper. I'm promoting you to panelist. You will need to click on join as panelist and enable your audio and video. You'll be given three minutes for your testimony.

Mr. Cooper: Hi, my name is Rick Cooper. I'm a property owner of 25 years on Kaua'i. I've been going to Kaua'i, back and forth, immersing myself in the culture for 50 years. I'm also a member of the Wailuanuiaho'ano Project, trying to protect that land and I'm a member of the working group, we have been working two and a half years on that. I invite anyone, the Commissioners and anyone listening to visit our website at wailuanui.org to find out more information about the opportunities that are in their nascent stage of visioning a different way to have that property used. I think one of the issues that comes up repeatedly when we think about this property and other properties is, they say, oh, but it's private property, and that means someone owns it and someone controls it. Well, yes, in our system that is true, but what we all often forget, and what sometimes our leaders hide behind, or don't acknowledge is the fact that there are these permits, and there are regulations and bodies like yours are required to oversee those and this is where a lot of times, and in this case in my opinion, the county is falling down. So, we have seen these, we have complied reports before the status report that you're considering today. We've seen them for 30 years and yet, there is no substantial progress that has occurred. Last year, when you had the same hearing, there were a 115 responses to this status hearing and what that meant, and only one of those favored the development of this property. You know that this is very popular within the community, that there be no more development, that that 'aina comes back to the people. So, this year there was late notice to the community, and we've done our best to get as many people to respond. I haven't had an opportunity to find out how many did respond, but I believe you again understand the overwhelming opposition to any more development at this sacred site. People are asking you just to do your job being more than a rubber stamp or developers for influence who have developers who have a disordinate amount of influence over county decisions. So, here's what we know that the permits have lapsed long ago and without significant progress. We also know there is an EIS and a shoreline certification that has been triggered, and it can't be ignored. We know these permits are questionable, and they are believed to be unconstitutional, and they're short, and therefore they should never have been approved. There must be an updated traffic study...

Mr. Hull: Three minutes, Madam Chair.

Mr. Cooper: ...an archeological study, an environmental study before this project can proceed. The criteria is, has there been some substantial progress and that has that and no, there hasn't it has been ignored with (inaudible) by Teresa Tico...

Chair Cox: Please wrap up your testimony.

Mr. Cooper: ...please pause or delay deciding about whether to accept this status report. And I ask you to use your authority, and looking critically at this property, and choose to support the Hawaiian people, the community, and not just power, money...

Mr. Hull: Sir, please wrap up your testimony.

Mr. Cooper: Thank you, thank you. I'm complete. Mahalo.

Chair Cox: Thank you very much. We are going to take a ten-minute recess now. We just need a little break. We are listening and want to continue listening, but it takes a lot of energy to do so. Thank you.

The Commission recessed this portion of the meeting at 10:32 a.m.
The Commission reconvened this portion of the meeting at 10:47 a.m.

Chair Cox: We're going to resume the Planning Commission meeting.

Mr. Hull: Folks we're restarting the meeting.

Chair Cox: We're restarting our meeting. Thank you.

Mr. Hull: So, returning back to public testimony concerning the Status Report for Coco Palms, we will receive testimony for those attending virtually. For those that are attending virtually if you have not testified on this agenda item, and you wish to testify on this agenda item please indicate so by raising your digital hand.

Ms. Blackstad: The first person I will be calling is Mr. Cruz, I am promoting you to a panelist. You will need to click on join as panelist and enable your audio and video. You'll be given three minutes for your testimony.

Mr. Cruz: Aloha mai kakou. Can you hear me?

Mr. Hull: Yes, we can.

Mr. Cruz: Okay, (speaking in Hawaiian). I am testifying on behalf of my ohana and also our keiki, as well as our kupuna and tupuna. We live in Wailua Homesteads, and we frequent that area obviously cause we live there. I also paddle along the Wailua River. Spend a lot of time along the Wailua River on that river. I understand the mana of the `aina, of that area, I can feel it. It's like a playground for us, for our ohana and there's lots of history rooted in it, going way back. Wailua. as you all know is the seat of Kaua`i. There's a lot of history, and mana in it as well. I just wanna testify, and say that you know, living in Wailua Homesteads, I'm totally against the development of that `aina and in respect to this 350-room hotel. If we were to if we were to look at it like 2 people per room, that's 700 more people in Wailua. The river it's itself right now is packed as it is. When we frequent that area, we paddle wa`a on that on that river, it's like a traffic jam in and out of there. We also have the skiing going on they're doing skiing. There's other things on that river as well, you know there's kanaka, there's locals that are trying to fish. They're trying to, you know, get food for their family all of that is being happening. Imagine just 2 people per room in a fully booked hotel what that's gonna do. Now also take that and look at maybe one rental car per each room. But what we're doing is we're taking Wailua and we're bringing, we're extending Kapa`a into Wailua. So that effect right there, I think, needs to really be considered and now, as everyone has testified, you folks have the

kuleana could take a look again and right the wrongs that have been done in the past so it's a heavy kuleana and that lays upon your shoulders and I pule, I pray for you, folks that you all open your makas, open your pepeiao, and open your pu'uwai to realize what the community is saying to you, because we love, we all love this I know I'm sure you folks love this place as well. What makes Kaua'i Kaua'i, needs to be upheld, it needs to be maintained. If we forget about the past, we're gonna lose where we're going, by humbly you know, plea with you folks as well to please consider what actions you can take to right what has been wronged, and to ensure that this is pono not just for your job, your ohana, but for yourself as a person for what you can live with. So please thank you for your time, mahalo nui loa and malama pono. Ke Akua pu all of you. Thank you.

Chair Cox: Thank you.

Ms. Blackstad: There's no one else with their virtual hand raised at the moment.

Mr. Hull: So, I'll make a last call for those that are attending virtually, if you'd like to testify and have not previously testified on this agenda item concerning the Coco Palms Status Report, if you'd like to testify, please indicate so by raising your digital hand.

Ms. Blackstad: Next person I'll be calling is Amber Alimboyoguen. I am promoting you to a panelist you'll need to click on join as panelist and enable your audio and video. You'll be given three minutes for your testimony. Amber you'll have to unmute yourself and enable your video.

Ms. Alimboyoguen: Can you see me? Is it working?

Mr. Hull: Yes, please state your name and you have three minutes for testimony.

Ms. Alimboyoguen: Hi, I'm Amber Malia Alimboyoguen and I'm testifying for Wailua ahupua'a. I'm not sure who started this, I don't know, meaning, but I was raised in Wailua. My grandfather, oh grandmother was on Pua A Laka in Koloa and they had transferred her to Haleilio at the homestead and I was raised over there with my great-grandmother and my paternal grandfather and his wife, Evelyn Clark. So, I lived along the awai where that Zippy's is and my family worked in Coco Palms, so I've played around there since I was a child but since I was raised there, I also practice religiously, and culturally and I continued that up until I went into the Kona district around 12 years old, and I taught it also at Hyatt and with the Smith family. And I do my international tours with my students as I age, and I got older. But for Wailua, we have burials, we've had giants, we had menehunes there. We have graveyards in the sand. That whole building was part of a relief program, Kapule had worked with the Latter-Day Saints and the Mormons, and so a lot of the dead bodies are under the buildings because it's a practice. We bury our bodies with the houses along the families along the body of waters. So, the Alimboyoguen family where they come from in their voyage, cause we all came in different ways. So, we have the Alimboyoguens, the Laka family, the (inaudible) family, they're all part of my family. I married into the Kamehameha line three times; I have children with them. So, technically by Hawaiian laws, I'm married by birth to my husbands, so regardless if we separate, we still have to work together, so, we're now a (inaudible) of children and elderly. And in that practice, I have to teach my children these religious practices of how to coordinate their burials for their grandparents with Kanaloa, or with (inaudible), with Nana, with Hina, with Ku and Kane. They all have different burial, what do you call, limitations or how they are buried, whether if it's in the tapa or umeke, or if they're in the standalone, or if they're stacked, or is sitting up with the poi boards. They all have their different styles on top of that for the Alimboyoguen side, the sorcery side, they're attached to Poliahu by their names as well as Puna, because the name changed 3 times depending on the river. So, these are river tribes and...

Mr. Hull: Three minutes, Madam Chair.

Ms. Alimboyoguen: ...yeah, and the Marai and Hawai' iloa and all of that. There's different families of different locations from the south so that all is linked to there, especially, we have endangered mud hens,

and we have fishes that were inside of the fishponds about 13 inches long moi's and mu's and they got trapped in there for a long time, and (inaudible)...

Mr. Hull: You need to wrap up your testimony Ma'am. There is a three-minute limitation.

Ms. Alimboyoguen: It needs to be a cultural center and not a hotel. I practice. I bring people there when the guys live there on Crown Land, which is part of the Kamehameha 3, the families are still alive, and Kalalau's signature is not legitimate due to some of the paperwork and the dates. And (inaudible) doesn't have right to sell or anybody, Robinson, nobody has the...

Mr. Hull: Ma'am could you wrap up your testimony please?

Ms. Alimboyoguen: I'm just saying this is the facts and this is what it is. The boys will have the rights because they have clear title. So, whoever reads this or sees this, you need to do your due diligence on research, on religious practice and on cultural and paperwork. The palapala policy (inaudible) is first. That's what I have to say. Thank you very much.

Chair Cox: Thank you.

Mr. Hull: Thank you. Is there anyone else attending virtually that would like to testify on this agenda item, who has not testified? If so, please indicate by raising your digital hand.

Ms. Blackstad: Next person I'll be calling is Rayne. I am promoting you to a panelist. You'll need to click on join as panelist and enable your audio and video. You'll be given three minutes for your testimony. Rayne you'll have to unmute yourself. Rayne I can see your unmuted. Could you try saying something? We aren't able to hear you. If you would like to try and call in using the number. Either that or if you want to try logging in again.

Mr. Hull: Shelea, you can move on to the next person. If a testifier is not able to use their equipment properly enough where they can participate (inaudible) check their equipment, so. Shelea, is there anybody else still requesting to testify virtually?

Ms. Blackstad: Yep, so the next one I'll be calling is Kalena. I'm promoting you to a panelist. You'll need to click on join as panelist and enable your audio and video. You'll be given three minutes to testify.

Ms. Poland: Aloha o wai, Kalena Poland (speak in Hawaiian). My testimony is for the Wailua, Coco Palms and I would like to say, I would just like to say first of all, that the Coco Palms. This is my testimony and the Coco Palms and future development. This hotel should never have been built on the site in the first place, and now we are at a crossroads to do the right thing. There are many reasons that the proposed hotel would not work on this site environmentally is not feasible, with climate change and erosion issues. Look at the bike path that is falling into the beach in many sections. Infrastructure, it does not work. The septic systems and roadways are a 100 times more busier than in the 50's. When this hotel was built, culturally, any proposed hotel at this site is simply put, culturally unacceptable. I had my ohana, I and my ohana are completely opposed to anything being built on this site that includes more hotels or BNBs, and are for, and anything for plants other than a cultural community place. You know I'm reading a report done in 1986 by the burial practices and it states in the Wailua report that 34 bodies were discovered in the sitting as was stated, they were in this fetal position, sitting up with one tooth missing, that was knocked out. That practice is (inaudible), and this is in your own, in the county's own report that it was only reserved that (inaudible) for High Ali'i. Now would we consider going on to Washington's burial site at his home in Monticello and deciding well it profits more for us to put a movie theater there, and some shopping malls for the betterment of the community. No, what protects us from having that happen to what is important to us. Not Washington, but our High Ali'i. What protects our way and our culture?

Mr. Hull: (inaudible).

Ms. Poland: In conclusion, we are at a crossroad to do the right thing, or to perpetuate a, or to perpetuate a wrong that was done decades ago. Mahalo nui everyone at this council. Please take what you have to decide today into understanding how important it is, and how it equates in the laws of the continent to here. Aloha.

Chair Cox: Thank you.

Ms. Blackstad: There's nobody else with their hand raised at this moment.

Mr. Hull: With that, we have no further testimony virtually for this agenda item. Where we have had a couple individuals sign up in-person that has not spoken, so I'll go through this list. Roberto Dela Pena? Roberto James? Last call for Roberto James Dela Pena. Seeing, not here. Moving on, we have a Vanessa Scott. Vanessa Scott? Last call for Vanessa Scott. And lastly, we have signed up, the first name is illegible, last name Kay. If you can state your name for the record and you have three minutes for testimony.

Ms. Kay: Mel Kay and thank you for taking my testimony and everyone else's testimony. And I really hope that you actually listen to the community and also common sense. I don't know if you've driven through Kapa`a traffic. Okay, they call it the Kapa`a crawl. I could crawl faster to get from one end of Kapa`a to another. And then, if you drive down in the morning to commute to wherever it is, you're going, you will see how far and how long that line is. Now you think those tourists, those 350 people, or 750 people, are gonna actually walk to the store or take the bike path? No, they're gonna get in their cars and they're gonna drive to Safeway just like Waipouli, just across the way. There's bottleneck traffic it's because of poor planning which you guys, okay are in charge of. And I couldn't, I can't believe that with the lack of infrastructure and the Kekaha landfill imploding and the sewage, people getting sick and the water the lack of water, these people flushing toilets, flushing toilets. What is...I cannot believe the amount of development that is happening here without infrastructure. Not only this poor planning, it's like is like third world country, I mean, there should be no development. There should be a moratorium on development until infrastructure is dealt with. And in addition to that, my heart, my heart okay, and my soul is crying for Kaua`i, for Hawaii, because I know God does not approve. And this whole island is sacred, okay, and it's just being sold to whoever for pennies on the dollar and I'm shaking and the Hawaiian people, not I mean this that aside that is an obvious. How would you like it if we decided to go ahead and build a bunch of huts on the Japanese graveyards or the Catholic graveyards? For what? Have you seen the traffic? I've seen Council members former member, Carvalho just stuck in traffic. irritated, irritated. I want, I would like everybody to have to deal with this and also, in addition to that, Waipouli is getting converted to vacation rentals. Do we need any more vacation rentals? No, we need places for people to live. But also, before anymore construction, we need that we need to deal with infrastructure. That's why Hanalei, there was that last slide because the Planning Commission approved. Okay, housing to be built on agricultural land. Okay, this island is being desecrated, and enough already. Enough people are angry, and I don't know how much money it costs. You need, we need a, we need a...

Mr. Hull: Three minutes, Madam Chair.

Ms. Kay: ...we need a bypass for the bypass. If anybody's ever tried to take the bypass to try and bypass Kapa`a, it's backed up. I mean this is insanity, it's the insane, I'm sorry, I'm praying...

Mr. Hull: Please wrap up your testimony Ma`am.

Ms. Kay: ...to the highest. I'm praying for all of you, I'm praying for this island and I'm praying that you guys make the right decision.

Chair Cox: Thank you.

Mr. Hull: Is there no one else in person that has not previously testified, that would like to testify on this agenda item? Please state your name for the record and you have three minutes for testimony.

Ms. Blakemore: Aloha, my name is Stephani Blakemore, and I live in Kapa`a, and I can't speak with the same eloquence as a lot of people who have testified today but as a taxpayer, I would like to make note that the idea of a hotel being built on this site is in direct conflict with what the tourism agencies for both the State and the County are trying to do to help the residents deal with all of these issues that we've heard about. And I would like to think that we could trust the leadership of those who have ancestral claims to this land to do beautiful things with it. Thank you.

Chair Cox: Thank you.

Mr. Hull: Is there no one else here in person that has not previously testified on this agenda item, that would like to testify? Hearing none. I believe we have one more speaker who has raised their digital hand. Shelea, I'll turn it over to you.

Ms. Blackstad: (inaudible), I'm promoting you to a panelist. You'll need to click on join as panelist and enable your audio and video. You'll be given three minutes for your testimony. You will need to unmute yourself and enable your audio and video.

Woman from Zoom: Good morning, Chair Cox, and Commissioners. Can I be heard now?

Mr. Hull: You can.

Woman from Zoom: Oh, awesome! Thank you so much. Thank you for your patience, I'm testifying this morning on behalf of the Board of the Wailua Kapa`a Neighborhood Association. And we respectfully request that you defer receiving the annual status report in order to fully assess whether or not the developer has actually made substantial progress since 2015, when the permits were issued. Our Special Management Area rules, Section 10 require that substantial progress be made within 2 years of permit approval, and as you look at your permit conditions matrix, it indicates that only 10 of the 29 conditions have been completed. So, furthermore, there's a critical need for a current state certified shoreline. Apparently the most recent shoreline was certified by DLNR, on January 5th, 2007, and in our written testimony that I submitted Sunday evening. We also included a state survey map, so that was a touch to our testimony, so that written testimony includes 2 photographs from March 2020, which shows the high wash of the waves significantly creating erosion that's threatening the multi-use path right opposite Coco Palms. And clearly that means the 2007 certified shoreline is really not representative of the high wash of the waves for those subsequent years till now, and nor does the outdated shoreline conform with our shoreline setback and coastal protection ordinance and the goals of community resiliency planning in light of climate change. So, it's really unwise for the County, to allow this developer to proceed especially under this antiquated and rescinded Iniki ordinance. So, in closing we asked that Commissioners defer receiving the annual report, in order to address and resolve these concerns, and as a matter of law, determine whether or not Coco Palms developers are required to obtain a new Special Management Area permit to comply with the same regulatory requirements as everyone else. Mahalo for your consideration.

Chair Cox: Thank you.

Ms. Blackstad: There is no one else with their virtual hand raised at this moment.

Mr. Hull: Thank you. We have to close up virtual testimony. I'll make one last call for in person, is there anyone who has not previously testified on this agenda item and would like to testify on this agenda item? One last call, if there's anybody that here that has not previously testified on the Coco Palms status report and would like to testify, if so, please raise your hand. Seeing none, this is a Status Report, there's no directors report or recommendation or evaluation from the department. So, if the Commission desires, the applicant is here. They can (inaudible), present and respond to any questions.

Chair Cox: Yes, we would like that. We know you've heard a lot of concerns, we're...

Mr. Hull: You can approach.

Chair Cox: ...hoping that you can address some of those concerns. Thank you.

Male from audience: Thank you. Thank you for your time, Commission. Thank you for all that. (inaudible) your comments. This is, I've done this for a couple of years, or been involved in this...

Chair Cox: Can you identify yourself, sorry?

Male from audience: Oh sorry, I'm Parker Enlow, I'm with Reef Capital Partners. We are the group that financed the original acquisition and demolition of the structures to the point where the asbestos and everything was removed, to make it to the point they are today. So, yeah, I, we submitted the matrix, I'm sure you all have, in June, June 30th, and there's a couple things I wanted to point out better, some updates to them and I do want to update a few comments there has been a lot of work done for the last 2 years, particularly in the last 2 years. since we kind of got involved more and took over the management side of the (inaudible), while the foreclosure proceeded. A couple updates foreclosure did in fact, happen, finally. Took 3 and a half 4 years, in May of this year, which was a big step in anything, because nothing could happen until that the title was clean. So, title is now held in RP21 Coco Palms LLC. And we've been working with a new buyer, that has been involved for about a year and a half now, it had the property under contract, and they've actually put up a substantial amount of money. To further the permits along, and what at the time of this we submitted this matrix, 18 of the 25 building permits had been approved, and the main bottleneck was the wastewater management. I mean, many people spoke of the wastewater capacity, and so they had to go back to their calculations, and everything would be safe. And there was some discrepancies on what the impacts were going to be as far as financial impacts what the developer needed to pay to and that's all since been worked out since June thirtieth and now, they've signed off, and we've paid their application. Their (inaudible) fees and building permit fees for that and now. There's just one remaining permit left, and it has to do with just the Department of Health. There's, in the main lobby there's some offices underneath. There just needs to be some outside air circulated through there, so it's very close, according to our architect, he thinks a couple of weeks, and then and then all permits will be issued. So, the new buyers and I say that the new buyers, they've been involved for at least a year and a half now. We are, there's a portion of our group, is consisted of about 4 investors. And I represent one of those investors, I'm the trustees of one of the, one of its investors, and we are staying in with the new developer. I do believe in the project, and what it can be. I know there's its challenges, and you know, some opposition. But the permits were issued in 2015, and a lot of things were, a lot of things were relied on with those permits. So. And so. yeah, I just wanted a few other items to note that have changed or some updates. Let's see here, yeah, all we were waiting for the wastewater management division, and we were no longer waiting there. So, I think that's the main changes does anyone have any questions for us?

Chair Cox: Questions from the Commissioners? Yes.

Mr. Ornellas: I have a question. Concerning the building fronting Kuhio Highway, I'm not a structural engineer or architect but that building doesn't appear to be in very good condition. There's pieces of plywood falling off of it, and I'm concerned about its proximity to the highway. Would the applicant be willing to do a structural assessment of the building?

Mr. Enlow: I believe the, in our latest, and I can bring up our current plans are to demolish in the new building permits that we've (inaudible) all of the buildings will be taken down to their foundations. No, no digging will happen. The foundation will stay in place, but the building will not stay.

Mr. Ornellas: I'm just concerned because it seems like it's kind of time sensitive, if we were to have a storm, I don't know that that building would not collapse onto the highway.

Mr. Enlow: So, our hope is to be raising those structures, you know, as fast as the buildings, that you know the building permits happen. So, sometime in the next 6 months our hope is to have those structures down.

Mr. Ornellas: Thank you.

Chair Cox: Other questions from Commissioners? Francis, did you want to...

Mr. DeGracia: Yeah, quick question. Out of extreme curiosity, are you at liberty to disclose who these new investors are? The new buyer.

Mr. Enlow: The buyers? They are, the entity, I think is both, they're out of Utah. Our company's also out of Utah. I don't know if I'm at liberty to disclose their personal names but the entity name, I believe is...Coco, ah, shoot. I believe they're on the Zoom. Meaning if they want to pipe in but... Mitch, raise your hand if you wanna disclose your entity. But we are, our plan is to stay in a on a portion with them, that they have. They're well capitalized, which in my opinion I'm not a...The reason that project didn't gain traction from before it's just lack of capitalization. The previous developers were able to get a loan and part of that loan they had committed to bring in additional equity that never happened, at which ultimately led to the failing of their entity, so.

Mr. DeGracia: And...

Mr. Enlow: I can get those; I can get the entities for you if you give me a little bit.

Mr. DeGracia: Thank you. And I know that there was also a number of concerns raised by the community through the testimony we just heard. I was just wondering if you guys would like to address...

Mr. Enlow: Yeah...

Mr. DeGracia: Address any of the (inaudible).

Mr. Enlow: For sure. I'm very sensitive and sympathetic, I feel really bad for, I'm a pleaser by nature so I want to make everyone happy. I realize everyone's gonna have different opinions. But certainly, some of the things, the bodies on this part, as you're all aware, if anything is dug up on site, work stops immediately. There's no, that was part of the condition that was put in place, so that's expected. We want to make a cultural center, that's part of the plans, that gives tribute to the area. And everything, and obviously there's traffic studies that have been done. And again, I know it's a congested area so, but the traffic reports indicated that a hotel could be built. With the conditions that were placed on it with the shuttle buses and things like that.

Mr. DeGracia: Thank you.

Chair Cox: Further questions?

Mr. Ako: Can I ask a question? I'm assuming that you know, you sat in through this whole testimony, and listened to everybody speak this morning, you know, for us up here as commissioners, and I think the whole world, I feel like the whole world is looking at us. I think you heard how many testimonies have come forward this morning alone. I guess my question that I have is, knowing of all the testimony that you've heard. And again, let me backtrack, saying, I understand today is about the annual report, the annual status but after listening to all the concerns, that have come through from the public out here, at this point, what would you be willing to do to address these issues that are coming forward?

Mr. Enlow: So, I've been, I've been in these meetings probably my third one that I listened in on through Zoom, we got really involved. Prior to that we were just a lender so I it's a tough question, right, because I've thought for 3 years what is going to be the outcome of this company or the of this property or `aina, and,

you know I've thought for you know years, will the hotel happen, and I was pretty certain 3 years ago that the previous developers would not get it off the ground, and so I started looking at backup plans I've thought about you know, workforce housing, like, you know, a affordable housing product, you know. I, you know, obviously I think a hotel would do really well there, with the current developer's plan. I think it's the best by far that I've seen in the variable capitalized so I may spend a lot of money to date, as we have spent a lot of money financing to date, so I feel like it needs its fair shot to be carried out. With the conditions that are placed, but if that doesn't come to fruition, I thought about a cultural center, and how, I love the idea of making a cultural center, right? But that costs dollars right, there's 87,000 people in Kaua'i, so if you, you maybe you'd have to buy the property, the community could buy the property, and the upkeep would have to be an assessment of tax-wide, whatever there's (inaudible) that can happen. I thought a lot of things like that, but I just think that would put a burden on a lot of residents in Kaua'i, that I think aren't here now that are just, they're more tired of anything, of, they're more tired of nothing happening then a hotel or a cultural center, whatever, vast majority that I've talked to outside of, I know there's a large vocal group here, and I understand, and I feel I want to sympathize with them. I want it to be just whether let go back to us, you know, nature and have just be completely nothing but there's problems with that, too, right? You've got vagrants living on the property now with drugs, and it just, we finally got the eviction notices posted, and the clearing started in on Thursday. So, things going forward hopefully, we'll get cleaned up. but as far as what's best to be on the property right now, what is zoned for is the in the entitlements on it are for this resort hotel, and I don't think it would be fair to the buyers who spent a lot of money, I don't think it'd be fair to us that would have spent a lot of money (inaudible) relying on those permits. So, at least let it play out, now that, for the first time we're within weeks of getting building permits. How about questions now? Sorry.

Mr. Ako: I truly understand, or I think I understand anyway, the fact that whether we go forward with this project or whether the project does not go forward for whatever reason, there's gonna be problems both ways...

Mr. Enlow: Yeah, exactly.

Mr. Ako: ...on this. So, I guess my follow up question to that would be, is this something that's gonna happen, or is there other options that are on the table?

Mr. Enlow: I, for the first time about a year ago, for the first time with a group that's come in, and I've seen their plans and their capabilities and their experience, I felt over a year ago that this was going to happen if we could just get through these last meetings. Getting the permit, the building, when I say permits, I know there's the SMA permit and the zoning that it has, but I'm talking about building permit to start the construction in demolition of the property.

Mr. Ako: So, assuming that well, assuming that the permits go, I'm gonna take it that you guys, the plan is to move forward.

Mr. Enlow: Yes.

Mr. Ako: In the meantime, from then to the actual, I guess starting of the project, is there room to meet with the community, and try to figure out whether there's a...

Mr. Enlow: Yeah.

Mr. Ako: ...other options?

Mr. Enlow: I encouraged many people who have spoken today. I am happy, I've talked to many of you already. I'm happy to hear your thoughts and I'm happy to hear your thoughts and ideas and yeah, I mean I I'm financially vested it's something happening to the property. I think the community wants something to happen. I think the easiest way for it for something to happen is what it's currently zoned for. But I'm, I

would love to hear everyone's thoughts I know I've heard everyone's testimony today, and I'd love to have additional conversations offline with some of those individuals.

Mr. Ako: I also assume that you've been meeting with the community on this project here.

Mr. Enlow: Yeah, I've met with several people. I mean it's been harder the last 2 years with the travel restrictions. But you know we have people on island, or on Oahu that relocated from our company to help on another project but...

Mr. Ako: Are these community meetings or individuals that...?

Mr. Enlow: Just individuals, different things. Again, nothing is like, we've had the property in its ownership since May of this year, so not a lot of time to have done anything in, with the travel restrictions. This is my first visit to the island.

Mr. Ako: Thank you, Madam Chair.

Chair Cox: Thank you. I'd like to actually follow up on Commissioner Ako's question, so you have not met with the Wailuanui group?

Mr. Enlow: No, I would be happy to meet with them.

Chair Cox: I know you've been asked questions about both the traffic the cultural aspects, and one thing you have not talked about, and we hear a lot of concerns about, that is also the climate issues of passive flooding, highway run up, coastal erosion, etc....Could you respond to those?

Mr. Enlow: Yeah, I mean these climate changes that is happening, and we must be aware of it, deal with that. You know I'm not an expert in it, we've, experts have been hired in that realm. And you know, there's, I'm not here to argue with that can be happened. But I we've looked into the studies and there's, it's a, you know we have to come up with good solutions.

Chair Cox: Thank you. Any further questions from Commissioners? I don't think (inaudible) questions from (inaudible).

Mr. Hull: We do not take questions from the audience, but you can suspend the rules if there's an individual who would like to testify and did not previously testify on this item.

Chair Cox: (inaudible). You did not previously testify? You raised your hand a minute ago.

Male from audience: Yeah.

Chair Cox: Did you want to speak? Have you...

Male from audience: Yes, I would like to say something. I'm a little late.

Chair Cox: Okay. We're going to give you the opportunity to testify but just a minute, let's finish...

Mr. Enlow: Can I get some time to, our architect to make a few comments?

Chair Cox: Yes.

Mr. Agor: Aloha, my name is Ron Agor. (inaudible), I wanna ask you a question. Since the inception of bringing Coco Palms back, the whole plan was to bring back the hotel. Not just bring back the hotel but bring back the recent culture and the history of Coco Palms as displayed by Ms. Guslander, the maker of the original Coco Palms, you know. I mean she was a Queen Kapule, by having the torch lighting ceremony

every evening, you know. So, we want to build upon that, and I'd like to say that I've been working with the developer that's in contract with partner, and we are all committed in having Coco Palms be a hotel and a cultural learning center, it can coexist. We plan to have a Cultural Center in the back. We intend to invite the Hawaiian communities to come, sit at the table and advise us on the things that we can do to preserve, enhance, and teach our guests the history and the culture of Hawaii. We're hoping that it's a, to create a destination resort, where people can come and find out about the Hawaiian culture and when they leave, they'll have a better understanding about the Hawaiian culture and the Hawaiian people. That's the focus of the new developers building of this, restoring Coco Palms. Coco Palms never went away, it was suspended by Iniki. It's still there, the whole concept is still there. We're bringing it back, and we're gonna make it better than what it was before. So, I hope that answers your question about the culture.

Mr. Ako: Yeah, and I appreciate the response to that given. And yet, I think at the same time there are still is this feeling that I'm hearing up here today that there are still things that needs to be resolved as this thing moves forward, and you know, I think the theory that you're coming up with, you know meets the plans by many. I don't think it meets in the eyes of another group to help, if you choose, I'm not too sure what that is here. That's why I think in my mind, I think the question that is still in there is that, is there still time to meet with community groups and see if there can be some type of middle ground where, in our resolution a peaceful resolution, I guess know, can be developed. And I think if the answer is yes, there is an option then I think that's one path, if there is no option in terms of the site of the developer, then I think that's another (inaudible).

Mr. Agor: So, there is an opportunity to have the community's input on the cultural aspects of preserving the culture and the history aspects of the `aina. Yeah, and we'll be inviting people we wanna do a presentation this fall to the community, with videos and getting their input on what our plan is.

Mr. Ako: Just one more question, Mr. Agor. Is the sessions that you are talking about, is only about the cultural part site, or about the entire project itself?

Mr. Agor: The entire project. How the hotel interfaces with the cultural aspects of it. It's gotta be one and they both can coexist. They have to.

Mr. Ako: Appreciate it. Thank you.

Chair Cox: Any other questions for Ron Agor? Parker, did you want...

Mr. Enlow: (inaudible).

Chair Cox: Sure.

Mr. Enlow: As far as that community outreach. I would, I'll get with the buyers, and we'll figure out a time to plan on something so we can hear people out as a community and get their input and try to come up with plan. I would that, one of the buyers planned on being here today. He got pneumonia, he got diagnosed Monday, he thought something, he thought it was Covid. Didn't want to bring this disease to the islands. I thought I was very responsible, but he'd plan on being here until Saturday, when he got with the doctor and pneumonia, so. But Coco Palms 2021 is their entity, but I'll get with them, and I'll be with them, and I'll come, we'll make a public announcement and invite the public out to hear the thoughts to get it once input and see if there's voice that you know, bridge the gap closer. I guess you know what they're watching and (inaudible).

Chair Cox: Thank you. Any last questions, Commissioners? Thank you very much. Now I believe we have one further testimony that (inaudible).

Mr. Hull: Chair wants to suspend the rules so...

Chair Cox: Yeah.

Mr. Hull: Sir, (inaudible) have so you could provide public testimony. If you can state your name for the record and you have three minutes for your testimony.

Mr. Freedom: My name is Freedom (inaudible). I drive by the Coco Palms everyday have done so for the last 45 years. I was taken aback just now, when the gentleman said that they are not going to touch the ground, how you gonna build a hotel resort area without touching the ground. The ground is sacred as far as I understand, there are archeological things all over the place. I don't think the area has been studied enough, and I don't think it should be given any kind of permits to people who know very little about the history of the place, that actually stretches from the heiau on top of the hill down to the now the hotel that's on the other side of river. I'm against making development with people who don't really know, it is the swamp area the whole thing, and not to be able to dig or not wanting to dig in the ground is totally (inaudible) you have to go down to the coral underneath the mud, in order to make those things stand up. I would like more a historical study, and perhaps the, from archaeologists being asked to give an assessment about the place. There's always the wonderful opportunity for the investors to donate the 23 million dollars that was paid at the auction. To donate the place to a Hawaiian entity himself. There's a lot of collateral within the Hawaiian people, both who are versed with the area and I'm sure the collateral of manpower cannot be underestimated as far as developing it into a Hawaiian Cultural Center by giving it back to the Hawaiians. That's the main point.

Chair Cox: Thank you.

Mr. Freedom: You're welcome.

Mr. Hull: Is there anyone else who has not previously testified and would like to testify on this agenda item? Seeing none.

Chair Cox: Thank you all for having us hear you. The Commission can now consider entering into an Executive Session to discuss legal alternatives. Is there a desire to do so?

Mr. Ako: Madam Chair, I'll move to go into Executive Session.

Mr. Ornellas: Second.

Chair Cox: We've been moved and seconded. (inaudible). All those in favor of going into Executive Session, say aye? Aye. (Unanimous voice vote). Any opposed? Nobody opposed. Motion Carried. 6:0.

Chair Cox: Okay before we go in, I just want to say that we move this from the Consent Calendar to General Business in order to respect the public's ability to receive more information and our ability to receive more information. And it's important that you recognize that Ms. Tico's legal petition will be promptly addressed by the office of the County Attorney and is a separate matter from the report. So, just so, you know that they're both important, one of them will be addressed, but isn't part of the report. The status report is not approved by the Commission and has already been received by the Department. We acknowledge the receipt which does not bar for the discussion or assertion of legal rights outside of this room. So, at this point what I would like to do is read into our executive session.

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:

2022 status report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1, and Special Management Area Use Permit SMA(U)-2015-6 at Tax Map Key 4-1-003:004 (por.), 005, 007, 011, and 017 and 4-1-005:014 and 017 (the “permits”), with approval conditions as set forth in letter dated December 31, 2018, from the Planning Commission of the County of Kaua‘i (the “Conditions”) with Coco Palms Hui LLC, as Applicant (“Applicant”).

Chair Cox: So, we'll go into Executive Session now.

County Deputy Attorney Laura Barzilai: (inaudible).

Chair Cox: Okay.

Ms. Barzilai: This is a short statement just for clarification. The status report is submitted to satisfying condition number 29. It was moved to General Business to allow for public discussion. It does not impact the status of permits, nor is it approved or even received, by the Commission. It was received by the Department in compliance with condition number 29 and placed on the consent calendar. Whether it is under chapter 10 or 12 of the Commission’s rules, or ultimately addressed at the Circuit Court, all actual legal trials will be appropriately and promptly addressed. This is not dependent upon the deferral of this agenda item. We understand the public's testimony. We trust that the developer will continue to address the public's concerns. Nothing discussed today against Ms. Holland's organization from proceeding to the extent of the (inaudible). Thank you.

Chair Cox: Thanks.

Ms. Barzilai: (inaudible) is an executive session.

Chair Cox: (inaudible).

Ms. Barzilai: (inaudible).

Chair Cox: (inaudible).

Mr. Hull: (inaudible).

Chair Cox: Shall we say half an hour then?

Mr. Hull: (inaudible).

(inaudible multiple talking)

Chair Cox: Okay, we're just gonna have an Executive Session for what...

(inaudible multiple talking)

Chair Cox: Okay, so, our Executive Session will be for 20 minutes, so, we'll reconvene at 12:05. Thank you.

The Commission moved into Executive Session at 11:46 a.m.

The Commission reconvened from Executive Session at 12:30 p.m.

Chair Cox: We are reconvening the Planning Commission meeting. And I believe we want to adjourn for lunch.

Mr. Hull: Yes, for the members of the public that are still with us, the Planning Commission has been reconvened from their Executive Session, now it's reconvened back into Planning Commission but it's 12:30, and I think there's a desire from the Commission to take a brief lunch break, so we'll be back at 1 p.m., Madam Chair?

Chair Cox: (inaudible).

Mr. Hull: (inaudible).

Chair Cox: Okay, so we will reconvene at 1p.m.. Can I have a motion to adjourn? I mean to...

Mr. Hull: Recess.

Chair Cox: Recess.

Ms. Barzilai: (inaudible).

Chair Cox: So, we should just do it? Okay, well, recess till 1 o'clock.

The Commission recessed this portion of the meeting at 12:36 p.m.

The Commission reconvened this portion of the meeting at 1:02 p.m.

Chair Cox: We will recommence our Planning Commission meeting and I believe we time for further discussion, if Commissioners have more questions they would like to ask or discussion points (inaudible).

Ms. Otsuka: I have one. I have a question, I've heard several times today that permits have lapsed, can anyone, do you know anything about it, can you discuss it?

Mr. Hull: Yes, absolutely (inaudible) Commissioner. Yeah, there were a (inaudible) made that the permits have lapsed, and it was actually a reference to a recent court case in which the SMA rules and regulations were utilized, in that there is a two-year window that SMA permits are entitled to and if no subsequent action is taken within that two-year window, the permits are null and void. And a recent court ruling did affirm that. But what was not presented by the members of the public that discussed the two-year lapse (inaudible) is that the SMA rules and regulations for the County of Kaua'i have a two-year window on the permit unless the Planning Commission grants a time period otherwise. And so, when you look at these specific permits that were granted in 2015, there were specific deadlines for specific actions to occur that go beyond the two-year window from 2015 to 2017. In particular, building permits being applied for in 2019, demolition actions to occur in 2017, and so on and so forth. And that after all the building permits have been finalized and approved, the applicant also has one year to commence substantial construction. So, the Planning Commission in 2015 essentially took action to extend the life span of these permits beyond the two-year window, set in the rules and regulations and the Planning Commission had the authority to do that at the time.

Ms. Otsuka: Thank you, Ka`aina.

Chair Cox: Are there questions, concerns? I wondering if we can get (inaudible).

Mr. Hull: We're not taking public testimony at this time sir.

Male from audience: Okay.

Chair Cox: So, I'm wondering if I can ask you another question, Parker. Would that be, okay?

Mr. Enlow: Yeah.

Chair Cox: Thank you. But it's back to the climate. I don't know if you're aware of the, right now before the Kaua'i County Council, there actually is an ordinance or bill that's looking at passive flooding and high wave action and so, if it passes County Council then you would not be subject to it because your permits came in before but on the other hand, they are projecting what is most likely going to happen and I'm just wondering, are you open to looking to see how you might revise your building plans based on what will happen?

Mr. Enlow: It's obviously, we're open to look at anything, we'll look at the data for sure. We have talked to an insurance carrier. I mean one of the big things for making sure, no, I think (inaudible) no residents or dwellings were underground, that under that water (inaudible) only parking structures, so, it's been thought out for sure. I don't want anyone to think that we're just building some huts that, that could get wiped out by... I mean things have been thought out by insurance carriers who had to pay out in Iniki. The same insurance groups we're talking to as part of everything, and we're almost done a great job of designing some of those, those flood measures.

Chair Cox: Thank you. Any other discussions or concerns? Okay, I guess I would say just in just didn't look in where, I think we're wrapping up here, but I guess I would say that one of the things you've heard is looking at this climate, but the other thing was from Commissioner Ako, working with the community and we really recommend strongly that you work with the community.

Mr. Enlow: Yeah, I appreciate that and as your recommendation, I've actually already talked to the gentleman who was a reporter and we're gonna get some times figured out where we'll put it in the press where there'll be a community outreach or a forum to take and hear from the citizens.

Chair Cox: Thank you.

Mr. Enlow: Thank you.

Chair Cox: I guess if we're done with this, I just want us to note for the record that the 2022 Status Report, dated June 30, 2022, from RP21 Coco Palms LLC., was received by the department for filing. So, at this point there's no further action required on the report, however, that does not mean that this is end of the issue. We have a petition that will be looked at carefully and there are other concerns that will still be considered but there's no action at this meeting and the report has been filed.

Mr. Hull: Thank you. Moving on to the next Agenda Item, L, sorry apologies, (inaudible) H. Moving on to Agenda Item, I, we have no Communication. Moving on to Committee Reports for Subdivision Committee.

COMMITTEE REPORTS

Mr. Hull: I'll turn it to Subdivision Committee Chair.

Mr. Ako: Thank you, Clerk Hull. This morning the Subdivision Committee met, present was Commissioner DeGracia, as well as myself. And on our agenda, we had one item to deal with and that was with Kaua'i Habitat for Humanity, Final Subdivision Map approval and that was approved by a vote of two to zero. And with that, I guess I'm kind of proud to say that 8:30 a.m., we had called the meeting to order and at 8:37 meeting was adjourned.

Chair Cox: Congratulations. Any questions or (inaudible)? If not, I would entertain a motion to approve the Subdivision report.

Ms. Apisa: I approve and accept the Subdivision Committee report.

Ms. Otsuka: Second.

Chair Cox: All those in favor say, aye? Aye. (Unanimous voice vote). Any oppose? None. Motion carries. 6:0.

Mr. Hull: Moving on, we have no Unfinished Business, So, we move on to Agenda Item, L.

NEW BUSINESS (For Action)

ZA-2023-1: A bill for an ordinance amending Chapters 8, 12, and 13, Kaua'i County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO), Building Code, and Electrical Code respectively. The purpose of the ordinance is to establish parking requirements involving electric vehicle charging infrastructure in the CZO, Building and Electrical Codes = **KAUAI COUNTY COUNCIL.**

Mr. Hull: Before I turn it over to the Planner, technically this is a new agenda item and so, we don't have anybody signed up to testify on this agenda item. Is there anybody in person here that would like to testify on this agenda item? This is the Electrical Vehicle Charging bill. Hearing none. Do any of the members of the public attending this meeting virtually through Zoom, if you would like to testify on the agenda item concerning the Electrical Vehicle Charging station, please indicate so by raising your digital hand.

Ms. Shelea Blackstad: There is no one with their digital hand raised at this time.

Mr. Hull: Thank you. With that, I'll also note that the Public Hearing for this item was held earlier this morning and it was closed by the Commission. I'll turn it over to Alisha for our Director's Report pertaining to this matter.

Staff Planner Alisha Summers: Good afternoon, Planning Commission Chair and Commissioners. For your consideration this afternoon, amendment to Chapter 8, Comprehensive Zoning Ordinance, Chapter 12, Building Code and Chapter 13, Electrical Code to the Kaua'i County Code as amended relating to Electrical Vehicle Charging Infrastructure Requirements for new parking lot constructions. The zoning amendment permit application number is ZA-2023-1 and the applicant is the Kaua'i County Council. The proposed bill seeks to amend Chapter 8, Chapter 12, and Chapter 13 of the Kaua'i County Code. To include requirements for Electric Vehicles charging station infrastructure and new parking lot construction. In recognition that lack of access to charging stations is a major issue for an electric vehicle ownership. The intent of this bill is to expand the availability of Electric Vehicle charging stations infrastructure for public usage. In regard to the requirements, the bill provides a calculation to determine the minimum number of Electric Vehicle charging system, EVCS installed and EV-Ready parking stalls at new parking lot constructions. Just for your reference, EVCS Installed refers to parking stalls that includes the Electric Vehicle infrastructure and charging station, whereas EV-Ready refers to parking stalls that includes the Electric Vehicle infrastructure and a wired outlet for an electric vehicle to plug in their portable charger into. These requirements are to be applied to any new parking lot constructions, which includes modifications to increase the size of any existing or new structure on the property by 2,000 square feet or more. This bill proposes these requirements for new parking lot construction in the industrial district, the commercial district, the resort district, the agricultural district for operation with fifty or more employees, and multi-family residential sites with three or more units. That concludes my summary of the amendment. Before I read the recommendations, are there any questions?

Chair Cox: Questions from the Commissioners? Hearing none, I guess go ahead and read the recommendation.

Ms. Summers: Based on the foregoing evaluation and conclusion, it is recommended that zoning amendment ZA-2023-1 be approved.

Chair Cox: Thank you. Comments from the Commissioners?

Mr. DeGracia: No questions, just a comment though. To me, it just seems a little conservative, the amount, I mean if they're saying that, EV's are going to be, manufactures are going to stop producing combustibles in 2040 and, it just looks like a small number, that's all. That's just a comment. Just my take on that. Other than that, no, I'm fully supportive. This is coming to the fore front, we're going to need a lot more electric vehicles, I see on the road. I get it, it's good.

Chair Cox: I would agree with you that it's a first step, on the other hand, I want to applaud the department for actually, and the County Council for coming up with the first step because it is an acknowledgement that we're making this transition and it's so much cheaper to put in the infrastructure, rather than retrofitting but doing it up front. So, at least it's taking that first step.

Mr. Ako: Chair, I have a question.

Chair Cox: Yeah.

Mr. Ako: And I don't know if we have answers but, in my mind, I'm just trying to figure out right now, do we know how many cars we have on the island? How many are maybe rentals, how many would be fleets as well as personal cars and how many of those are electric cars?

Ms. Otsuka: I think 1,000, no that was hybrid. I think 700.

Chair Cox: But that wasn't the total that was just how many are the EV's, right?

Ms. Otsuka: EV on Kaua'i.

Mr. Ako: Yeah.

Chair Cox: Yeah, EV's. I don't think there was a total number.

Ms. Otsuka: I think it's (inaudible).

Chair Cox: Total was?

Ms. Otsuka: Yeah.

Chair Cox: Oh, I didn't see it.

Ms. Otsuka: How many cars on Kaua'i, how many hybrid and how many electric.

Mr. Ornellas: 76,000 cars.

Mr. Ako: Okay.

Ms. Otsuka: 76,000 cars.

Mr. Ornellas: Show how many hybrid.

Ms. Otsuka: Yeah, so, thousand something hybrid.

Mr. Ako: Okay, if it's in there, I'm sorry.

Mr. Ornellas: (inaudible)

Ms. Summers: I can answer, in terms of what I put in the Director's Report for the registered passenger vehicles in Kaua'i County, so, there's a report from the Department of Business Economic Development and Tourism and every month they have a report that they put out. So, as of July of 2022, there were 75,448 registered passenger vehicles in the county. And 1,045 or 1.4% of those passenger vehicles were hybrid electric vehicles and 619 or .8% of those vehicles were fully electric. So, hopefully that answers your question.

Mr. Ako: I'm sorry, thank you.

Ms. Summers: Yeah.

Mr. Ako: Another question I had was, you know when we looking at putting in this for facilities with a hundred or more parkings, what type of, who has a hundred and more? That's like strip malls or...

Ms. Otsuka: Hotels.

Chair Cox: Hotels. (inaudible).

Mr. Hull: They're looking at large scale commercial operations, like, Home Depot, Walmart, as well as shopping centers like, Kukui Grove, the Safeway Shopping Center, definitely the resort areas have parking lots of this size, but we also have multi-family units or should I say apartment complexes, like, Ho'okena and others that have over a hundred stalls. To speak somewhat candidly to some of, this is primarily going to be aimed at new construction. There is a modification trigger as well, for when you expand a square footage by 2,000 square feet. To speak candidly and working with the Council on this bill, the likelihood of it being triggered on existing structures of this size is fairly small and that's because in existing multi-family units, those have all been CPR'd up and sold to the individual unit owners themselves, and the likelihood of getting a modification to those buildings is very small. Rarely do apartment units come in for an expansion beyond 2,000 square feet. (inaudible) beyond a hundred square feet quite honestly. So, this requirement being imposed on existing apartment complexes is very small, quite honestly. And then, on the commercial side of it, Kaua'i actually has a big box ordinance, which prohibits the proposal or expansion of a singular retail entity larger than 75,000 square feet. So, Home Depot, Walmart, Costco, those big box stores that are much larger than 75,000 square feet, were permitted prior to the prohibition being put in place but with the prohibition now in place, they can't expand their footprint. So, in a lot of these scenarios the modification, there is a trigger there, to speak candidly, we don't anticipate it being triggered on many proposals that have existing lots over a hundred square feet in size. It's good to have it there and a lot of these places have already seen where the markets going, in are providing these charging stations already. But that is one area, just be candid about where the triggers are happen, we anticipate some but not much.

Ms. Otsuka: I have a question. Just out of curiosity, what kind of contractor do you hire to install?

Mr. Hull: An electrician.

Ms. Otsuka: Only electrical. Okay, but then he would have to hire someone if they had to, it was retrofitted they had to dig up the...

Mr. Hull: Correct.

Mr. Ornellas: So, I'm assuming that the owner of the parking lot is responsible for the upkeep and maintenance of these chargers. And the other question, I often wondered, who pays for the electricity?

Mr. Hull: It depends. In the majority of existing commercial facilities, the charging station is via a fee. There are various applications that you download on your iPhone and essentially or Samsung Galaxy, whatever phone you have but you make payments via an application when you charge. With the County of

Kaua'i, we actually provide free charging right now for members of the public, which is written within our budget of course. For the individual homeowner, of course they're going to front that bill. I don't believe we have any residential apartment complexes with EV charging stations but ones that we've reviewed in other municipalities it depends, sometimes that bill is footed by the individual unit owner that has access to the charging stations, sometimes it's done via a fee because multiple users will want to use the charging station or sometimes the association will assume it on via their account and some restrictions. So, there's an array of options that they manage civilly essentially.

Mr. Ornellas: This would apply to hotels as well?

Mr. Hull: Correct.

Mr. Ornellas: Thank you.

Mr. DeGracia: Director, point of clarifications. So, new construction would mean that any new permits being issued. So, in the case of let's say, Coco Palms. No?

Mr. Hull: This is being done via the Zoning Ordinance. So, because say, Coco Palms, because they already have their zoning permits, it would not be applicable. Unless they came in for modifications.

Mr. DeGracia: Okay. Thank you.

Ms. Apisa: I guess I would just add that I have heard the argument against it, that it takes away affordable housing units from an affordable development because, it takes more space and costs, so they can maybe make three less units. But, on the same token, I mean, electric vehicles are incoming, like it or not and I think we need to be prepared for it.

Mr. Hull: Yeah, and you know, I'll be honest, Alisha and I were having this debate as she drafted the report and I think Alisha did a really wonderful job on pointing out the affordability of electrical vehicles. I can say that if you're buying a brand-new Tesla, 50-60 thousand dollars, more than likely you're doing it from a carbon emissions standpoint and perhaps a status standpoint. I don't know. But what we're seeing right now on the secondary EV market, is they are being offered relatively cheaply. And compared to the petroleum vehicles, right, are much cheaper to actually operate. I won't name our staff member by name but, we have one staff member who just bought one on the secondary market for relatively cheap. He reduced his, he was spending \$450 dollars in gas a month, his electric bill has now gone up \$50 a month. So, he's saving \$400 off of his EV purchase, a secondary unit and it just speaks to the affordability of this product type. It's not mandating it but it's just saying, provide these options in case a consumer wants to potentially utilize it. One of the biggest areas, and it's not something that we can necessarily legislate, I know the Council member who introduced this is looking at it very keenly. (inaudible) the apartment complex is probably uniquely one of the biggest steps or hurdles for EV usage. If you have a single family dwelling you can actually plug an EV vehicle into an outlet. My wife did it for six years. But when you talk about apartment complexes, that one doesn't even have these charging stations but two, it's near impossible outside of running an extension cord from your window on the second story down to the parking lot, like, it's near impossible for those living in apartment complexes to be able to look and consider EV as an option. And I think absolutely the previous testifiers statements about the affordability housing and every incremental additional requirement we impose on housing, builds up and builds up and builds up. I think the (inaudible) of that is right again, the affordability of EV and while housing is in a crisis right now, second to housing the amount that families are spending on transportation is exorbitant and so, trying to be able to chisel away at that is important too.

Ms. Summers: May I add one more thing to that? And I also, just want to mention that there's also the EVCS rebate program. So, that provides funding for rebates for the EV charging station installations and upgrades throughout the State. So, just wanted to point that out too.

Ms. Otsuka: Federal yeah?

Ms. Summers: Yeah, yeah.

Chair Cox: I also, think that if we really believe that we need to transition to EV's, which I believe we do, then we have to make it possible for people who don't live in single family homes to be able to charge and that's why it's so important. I know this bill, as Francis mentioned probably doesn't go far enough, but at least it's moving us in the right direction. I mean, eventually it would be really great if all apartment complexes did have the ability for people to plug in, cause they're gonna save money but they aren't gonna save money if there's no way to charge their vehicle.

Mr. DeGracia: It'll take some time.

Chair Cox: Yeah.

Mr. DeGracia: I have a couple on order, but I don't foresee them filling my order anytime soon.

Ms. Otsuka: You know this multi-family residential site with three or more units, so, say somebody owns acres of land and he wants to build a home for himself and his two children, with that three homes, but it's a resident. Is he required?

Mr. Hull: He would if it necessitated a parking lot over a hundred stalls. So, the parking requirement is two stalls per single-family dwelling unit or multi-family dwelling unit, so if the owner was proposing fifty units or more, which would trigger the hundred stall count, then they would. But, if they propose, say, two dwelling units, that necessitates only four parking stalls, so it would not trigger this.

Chair Cox: On the other I would add that it be really smart of them if they're building to put the infrastructure in now because it's so much cheaper than having to do it later. Any other comments, questions? Commissioners? Are we ready to have a motion?

Ms. Apisa: I move that we approve Zoning Ordinance 2023-1, amending chapters 8, 12 and 13 of the Kaua'i County Code 1987, as amended.

Ms. Otsuka: Second.

Chair Cox: Okay, it's been moved and seconded. Any final thoughts? If not, let's do a roll call vote.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Cox?

Chair Cox: Aye.

Mr. Hull: Motion passes 6:0, Madam Chair.

Mr. Hull: Moving on we have no further Executive Session.

ANNOUNCEMENTS

Mr. Hull: Announcements, we have Topics for Future Meetings. This closes out (inaudible) series of legislative proposals that we have running through the Planning Commission and (inaudible) few more zoning amendments (inaudible) for months but thank you all for your diligent work on, what has been an array of zoning amendments that could be quadruple the amount the Commission general handles but so we don't have future zoning amendments. We have a couple Special Management Permits; we don't have quite the (inaudible) heavy (inaudible) at this point. If there's any additional (inaudible) you folks would like us to address, just let us or the Chair know. And then also, on September 14-16, is the annual Hawaii Congress of Planning Officials meeting, this year, it circulates throughout the State, this year it's being hosted on Kaua'i. Each of you do have a registration for you to attend the various series of seminars, again from the 14-16, and Shan will send an email to you folks with more details.

Chair Cox: So that's why we don't have a meeting. (inaudible) until October (inaudible).

Mr. Hull: Yeah, when HCPO comes to town the entire department literally gets (inaudible) to host this event. It's a very good event but it puts a fair amount of strain on the resources. We literally don't have staff for anything. But we also don't have anything on the dock yet.

Ms. Otsuka: Make Kaua'i proud.

Mr. Hull: Yes.

Mr. DeGracia: Ka`aina, November 8th, Election Day, second Tuesday, are we not planning on having Commission meetings?

Mr. Hull: Well, we'll probably have to adjust that, we haven't even gotten that far in but we're going to have to adjust it because I believe that a holiday too for the County, so there's no actual workers on site. It depends on what our docket is looking like, the Commissions agenda, I should say. If we don't have anything on deck, we just won't schedule a meeting for that week, but we have to change it off another day. Generally, as is practiced, the end of November, generally we do not schedule because of the Thanksgiving holiday and Commissioners schedules and then also to, if there is anything coming through on the agenda for December, we'll only be holding a meeting in the send week of December. We will not one around Christmas just for you folks.

Ms. Apisa: So, December would only be the 13th and not the 27th?

Mr. Hull: Correct. Unless you guys want to get together.

Chair Cox: But since the November one, the 8th doesn't work and the end is the Thanksgiving, you might find another day sometime in that (inaudible), is that what you're thinking?

Mr. Hull: Yeah, we'll work with all of you folks to determine what available calendars you folks have, so that we can at least have quorum. And, then again, if we have anything on the agenda. We don't have anything on deck that we're aware of (inaudible).

Chair Cox: Okay.

Mr. Hull: With that, the following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter, on September 27, 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 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, Madam Chair, we're ready for adjournment.

ADJOURNMENT

Chair Cox: Would somebody like to motion so that we adjourn?

Ms. Otsuka: Move to adjourn.

Ms. Apisa: Second.

Chair Cox: All those in favor say, aye? Aye. (Unanimous voice vote). Anybody oppose? None. Motion carries. 6:0.

Chair Cox adjourned the meeting at 1:32 p.m.

Respectfully submitted by:

Lisa Oyama

Lisa Oyama,

Commission Support Clerk

() Approved as circulated _____.

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

