



## PUBLIC ACCESS, OPEN SPACE AND NATURAL RESOURCES PRESERVATION FUND COMMISSION

JODI HIGUCHI SAYEGUSA, CLERK OF COMMISSION

NANCY KANNA, CHAIR  
JONATHAN LUCAS, VICE CHAIR  
TARYN DIZON, MEMBER  
WILLIAM KINNEY, MEMBER  
MARK ONO, MEMBER  
ROBIN PRATT, MEMBER  
MAI SHINTANI, MEMBER

\*23 OCT 31 P12:51

- The Public Access, Open Space, and Natural Resources Preservation Fund Commission meeting will be at:

Līhu'e Civic Center, Moikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

- Written testimony indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to [planningdepartment@kauai.gov](mailto:planningdepartment@kauai.gov) or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be posted as testimony to the Commission's website prior to the meeting (<https://www.kauai.gov/OpenSpace>). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.
- Oral testimony will be taken on specific agenda items, at the public meeting location indicated on the meeting agenda.
- IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR [ADAVIS@KAUAI.GOV](mailto:ADAVIS@KAUAI.GOV) AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

**PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND  
COMMISSION**

**MEETING NOTICE AND AGENDA**

**Thursday, November 09, 2023  
1:00 p.m. or shortly thereafter**

RECEIVED

'23 OCT 31 P12:51

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. MINUTES of the meeting(s) of the Commission**

1. September 14, 2023

**E. RECEIPT OF ITEMS FOR THE RECORD**

**F. GENERAL BUSINESS**

1. Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008: 065 (Kaua'i Petroleum Co. LTD) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).
2. Update on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008: 071 (Kaua'i Petroleum Co. LTD) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).

**G. COMMUNICATIONS**

**H. UNFINISHED BUSINESS (For Action)**

**I. NEW BUSINESS (For Action)**

1. Review and discussion of a 0.3709 acre parcel located in Hanalei, Wainiha Ahupuaa, Halelea Moku, further identified as Tax Map Key (4) 5-8-012:002.

- a. Preliminary Director's Report.

**J. EXECUTIVE SESSION**

EXECUTIVE SESSION: Pursuant to Hawai'i Revised Statutes 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with 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:

1. Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008: 065 (Kaua'i Petroleum Co. LTD) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).
2. Update on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008: 071 (Kaua'i Petroleum Co. LTD) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).
2. Review and discussion of a 0.3709 acre parcel located in Hanalei, Wainiha Ahupuaa, Halelea Moku, further identified as Tax Map Key (4) 5-8-012:002.

a. Preliminary Director's Report.

**K. ANNOUNCEMENTS**

1. Topics for Future Meetings.
2. The following regularly scheduled Open Space Commission meeting will be held at 1:00 p.m., or shortly thereafter, on January 11, 2024. The Open Space Commission anticipates this meeting to be held in-person at the Līhu'e Civic Center, Moikeha Building 2A/2B, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

**L. ADJOURNMENT**

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

**DRAFT To Be Approved**

Board/Commission:		Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	September 14, 2023	
Location	Boards and Commissions Conference Room		Start of Meeting: 1:00 p.m.	End of Meeting: 2:46 p.m.	
Present	Chair Nancy Kanna. Vice Chair Jonathan Lucas. Commissioners: Taryn Dizon, William Kinney, Robin Pratt, and Mai Shintani. Deputy County Attorney Laura Barzilai. Planning Department Staff: Deputy Director Jodi Higuchi-Sayegusa, Planner Shelea Koga, Staff Services Assistant Kristen Romuar-Cabico, and Program Manager Myles Hironaka. Office of Boards and Commissions: Administrator Ellen Ching and Commission Support Clerk Sandra Muragin.				
Excused	Commissioner Mark Ono				
Absent					
SUBJECT		DISCUSSION		ACTION	
A. Call To Order		Chair Kanna called the meeting to order at 1:00 p.m.			
B. Roll Call		Deputy Director Jodi Higuchi Sayegusa verified attendance by roll call; Commissioner Dizon replied present. Commissioner Kinney replied present. Commissioner Ono was excused. Commissioner Pratt replied present. Commissioner Shintani replied present. Vice Chair Lucas replied present. Chair Kanna replied present.  Ms. Higuchi Sayegusa introduced Open Space Planner Shelea Koga who has held various capacities of job duties within the Planning Department for several years and was excited to have her on board to assist with Open Space.		Quorum was established with six commissioners present.	
C. Approval of Agenda				Vice Chair Lucas moved to approve the agenda, as circulated. Ms. Pratt seconded the motion. Motion carried 6:0.	

D.1.

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SUBJECT	DISCUSSION	ACTION
<b>D. Minutes of the Meeting(s) of the Commission</b>	1. November 10, 2022 2. July 13, 2023	Mr. Kinney moved to approve the minutes of November 10, 2022 and July 13, 2023, as circulated. Vice Chair Lucas seconded the motion. Motion carried 6:0.
<b>E. Receipt of Items For The Record</b>	No receipt of items for the record.	
<b>F. General Business</b>	<p><u><b>F.1. Discussion on Public Access, Open Space, and Natural Resources Preservation Fund Commission Balance.</b></u></p> <p>Ms. Higuchi Sayegusa reported the fund commission balance was \$2.9 million.</p> <p>Ms. Pratt asked if Waipa was already taken out. Ms. Higuchi Sayegusa replied funds for Waipa and Kaumemene or Hideaways Beach were already taken out.</p> <p>With no further questions from the commission Chair Kanna moved to the next agenda item.</p>	
	<p><u><b>F.2. Discussion on Vision and Strategies for Commission Outreach.</b></u></p> <p>Ms. Higuchi Sayegusa wanted the commission's input on how to move forward for soliciting new requests for open space acquisition. She said they have done outreach at the County Farm Bureau Fair and community meetings and due to COVID they have relied on the open space website that had a form and email for the public to access.</p> <p>Questions/Comments;</p> <ol style="list-style-type: none"> <li>1. Ms. Pratt said the Planning Department had a Climate Adaption Workshop and if they could tag a few minutes to introduce open space and requests for acquisition. Ms. Higuchi Sayegusa replied they could be given time at these meetings, within Sunshine Law.</li> <li>2. Ms. Dizon agreed that leveraging on existing meetings was the best approach.</li> </ol>	

SUBJECT	DISCUSSION	ACTION
	<p>3. Ms. Pratt suggested using the County's social media platform to post about open space and have a link to the website and at the same time they could recruit more members.</p> <p>4. Mr. Kinney said the guidelines were convoluted and requested a simplified outline of what proposals would fall within their criteria. Was it stewardship, protecting wild space, protecting echo systems, social cultural economics, and improvement of public access.</p> <p>5. Mr. Kinney asked if the vision of open space included saving and protecting ancestral lands. Ms. Higuchi Sayegusa replied that it was a priority to protect cultural resources.</p> <p>6. Ms. Dizon inquired if they could create subdivisions with a lower threshold to ensure public access without requiring monies from the fund balance. She shared how one subdivision owner decreased the number of parcels and that action meant that public access was no longer enforceable, and the public lost its access.</p> <p>7. Mr. Kinney brought up climate change and how vertical public access to horizontal shoreline access could be affected with shoreline erosion and open space should account for that.</p> <p>Ms. Higuchi Sayegusa displayed the new webpage and navigated to show the open space survey and form. They would work on updating the forms and inquire with the various neighborhood boards for a schedule of their meetings.</p>	
	<p><b><u>F.3. Discussion on Obtaining Public Access Easements or Dedications through Zoning Permit Processes.</u></b></p> <p>Deputy County Attorney Laura Barzilai asked Ms. Higuchi Sayegusa to announce for the record any testifiers. Ms. Higuchi Sayegusa said Planner Myles Hironaka was the only person in the audience and he did not have any testimony.</p> <p>Ms. Higuchi Sayegusa gave a PowerPoint presentation on Subdivision and SMA Permits. (<i>Report on file</i>)</p> <p>Subdivision:</p> <ul style="list-style-type: none"> <li>• Developments happened before laws were in place, some were not enforced, some were on paper but not marked or maintained.</li> </ul>	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none"> <li>• Subdivision ordinances have a set maximum block, minimum lot sizes, six or more parcels and 1500 square feet.</li> <li>• Example of subdivision access conveyed with six or more parcels was the Kīlauea Mauka access Puu Pani subdivision phase I and II, that required pedestrian and equestrian access.</li> </ul> <p>SMA (Special Management Area) Permits:</p> <ul style="list-style-type: none"> <li>• Coastal Zone Management Act (CZMA) ensures recreational and access to resources.</li> <li>• Requires guidelines and imposes conditions to ensure adequate access.</li> <li>• Example was Hokuāla that required extensive public access, pedestrian access, comfort stations and beach park.</li> </ul> <p>Questions:</p> <ol style="list-style-type: none"> <li>1. Ms. Pratt inquired if it was developed in phases, would they look at it separately or with six or more parcels. Ms. Higuchi Sayegusa replied they would consider the entire development.</li> <li>2. Mr. Kinney asked if historic accesses were flagged. Ms. Higuchi Sayegusa replied they were careful to recognize established customs and included historic traditional accesses.</li> <li>3. Mr. Kinney asked how they could prevent large landowners outside of Kīlauea where access has been there a long time but not included and wanted to know if it was because it was never brought up or requested or was it not considered during permitting. Ms. Higuchi Sayegusa replied it could be various reasons.</li> <li>4. Ms. Dizon asked how to best use what they have and change from developers to large landowners to maintain the public interest. Ms. Higuchi Sayegusa replied open space has the authority and mission to work with landowners.</li> </ol> <p>Ms. Higuchi Sayegusa said they have discussed access conveyed at the time of CPR (Condominium Property Regimes) approval, but she wasn't sure how far that got. Other opportunities include public trust where certain resources are protected water and beach access, and the county has authorization to purchase public land through condemnation.</p>	

SUBJECT	DISCUSSION	ACTION
	<p><u><b>F.4.</b> Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p><u><b>F.5.</b> Update on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p>Ms. Higuchi Sayegusa stated she had not been able to reach the landowner and a certified letter was sent, with no response. However, the community was moving forward with a Centennial event planned in September 2024 and Michael Miranda’s book should be finalized by then. Planner Marisa Valenciano, Planner Shelea Koga and herself have been attending monthly community meetings in Hanapēpē. She said the signage for the front of the cemetery to acknowledge the graves and another plaque to memorialize the site on the mauka parcel was being worked on.</p> <p>Questions:</p> <ol style="list-style-type: none"> <li>1. Ms. Pratt asked if stewards were in place to maintain the site. Ms. Higuchi Sayegusa replied that Parks and Recreation has been supporting maintenance of the site and they were working on establishing stewardships.</li> <li>2. Mr. Kinney asked what historic preservation provided to that place. Ms. Higuchi Sayegusa said Ms. Valenciano has taken on the task to research through national parks sensitive verbiage that would respect the event and would be placed on the plaque.</li> </ol>	
	<p><u><b>F.6.</b> Update on improvements related to the easement located on land identified as Tax Map Key Nos.: (4)5-4-011:004 and (4)5-4-012:011 that accesses Kaumemene or Hideaways Beach (County of Kaua‘i Easement).</u></p> <p>Ms. Higuchi Sayegusa displayed updated pictures of additional trail improvements. <i>(Report on file)</i></p> <p>She said the project was done and the county saved \$1.4 million. Improvements included</p>	



SUBJECT	DISCUSSION	ACTION
	<p>replacing the rope with a blue steel rope that was much stronger and reshaped the stairs for a safer descent. She acknowledged Michael Contrades and the Public Works Bridge Crew for getting this done.</p> <p>Question:</p> <ol style="list-style-type: none"> <li>1. Ms. Pratt asked if they could post an open space thank you on the county's social media platform. Ms. Higuchi Sayegusa replied she would work on it.</li> <li>2. Chair Kanna requested county council recognition.</li> <li>3. Ms. Pratt asked if the \$1.4 million expired. Ms. Higuchi Sayegusa said the funds would not expire.</li> <li>4. Ms. Dizon inquired if they had a stewardship agreement. Ms. Higuchi Sayegusa replied Public Works is assisting now and they would be looking for a stewardship agreement.</li> </ol>	
<b>G. Communication</b>	No communication items.	
<b>H. Unfinished Business (For Action)</b>	No unfinished business.	
<b>I. New Business (For Action)</b>	<p>1. Proposal to Amend Charter Section 19.15 to allow up to 5% of the Public Access, Open Space, and Natural Resources Preservation Fund to be used for the Maintenance of Entitlements Acquired by the Fund.</p> <p>Ms. Koga passed out section 19.5 Fund Administration to the commissioners. Ms. Higuchi Sayegusa said the charter amendment would allow no more than 5% of the fund balance to be used for maintenance.</p> <p>Currently maintenance would cover black pot, cemetery, hideaways and Halulu fishpond.</p> <p>Questions:</p> <ol style="list-style-type: none"> <li>1. Ms. Pratt inquired how the process would work; specific time to apply, oversight of the fund and who would approve how much each steward would get. DCA Barzilai suggested a grant process.</li> </ol>	

SUBJECT	DISCUSSION	ACTION
	<ol style="list-style-type: none"> <li>2. Ms. Shintani asked if the stewardships were required to report back to open space or was there a monitoring system in place. Ms. Higuchi Sayegusa said the stewardship agreement contained certain benchmarks.</li> <li>3. Ms. Pratt asked who was stewarding the cemetery. Ms. Higuchi Sayegusa replied Parks and Recreation have been maintaining the area and they were close to getting Kikiaola to steward.</li> <li>4. Ms. Shintani said once a quarter recognition from the county council would go a long way in securing more stewards.</li> <li>5. Mr. Kinney suggested any acquisitions should have stewards in place. Ms. Dizon said she wouldn't want to lose an opportunity to protect more coastal accesses and trails just because they didn't have a stewardship in place.</li> <li>6. Mr. Kinney asked if 5% would be taken at the beginning of July. Ms. Higuchi Sayegusa replied yes.</li> </ol> <p>The commission had a lengthy discussion on whether to keep the 5% or move it up to 7% or 10%. In the end they agreed that the public may not agree with a larger percentage.</p>	<p>Vice Chair Lucas moved to approve the Proposal to the Charter Commission to Amend Charter Section 19.15 to allow up to 5% of the Public Access, Open Space, and Natural Resources Preservation Fund to be used for the Maintenance of Entitlements Acquired by the Fund, as discussed. Mr. Kinney seconded the motion.</p> <p>Role Call Vote:          Ms. Dizon – Aye          Ms. Pratt – Aye          Ms. Shintani – Aye          Mr. Kinney – Aye</p>

SUBJECT	DISCUSSION	ACTION
		Vice Chair Lucas – Aye Chair Kanna - Aye Motion carried 6:0
<b>J. Executive Session</b>	Ms. Higuchi Sayegusa said there was no need to go into executive session.	
<b>K. Announcements</b>	<p><b><u>K.1. Topics for future meetings.</u></b></p> <ol style="list-style-type: none"> <li>1. Update on a 0.2764-acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065.</li> <li>2. Update on a 0.2867-acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071.</li> <li>3. Update on a proposal to acquire access to State of Hawai‘i property through 4901 Waiakalua Street, Kīlauea, Hawai‘i 96754, Ko‘olau Moku, further identified as Tax Map Key 5-1-005:036 (Richard S. Stallman and Lisa Flores) (Preliminary Report 6/1/2022)</li> <li>4. Update on a 1.39-acre parcel located in ‘Aliomanu, Ko‘olau Moku, further identified as Tax Map Key (4)4-9-004:013 (‘Aliomanu Beach Living Trust, et al.).</li> <li>5. Kauapea Beach Access-Hanalei District, Kaua‘i, Tax Map Key (4)5-2-004:071.</li> <li>6. Continue discussion on Vision and Strategies for Commission Outreach and update on access through CPR.</li> <li>7. Recognition event for Public Works Hideaways project.</li> <li>8. No meeting in December.</li> </ol> <p>Ms. Higuchi Sayegusa announced the next meeting was scheduled on November 9, 2023 in the Mo‘ikeha meeting room 2A/2B.</p>	
<b>L. Adjournment</b>		<p>Ms. Dizon moved to adjourn the meeting. Vice Chair Lucas seconded the motion. Motion carried 6:0.</p> <p>Chair Kanna adjourned the meeting at 2:46pm.</p>

Submitted by: \_\_\_\_\_  
Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
Nancy Kanna, Chair

- ☐ Approved as circulated.
- ☐ Approved with amendments. See minutes of \_\_\_\_\_ meeting.

## DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR

MICHAEL A. DAHLIG, MANAGING DIRECTOR

### Public Access, Open Space, and Natural Resources Preservation Fund Commission ("Open Space Commission")

#### PRELIMINARY REPORT NO.1

#### I. SUMMARY

Consideration of the possible acquisition of an undeveloped lot located at 5-6910 Kūhiō Hwy, Hanalei

**Open Space Commission action may include any of the following actions:**

1. Recommendation that the County Council consider acquiring the property using Open Space Funds; or
2. A recommendation that the County Council NOT consider acquiring the property; or
3. A recommendation to defer consideration.

#### II. BACKGROUND OF PROPERTY

PROJECT INFORMATION			
Parcel Location:	5-6910 Kūhiō Hwy, Kaua'i 96714		
Tax Map Key(s):	(4) 5-8-012:002	Area:	0.3709
LAND USE DESIGNATIONS & VALUES			
Zoning:	Open		
State Land Use District:	Urban		
General Plan Designation:	Natural		
Real Property Assessed Value:	\$761,600.00		
Market Value:	\$889,000.00		
Owner(s):	3J1S LLC		
Owner Response:	Currently on the market for sale, but its current status is contingent as it is in escrow		
Date Public Recommendation Received:	October 6, 2023		
Preliminary Report Date:	November 2, 2023		

### **III. PROJECT DESCRIPTION AND USE**

The subject lot of record is approximately 0.3709 acres in size and is located in Hanalei, Wainiha Ahupua'a, Halele'a Moku, Kaua'i Island, Hawai'i. The property is located within the County of Kaua'i's Open Zoning District, State Land Use Urban District and its General Plan Designation is Natural.

The lot of record is bordered to the west of Kūhiō Highway. The property is bordered to the north and south by residential properties that are currently in residential use. The property is bordered to the east by the shoreline.

### **IV. FINDINGS AND BACKGROUND**

The lot of record is listed for sale on the open market, but its current status is contingent as it is in escrow.

There are at least three (3) designated beach accesses that are near the subject lot of record. These accesses are well used by the public. See Exhibit A for aerial depictions of the property and nearby accesses.

### **V. EVALUATION**

The following should be considered regarding the possible acquisition of the property:

**Under Rules of Practice and Procedure of the County of Kaua'i Public Access, Open Space, and Natural Resources Preservation Fund Commission, as amended on April 14, 2016, (Open Space Rules) §1-5-4, the possible acquisition of the property complies with the criteria for acquisition:**

- 1. The proposal fulfills at least one of the Commission's purposes, specifically the following:**
  - a. Public outdoor recreation and education, including access to beaches and mountains
  - b. Preservation of historic or culturally important land areas and sites
  - c. Protection of significant habitats or ecosystems, including buffer zones
  - d. Preserving forests, beaches, coastal areas and agricultural lands
  - e. Conserving land in order to reduce erosion, floods, landslides, and runoff

- f. Improving disabled and public access to, and enjoyment of, public land and open space
- g. Acquiring disabled and public access to public land, and open space
- h. Conserving land open space and scenic values

Given the subject lot's proximity to the shoreline, the County's acquisition of the property would provide greater access to the beach, coastline, and its treasured resources. Outdoor recreation would be further served with greater access and community space in the area. There are at least three (3) existing coastal accesses near to the property. However, acquiring access at this property would provide greater access to this coastline that will enhance the community's ability to engage in outdoor recreational activities. In addition, acquisition could ensure that the property remains undeveloped, thereby conserving land open space, scenic values, and preventing further erosion, floods, and landslides in the area.

**2. The cost for the acquisition *WILL NOT* be commensurate to the public interest served by the property's acquisition.**

The lot of record is listed for sale on the open market, but its current status is contingent as it is in escrow. If escrow is successfully closed, the new owners may not be inclined to sell the property. At that point, the cost for the acquisition may not be commensurate to the public interest served.

**3. The process for acquiring the property *will not* be commensurate to the public interest served. Factors may include, but are not limited to:**

- a. The type of property interest that is proposed for acquisition (for example, an easement versus fee simple ownership)
- b. Whether or not the acquisition will be an adversarial process.

Again, the lot of record is listed for sale on the open market, but its current status is contingent as it is in escrow. In the event that the new owners are unwilling to sell, the process to continue to pursue the acquisition will require litigation and condemnation, which would be complicated, costly, and time consuming. The condemnation litigation process that could take at least one (1) to two (2) years including the appraisals and court proceedings that would be required.

The public interest served will not be commensurate with the complicated condemnation process for acquiring the property. Legal access is already provided at three (3) different designated accesses near to the property.

- 4. The property would require maintenance; however, the cost implications for the maintenance requirements could be reasonable and commensurate to the public interest served.**

Depending on the intended use for the property, maintenance costs involved with acquiring the entire property could be substantial. Acquiring the property to maintain it as open space would require grass cutting, weed whacking, and tree trimming to make sure the property does not become overgrown and inaccessible for the community's use.

Ideally, a stewardship agreement with an interested community group could ease the burden on the County. No group has been identified to take on such a role.

- 5. In addition, pursuant to Section 1-5-5 of the Open Space Rules, any proposed acquisition that contains extremely dangerous attributes in the land or that poses a risk of serious injury or death shall not be recommended.**

There do not appear to be any prohibitive factors for acquisition of the subject property.

## **VI. CONCLUSION**

Based on the information contained in the Report's Findings and Evaluation, the Planning Department concludes the following:

1. Acquisition of the property may fulfill at least one of the Commission's purposes for public access, open space, and natural resources preservation.
2. The cost for the acquisition WILL NOT be commensurate to the public interest served.
3. The process for acquiring the property WILL NOT be commensurate to the public interest served.
4. The property would require maintenance, depending on the intended use for the property; however, the cost implications for the maintenance requirements could be reasonable and commensurate to the public interest served.



5. In addition, pursuant to Section 1-5-5 of the Open Space Rules, any proposed acquisition that contains extremely dangerous attributes in the land or that poses a risk of serious injury or death shall not be recommended.

## VII. AMENDED RECOMMENDATION

Based on the foregoing evaluation and conclusion it is hereby recommended that the proposal to acquire the subject property be DENIED.

This report may not represent the Planning Department's final recommendation in view of the forthcoming public hearings before the Open Space Commission where the entire record should be considered prior to decision making. The entire record includes but is not limited to:

1. Government agency comments, if any;
2. Testimony from the general public and interested others; and
3. The landowner's response to an inquiry for acquisition.

By   
SHELEA KOGA  
Planner

Approved & Recommended to Commission:

By   
JODI A. HIGUCHI SAYAGUSA  
Deputy Director of Planning

Date: 10/30/23

# EXHIBIT “A”

