

KAUA'I PLANNING COMMISSION
REGULAR MEETING
April 23, 2019

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Mahoney at 9:04 a.m., at the Līhu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Mr. Sean Mahoney
Mr. Roy Ho
Ms. Donna Apisa
Mr. Kimo Keawe

Absent and Excused:
Ms. Glenda Nogami Streufert

The following staff members were present: Planning Department – Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Chance Bukoski, Jody Galinato, and Planning Commission Secretary Leslie Takasaki; Office of the County Attorney – Deputy County Attorney Nicholas Courson; Office of Boards and Commissions – Administrative Specialist Anela Segreti, Support Clerk Arleen Kuwamura

CALL TO ORDER

Chair Mahoney called the meeting to order at 9:04 a.m.

ROLL CALL

Planning Director Kaaina Hull: Good morning, Chair and members of the Commission. First order of business is roll call. Commissioner Apisa.

Ms. Apisa: Here.

Mr.Hull: Commissioner Keawe.

Mr. Keawe: Here.

Mr. Hull: Commissioner Ho.

Mr. Ho: Here.

Mr. Hull: Commissioner Streufart is excused. Chair Mahoney.

Chair Mahoney: Here.

Mr. Hull: Chair, you have a Quorum.

APPOINTMENT OF SUBDIVISION COMMITTEE MEMBERS

Mr. Hull: Next Agenda Item C, Appointment of a Subdivision Committee Member.

Chair Mahoney: At this time as Chair I would like to appoint Kimo Keawe as a member of the Subdivision Committee. I'll need a motion on the floor for approval.

Mr. Ho: The motion is to appoint Mr. Keawe, for approval for Mr. Keawe to sit on the Subdivision Committee.

Ms. Apisa: Seconded.

Chair Mahoney: It's been moved and seconded. Any further discussions? Hearing none? All in favor signify by saying aye? (Unanimous voice vote) Any opposed? (None) Motion carries 4:0.

APPROVAL OF AGENDA

Mr. Hull: Next is Agenda Item D, Approval of the Agenda. The Department has no recommendation for changes.

Chair Mahoney: Chair will accept a motion to approve the Agenda.

Ms. Apisa: Move to approve the Agenda as submitted.

Mr. Ho: Seconded.

Chair Mahoney: It's been moved and seconded. Any further discussions? Hearing none? All in favor signify by saying aye? (Unanimous voice vote) Any opposed? (None) Motion carries 4:0.

MINUTES of the meeting(s) of the Planning Commission

Mr. Hull: Next Agenda Item is Minutes. Minutes of the Meeting of the Planning Commission of March 12, 2019 and March 27, 2019.

Ms. Apisa: Motion to approve the Minutes of March 12, 2019 and March 27, 2019.

Mr. Keawe: Second.

Chair Mahoney: It's been moved and seconded to accept the Minutes of meeting of March 12, 2019 and March 27, 2019. Any further discussions? Hearing none? All in favor signify by saying aye? (Unanimous voice vote) Any opposed? (None) Motion carries 4:0.

RECEIPT OF ITEMS FOR THE RECORD

Z-IV- 2019-12, U- 2019-9, and Special Permit SP-2019-5 = *Jurrassic Kahili Ranch,LLC.*

Mr. Hull: Next Agenda Item is Receipt of Items for the Record, Commissioners you have two (2) Memorandums, four (4) Addendums to the Agenda. One (1) concerning Supplemental Directors report for Class IV Zoning Permit 2019-12, U-2019-9, Special Permit SP- 2019-5 for Jurassic Kahili Ranch. It's a as I said it's a Supplemental No. 2 directors Report. Just need a motion to receive.

Chair Mahoney: Could we get a motion to receive the Supplemental Report?

Mr. Keawe: Move to receive.

Ms. Apisa: Second.

Chair Mahoney: It's been moved and seconded. Any further discussions? Hearing none? All in favor signify by saying aye? (Unanimous voice vote) Any opposed? (None) Motion carries 4:0. Thank you.

Z-IV- 2019-6 = *Kurt Bosshard, dated 4/8-4/18/19.*

Mr. Hull: Next we also have a Memorandum for the Planning Department transmitting testimony from Kurt Bosshard, dated 4/8/19-4/18/19, concerning Z-IV-2019-6 from the Kauai County Council. I just need a motion of Receipt.

Chair Mahoney: There's a motion on the floor to receive?

Ms. Apisa: Move to receive.

Mr. Keawe: Second.

Chair Mahoney: It's been moved and seconded. Any further discussions? Hearing none? All in favor signify by saying aye? (Unanimous voice vote) Any opposed? (None) Motion carries 4:0. Thank you.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: The next Agenda Item Chair, is the Agenda Item G., Hearings and Public Comment where individuals may orally testify on Items on this Agenda during Public Comment. So is there any members of the public that would like to testify now prior to the actual Agenda Item? Coming now would be the time.

Chair Mahoney: State your name for the record please.

Mr. Kurt Basshard: Kurt Bosshard (inaudible). Good Morning Commissioners. I'm here to speak in favor of an Amended or the Ordinance with some modifications pertaining to the ability to build a guest house that has a kitchen. I think you are well aware of the need for modest housing on the island and there's some modifications that I am asking that you consider in the draft. I think any of these housing issues need to be looked at in terms of are we really encouraging that we which we wish to have built or are we placing limitations on these structures that make them unavailable to the public for a number of different reasons. And the draft as it is says that the guest house would have to be occupied by guest or tenants, I suggest that the language be removed and be allowed to be occupied by owners as well. There are parcels of property now where people would like to have a modest structure on it. They may not be able to afford the home of their dreams but they would like to occupy their property. Initially, there are many reasons, particularly on Ag. Parcels why you need to have somebody on the land. The invasive species problems, the criminal element is out there every night, on properties that I'm familiar with from Lihue to Kapaa or wherever. If you don't have somebody out there you can't maintain the place. You might like to have a family member out there so, I'm asking you to modify this, to remove the Conditions that it be limited to guest or tenants and that there already be a residence on the property. There is no reason that you don't want people to be able to live in a 500 sq. ft. house, a very modest enterprise. We think that the ARU bills, ADU bills, there's restrictions and regulations, the Farm Worker Housing bills. No bodies building now because there is aspects of a regulations that are being put in them to make them not work for people. All of the development that's going on this island right now all of the building is in Kukui'ula, Pikake, Lihue, and Princeville. We don't have any new subdivisions that are going to be developed that's ok we don't have the infrastructure. But people have property, they have existing lots and they need to be able to have these units. You probably got 15,000 to 20,000 illegal units that are providing housing, the affordable housing right now. I'm sure all of you know people that are renting (inaudible).

Mr. Hull: Three minutes Chair.

Chair Mahoney: Okay, thank you. You know you have three minutes to testify and so if you have a closing comments, as your three minutes.

Mr. Kurt Basshard: Well I don't have anything more to say, I think that sums it up.

Chair Mahoney: Well thank you for your testimony we appreciate it, thank you for testifying.

Mr. Kurt Basshard: Thank you very much for listening to me.

Mr. Hull: Are there any other members of the public that would like to testify on any other Agenda Item? Prior to the Agenda Item coming up that is. Seeing none.

New Agency Hearing

Class IV Zoning Permit Z-IV-2019-12, Use Permit U-2019-9, and Special Permit SP - 2019-5 to operate a commercial outdoor facility containing mountain bike and hiking trails, and yoga instruction on a parcel situated on the mauka side of Kuhio Highway in

Kilauea, also referred to as Jurassic Kahili Ranch, approx. 1,500 ft. west of the Kuhio Highway/Kahili Makai Road intersection, further identified as 5-1771 D Kuhio Highway, Tax Map Key: 5-2-003:001, and affecting a portion of a larger parcel approx. 10+ acres in size= Jurassic Kahili Ranch. LLC.

Mr. Hull: Next Agenda Item is New Agency Hearing. Agenda Item G. 2 a., Class IV Zoning Permit Z-IV-2019-12, Use Permit U-2019-9, and Special Permit SP-2019-5 to operate a commercial outdoor facility containing mountain bike and hiking trails, and yoga instruction on a parcel situated on the mauka side of Kuhio Highway in Kilauea, also referred to as Jurassic Kahili Ranch, approx. 1,500 ft. west of the Kuhio Highway/Kahili Makai Road intersection, further identified as 5-1771 D Kuhio Highway, Tax Map Key: 5-2-003:001, and affecting a portion of a larger parcel approx. 10+ acres in size. Is there anybody signed or is there anybody who would like to testify on this specific Agenda Item?

Chair Mahoney: Approach and take the microphone and state your name for the record please. You have three minutes.

Mr. James Mills: My name is James Mills. My concern is safety, that is a very dangerous road there, I live on Kalua Makua place which is the unapproved road which is between Pili and Pikili Mai. Since I've lived there, there's been quite a few accidents, I've lived there twenty-two (22) years, and the last like two or three years there's been three accidents on that street, on that Highway right there on Kalua Makua place. And there has been one fatality down on Kahili Makai. Now they are talking about 3000 people a day, I don't know where I got that number, somebody mentioned that number to me. The traffic will be unbelievable and nobody changes the road around here without spending at least \$15,000,000. So if anything is to be considered for that place there has to be highway improvements first, there has to be passing lanes, and turn lanes like there is down on Kahili Makai. Otherwise, I think it's a very poor idea to start jamming 3000 people a day up that valley on that road. I don't know if they are bringing them in on buses, private cars, or whatever, but the highway danger is eminent and I don't think there should be even a consideration for this Kahili Makai Resort. Without adequate funding and planning for Highway improvement with passing lanes, turn lanes, egress and ingress lane at Kahili Makai and there is one at Kahili Makai but Kalua Makua place does not have one ingress/egress. I have been hit almost several times, my neighbor was rear ended last year. It happens quite a bit of the time and there's been a death down the street one block away. It's a race track down there. You hear the eighteen wheelers come down to the end of the straight away, they got to hit Jake break because they are going too fast. And when you're coming towards Lihue and I have to turn in to cross traffic as soon as I turn my blinker on you can see people accelerating, their cars accelerating to cut me off. It happens every day and every time I leave it's a blind corner on that so anytime you leave you can only see about...

Mr. Hull: Three minutes Mr. Chair.

Chair Mahoney: Okay, could you wrap.

Mr. Mills: I'm done.

Chair Mahoney: Okay, well thank you very much for your testimony.

Ms. Apisa: I did have a question. Where did you get that 3000 figure? Sounds pretty astronomical.

Mr. Hull: Sorry. Could you please approach the microphone?

Mr. Mills: I don't know where I heard that figure, could be, how about a 1000 or it could be 500?

Chair Mahoney: Okay, you stated your testimony, and later on, when the Planners come up, we can get what the numbers will be, because it could be elevated, what you're thinking already. Regardless, you gave your testimony, we accept that, later on when the applicant comes up the numbers will be straightened out accurately. Fair enough? Thank you. Perfect. We can move on, thanks.

Mr. Hull: Are there other members in the audience that would like to testify on this particular Agenda Item?

Mr. Mills: May I say one more thing also?

Chair Mahoney: Well, if you come back up, you know, you had your three minutes. Alright, you wanna do one more? Than that's it, okay. Never mind than, Okay. We are going to move on.

Mr. Hull: Seeing no further testimonies, the Department will recommend closing the Agency Hearing.

Ms. Apisa: I move we close the Agency Hearing.

Mr. Keawe: Second.

Chair Mahoney: It's been moved and seconded. Any further discussions? Hearing none? All in favor signify by saying aye? (Unanimous voice vote) Any opposed? (None) Motion carries 4:0. Agency closed Thank you.

New Public Hearing

Zoning Amendment ZA- 2019-6: A bill for an ordinance amending Charter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.5 of the CZO relating to Guest House Definition = Kauai County Council.

Mr. Hull: Next Item on the Agenda, is Agenda Item G, New Public Hearing for Zoning Amendment ZA – 2019-6, a bill for an ordinance amending Charter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amend section 8-1.5 of the CZO relating to Guest Housing Definition. Kauai County Council. We have a Directors Report pertaining to this matter and our staff is Chance Bukoski.

Staff Planner Chance Bukoski: Good morning, Madame Chair and Commissioners. Before I begin, I will try and summarize the report if that is ok with you Chair?

Chair Mahoney: Yes.

Mr. Bukoski: Thank you.

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

Mr. Bukoski: The Department acknowledges that there is a defector illegal guest home operations in existence currently serving the housing demands throughout the County. Therefore these operations are afforded the opportunity under the proposed legislation to come into conformity, and I will hold off on my recommendation.

Chair Mahoney: Is there any questions by any of the Commissioners for the Planner?

Ms. Apisa: Not at this time.

Chair Mahoney: Any member of the public like to testify on this Agenda Item? Seeing none. Commissioner Ho.

Mr. Ho: If you are illegal, and you come in for this permit now, is that automatically make you, not only legal? But what is the...say your structure doesn't meet the County code, Building code?

Mr. Bukoski: That would be with the building Department as well. But just for including a kitchen? Which we are trying to propose to a County Council, it would be coming into conformity with the kitchen. But for structural integrity that would be with the Building Department.

Mr. Ho: So, a person could be denied?

Mr. Bukoski: Correct.

Chair Mahoney: You still have to make code requirements. So this in essence, is to include a kitchen is the basic?

Mr. Hull: If, to add to that Commissioner, if the...because there are a lot of questions about illegal garage conversions, like we used to get kitchen in a garage. A garage don't necessarily have to have the same building codes that as bedrooms and living facilities. So that is one issue concerning conversion but honestly that's just a problem that we have regardless of this bill. There is a housing crisis a lot of people are using structures that are not to building code to use for habitual purposes. But more to the point if a guest house was previously constructed and they got permits for those guest houses and there are many out there. Technically, those units could not have a kitchen in them. But because it's a guest house and if they are permitted as such via the Zoning and Building code then they would have had to make sure that unit was habitable. So the conversion as far as that is concerned, for those that got permits for guest houses, shouldn't be too bad quite honestly. Because those were permitted as habitable structures. As to whether or not they can now meet water and wastewater requirements will still be an issue. Because the wastewater standard requirements as far as hooking up to a sewer system and/or hooking up to a septic system is contingent upon how many kitchens you have. So the Department of Health will have to do that analysis and once you bring the kitchen in to that aspect of a guest house the Department of Water will be looking at it as potential increases in say the FRC, the Facilities Reserve Charge. But it's something that they are going to have to somewhat figure out how to tackle because in my discussions with them and they haven't officially opine but, in my discussions with them, they're only able to catch these during building permit review. And some kitchen conversions may not require a building permit because there guest houses are allowed to have a small sink in them, they are allowed to have electrical outlets. They were originally permitted with a small sink and there just hooking up a stove or a microwave, that may not necessitate a building permit. Therefore, water would not review.

Mr. Keawe: So, that wouldn't qualify as a kitchen?

Mr. Hull: It would qualify as a kitchen under our definition but the water department wouldn't be reviewing it. So how they fold this into their analysis, somewhat remains to be seen. But as far as addressing this issue and there's a bit of a type -o in this. The Planning Department is not the applicant in this, this was actually initiated at the County Council level. And so, we are reviewing it as proposed by the County Council Member, Brun, introduced this and I think this was somewhat of a subset of when he was the Housing Committee Chair, he is not Housing committee Chair anymore but he is the Transportation Chair. But when he was Housing Committee Chair, looking at various avenues to provide opportunities for housing. And I will agree that as a previous State Speaker spoke, Mr. Bosner, this allows for further avenues. It does quite honestly. But a lot of this quite bluntly is also to address a lot of illegal uses going on Kaua'i and the illegal conversions of these guest houses have already occurred. They are illegal and if we get complaints against them we do, do an inspection, so a notice of violation, and if they are found to be illegal. But on the flip side of that coin we do understand the reasons these illegal conversions are happening is because there is a housing crisis. There is a severe lack of inventory for housing smaller units for students returning home from college, Kupuna ageing in place, single individuals or just couples. There is a severe lack of inventory and the current quote –unquote black market, these illegal units are supplying this demand in so far as they are appropriately situated, and the Department is supported of allowing kitchens in these units.

Chair Mahoney: Okay. Are there any other comments from the... I'll just say something for a, you know, we all know that there's an extreme shortage of housing and if the ideal situation as long as it's used as rental housing and not as quick vacation rental and that's the rule everybody to keep their eye on. But we have to do something and if adding a kitchen to it, I think it's a good idea. So if there is no further discussions from the Commissioners we will wait for the Planners recommendations.

Mr. Keawe: Planners Recommendation.

Mr. Bukoski: Thank you Chair. Based on the foregoing evaluation and conclusion, it is here by recommended that Zoning Amendment ZA-2019-6 be approved with the amendments as shown in exhibit A which is attached.

Chair Mahoney: Okay. Thank you. Chair will accept a motion.

Mr. Keawe: I move to approve zoning-

Mr. Hull: Hold it. I just distributed a, sorry about that. I just distributed a handout. Given the previous speakers testimony and his submitted e-mail addressing the fact that there are still some barriers to construction and barriers entry for guest houses. If we still require the square footage size and we still require the initial house be built first? The Department was reviewing his e-mail last night and he gave a testimony just a few minutes ago. The Department recognizes that those could potentially still be barriers and we would like to submit somewhat of an agreement with that testimony that the phrase, "and is located on the parcel of at least 9000 sq. ft. that contains one (1) or more dwelling units" be removed from the definition.

Ms. Apisa: So the size of not to exceed 500 sq. ft. would remain? And it would remain guest or tenants would remain?

Mr. Hull: Correct.

Chair Mahoney: And you are removing 9000 sq. ft.?

Mr. Keawe: So what are you taking out?

Mr. Ho: Your suggested remove that whole phrase?

Mr. Hull: Remove that whole phrase at the end. Correct.

Chair Mahoney: Okay. (Inaudible).

Mr. Hull: Yes. So the Planner did a type-o, Sorry. The definition would state, Guest House means a building with a floor area of no more than 500 sq. ft., may contain a kitchen, is used for dwelling purposes by guest or tenants. So the Department would submit for that if, and I realize you guys don't have a report and if you guys are not ready to take action on something like that the Department would be willing to entertain a deferral as well. But somewhat that testimony

came in somewhat at the last minute. But we believe that there is validity to that proposal that in essence there are several Zoning requirements that stand in the way for density or having an inhabitable structure for individuals to live in and clearing the way for that is very much in keeping with the Infill Development Proposals set in the General Plan. And so that's why we will be in support of what that person was testifying for, but like I said, if you folks need additional time to somewhat digest that, we don't have to take action today as well.

Ms. Apisa: I think I'm okay to take action today.

Chair Mahoney: Well it doesn't seem like it's that hard to swallow. Does everybody understand what the director has said? Or is there any concerns?

Mr. Keawe: I think that my only concern is making sure to get the language right.

Mr. Hull: Correct.

Mr. Keawe: So that there is no repercussions later. So oh you guys approved this, you know and you forgot this...or whatever.

Chair Mahoney: Good point. Commissioner Ho, are you comfortable or would you prefer something else?

Mr. Ho: I would be more comfortable with deferral.

Chair Mahoney: On that part, when would this comeback?

Mr. Hull: We do have some quorum issues coming up so this would probably about a month and half out.

Ms. Apisa: Well I will throw the motion on the floor and then we will just see if it gets approved or not. Kimo, you started it do you want to continue.

Mr. Keawe: Yes, again the concern so you know I can go ahead and make the motion but that I will leave that whole section out just basically saying that the amendment with changes that have been read or recommended.

Chair Mahoney: Sounds good. Chair will accept the motion.

Ms. Apisa: Second.

Chair Mahoney: No I'm accepting one, it's got to be made by one of the Commissioners.

Ms. Apisa: Oh I thought he made the motion.

Mr. Keawe: No, we didn't finish yet. Alright I move to approve Zoning Amendment ZA- 2019-6 a bill for ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to

Comprehensive Zoning Ordinance (CZO). And the suggested and Proposal changes that have been read into the record.

Chair Mahoney: OK. It's been moved and seconded. Any further discussion? Hearing none. Any discussion? Hearing none. All in favor signify by saying Aye? Opposed? No. Motioned failed. We don't have enough.

Ms. Apisa: It's a quorum not only of present but of the whole Commission?

County Attorney Mr. Nicolas Courson: Yes. It's not a majority of the quorum it's the majority of the whole membership.

Ms. Apisa: Ok.

Chair Mahoney: So the whole motion on this ordinance fails than? There is no deferral than?

Mr. Ho: So than you would need a motion to defer to the next meeting?

Chair Mahoney: No you already...no.

Ms. Apisa: Is it automatically deferral?

Mr. Hull: A let's look at the County Attorney for answer.

Mr. Courson: Yes. If you take no action, it's just going to kinda sit, so I think a motion to defer would be wisest.

Chair Mahoney: Even if the motion didn't carry we can make another?

Mr. Hull: It's just failure for action.

Mr. Courson: Yes, that particular motion that carries, you couldn't keep re-doing that one but you could do any (inaudible).

Mr. Keawe: Right, right different language.

Chair Mahoney: Ok.

Ms. Apisa: So I move that this be continued, deferred until the next logical agenda meeting.

Mr. Ho: Seconded.

Chair Mahoney: OK. It's been moved and seconded for deferral at another time, next following meeting.

Mr. Hull: Following meeting.

Mr. Keawe: May 23rd.

Chair Mahoney: Okay, I won't be here for that one. But it's been moved and seconded. Any further discussions? Hearing none. All in favor signify by say Aye? (Unanimous voice vote) Motion carries 4:0.

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

There was no new public testimony.

CONSENT CALENDAR

Status Reports

Director's Report for Project Scheduled for Agency Hearing on Tuesday, May 14, 2019 and May 28, 2019.

Mr. Hull: Next Agenda Item is the Consent Calendar. We have no Consent Calendar. No status Report.

EXECUTIVE SESSION

Mr. Hull: There is no executive Session scheduled.

GENERAL BUSINESS MATTERS

Request for Extension of Time and Amendment to Special Management area Use Permit SMA (U)-2011-1, Class IV Zoning Permit Z-IV-2011-1, and Use Permit U-2011-1, for Michael Kaplan Tax Map Keys: 5-2-012:019, 5-2-021:041:001(por.) to allow additional time to construct a single family residence and reduce the size of the previously approved residence.

Mr. Hull: The next Agenda item will be General Business Matters, J.1., and Request for Extension of Time and Amendment to Special Management Area Use Permit SMA (U)-2011-1, Class IV Zoning Permit Z-IV-2011-1, and Use Permit U-2011-1, for Michael Kaplan, Tax Key Map: 5-2-012:019, 5-2-021:041:001 (por.) to allow additional time to construct a single family residence and reduce the size of the previously approved residence. We have a Director's Report pertaining to this matter, and Jody is our Planner.

Staff Planner Jody Galinato: Good morning Chair and Members of the Commission. Brief background on this property is that the applicant is proposing to modify the previously approved design for a farm dwelling unit located on parcel TMK: 5-2-021:041.

Ms. Galinato read the Summary, Project Data, Project Description and Use, Additional Findings, and Agency Comments sections of the Director's Report for the record (on file with the Planning Department).

Ms. Galinato: The project complies with the Kaua'i General Plan, the North Shore Development Plan, and the CZO. And I will hold off on the preliminary conclusion.

Chair Mahoney: Okay. Is there any questions for the Planner? Is there a representative for the applicant? Could you state your name for the record, please?

Attorney Ms. Laurel Loo: Thank you Chair Mahoney and Commissioners. Laurel Loo, Attorney for the applicant, Mr. Kaplan who is present in the audience and with me is our Architect, Santo Giorgio.

Chair Mahoney: Is there any questions or could you give us just a brief synopsis of what you plan to do please.

Ms. Loo: Sure. So the current owner Mr. Kaplan just bought the property within the last year. He's familiarized himself with the property. He has a great relationship with the current owner, Mr. Henriquez, who still lives on the property. Mr. Henriquez has been spending a large amount of time removing invasive species because it is a heavily forested area. And our plan is to continue that work and plant native species as our landscaping. Mr. Kaplan's Architect, Mr. Giorgio, has a smaller house on exactly the same footprint as the previously approved house just because we feel it's more in keeping with the surrounding. So we are requesting two (2) years to be able to do steps and show completion of that farm dwelling. And in all other aspects we will be in compliance with the original terms of the original General Permits.

Ms. Apisa: Question.

Chair Mahoney: Go ahead.

Ms. Apisa: So what you are really asking for is the two (2) year extension of time because you really don't need an approval for a smaller residence, do you?

Ms. Loo: We just thought in an abundance of caution to have the new design approved by the Commission because there was language in the previous approval to consult with the Planning Department.

Chair Mahoney: Fare enough. So its same footprints, smaller?

Ms. Loo: Slightly smaller, yes.

Chair Mahoney: Okay well thank you. Any further questions by the Commissioners? Hearing none. Could we have the recommendation from the Planner please?

Ms. Galinato: Sure. Based on the foregoing findings and evaluations it is here by concluded that in evaluating the applicants request for an extension of time, the Department would support a two (2) year extension of time to allow the applicant time to substantially complete construction of the farm dwelling unit, with the design changes as proposed. The applicant is advised that the SMA Permit shall be valid for another two (2) years to expire on April 23, 2021. And the requirements of the Class IV Zoning Permit, Use Permit, and SMA Use Permit, remain in effect.

Chair Mahoney: Thank you, Jody. Is there any member of the audience that would like to testify on this Agenda Item? Seeing none. Chair will accept a motion.

Ms. Apisa: I move that we extend the time and grant the two (2) year extension for the Special Management Area Use Permit SMA (U)-2011-1, Class IV Zoning Permit Z-IV—2011-1, and Use Permit U-2011-1 for Michael Kaplan.

Mr. Keawe: Seconded

Chair Mahoney: It's been moved and seconded. Any further discussion? Hearing none. All in favor signify by saying aye. (Unanimous voice vote) Opposed? (None) Motion carries 4:0. Thank you very much.

Request to amend Class IV Zoning Permit Z-IV-2007—to allow construction of a warehouse facility in the Puhi Industrial Subdivision, further identified as Tax Map Key: 3-3-013:023, and containing a total land area of 54,682 sq. ft. = Hawthorne Pacific Corporation.

Mr. Hull: Next Agenda Item, is Agenda Item J.2., Request to amend Class IV Zoning Permit Z-IV-2007-5 to allow construction of a warehouse facility in the Puhi Industrial Subdivision, further identified as Tax Map Key: 3-3-013:023, and containing a total land area of 54,682 sq. ft. Hawthorne Pacific Corporation is the applicant and Dale is our Planner on this.

Staff Planner Dale Cua: Good morning, Mr. Chair and members of the Planning Commission. I'm going to briefly summarize the Director's Report for this project.

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

Mr. Cua: There has been revisions, the project still remains warehouse facility for a heavy equipment operator and sales.

Chair Mahoney: Is there any questions by the Commissioner's for the Planner? No. Well is there a representative for the applicant present? Could you state your name for the record at least?

Mr. Lloyd Sako: My name is Lloyd Sako, I'm the Architect for this project, for Hawthorne. I have no comments but I would be happy to answer any questions that you may have.

Chair Mahoney: So basically its changed and your short one parking spot, is that what?

Mr. Hull: Well it's essentially, there were some previous actions by the Planning Commission, not this particular membership, but previously, that I guess, to use the former applicant's words, in an abundance of caution, required any changes small or what have you, to come before the Planning Commission for your review.

Mr. Keawe: And that was in 2006?

Mr. Hull: Yes, you got it.

Chair Mahoney: So is there any questions for the applicant, by any members of the Commissions? Seeing none. Okay, so I guess we can have the recommendation from the Planner?

Mr. Cua: Yes. Moving on to the recommendation, based on the foregoing findings, it is recommended that Commissioners approve the proposed amendment to Class IV Zoning Permit Z-IV- 2005, subject to the following conditions. These requirements shall supplement the condition's noted in the Planning Commission approval letter dated October 11, 2006, and they shall read as follows; condition No. 1., The warehouse facility shall be constructed and operated as represented. Any changes to subject buildings and/or operations shall be reviewed by the Department to determine whether Planning Commission review and Action Plan is required. 2., the applicant shall provide a total or thirty-four (34) off street parking stalls for the project. At the time of Building Permit approval the applicant shall pay the Environmental Impact Assessment fee for the proposed development. All associated machinery, heavy equipment, and company vehicles, shall be parked on the subject property. If there is parking problems associated with the warehouse operations that adversely impacts the surroundings, the Department reserves the right to revisit the parking calculations. The applicant is advised that on street parking is strictly prohibited. This provision shall be recorded as a Deed restriction to all successors and assigns of the property, and a draft copy shall be submitted to the Planning Department for review and approval. And condition No. 8, prior to Building Permit approval, the applicant shall submit to the Planning Department a Landscaping Plan to be in compliance with section 8-7.3 Sub-section E.2.C., of the Kaua'i County Code as amended.

Chair Mahoney: Could the applicant please come back. Once again just state your name for the record.

Mr. Sako: Yes. Lloyd Sako.

Chair Mahoney: Okay, you heard the Conditions? And you will be willing to comply with all Conditions? No objections?

Mr. Sako: Yes.

Chair Mahoney: Okay. That's all I wanted to ask. Okay. Chair will entertain a motion.

Mr. Keawe: I approve the request to amend Class IV Zoning Permit Z-IV-2007-5 to allow construction of a warehouse facility in the Puhi Industrial subdivision further Identifies Tax Map Keys: 3-3-013:023, and containing a total land area of 54,682 sq. ft. Hawthorne Pacific

Chair Mahoney: Okay. There is a motion to approve, is there a second?

Mr. Ho: Seconded.

Chair Mahoney: It's been moved and seconded. Any further discussion? Hearing none. All in favor signify by saying aye. (Unanimous voice vote) Opposed? (None) Motion carries 4:0. Thank you very much. Okay. We are going to need a ten minute caption break.

The Commission recessed this portion of the meeting at 9:49 a.m.
The Commission reconvened this portion of the meeting at 9:58 a.m.

Chair Mahoney: Call the meeting back to order.

COMMUNICATIONS (For Action)

Mr. Hull: Next Agenda Item Chair, is Agenda Item K., of course there is no Communications.

COMMITTEE REPORTS

Subdivision

Mr. Hull: Moving on to L, Committee Reports, Subdivision action matters listed in the Subdivision Committee Agenda. Referred to the Subdivision Chair.

Mr. Ho: One moment please. We had four (4) Items for discussion and approval this morning. Coco Palms, LLC, stricken from the Conditions 1.E and F., Kainani Villas LLC, approved modifications required them for swales instead of sidewalks, Kee Kauai Carport, approved, and Grow Farm needed an extension of six (6) months.

Chair Mahoney: Okay. You know at this time I want to know if I could get a representative from Coco Palms to come up to the podium, just for clarification. Can you just state your name for the record, please?

Mr. John Pang: Good morning. John Pang, Attorney for Coco Palms Hui. And I have here with me Aaron Gerszewski, he's the Asset Manager for StillWater, who has been hired by the agent for the lender of Coco Palms.

Chair Mahoney: Okay good. That's part of the clarification cause on the listing here, it's Coco Palms Hui, LLC, and so who is the representative? Is this still in affect or?

Mr. Pang: Yes, Coco Palms Hui, still owns the project and they have an agreement with its lender. The agent for the lender has appointed StillWater too essentially, there the Managers of Coco Palms Hui now, there the official Managers.

Mr. Keawe: So Coco Palms Hui, still has legal standing as far as we're concern in addressing the request that come before us? Or have they given up those rights to the (inaudible) for the lender?

Mr. Pang: No. They still...the entity, Coco Palms Hui, still owns the project and still has standings, still the applicant. It is the Management of Coco Palms Hui that has changed.

Mr. Keawe: Okay. So moving forward based on what Coco Palms Hui, had presented to us back in 2013, with regard to their original plan. Are those terms and conditions that were initially approved back 2013, still valid from the lenders and managers standpoint?

Mr. Pang: Yes. They have not changed the plans in fact, they are proceeding with the plans to comply with the August 31st, deadline to submit the plans. But as you probably have heard, they have also been receiving potential purchasers of the project. But I mean those purchasers...I mean there not in contract with them yet. But...so there is a possibility that they, the project would be sold, and if that's the case, we'll come back. They will come back.

Mr. Keawe: That part I understand. My question is more about, whose actually making the decisions with regard to what happens to the property currently?

Mr. Pang: StillWater is.

Mr. Keawe: Thank you

Mr. Pang: Yes.

Chair Mahoney: Does StillWater understand the FEMA requirements for that property too?

Mr. Aaron Gerszewski: Yes we do.

Chair Mahoney: And the 6ft that should be raised in most every building in that? And the bottom floor.

Mr. Aaron Gerszewski: Yes. Yes, we are aware of those issues.

Chair Mahoney: 6ft. in every building in the floor as a requirement? You know, one of the things is that we went through so much before. We are going to do this, we are going to do these, we are going to do that, and actually, pretty much, nothing happened. And I think every bodies been very, very, patient and a... we just want going forward, however it goes. Your word is your bond. There is no more wiggle room of we might do this, we might do that. The conditions are set, whose taking responsibility for this project, has to know everything and not, oh, we haven't thought of that, we haven't got the plans in, we haven't got this, we haven't got

that. You know this is a major construction project that's pretty much worn out. Everybody on this island already listened to about it. So going forward, all we...and as sitting as Commissioners, we expect whatever is told to us, that it's going to be done. That the conditions are going to be completed and we're going to be fair, but we expect in return honest testimony and compliance basically. That's what I want to make clear. That's all I have to say. Is there anybody else that have any questions? But I appreciate that you clarified what's going on there.

Mr. Keawe: Just one more. I understand your position, you know, you guys are the lenders, you want to get your money back. So we just want to make sure that whatever the plan, a potential buyer, you know comes in and has certain things that they want to do. That the initial plan that we had approved, the major components of that will be part of that sale agreement.

Mr. Pang: Well all we can say, we can't speak for buyers.

Mr. Keawe: I understand.

Mr. Pang: But Coco Palms Hui, is making sure StillWater is making sure that any potential buyer understands exactly what the Permit requires, what was represented to the Commission and if they purchase it, they understand that they need to comply or they need to come to you if they want to do any changes.

Mr. Keawe: Okay.

Chair Mahoney: Commissioner Ho.

Mr. Ho: Do I understand that you have a report or a briefing for the Commission due in June sometime, a comprehensive report? Will you be doing it Mr. Pang or will StillWater be doing that Report?

Mr. Pang: I'm not sure. In the past, what we have submitted to the Planning Department was essentially, it was an outline of the compliance with the various Permit Conditions. It covered all of the Conditions as to what the Status of what they are and we would do that. But we didn't appear before the Commission for that, we did that directly with the Department.

Mr. Ho: I'm sorry Mr. Pang

Mr. Pang: We didn't provide the status to the commission before, we provided it to the Planning Department.

Chair Mahoney: Okay. Any further? Okay, thank you very much, we appreciated it. So now, Chair will entertain a motion for the Subdivision Report.

Ms. Apisa: I'll move that we approve the Subdivision Report as submitted.

Mr. Keawe: Seconded.

Chair Mahoney: It's been Moved and seconded. Any questions? Any discussions? Hearing none. All in favor signify by saying aye. (Unanimous voice vote) Opposed? (None) Motion carries 4:0.

UNFINISHED BUSINESS (For Action)

Mr. Hull: The next agenda item, we have no Unfinished Business.

NEW BUSINESS (For Action)

Class IV Zoning Permit Z-IV-2019-12, Use Permit U-2019-9, and Special Permit SP - 2019-5 to operate a commercial outdoor facility containing mountain bike and hiking trails, and yoga instruction on a parcel situated on the mauka side of Kuhio Highway in Kilauea, also referred to as Jurassic Kahili Ranch, approx. 1,500 ft. west of the Kuhio Highway/Kahili Makai Road intersection, further identified as 5-1771 D Kuhio Highway, Tax Map Key: 5-2-003:001, and affecting a portion of a larger parcel approx. 10+ acres in size= *Jurassic Kahili Ranch. LLC.*

Mr. Hull: On to New Business for Action. Going back to Class IV Zoning Permit Z-IV-2019-12, Use Permit U-2019-9, and Special Permit SP-2019-5 to operate a commercial outdoor facility containing mountain bike and hiking trails, and yoga instruction on a parcel situated on the mauka side of Kuhio Highway in Kilauea, also referred to as Jurassic Kahili Ranch, approx. 1,500 ft. west of the Kuhio Highway/Kahili Makai Road intersection, further identified as 5-1771 D Kuhio Highway, Tax Map Key: 5-2-003:001, and affecting a portion of a larger parcel approx. 10+ acres in size. Jurassic Kahili Ranch is the applicant. And our Deputy Director Jodi, is our staff on this.

Staff Planner Ms. Jodi Higuchi Sayegusa: Good Morning Chair and Commissioners. If it's okay with you folks I am going to summarize very briefly. Make an attempt to briefly summarize the Report.

Ms. Higuchi Sayegusa: Read the Summary, Project Data, Project Description and Use, Additional Findings, and Agency Comments sections of the Director's Report for the record (on file with the Planning Department).

Ms. Higuchi Sayegusa: Based on the foregoing the Department concludes that the application has met the requisite requirements.

Chair Mahoney: Thank you Deputy Director. Is there representative for the applicant? Will you state your name for the record, even though we all know you?

Attorney Mr. Ian Jung: Good Morning Chair Mahoney and members of the Commission. Ian Jung, on behalf of the applicant. Along with Max Graham, and together with me on the application we have Mr. Walter Kortschak, Mrs. Marsha Kortschak, their daughter Sarah Kortschak, as well as Roger Taniguchi-Fu, who is the Ranch Manager and Mana Fernandez, who

will be assisting with the ranch facilities for the outdoor recreation component of the project. So just to summarize and help set the orientation of the project, we did distribute an additional exhibit which should help give you a better picture. I know what we scanned in and sent as part of the application was a little difficult to read because it got quite dark. So we did provide you with two (2) additional maps. 1. Shows google earth overlay of the proposed activity area, as well as the map of the property that shows the trails identified in green and red. So as described by the Planner, the proposed use is to have a hiking and biking tour operation with ancillary yoga that will be done at a yoga platform at the very rear of the property. So looking at the exhibit, as you're driving up to Kilauea, you can notice and people often comment on this particular location, you'll get to see a great expanse of Namahana Mountain Range, and that open grass field area is where the proposed tour operation is slated for. In terms of the limitation of impact and how we identify the use, knowing that there could be the impact on community. We set the hours at 9:00 am to 4:00 pm, 9:00 am being, it will be after the peak traffic hours and 4:00 pm, before the peak traffic hours, on the return after people go home from work. The proposed maximum number of participants is set for thirty (30) people. And the idea is to possibly have, and we are still trying to fine tune how the two will operate from an efficiency standpoint. But we can have maybe two (2) tours per day, usually three (3) to four (4) hour tour in that one (1) day period. And will have fifteen (15) participants per period. So the level of traffic impacted certainly didn't rise to the level of having a Traffic Impact Analysis Report, because the volume would be so low. And if you think about it logically, you have most tour activities that go up on the Princeville Ranch or say like, down in Koloa, with the ATV's and whatnot, you usually have a family coming in, so you would have at least two (2) or three (3) participants per car, that's coming in there. So we would anticipate no more than three (3) to four (4) cars coming in the morning run and three (3) or four (4) cars coming in the afternoon run. So a level of traffic just you know, really isn't there, as you can tell as you drive along the North Shore, there is even larger subdivisions that have no accel/decel lanes as a part of the project. And then moving on to the interior of the project... oh, just to note, the Kortshack family did just pave the entry to that which was previously dirt but now it's a paved area. There's a relatively wide berth of cars that come in, pull in, and then its paved now so you can sort of stack as you get up to the gate. And I'm sure we'll have a tour guide accepting the patrons as they come into the property so that there won't be any stacking whatsoever along the highway. Okay? Then as you get in the property, the participants will go and drive up toward the Namahana Park, or the Namahana Mountain Range. And then about 3-4 hundred yards, in the middle of the property, there is an inset. And as you see on the site plan, there's a currently existing barn and stable area along with a workshop. And that area is actually set into a little gully and valley where there will be no view playing mitigation whatsoever for tourist cars or guest cars that will be parked in that area. And then as a part of the activity, they will go get on a bike, or get on their shoes and go hiking up, and as you go up on the property you will take a left, to go on the bike trails that will go up to the eastern portion of the property. If you decide to go hiking, hiking will go up on the western side of the property. And then they will converge along the Pu'u ka ele Reservoir and then go to the yoga platform at the end there. And then they can complete the circuit by going back down through the trails. So that's the proposed use, you will note in Condition No. 2, that the proposal's to have the applicant stay on the trails themselves, the reason for this is that it's a working ranch. There is about 200 head of cattle as well as 150 sheep that are actually on property, and that meat is sold to market. It's a cow/calf operation where you can have calves raise until about one (1) year old and then sold off to market. And if you do have any questions

on the ranching operations, I can do my best to answer, but we also have Roger Taniguchi-Fu here that operates the ranch. So that said, I'm open to answering any questions from the body.

Chair Mahoney: There's nowhere the traffic that's going to enter limited to thirty (30) people by the way it sounds.

Mr. Jung: Thirty (30) people per day as the max.

Chair Mahoney: I guess the purported rumor of three-thousand (3000) cars... Three-thousand (3000) people a day has no basis in reality whatsoever. It's basically what you just stated and it wasn't so. It sounds like its biking, hiking, and yoga...all pretty quiet activities? And the cattle ranch and all the ranching activities stay in place on the...Commissioner Keawe.

Mr. Keawe: Yes, I had a question about...the main entry is as your traveling towards Princeville, you get to the white picket fence with the orange orchid, right?

Mr. Jung: That's on the makai side.

Mr. Keawe: Yes, and then your gonna turn left, obviously, to get in. And is the ramp, and a security key type of thing to get in, is that correct?

Mr. Jung: That's correct.

Mr. Keawe: So is that going to be the main entry?

Mr. Jung: That will be the main entry.

Mr. Keawe: Alright, and then, do they just drive straight? I'm trying to get orientation as to where this stable is. It looks like a road that comes straight in from there, to there, then there is one that goes up off to the left, and there's another one to the right, it think. So.

Mr. Jung: Correct. So the main road, the main ranch road, goes straight up into it, then you kinda veer to the right, and if you look on the site plan and you will see. This property is 850 acres, so to try and so a site plan on this magnitude is relatively difficult. But if you look, there is two (2) specks there at the middle of the lower portion of the middle of the property that has an identifier of a ranch operations. And that's the ranch stable area, there's a corral adjacent to that.

Mr. Keawe: Okay. So that's where they drive into?

Mr. Jung: That's where they will drive into.

Mr. Keawe: To get oriented and everything else?

Mr. Jung: Correct. And park there.

Mr. Keawe: Alright. So are they still...they still have to have security clearance to get into the original gate?

Mr. Jung: Correct. But we will have, you know, the tour operator will be there to come in and accept the guest as they come up so they have a directional way to get to the appropriate parking location.

Mr. Keawe: And again, you're estimating thirty (30) individuals, four (4) or five (5) cars maximum per day?

Mr. Jung: That's what we estimate, correct.

Mr. Keawe: Thank you.

Chair Mahoney: Any other questions for the applicant?

Mr. Jung: And just by way of background, we did meet with the, fortunately, the KNA was willing to do a special meeting for us because their meeting had just passed. So we went and appeared before the KNA and they did a letter of support for the project with certain conditions. We worked with the Planner to identify those Conditions which are now in supplement No. 2. And there also we met...we had contact following our notice of, notice to area residence was about nine (9) individuals. So we incorporated additional comments that some of individuals had brought.

Chair Mahoney: Any other questions for the applicant? Seeing none. At this time is there any members of the public who would like to testify on this Agenda Item? Alright, you already testified once, but you can testify, I'll give you three minutes, just keep it relevant to three minutes.

Mr. James Mills: James Mills, I apologies for my fat finger-

Chair Mahoney: No. Your fine.

Mr. Mills: For my fat finger, a calculation on three-thousand (3000), but thirty (30), I was on the right track, I just added a few zeros. But my concern is traffic, now we have these buses that tour Kaua'i. When I pull out of Kaulua Makua, the buses pull right in there and they sit, I'm unable to see down the road, and this Kahili Makai is in the area of Jurassic Park is just exasperating traffic problem we have there. We've already had one death and three accidents in the last year and it's just going to get worse. And when we have the next accident, I'll be back. Thank you very much for your time.

Chair Mahoney: Alright, well thank you for your testimony, dually noted. Okay. So any other members of the public that would like to testify on this Agenda Item? Seeing none. Could we have the recommendation from our Planner please?

Ms. Higuchi Sayegusa: Okay. Based on the foregoing...

Mr. Hull: And just for clarification Commission, (inaudible) submitted a recommendation under the original Director's Report that you received at the last Planning Commission Meeting. But we submitted a supplemental, I just wanted to clarify that we submitted a supplemental Director's Report.

Chair Mahoney: Thank you Director.

Ms. Higuchi Sayegusa: Okay. Based on the foregoing it is recommended that Class IV Zoning Permit Z-IV-2019-12, Use Permit U-2019-9 and Special Permit SP-2019-5, be approved subject to twelve (12) Conditions that the Department submitted for the Commissions consideration. And again Conditions 1-8 are submitted with Director's Report, the original Director's Report. And 9-12 where part of the supplement No. 2. If you would like I would read them all?

Chair Mahoney: I don't think you have to read them all. Has everybody read the conditions or have any questions?

Mr. Keawe: Where is it...where is the supplemental ones?

Mr. Hull: The supplemental ones was handed out, in this Memorandum packet. So the Conditions (Inaudible) as Jodi alluded to the Director's Report, and given testimony that came in from members of the public, particular the Kilauea Neighborhood Association. We felt that they are appropriate and imputed for additional recommendations of approval. Should the Commissioners decide they want to support that Condition?

Mr. Keawe: Okay. Got it.

Chair Mahoney: Everybody had a chance to checkout and understand the Conditions?

Ms. Higuchi Sayegusa: If you prefer I could read them?

Chair Mahoney: I don't think you need to read them. Does the applicant accept all the Conditions?

Mr. Jung: Yes Chair we do.

Mr. Hull: (inaudible).

Chair Mahoney: I don't think so. But it seems that through the presentations that everything was carried out very well and a recommendation from was (inaudible). We can accept that, there's no more public testimony. So we will take the recommendation from the Planners. Alright?

Mr. Hull: Yes, so I think that as Jodi was saying, is that, it's recommended as approved with those twelve (12) Conditions.

Chair Mahoney: Okay, at this time we will accept a motion. The Chair will accept a motion.

Ms. Apisa: I move that we approve the a Class IV Zoning Permit Z-IV-2019-12, Use Permit U-2019-9, and Special Permit SP-2019-5 to operate a commercial outdoor facility containing mountain bike and hiking trails, and yoga instruction on a parcel situated on the mauka side of Kuhio Highway in Kilauea, Also referred to as Jurassic Kahili Ranch.

Mr. Keawe: Seconded.

Chair Mahoney: It's been moved and seconded. Any further discussions? Hearing none. All in favor signify by saying aye. (Unanimous voice vote) Opposed? (None) Motion carries 4:0. Thank you.

Mr. Jung: Thank you Commissioners.

ANNOUNCEMENTS

Topics for Future Meetings

Mr. Hull: Next Agenda Item O, Announcements, We have distributed topics for future meetings, there are a handful of Special Management Area Permits concerning single family dwellings as well as a couple Agriculture Permits, as well as the Smoky Mountain Helicopters family and some of their facilities. If you folks have any questions on these?

Mr. Keawe: I have a question Chair. So you'll be away for the May 23rd meeting also? Is that right?

Chair Mahoney: Yes. I will be back for the second meeting in June.

Mr. Keawe: Oh, the second meeting in June. Okay.

Ms. Apisa: So there is no Meeting on May 14? Correct?

Mr. Hull: Yes. We know that we will not make quorum the May 14th meeting. Commissioner Streufert is tentative for the second meeting in May. We are working diligently with the Boards and Commissions office to get new appointments but...yes, so whenever we do meet absent those new appointments, quite honestly Commissioners on the front end our Department is available because some of these things may not get action given the lack of quorum issues we are seeing on the horizon. We don't have a full calendar quite honestly or agenda, but those that we do have if you guys have any questions before leading up to the Department is available for you guys to work through those questions and concerns so that we can hopefully tackle some of the Agenda Items.

Mr. Keawe: So Potential, we won't have a full Commission until sometime maybe in July? Is that accurate?

Mr. Hull: I think that is accurate to say.

Mr. Keawe: Okay. So what do we do between now and then?

Mr. Hull: Sorry, sorry. We have a full Commission, as far as making quorum we have enough Commissioners to make quorum, with Commissioner Streufert. But when you say full Commission, as far as seven. The earliest we can, well arguably, the Boards and Commission could do it, is by July, given that if they got two other names vetted tomorrow, honestly, the hearing process they will have to go through Council could get them appointed in mid-June. But that was if we had actual appointees or the Boards and Commission actual appointees today. The Department has to keep somewhat of a wall between ourselves and the appointment process. So we (inaudible) include ourselves actively in that appointment process but we do understand Ellen folks are working diligently to find-

Mr. Keawe: Yes. I guess the issue is finding number one, qualified candid's and number two, candid's who are willing to serve. And that's be the harder thing and yet it's two at one time.

Ms. Apisa: And what they come from specific categories? So you know?

Chair Mahoney: Business, environmental, labor.

Mr. Hull: I'm not sure two positions are open at this point. I believe...I believe it maybe business and environmental, but I will have to double check.

Mr. Ho: Who will sit as Chair, when Mr. Mahoney leaves?

Chair Mahoney: It's the Vice Chair and if the Vice Chair is not here then it's the subdivision Chair, which is you.

Ms. Apisa: It would be Glenda, Right?

Mr. Keawe: So If she is here and if she isn't here then it will be Roy.

Ms. Apisa: Roy Right.

Mr. Hull: Well quite honestly, if Commissioner Streufert is not here, than there is no quorum. At this point.

Ms. Apisa: Okay. Right.

Chair Mahoney: I'm not coming back early so-

Mr. Keawe: Okay.

Mr. Hull: But yes, aside from that we have a relatively small coming up in the future meetings when we are able to make quorum. As much as we can vet out some of the earlier issues, any questions that you folks may have as Commissioners the Department will be appreciative of working with you at the forefront to make sure that we can iron it out before, before the official review happens here.

Mr. Keawe: Okay.

Mr. Hull: We just need a motion to receive the upcoming future meetings.

Ms. Apisa: I moved to receive the pending applications for upcoming Planning Commissions Meetings.

Mr. Keawe: Seconded.

Chair Mahoney: It's been moved and seconded. Any discussions? Hearing none. All in favor signify by saying aye. (Unanimous voice vote) Opposed? (None) Motion carries 4:0. Thank you.

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Hawaii 96766 on Tuesday, May 28, 2019.

Mr. Hull: Next announcement is the following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Hawaii 96766 on Tuesday, May 28, 2019. With that there are no further announcements, Chair.

ADJOURNMENT

Chair Mahoney: Chair would accept the motion to Adjourn.

Mr. Keawe: So moved.

Ms. Apisa: Seconded.

Chair Mahoney: Moved and seconded. All in favor say aye. (Unanimous voice vote) Opposed? (None) Motion carries 4:0. Meeting Adjourned. Thank you.

Chair Mahoney adjourned the meeting 10:33 a.m.

Respectfully submitted by:



Arleen Kuwamura,
Commission Support Clerk

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

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