

KAUA'I PLANNING COMMISSION
REGULAR MEETING
April 09, 2024
DRAFT

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Donna Apisa at 9:51 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

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

Excused or Absent

Ms. Helen Cox

The following staff members were present: Planning Department – Director Ka'aina Hull, Deputy Director Jodi Sayegusa, Staff Planner Dale Cua, Romio Idica, Planning Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai, Office of Boards and Commissions – Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Donna Apisa: Call the meeting to order. Roll call please.

ROLL CALL

Planning Department Director Ka'aina Hull: Roll call. Commissioner Ako?

Commissioner Gerald Ako: Here.

Mr. Hull: Commissioner Cox is excused. Commissioner DeGracia?

Commissioner Francis DeGracia: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Commissioner Otsuka?

Commissioner Lori Otsuka: Here.

Mr. Hull: Commissioner Streufert?

Commissioner Glenda Nogami Streufert: Here.

Mr. Hull: Chair Apisa?

Chair Donna Apisa: Here.

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

APPROVAL OF AGENDA

Mr. Hull: Next up we have the Approval of the Agenda. A small adjustment to the agenda that Item 2. a. also be reinserted under L. There's a presumption of action on all Agency Hearings for use permits, and so amending the agenda to have again, 2. a. reinserted to L.1.

Deputy County Attorney Laura Barzilai: You need a motion to amend, Chair.

Chair Apisa: Motion to amend the agenda, please.

Ms. Streufert: I move to amend the agenda as suggested.

Ms. Otsuka: Second.

Chair Apisa: All in favor. Aye (unanimous voice vote). Motion carried. 6:0.

MINUTES OF THE MEETING(S) OF THE PLANNING COMMISSION (None)

Mr. Hull: We don't have any meeting minutes.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: We have no additional Receipt of Items for the Record.

HEARINGS AND PUBLIC COMMENT (None)

Mr. Hull: Hearings and Public Comment.

Continued Agency Hearing (None)

Mr. Hull: We have no Continued Agency Hearing.

New Agency Hearing

Mr. Hull: We have now, F.2. New Agency Hearing

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-8), CLASS IV ZONING PERMIT (Z-IV-2024-3), USE PERMIT (U-2024-3) to allow operation of a commercial boating facility that involves staging/shuttling of patrons to the harbor, construction of two (2) boat storage facilities, two (2) dwelling units, and associated improvements, and SHORELINE SETBACK VARIANCE (SSV-2024-1) to allow deviate from the shoreline setback requirement pursuant to Section 8-27.3 of the Kauai County Code (1987), affecting two lots located on the makai side of Kaumualii Highway in Kikiaola, Waimea, situated approximately 1,000 feet west of the Kikiaola Harbor, further identified as Tax Map Keys: (4) 1-2-013:039 & 040, and containing a total land area of approximately 2.3 acres = Nathaniel Fisher. [Director's Report Received 3/19/2024).

1. Transmittal of First Supplement to Application.
2. Transmittal of Agency Comments to Planning Commission.
3. Director's Report pertaining to this matter.

Mr. Hull: We don't have anybody, this is the agency hearing portion of the agenda, we don't have any sign this up, but if any of the members of the public would like to testify on this agenda item, you can approach the microphone. If you could, state your name for the record you have three minutes for testimony.

Mr. Clayton Kubo: Clayton Kubo, Waimea, Kaua'i. If said applicant did all what he or she needed to do, is there any reason not to? That's my question for you guys. And also I am a fisher, water Kikiaola Small Boat Harbor, this would definitely alleviate the congestion that is at the harbor. So, in the end, you know, hopefully you guys going do the right thing hourly. Mahalo nui. Aloha.

Mr. Hull: Thank you for your testimony. Is there any other member of the public that would like to testify on this agenda item?

Mr. Sean Smith: Good morning. My name is Sean Smith and I'm just here to, didn't realize this was on the agenda, but I was here for another matter and then saw it. I just thought it would be beneficial just to note that I've been down the harbor on several occasions as a resident to go out on the coast and just wanted to share my opinions of how this company runs. I was with a group of friends, and nobody runs a more polished operation down at that harbor than this gentleman's boat company, and I wish everybody ran as clean and as organized. That's all, I just want to put it out there just to show that there is some really good respect running down there with this company.

Mr. Hull: Thank you for your testimony. Is there anyone else who would like to testify on this agenda item?

Mr. George Swain: My name is George Swain. I've been in passenger boats for 52 years. I was part of the Hanalei boating situation. I've worked throughout the state of Hawai'i. As we all know, Hanalei, I was one of the victims, shut down and not given a permit. I've been in Port Allen now for 22 years. I started on Waikiki Beach in 1972, sailing catamarans and we all know

what's going on in the State of Hawai'i, considering commercial boating, whether you in Lanikai, Manta in Kona, everywhere is being addressed and I think what happened in Hanalei, why did it happen in Kekaha again, you know so, what this young man is doing is no benefit to him, you know, he's giving back the community that harbor at a real high expense. I totally support him in what he does. I think he's making a big step to do this, and I hope that as many people can support this move so that it can alleviate some of the congestion in that Kekaha Boat Harbor.

Mr. Hull: Thank you for your testimony. Anyone else like to testify on this agenda? Seeing none, the department would recommend closing the agency hearing.

Chair Apisa: Motion please.

Ms. Streufert: I move to close the agency hearing.

Ms. Otsuka: Second.

Chair Apisa: We have a motion to close the agency hearing. We'll do a voice vote. All in favor. Aye (unanimous voice vote). Motion carried. 6:0.

Continued Public Hearing (None)

Mr. Hull: Next we have no Continued Public Hearings.

New Public Hearing (None)

Mr. Hull: No New Public Hearings.

CONSENT CALENDAR (None)

Mr. Hull: Nothing on the Consent Calendar. Directly into General Business Matters.

GENERAL BUSINESS MATTERS

In the Matter of Petition to Appeal Planning Director's Decision Related to the Planning Director's Cease and Desist and Forfeiture of TVRNCU #4287 (Mau Loa Ohana) for the Failure to Renew by April 18, 2023, related to the property located at 4650 Amio Road, Koloa, Kauai, Hawaii, TMK 26011019, Edmund Gregoire, Linda Gregoire, and Mauloa LLC.

a. Stipulation and Order for Dismissal with Prejudice re: CC-2024-3.

Mr. Hull: Sorry, I don't have anybody signed up, but would anybody like to testify on this agenda item? Seeing none, I'll turn it over to our County Attorney.

Deputy County Attorney Chris Donahoe: Good morning, Commission Deputy County Attorney Chris Donahue with authorization from the Council for the other parties I'll be representing the matter today. This is a property management company acting as agent for the property owner, failed to timely submit the annual renewal application for NCUC 4287, it was due April 18th, it

was submitted April 28th, 2023 that matter was appealed, it was set for contested case hearing, while the contested case hearing was pending the parties, the agency and the owners reached a resolution and managed resolve it, which was satisfactory to the county, they're no longer looking to litigate the issue. It's satisfactory with the county because the cease and desist and forfeiture is not being disputed for forfeiture of 4287 with this background in mind, we would just request approval of the stipulation to dismiss with prejudice, with prejudice means it will not be brought again. There was one change made I saw in the packet, which is overlooked and apologies from the parties, there was no signature line for Chair Apisa, with all councils approval and Mr. Kimura's approval, this morning we did add that line for approval (inaudible). So, we request approval of this matter to vacate the hearing dates, so this matter can be resolved in its entirety. That's all.

Chair Apisa: It's good to hear there's been a resolution. Any discussion from the Commissioners?

Ms. Barzilai: Any question on the case or the on the stipulation, Chair.

Chair Apisa: Any questions regarding the case or the stipulation? Hearing none...

Mr. Hull: I'll just say that the department has of the 40 some odd lawsuits that are going on with the Planning Department the vast majority of them are these TVR's that we've shut down and have all elected to go through litigation to see if they can get their vacation rental certificates reinstated. 99% of them are waiting for court action. This is the one so far that's kind of said, nope we're out and have settled and will no longer be operating. So, I don't think we expect there's action out of the rest of the vacation rentals we're trying to shut down, but at least we got on this one.

Ms. Streufert: So, let me understand this clearly that this is no longer a TVR.

Mr. Hull: Correct. Any use of it subsequent today for vacation rental purposes would be in violation of the Kaua'i County Code and we would take action accordingly.

Ms. Streufert: And there is no appeal possible with the with prejudice, is that correct?

Mr. Donahoe: That is correct.

Ms. Streufert: Thank you.

Chair Apisa: Any other comments or questions? Hearing none. Are we ready for a vote? A motion.

Ms. Otsuka: I'll make a motion. Motion to approve Stipulation and order for dismissal with prejudice regarding CC-2024-3.

Ms. Barzilai: Chair, I would just also add to vacate future hearing dates.

Chair Apisa: And to vacate...

Ms. Otsuka: And to vacate...

Chair Apisa: ...future...

Ms. Otsuka: ...future...

Chair Apisa: ...hearing dates...

Ms. Otsuka: ...hearing dates.

Ms. Streufert: Second.

Chair Apisa: We have a motion on the floor. Is there any discussion regarding the motion? If none, we'll do a roll call, please.

Mr. Hull: Roll call. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

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

Mr. Donahoe: And then I'll submit this for your signature, Chair.

COMMITTEE REPORTS

Mr. Hull: Next we going to Committee Reports. I'll turn it over to the Subdivision Committee Chair.

Mr. DeGracia: Commissioners, Committee Report for Subdivision. Members in attendance, myself, Commissioner Ako, and Commissioner Ornellas. There were two items under Preliminary Subdivision Map Approval, Subdivision Application 2024-7, which was approved

with a 3/0 vote. Subdivision Application 2024-8, also approved with a 3/0 vote. There was also Preliminary Subdivision Extension Request. There was an amendment to agenda to have Item 2.C precede Item 2.A and B. Subdivision Application 2022-8 was approved with the 3/0 vote. I had rescinded on the following, and the remainder of the agenda. Subdivision Application S-2021-5 was approved for the 2/0 vote, and Subdivision Application S-2022-2 was approved with the 2/0 vote. That concludes my report.

Ms. Barzilai: Motion to accept, Chair.

Chair Apisa: Motion to accept, if there are no questions regarding it.

Ms. Streufert: I move accept the Subdivision Committee Report.

Ms. Otsuka: Second.

Chair Apisa: We have a motion on the floor. I think a roll call would, I mean, I'm sorry, a voice call vote will be fine. All in favor? Aye (unanimous voice vote). Motion carried. 6:0. I'm going back. Any opposed? Just to make sure because it's a voice vote. Not hearing any, motion carried. 6:0.

UNFINISHED BUSINESS (For Action) (None)

NEW BUSINESS (For Action) (None)

Mr. Hull: Next, we have Agenda Item L. New Business for Action. Going back to:

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-8), CLASS IV ZONING PERMIT (Z-IV-2024-3), USE PERMIT (U-2024-3) to allow operation of a commercial boating facility that involves staging/shuttling of patrons to the harbor, construction of two (2) boat storage facilities, two (2) dwelling units, and associated improvements, and SHORELINE SETBACK VARIANCE (SSV-2024-1) to allow deviate from the shoreline setback requirement pursuant to Section 8-27.3 of the Kauai County Code (1987), affecting two lots located on the makai side of Kaumualii Highway in Kikiaola, Waimea, situated approximately 1,000 feet west of the Kikiaola Harbor, further identified as Tax Map Keys: (4) 1-2-013:039 & 040, and containing a total land area of approximately 2.3 acres = Nathaniel Fisher. [Director's Report Received 3/19/2024).

1. Transmittal of First Supplement to Application.
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3. Director's Report pertaining to this matter.

Mr. Hull: I'll turn it over to Romio for the Director's Report pertaining to this matter.

Staff Planner Romio Idica: Good morning, Madam Chair, Commissioners, for your consideration for Special Management Area Use Permit SMA(U)-2024-8, Class IV Zoning Permit Z-IV-2024-

3, Use Permit U-2024-3 and Shoreline Setback Variance SSV-2024-1, for the construction and operation of a commercial boating facility and construction of two single family residences.

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

Chair Apisa: Question? Go ahead Lori.

Ms. Otsuka: I would like to address the department, in today's agenda it includes the letter from the State of Hawai'i, Department of Health Wastewater Branch dated January 18th, 2023, and it states under additional remarks, a certified shoreline determination is required prior to IWS, Individual Wastewater System approval, also, the Planning Department has indicated that the project may not be approved due to possible violations on the property. For the record, can this be clarified?

Mr. Hull: Yeah, thanks, Commissioner Otsuka. I checked into that, the Department of Health was actually mistaken in that comment in that there is a violation in the region, but it's not in this property, it's the next-door neighbor property did have a zoning violation. I believe it may be in relation to the seawall, but it's these two properties are clear of any violations.

Ms. Otsuka: Thank you.

Mr. Hull: Thanks.

Ms. Streufert: I have a question about the berm that's there. Is that a natural berm or is has that been built?

Mr. Hull: I believe that's naturally occurring, but you can ask the applicant.

Ms. Streufert: And if there's a whole section in here about different ways to slow down the erosion, but they have impacts on land on either side of, is there anything that would prevent them from either fortifying that berm or putting other kinds of erosion, slowing systems down so that the but that would have an impact upon say, other properties that are or to the West to the east of that.

Mr. Hull: They...our understanding cause as far as sea walls are concerned, generally that's going to be in the State of Hawai'i jurisdiction under the Shoreline Setback Ordinance, seawalls are not pretty much allowed to be done within the County of Kaua'i jurisdiction areas, but generally when you get into seawall construction that's going to generally be with the State of Hawai'i and they no longer allow for private properties to propose seawall construction and hardening of the shoreline because of the impacts that it, among other things, but one it erases that beach, it will ensure that now the public does not have access to the beach or the ocean abutting, and then also from the fact that seawalls will also send that erosion pattern to another property, and create erosion in other areas that may not have been seeking erosion, so generally for private properties, the State Department of Land and Natural Resources does not allow fortification. Now can a landowner pursue things like dune restoration and sand stabilization that is permissible under state law rules.

Ms. Streufert: So, it's possible that 2096 may actually be extended, is that correct?

Mr. Idica: Yes.

Mr. Hull: It could go beyond that and yeah.

Ms. Streufert: And if that were the case, if you have it in your report that it says 2096, does that limit the ability of the of the owners to continue their operation after 2096, if in fact it's capable of doing that?

Mr. Hull: Under the current proposal as recommended the landlord would have to come in to amend the condition.

Ms. Streufert: They would have to amend it.

Chair Apisa: I think we're ready to hear from the applicant.

Mr. Ian Jung: Hey, good morning, Chair, members of the Commission, Ian Jung, on behalf of the applicant, Nathaniel Fisher, who's with me to my left here. Just to give a quick background on the overall project. Some of you might have remembered this four-lot subdivision because it was recently came back to the county think maybe 5 to 7 years ago. The county had recently acquired the lot adjacent to the Japanese and Chinese cemetery. So, the eastern lot is likely to be undeveloped because the county is now the owner of that property. There are two, or three properties that are now West of the county's property, which includes the two that are subject to this application now and then another one that was recently purchased from the developer. When this subdivision was done in 2005, it was sort of before our current shoreline setback regulations and apply now. So, because of the coastal erosion rate that's present based on the data that was done in the 2012 and then now 2020 coastal erosion study the depth of erosion is at that 3.3 to 4.53 rate of erosion, so, any setback that's going to be required on any of these three lots now trigger a shoreline setback variance by virtue of the depth of the lot and the fact that you new coastal erosion rate is so high on this particular property. So, there's a question posed by the public, what do we do? So, this is a pretty involved process, and you're one of the first ones to really go through. I did the one for a fence, but this is the first one for a structure, that's not just fence. So, what we have to do is first do a coastal hazard analysis. That's one of the exhibits, it's F.1 in our application, to analyze, you know, the, how can we create I guess some strength and sustainability of the structure to make sure they can withstand any type of coastal hazardous event, and then the second thing we had to do is prepare a, because the area is adjacent to the cemeteries, we had an archaeological assessment or an AIS performed on the property, which they did test trenching for verify where the structures are, if there's any archaeological impacts that might be present. Fortunately, none were found. It doesn't mean that there's nothing out there. It means that we did the assessment for the test trenching on where the footings will go in certain portions of the building, but we fortunately got a letter from SHPD saying yes, we accept it, but do an archaeological monitoring plan, which we're doing now and was converted into a proposed condition of this application, so the archaeological component was complete. The other thing we did was a Ka Pa'akai Analysis because they are two vacant lots. So, we have the consultant go out and do the community outreach there and that's exhibit F.3 of the application. And then we wrap all that information into an environmental assessment because one of the

triggers under 343 is we have to do a full environmental assessment if you're going to propose any developments within the shoreline setback area, so because this project is in the shoreline setback area, we had the EA prepared and accepted by the Planning Department, which is now attached as an exhibit as well. One of the things we had to watch our time period on was the shoreline certification. So, even though the structures are going within anticipated the shoreline setback area, we still have to certify the shoreline which we had to get all that done within that window of one year to have the certified shorelines be complete. So, the certified shoreline was completed, the necessary studies to get to the EA, and get the EA approved and then now for this particular application have all been complete and are part of our application.

Ms. Streufert: Can I ask one last question?

Mr. Jung: Sure.

Ms. Streufert: It was in your final EA you stated that we anticipate that the County of Kaua'i Planning Department will issue a finding of no significant impact of (inaudible). Has that been done?

Mr. Hull: It has.

Ms. Streufert: Great. Okay. Thank you.

Mr. Jung: Yeah. So, the (inaudible) was issued before the application was reviewed by you folks. It has to be done before you folks take action.

Ms. Streufert: Okay. It just said it was anticipated so, therefore (inaudible).

Mr. Jung: Oh okay, that might have been just in the draft EA, that was the one submitted.

Ms. Streufert: Okay.

Mr. Jung: So, the purpose of this particular project, the idea is to have a boat staging facility, Mr. Fisher operates a commercial boating operation in Kikiaola Harbor, and there's been some talk of community considerations about how that impact to the harbor has been going and ongoing with certain legislative acts that have kind of negotiating and discuss in the past two legislative seasons so, one of the things Mr. Fisher took it upon himself, is look at these two properties trying to alleviate the customer congestion from the harbor, bringing it to a staging ground, have the parking there so, then he can transport those patrons to the harbor so that there's less boat time or slip time taken up for say, local fisherman or other boaters that are going out into, or headed out from Kikiaola Harbor, so that was sort of the birth of this particular project and one of the things we did, one of the things we did was look at how can we kind of orient the site plan to make it as least of an impact on the site as possible. So, the idea was to pull in, and unfortunately there's a 60-foot setback or 58-foot step back as you pull in for the access for the adjacent properties, so the structures weren't allowed to be butted right up to the most makai portion, oh sorry, mauka portion of the property. So, when they cited it, the idea was you could pull the boats in, reverse them into the boat sheds and have the staging ground there for people to come in, but then park in the rear of the property so, the parking lot and all the, you know, minimal grading is going to be done. So, one of the things that we thought of doing is putting

parking in the back, so there's less visual impact of any kind of staging that happens from the Kaumuali'i side of the property. So, with that we will answer any questions. Mr. Fisher can chat about his boat operation if you have any questions on that, but from a land use side of it, you know we are going for the shoreline setback variance, SMA and I think, is this the first one for the open coastal edge for the West Kaua'i Community plan?

Mr. Hull: Correct.

Mr. Jung: Yeah, so it triggers a Use Permit under open coastal edge threshold, and we need a Use permit for the commercial component of staging and then the Class IV Zoning Permit.

Ms. Otsuka: I have a question.

Mr. Jung: Sure.

Ms. Otsuka: I know it's expensive to work on this property to get it everything, the construction and everything built. How does, and this just for my curiosity how does the applicant financially, re-coup, like to are you planning to charge anybody anything other than the rental on the residencies? Is there any rental on the boat?

Mr. Jung: He actually operates the boating operation, so there will be no fee per se to come park on property, it's all built into the cost of the boating activity that would go out.

Ms. Otsuka: Boating...okay, which he is...

Mr. Jung: He's the owner and operator.

Ms. Otsuka: ...okay, of the boating activity.

Mr. Jung: Correct.

Ms. Otsuka: Okay. Thank you.

Mr. Jung: And I would like to address, (inaudible) questions, the issue with, sort of the coastal erosion rate and I do have a proposed revision for the 2096 component, the State DOT and DOBOR have been kind of working through how to alleviate some of the littoral flow of sand that's occurred after the construction and modification of Kikiaola Boat Harbor, so the state yearly has tried to fund the sand replenishment programs that pull sand and then layers up on the beach. So, I can't say for sure if that berm did natural or artificial, because the state had through a state project, not any applicant project. The state has been bringing sand up onto that beach because a neighbor up, I want to say West of the property was engaged in litigation over it with the state and kind of ongoing with it, but annually they supposed to do some kind of sand replenishment and that's why I have a little bit of a concern over Condition #7, which kind of sets that hard date, and when I was with the county, we kind of were looking at these numbers trying to identify, you know, how this projected data works. And my understanding of this, it's an anticipated coastal erosion rate. So, it's not a firm four foot erosion annually that would lead to a likely erosion or, ocean erosion situation at 2096 where it be right up to what structures. So, I propose a condition. And we fully understand that this is a shoreline setback variance and we

have certain considerations and deal with, but one of the things we're thinking of instead of taking an arbitrary date, we kind of picked a more realistic situation where if the structures are subject to coastal erosion by more than 50% and I just came up with 50% because that's what would probably cause fail in the structure, then at that time they would remove them. And we do have a condition also in the proposed recommendations that deals with no building of seawalls and in fact, the Shoreline Setback Ordinance won't allow it anyways if you get a variant, so there's no seawall that would be built on this property, but we did want to at least provide for some consideration where we put it to a finite point in time versus an actual projected time period on data that is hypothetical at this point.

Ms. Barzilai: Chair, I already have a comment. Sorry Ian. I think that the determination would have to be made by engineering as opposed to the Planning Commission, that would be my initial reaction, but it's open for discussion, undermining the footings by more than 50%, wouldn't this be a Buildings Division issue?

Mr. Hull: I wouldn't want a public hearing on what means 50% of a footing, but generally, yeah, we defer probably to the engineers, or I don't have problem with the Planning Department or engineers in that context. I'd say the department has concerns overall about this, but they can address that later if you have questions with the applicant right now about this proposal.

Mr. Jung: Yeah, I'll provide my, my take on it because you know typically if there's, if there's a determination of some sort, whether it's engineering or whoever, we can put in engineering there, it will come back to the Planning Commission to for like in order to show cause type hearing or something like that and then at that point the Commission can confer with engineering or whatever, so if we want to add in engineering, but I think the Planning Commission would have jurisdiction over the condition.

Ms. Barzilai: I agree with that, but I believe that the determination might be made by engineering before it comes back to these guys.

Mr. Jung: Yep. We have no objection to that.

Mr. DeGracia: I just have a comment on this 50%. I have my reservation because I believe if the footings is experiencing more than 50% of undermining already safety is already involved so I hate to wait for that could be the trigger to do anything. Just a comment.

Mr. Ako: Madam Chair, I got a question, you know, just from my education, yeah, what is the purpose of a shoreline setback? Is the purpose to protect community on land or is it to protect, I don't know, I guess the landowner, their property. Which I'm trying to figure out in my mind if there's a setback and water is going to be in my front yard, is it the responsibility of the county to let you know that you need to dismantle this thing? Or is it because of, well, maybe there's something that's going to impact the erosion down the coastline. So, what is the purpose of a shoreline setback?

Mr. Jung: (Inaudible).

Mr. Jung: The year the irony is Ka'aina, and I put this ordinance together years ago, so, I'll take a whack at it. So, the purpose is threefold, I would say, it's for number 1 regulation for the, for the county jurisdiction.

Mr. Ako: For what shoreline, regulation for...shoreline erosion?

Mr. Jung: Regulating the shoreline where structures can go, and then the reason why. Is for the landowner to retrieve the structure away from the shoreline to hopefully alleviate future impacts that might be coastal borne from whether it's storm, surf, erosion or like episodic tsunami or hurricane waves, right, so the idea is to set it back so you can actually have 70-to-100-year lifespan of that structure in its proposed location. That's how the data was, so when you look at the computation of the calculation, take the erosion rate times 70 years, right, which is the average lifespan of a wood structure and then you use an episodic addition of 60 feet to add a little buffer and that is sort of the, sort of a line to add just in case there's a variation or change in the data. The second component is yes, for the community because if a structure gets undermined, it could fall into the beach. And as we all know, in Hawai'i, you have the right of transit and the beach access corridor and if it's impeding transit then it affects the public transit along the beach. So, I mean, there's a lot of, there's a lot of data and theory that went into how to calculate the erosion rate, but this I think is like the second highest erosion rate on Kaua'i, likely because of the harbor situation. According to the coastal erosion, our hazard statement we did it seemed like the sand would shift from east to west in that corridor and when the harbor was built it cut off that shift, so the sand wasn't being replenished on the seasonal swell activity and how the typical trade wind pattern pushes sand along that corridor. So, I think the state getting involved when they dredge the harbor and where to put that sand, they placed it back sort of into the location of these three lots, well I should say 4 lots because two lots over, a person build a seawall and that seawall is now getting sort of undercut on the side. So, as you know, there's a lot of policy behind and I think Ka'aina's got recognized as being one of the more forward thinking departments on the policy making side and so, if you have anything to add, Ka'aina, I'll let you...

Mr. Hull: Yeah, I completely agree with Ian that it protects both the landowner and the community, protects the landowner, ensures that the structure is located far away enough from the coastline, with its erosion to have seven years on its lifespan. And then it also protects the community because like Ian said, when the coastline moves right, but this is that's where it all gets somewhat gnarly is that property lines are set, setbacks are pretty standard 5 feet, 10 feet with static property line, but this property line moves, it's dynamic and it's the interface between the public and the private right, the beach, whether it's for recreation purposes, whether it's for cultural purposes, whether it's for sustainability purposes, serves so much in Hawai'i and Kaua'i and so when you have a structure that is situated on a property and this moving shoreline comes into its shadow essentially, there are times when those structures then erase that public interface right, seawalls you could argue you could walk on a seawall because the waves go over and therefore state land, but you're going to spend time in court trying to prove that like people just can't walk on seawalls, so you have a seawall or structure that are impeding on the shoreline making sure through the shoreline setback ordinance that doesn't occur essentially preserves and protects the communities right to still access the area.

Mr. Ako: So, your proposal here is saying that there may not be a rise in the shoreline level, and therefore rather than saying, (inaudible) December of 2026, whenever it impedes, I guess, the safety of the community as well as the landholders at that time, somebody should make a determination as opposed to coming back to the Commission and asking for an amendment of the condition.

Mr. Jung: Correct. Yes. So, it's more of an actual event versus anticipated event.

Mr. Ako: And whether 50% is the number or not, it's up for discussion.

Mr. Hull: Yeah, I'll say that the department still has concerns. The 2096, more than likely most if not all of us will be around for...

Ms. Streufert: That's your 70 years.

Mr. Hull: What's that?

Ms. Streufert: That's your 70 years.

Mr. Hull: Yeah. is that's your 70 years. Is just recognizing that virtually every single time the department is in a situation with structures being undermined or the ocean being close to it or sandbags or seawalls, we spend years, if not decades in litigation type situations of you know, is this your jurisdiction or is it the states jurisdiction, right, like particularly because wherever the shoreline is mauka is our districts and when it's makai, it's the state jurisdiction, and oftentimes the two agencies, for decades have just been pointing its fingers saying, oh, you gotta do it, you gotta do it, or and then sometimes used by the landowner to say, you gotta back off Planning Department, this isn't your jurisdiction, it's a state or vice versa. So, we get into this issue because of the nexus of the shoreline where, you know, determining what is undermining or what's actionable and who has a jurisdiction because it's sometimes in the best interest of the property owner and this is nothing (inaudible) you or your heirs are going to fight our predecessors 70 years from now, but it just happens virtually in every single case, and by setting a very specific date, we think there's more teeth to ensure that that actually happens and again I think to Ian's point, if the state is taking actions that could extend the shoreline or even if the applicant takes actions on their own to do dune restoration, which extends, you know or mitigates the erosion processes in the area, I don't think that forecloses on them coming back to the Commission to ask for them amendment to the hard and fast date to a later date, so to speak.

Ms. Streufert: Could this amendment say something to the effect of, should coastal erosion undermine the safety of the building and not, and will not exceed the 2096 date?

(Multiple people speaking)

Ms. Barzilai: Chair, I wonder who would make the determination on that kind of (inaudible)...

Ms. Streufert: (Inaudible) by the County Engineer, or...not by the Commission, obviously, but by a county (inaudible) or by the county, and therefore, so, we have two conditions, it's either the safe or the timing and no more than the timing is 2096, which would be 70 years from today's

date. That would be one way to take both the both concerns into account. Both the county as well as the applicant's needs.

Mr. Jung: Yeah, I think we would be amenable to that because it gives the either or situation, right?

Ms. Streufert: It's a conditional statement, but I'm not, I can't obviously draft that one. Would that be something that the department would be amenable to?

Mr. Hull: Sorry.

Chair Apisa: Does engineering define safety?

Ms. Barzilai: I think (inaudible).

Chair Apisa: I mean, that's it's tough to. That's a tough thing. Who's going to take responsibility and then it wasn't safe for, is safe, I mean, I don't know. It's just a question.

Mr. Jung: Yeah, I think my thought on, and I more think of like the procedural process of it, right, so if coastal erosion is getting, well, there's two points, right, if the structure lasts 70 years, then that's step one, it made it that long, and then step two, would be okay, if it's getting undermined and they have, I can't for the life of me remember what it is, but you can red tag the structure and deem it uninhabitable, and there's a specific term in the county code for that, which I think the county's done once before, and then at that point it comes back to the Planning Commission to issue the order that, yes, this permit has been revoked because it hit those two items. So, I'm thinking if the Engineering Division makes a determination, then the Planning Commissioners at the time will then confirm that and revoke the permits through the order to show cause from receiving.

Mr. Hull: Do you think the Planning Commission have authority though at that point?

Mr. Jung: Because it's still a condition of approval.

Ms. Barzilai: It's a condition, yeah.

Mr. Jung: Yeah.

Mr. Hull: Yeah, but if the structure is experiencing undermining I would say, 50% threshold, then, more than likely, there's persistent wave action underneath that makai most foundation, and if there's persistent wave action hitting that foundation, there probably is still some wave action that's going further than the foundation and maybe and possibly I would entertain at that point beyond the structure itself.

Ms. Streufert: Then you get into the boat.

Mr. Hull: No, well yeah, but then, and this is what we see, right, is when we try to take action on it and the landowner will generally respond with, this is no longer your jurisdiction and take steps to proceed to see if they can get encroachment permission into the beach with the state.

Ms. Streufert: So, if we say with both a date as well as the condition of safety, would that make, would that alleviate your concerns. If we still put in the 2096 date in there as the...

Mr. Hull: Oh yeah, the main thing is just having a specific date set. I mean, I don't mind, I mean for there could possibly be language to the effect that should, you know, the landlord be able to demonstrate that the shoreline processes have slowed and coastal erosion is not as anticipated, an extension to the date can be granted by the Planning Commission. I have no problem with that type of language as well.

Mr. Ako: You know, Ka'a'ina, in terms of that, if the shoreline rise never occurs, then they could come back in for an amendment to the conditions.

Mr. Hull: Yeah...

Mr. Ako: What if it occurs the other way, that the shoreline rises faster than anticipated? Then what do we do? Do we revoke the permit or...what's the process?

Mr. Hull: The way our conditions, the way our condition reads is that it should be removed either at the occurrence of undermining or 2096, whichever occurs first.

Mr. Ako: As determined by Commission, or engineering, or whoever it might be.

Mr. Hull: Yeah, determines where the ocean is at that point.

Mr. Ornellas: And if you're done with that part of the discussion, I have a question, the commercial, I mean the properties are presently zoned residential, this is a commercial use. Have any of the neighbors commented or neighboring property owners? I'm assuming nobody in the cemetery is objecting, but has any of the neighbors weighted in and said, hey, this is gonna impact my property or...

Mr. Jung: Yeah. So, I took a couple of phone calls and walked through it and explained the overall program, and I don't see him here today and then one of the other neighbors submitted testimony in support, Mr. Chelius, Dr. Chelius out there on the west side. And then we did issue our (inaudible) of mailing around and then we had, I spoke with an individual this morning, Mr. Vea, who was here, you know, having some concerns, which Mr. Fisher is willing to meet with him to kind of resolve those two concerns which had to do a signage and then the boat wash down, so, we're having our engineer worked through the waste water system with Department of Health to deal with the whole the septic system that will handle the wash down and then I'll work out whether or not there's any signage or not (inaudible).

Mr. Ornellas: Thank you.

Ms. Otsuka: To latch on to Jerry's question, so the reason I'm bringing this up is many years ago I ended up at a boat launch ramp and I was just fascinated by the stages of, the fishermen work really hard. I'm just impressed that their diligence to their occupation or their hobby, but so I'm watching an awe and then as they're cleaning, they turn on the motor and use fresh water to flush out the motor and all of a sudden, I get this pungent diesel fuel fumes smell. So, I told myself I better leave because it to was to me it was very unhealthy. So, my question is, is there if the

completed, project involves the cleaning and repairing of, at the boat facilities, is there a mitigation plan for potential diesel fumes that may affect the air quality to the surrounding neighbors? Or is it something that needs to be created or...

Mr. Nathaniel Fisher: Nathaniel Fisher for the record. First of all, we don't use diesel engines, so we use gasoline. So, that's big, fume wise anyway, and then as far as the flushing of the engine, as you say, I would say about 10 years ago, the technology change we no longer need to run the engine to flush out.

Ms. Otsuka: I was going to ask that, I said, I'm behind in the times because this was many years ago, so, maybe the EPA stepped it up. Regulations has changed.

Mr. Jung: We're also working with our wastewater consultant to make sure whatever effluent goes out that it can be properly maintained and there is some systems that can be stored on site. So, we're working through the Department of Health standards to try and address that. And there is a general Department of Health condition as it relates to the permit.

Ms. Otsuka: Thank you.

Mr. Jung: Sure.

Chair Apisa: Good questions. Do we have any more from the Commissioners?

Ms. Streufert: I wanted to thank the applicant for the information here about all the different ways to slow down erosion, but also the wave action and it seems that the wave action around Hawai'i has changed, like they've become more severe over time which would increase the possibility of erosion, I would think because we're not having as many, doesn't seem that we're having as many Kona storms, which would storms bring in the sand as opposed to the tropical storms that takes away the sand. Is that something that you have to consider when you're looking at the, at how you're going to be handling where you're going to be putting your parking lot versus your house versus your boat shed?

Mr. Jung: Yeah, our architect looked at that, but one, so one of the unique things about this particular site is, you know, we've had I think and I looked at the data for large west swells recently, and in the last it seems like 8 years, there have been two more on average larger west swells than typical north and northwest swells that have come through that have caused a certain degree of erosion on certain properties. In this particular case, the west swell is kind of buffered by a reef system that's out front and then I think the issue with the erosion here was more of consistent trade wind and the push of water and sand along that bank and then also a larger southwest swells. I remember as a kid trying to go out of that harbor, big south swells and before it was dredged, it was sketching, you know you're going over big waves, so I think in this case, if the state does keep up with the sand replenishment, then it'll definitely slow it, but the coastal hazard report gives us those recommendations, so how can we create or plant through a dune restoration certain types of vegetation that might at least create more stability on the shore of beach berm than what exists now. And that's something he'll have to look into. And there's a whole secondary permitting protocol and you got to go through this process as well as OCCL with the DLNR to get dune restoration program.

Ms. Streufert: Thank you.

Mr. Jung: Sure.

Chair Apisa: Thank you. Any further questions?

Mr. Hull: There's a shot in the dark, and I did draft real, as quick as I could, a possible extension request language, I don't know if you want me to read it or we can ask for a 10-minute recess for the applicant to possibly go over the language to see if they're amenable, I'll just put that out there.

Mr. Jung: Whatever suits the Commission, I mean, I was actually thinking about putting in the option for extension subject to re-review, as an option as well, so whether or not a status report is required or whatever.

Chair Apisa: I'm open to a 10-minute recess and see if you guys can come up with something.

Mr. Jung: Okay.

Chair Apisa: 10-minute recess.

The Commission recessed went into recess at 10:45 a.m.

The Commission reconvened from recess at 10:56 a.m.

Chair Apisa: We re-adjourn the meeting.

Mr. Hull: We spent some time during recess discussing with the landowners, attorney, possible alleviating language before we get into that and just to make it clear, we did hold that agency hearing portion of this application, but we didn't actually ask for public testimony during the action item, which pursuant to Sunshine Law, we also have to call for. So, before we get back into the mix of condition, is there anybody, I don't have any signed up, but is there anybody that would like to testify on this agenda item as well? If so, you can approach the microphone. If you could state your name for the record. You have three minutes for testimony.

Ms. Sherri Cummings: Sorry, is this on? Is this on?

Mr. Hull: Yeah.

Ms. Cummings: Aloha, for the record, my name is Sherri Cummings. I'm a kama'āina of this island and I, this came on my radar. I'm trying to be smart in the process. I'm an advocate for DHHL beneficiaries and also for my blood. So, I want to just address a couple of things. One is Mr. Ako, I did hear you talk about, who is the shoreline setback for, if it's for the people or for the county. And so, I'm going to go all over, I'm so sorry. So, I'm trying to make notes in this process. So, couple of things. First of all, I'm gonna just jumped into this real fast while I try to get my other notes regarding SHPD, I don't know if you folks as the Commissioners received a communication between the State Historic Preservation Department to Planning Director, Ka'aina Hull, and this is dated on the 14th and really SHPD didn't say that they're in support or deny of, they don't have any information to make a decision on this project here. And so, I ask, I

indulge if you didn't, for the Director to give you guys the report that was dated on the 14th regarding this project here. A couple of things, I don't speak at this because I'm not real ma'a to this kind of stuff so, I just write a lot of notes and I know you guys talked about 2096, the Mrs. over here spoke about having some type of stuff regarding 2096, and 2096 is as far as I know with the notes that I wrote was regarding shorelines. Everybody have to be out of the shorelines. Correct? Is that why you're saying 2096? No building because of all this? There's a there's something that happened with that 2096 number. Where there's not supposed to be any thing along that coastline over there as far as far as this situation when you folks talk about the 50% of the of the whatever the, the buildings or whatever that shows because of the erosion that the (inaudible) is going to be on indemnify, the county, indemnification only means no blame, the county, we not responsible, but we see this all the time.

Mr. Hull: Three minutes, Madam Chair. If you can wrap up your testimony.

Ms. Cummings: Okay. So, I ask it because there's going to be erosion, there's no ands, ifs, or buts about it. Go ahead and have an insurance policy placed on this where after this individual or entity leaves, there is money that the county is assured to have because somebody going gotta put that place back to its original state and there is going to be shoreline erosion. And I wish, I want to follow this more because there's more to testify regarding this situation. I have too much notes to go over, but as I ask for the insurance policy, if there's going to be anything that's going to require us to not be to blame.

Mr. Ako: Thank you.

Mr. Hull: Thank you for your testimony. Does anyone else in the public would like to testify on this agenda?

Mr. Kubo: I like state that I already had testify in support (inaudible).

Mr. Hull: Thanks, Clayton. Returning back to the discussion, so the department did meet with that applicant during the recess and we have come to agreeable language for both parties. We're recommending the same language we have in Condition No. 7 with an additional portion to read, and I'll have Romio read out the additional portion.

Mr. Idica: The additional portion reads should the landowner be able to demonstrate that the coastal erosion processes fronting the subject property have slowed or been mitigated, the Planning Commission may grant a commencement date for dismantle and disposal of the subject structures beyond December 31st, 2096.

Mr. Jung: Thank you again, Commission, for giving us the break to take a look at that, and yes, we concur to that language.

Chair Apisa: Thank you. Further comments?

Mr. DeGracia: Just a question. So, with that amendment does that, it doesn't require the applicant to come in front for them to push the date further back?

Mr. Hull: It does.

Ms. Barzilai: It would.

Mr. DeGracia: It would.

Mr. Hull: It would still require that.

Chair Apisa: Any other comments or questions?

Mr. Hull: It's a, you know, I'll state that we're in agreement on the condition and I think the previous person who just testified concerning insurance, that's a discussion we've had internally about, you know, do you set up a possible bonding mechanism for the shoreline setback variances? And then it may be appropriate, we definitely would have to work on authorizing language for that, it should it be deemed appropriate language saying it is at this point, but we're looking into it more as you can point out, this is a first real shoreline setback variance that's been done before this body. We're very grateful for their first, well aside from the fence, it's a first, and we're grateful for the first one. Not just being able to assess and address the landowners' constitutional rights to do something on a parcel that's entirely covered by the setback, but this first application was also to a certain degree to help ameliorate access to resources, coastal resources occurring at the harbor. So, there was a strong benefit to the community, as much as we had this discussion about the benefits and the community access to the ocean. This application, we did very much view in the light of having a community benefit associated with it and that's why, a portion of why we are supportive, but to get into this whole discussion of this Condition 7, (inaudible) and what have you, this won't be the last, and in fact, you know, to a certain degree, this might be the first to open up the gates of shoreline development. Kaua'i has been recognized for some time now it's having the most robust shoreline setback regulations in the country, and I think to a certain degree that narrative has somewhat much to a benefit, I think scared a lot of developers away from these properties that have large shoreline setbacks, but as the application points out and as the law reads, there is a constitutional right that every single one of these property owners enjoys to do something on it and I think the narrative for the past decade has been, oh, we can't do anything on it and so how we spin up and set this type of conditions to ensure dismantling or whether we even go as far as setting up a bonding mechanism, I think it's going to be part of a large priority of the Planning Department navigating the potential future applications. We're so grateful that this one comes with a community benefit, but I think there's going to be some in the future that aren't going to come with that community benefit and are going to be exercising and (inaudible) going to be flexing their constitutional rights and how we navigate those spaces is going to be important for next year too. I just wanted to put that on the record.

Ms. Otsuka: So, is it my understanding that Ian's proposed condition is moot and we're following what Romio stated.

Mr. Hull: Correct.

Ms. Barzilai: So, Chair, any other questions?

Ms. Streufert: Just a question for the Chair, or the Department Head. Are you then saying that this could set a precedent for shorelines setback (inaudible)?

Mr. Hull: It's not setting a precedent, I think it's, Ian's right. He and I worked on this ordinance several years ago and had to restructure it in a format that was implementable and as well as defensible.

Chair Apisa: What I heard was maybe an updated way of thinking that every person has a right to build on the land.

Mr. Hull: Yeah, but we're not shouting from the rooftops, hey, look, you can develop in setback areas partly because, yeah, we think it's a bad idea, but legally and Ian with (inaudible) in setting this up to make sure the ordinance was defensible, there had to be a somewhat of a constitutional relief valve in there. Like I said, this one is a good one because it comes with a community net benefit, but it's not a requirement to have a community net benefit, and so, some landowners now understanding, perhaps not really understanding it before, but now understanding, wait, I can spin up a shoreline setback variance application to go before the Planning Commission and there's a constitutional relief valve in there, right, that it's not a precedence, it's just I don't think it was really well known, and the developer realtor community and I wasn't being insanely public about it, but it's there and now this is on the record, so it just is I think to a certain degree New World Order in which we're going to have to navigate these types of applications. Again, this one comes with community benefit to it, but many probably won't.

Chair Apisa: That was a good question. Anything further?

Mr. Jung: May I make a comment? You know, one of the one of the things we thought of when we were kind of putting this ordinance together years ago, was how do you create a framework to allow for that constitutional relief valve, right. The idea was if you put a limitation on the size of square footage of a home, then the investment into that property isn't as significant as, say, building to your typical land coverage. So, in the framework of the shoreline setback variance protocol you're allowed to build up to a 1,500 square foot home through the shoreline setback variance process. So, I wouldn't say it's precedent from a standpoint of standards, but it's precedent in a standpoint of, okay, what are the requirements and we tried to, and I thought through this because one of the important things was having a coastal hazard analysis done to evaluate potential impacts and then sort of mitigate the project based on those impacts. And so, I think that's one of the key things that you know the Planning Department does rules or whatever, you know, requiring coastal hazard assessment as a part of the application process might help kind of look at those concerns and address those concerns to the overall process because the process does include two layers of community review, and environmental assessment, which gets published and noticed through environmental reporter and then this process we're in now. So, it kind of outlines all those standards and requirements that can be looked at and evaluated.

Ms. Streufert: And this going to sound off the wall, but if something were to happen, like shoreline erosion, coastline erosion, so that in fact the house, or the residence is not livable or the business is no longer viable, but we have allowed this to, we have approved this, isn't county liable?

Mr. Hull: And that's why there's an indemnification requirement in the ordinance as well as we've inserted in the recommended conditions of approval.

Ms. Streufert: (Inaudible) that the Condition No. 2.

Mr. Hull: Yeah.

Ms. Streufert: That you have there.

Mr. Hull: It's also Condition No. 5 because we wanted to do it twice. We gotta remove that one.

Mr. Jung: Yeah, and what we do as a follow up because it's not new, you know we'll prepare an agreement with the county that does (inaudible) and then record that on time is what typically follow up that's required.

Ms. Otsuka: So, Romio, I apologize, but if you don't mind, can you re-read the condition?

Mr. Idica: Do you want me to read just the...

Ms. Otsuka: Just seven.

Mr. Idica: Just the tail end...

Ms. Otsuka: The revised.

Mr. Idica: Okay. So, the condition reads, should the landowner be able to demonstrate that the coastal erosion processes fronting the subject property have slowed or been mitigated. The Planning Commission may grant a commencement date for dismantle and disposal of the subject structures beyond December 31st, 2096.

Ms. Barzilai: So, Chair just to clarify for the Commissioners. This is in addition to the language that you see (inaudible).

Ms. Otsuka: Oh, additional.

Ms. Barzilai: This is not in replacement of.

Ms. Otsuka: Okay, thank you. Because I was thinking, okay, we do need to include storm events. Okay, additional. Thank you.

Chair Apisa: Okay, all very good questions and comments. Anything further? I would entertain a motion if we're ready.

Ms. Barzilai: Did we already get the recommendation of the Department?

Chair Apisa: Oh, I'm sorry. Yes. Did we get your recommendation?

Mr. Idica: Sure. Before I read the recommendations, I would like to make a correction in regard to Conditions of Approval Item 2 and Item 5, it seems be repeated. So, one of those conditions will be removed. So, based on the following evaluation and conclusion, it is hereby recommended that the construction and operation of a Commercial Boating Facility and construction of two single family residences through Class IV Zoning Permit, Z-IV-2024-3, Use

Permit, U-2024-3, Special Management Area Use Permit, SMA(U) 2024-8, and Shoreline Setback Variance Permit, SSV-2024-1, be approved with the following conditions as amended.

Chair Apisa: And then you were just saying that two and five, one of those since it's duplicate will be removed.

Mr. Idica: That is correct, Madam Chair.

Chair Apisa: Does everyone understand that?

Mr. Hull: And that's also with the updated language to Condition 7.

Chair Apisa: Right, so 2 or 5 will be removed and then Condition 7 is added.

Mr. Hull: Correct.

Chair Apisa: I will entertain a motion at this time.

Ms. Streufert: I move that we approve Special Management Area Use Permit, SMA 2024-8, Class IV Zoning Permit, Z-IV-2024-3, Use Permit, U-2024-3 to allow operation for Commercial Boating Facility that involves staging, shuttling patrons to the harbor. Construction of the two boat storage facilities and two dwelling units and associated improvements and Shoreline Setback Variance, SSV-2024-1, to allow it to deviate from the shoreline setback requirement, pursuant to Section 8-27.3 of the Kaua'i County Code 1987 affecting 2 lots located on the makai side of Kaumuali'i Highway, Kikiaola, Waimea. Situated approximately 1,000 west of the Kikiaola Harbor, further identified as Tax Map Keys: (4) 1-2-013:039 & 040 and containing a total land area for approximately 2.3 acres as recommended with the amendments.

Mr. DeGracia: Second.

Chair Apisa: Okay, we have a motion on the floor. Is there any further discussion on it? I'd like to do a roll call vote, please.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

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

Mr. Jung: Thank you, Commissioners.

(Multiple Commissioners thanking Ian)

Mr. Hull: We have no further items for action.

EXECUTIVE SESSION (None)

Mr. Hull: We have no Executive Session. So, we're ready for adjournment.

ANNOUNCEMENTS

Mr. Hull: I can state that we published that May 14th would be the next expected Planning Commission meeting. At this point, there is no anticipated meeting in May. If we get certain applications or communications or petitions in, that necessitate us setting up an agenda, we'll have to agendize something in May, but right now there's definitely not a second meeting in April and right now no anticipated May, but definitely anticipated in June. With that.

Chair Apisa: Motion to adjourn.

Ms. Otsuka: Motion to adjourn.

Mr. DeGracia: Second.

Chair Apisa: All in favor? Aye (unanimous voice vote). Our meeting is adjourned. 6:0.

Chair Apisa adjourned the meeting at 11:16 a.m.

Respectfully submitted by:

 Lisa Oyama

Lisa Oyama,
Commission Support Clerk

() Approved as circulated (date of meeting approved).

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