

**COUNTY OF KAUAI
OPEN SESSION MEETING MINUTES**

Board/Commission	Kauai Arborist Advisory Committee	Meeting Date	May 20, 2020
Location	Teleconference	Start of Meeting: 2:00 p.m.	End of Meeting: 2:50 p.m.
Present	Chair-elect Dan Kawika Smith.; Vice Chair-elect Dr. David Lorence; Members; Lawrence Borgatti, Sylvia Smith and Deputy Planning Director Jodi Higuchi-Sayegusa. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Mahealani Krafft; Planning Department: Deputy Planning Director Jodi-Higuchi-Sayegusa and Planner Romio Idica. Joining the teleconference meeting were Seth Levin, Project Manager for Hawai'i Unified/Contractor; Thomas Schnell, AICP Principal, Land Planning/Landscape Architecture, Jerry Nishek, Kaua'i Nursery & Landscaping.		
Excused			
Absent			



SUBJECT	DISCUSSION	ACTION
Call to Order	Chair Borgatti called the teleconference meeting to order at 2:00 p.m.	
Roll call to ascertain quorum	A roll ensued to ascertain quorum and to recognize members of staff and guests who were also present. After a quorum was established, Ms. Ching briefed the members on guidelines to conduct an effective meeting.	
Public Testimony	None.	
Business ACC 2020-1	<p><u>Election of Chair and Vice Chair for Calendar Year 2020</u></p> <p>Chair Borgatti called for nominations for the Chair's position.</p> <p>Deputy Planning Director Sayegusa moved to nominate Dr. Lorence to the Chair's position for calendar year 2020. Dr. Lorence respectfully declined the nomination citing personal reasons. Ms. Smith moved to nominate Kawika Smith to the Chair's position for calendar year 2020. Mr. Smith accepted the nomination. Deputy Planning Director Sayegusa seconded the motion. Hearing no objections by the</p>	A roll call ensued with all five (5) members present voting in favor of the motion to elect Mr. Smith as the new Chair for calendar year 2020.

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	<p>members, Chair Borgatti called for a roll call vote.</p> <p>After the electing the new Chair, Chair Borgatti handed the gavel to Chair-elect Kawika Smith to continue meeting. Chair-elect Smith called for nominations for the Vice Chair position for calendar year 2020. Mr. Borgatti moved to nominate Dr. Lorence to the Vice Chair position. Ms. Smith seconded the motion. Hearing no objections by the members, Dr. Lorence accepted the nomination. Chair-elect Smith called for a roll call vote.</p>	<p>A roll call ensued with all five (5) members present voting in favor of the motion to elect Dr. Lorence as the new Vice Chair for calendar year 2020.</p>
<p>AAC 2020-2</p>	<p><u>Discussion and possible recommendation to the Planning Commission on the permit application submitted by Applicant KHS, LLC, to the Planning Department for permit no. Z-IV-2020-4, SMA (U) 2020-2, TMK 4-3-007:028 which proposes the removal of fifty-four (54) coconut trees, otherwise known as Niu Coconut-palm or <i>Coco nucifera</i>, which are part of the designated Exceptional K-12 Coconut Grove. The grove extends both makai and mauka of Highway 56 (Kūhiō Highway) at Waipouli: TMK 4-3-6-2, 4-3-7-27, 28 and 29.</u></p> <p>Vice Chair elect Dr. Lorence noted that the record should reflect that the correct name for the coconut palm trees should be <i>Cocos nucifera</i> and not <i>Coco nucifera</i> as reflected on the meeting notice and agenda. Staff acknowledged Dr. Lorence’s correction which will be reflected in the meeting minutes.</p> <p>Deputy Planning Director Higuchi-Sayegusa called on Planner Romio Idica to read the gist of the Director’s Report on the application that was submitted by Applicant KHS, LLC, to the Planning Department.</p> <p>Mr. Idica stated that on October 22, 2019, the Planning Commission approved Class IV-2020-4 and SMA (U)-2020-2 for the installation of a photovoltaic (PV) system (solar PV canopies over the parking lot, electrical system, and battery storage) and to reconstruct a luau facility and for the removal of twenty-five (25) coconut palm trees within the parking lot area fronting Aleka Loop where the PV structures would be placed. However, due the contractor’s due diligence it was</p>	

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	<p>discovered that the amount of coconut trees that were originally slated for removal doubled in amount to fifty-three (53) coconut trees. Under the amended proposal, the Planning Department is seeking the Committee’s advice on removing and relocating the additional coconut trees in the Coconut Grove designated as “exceptional trees”.</p> <p>Mr. Borgatti asked for clarification if the amended proposal was to remove fifty-three (53) or fifty-four (54) coconut trees to which Mr. Idica clarified that the request is for the removal and relocation of fifty-three (53) coconut trees.</p> <p>Chair-elect Kawika Smith asked if the initial request to remove the twenty-five (25) coconut trees had already been approved the Planning Department prior to the meeting to which Mr. Idica replied yes. Deputy Planning Director Higuchi-Sayegusa clarified that the Planning Department’s decision to approve the removal and relocation coconut trees was granted because at the time, the Department did not feel it would have significant; however, given the magnitude of amended proposal a decision was made to seek guidance from the Arborist Advisory Committee on the Applicant’s request to relocate another twenty-six (26) coconut trees, in addition to the twenty-five trees that was originally proposed.</p> <p>Chair-elect Smith asked the members if they had any more questions for Mr. Idica. Hearing none, he called upon the Applicant’s representatives to address the Committee.</p> <p>Tom Schnell, PBR Hawai‘i – Landscape Architecture & Planning, Principal & Planner stated his name for the record, then informed the members that Project Manager Seth Levin would be assisting him with his PowerPoint presentation. Copies of Mr. Schnell’s PowerPoint Presentation was distributed to the members prior to the meeting that reflected data on the project’s location, tax map key, general plan & zoning information, visitor designation areas within the VDA, special management area within the SMA, information on exterior and interior renovations</p>	

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	<p>to the resort rebranded as the Sheraton Kaua‘i Coconut Beach Resort, proposed location for the three (3) new photovoltaic (PV) system over the existing parking lot, a revised photovoltaic layout, existing property conditions, overhead view of the proposed photovoltaic (PV) canopy structures, a map reflecting the twenty-seven (27) coconut palms to slated be demolished and removed, the location of coconut palm trees that will remain in place and be protected during construction and the twenty-six (26) coconut palm trees slated to be relocated and protected, a revised plan reflecting the Planning Director’s recommendation to plant additional foliage in certain locations within the said property, and lastly a slide reflecting three different PV structure elevations.</p> <p>Chair-elect Smith thanked Mr. Schnell for his presentation, then asked the members if they had any questions regarding the PowerPoint presentation that was just provided by Mr. Schnell.</p> <p>Deputy Planning Director Higuchi-Sayegusa asked for clarification if an assessment was done to see what condition the trees that were marked for removal were in to which General Manager, Jerry Nishek, Kaua‘i Nursey & Landscaping replied that an assessment was done on the taller and mature trees and it revealed that the trees had significant damage to their trunks as well as the trees that have underground utilities located under them which to his knowledge there’s no permit to remove those trees and if was removing those trees would cause damage to the underground utilities. The trees that were selected for removal and relocation were much healthier and younger and would most likely survive the removal.</p> <p>Deputy Planning Director Sayegusa stated that based on the revised plans instead of planting a cluster of Arica palms a decision was made to disburse the palms along the Aleka Loop area to which Mr. Schnell noted that the intent is to place the Arica Palms in more of a growth setting, but that is going to take some reconfiguration on their part, in addition they would have to locate the underground utilities and adjust</p>	

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	<p>accordingly to avoid any impact to the underground utilities such as the water lines electrical lines and communication cables that is located within the area.</p> <p>Mr. Borgatti asked Ms. Higuchi-Sayegusa to clarify if she meant to say Coconut Palms or Arica Palms to which Ms. Sayegusa replied that she was just commenting on the Applicant's revised plans to replace the Coconut Palms with Arica Palms. Mr. Schnell clarified that the proposal is to replace the Coconut Palms with Arica Palms.</p> <p>Chair K. Smith asked if the additional twenty-six (26) Coconut Trees reflected in the PowerPoint Presentation are slated for removal and relocation within the property to which Mr. Schnell replied yes, and noted that the trees that are not highlighted are going to remain in place.</p> <p>Mr. Borgatti asked if the overflow parking on the Northside of the property where the old luau facility used to be would remain a grassy area to which Mr. Schnell replied yes. Dr. Lorence asked if it would be possible to plant additional younger Cocos nucifera within the area to off-set the net loss of the twenty-seven (27) trees to which Mr. Schnell replied that no, and explained that planting additional trees would block the access to the old dirt road that is highly used by everyone.</p> <p>Ms. Smith asked if it would possible to plant younger trees at the base of mature trees in the event those trees have to come down there would be another tree to replace it. Mr. Nishek stated that it is possible to plant younger trees next to the base of the existing trees to help keep the grove-like appearance as viewed from the nearby highway.</p> <p>Being there was no further questions by the members, Chair Smith called for a motion. Mr. Borgatti moved to approve the trees slated for removal and the trees slated for relocation on the condition that the Applicant plant twenty-seven (27) younger trees (to maintain a grove like appearance) fifteen (15) gallons or larger to</p>	

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	<p>replace the trees that have to be removed and cannot be transplanted. Dr. Lorence seconded the motion. Chair Smith called for more discussion.</p> <p>For clarification, Ms. Higuchi-Sayegusa asked Mr. Borgatti if the condition to plant twenty-seven (27) tree is in addition to the to the twenty-six (26) trees that have to be removed and relocated to which Mr. Borgatti replied that the condition was to replace the twenty-seven (27) trees with younger trees which is in essence would mean zero trees being removed from the property. Also, the new trees should be planted in a way to maintain a grove like appearance. Chair Smith called for more discussion.</p> <p>Ms. Higuchi-Sayegusa stated that to clean-up the motion it should it say something like remove and relocate twenty-six (6) Cocos Nucifera’s on the condition that the Applicant plant twenty-seven (27) younger trees in a grove like appearance (fifteen (15) gallons or larger to replace the trees that cannot be re-transplanted and plant young trees at the base of the mature trees that are going to remain in place.</p> <p>Mr. Borgatti noted that the Applicant could utilize some of the twenty-seven (27) new trees to plant at the base of the mature trees to which both Dr. Lorence and Ms. Smith agreed. With no further discussion, Chair Smith called for a roll call vote.</p>	<p><u>Motion</u> A roll call vote ensued with all five (5) members voting in favor of removing and relocating twenty-six (26) Cocos Nucifera’s on the condition that the Applicant plant twenty-seven (27) younger trees in a grove like appearance younger and plant some of the twenty-seven new trees at the base of the mature trees that are going to remain in place.</p>
<p>Adjournment</p>	<p>With no further business to conduct, Chair-elect Kawika Smith called for a motion to adjourn the meeting.</p>	<p>Deputy Planning Director Higuchi-Sayegusa moved to adjourn the meeting. Vice Chair-elect Dr. Lorence seconded. A roll call ensued with all five (5) members voting in favor of the motion. At 2:50 p.m. the meeting adjourned.</p>

Arborist Advisory Committee Open Session Minutes
Of May 20, 2020 meeting

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Dan Kawika Smith, Chair-elect

- () Approved as circulated on
- () Approved as amended. See minutes of _____ meeting.