

KAUA'I PLANNING COMMISSION  
REGULAR MEETING  
October 22, 2019

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Sean Mahoney at 9:03 a.m., at the Lihu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Mr. Sean Mahoney  
Ms. Glenda Nogami Streufert  
Mr. Roy Ho  
Ms. Donna Apisa

Absent:  
Mr. Kimo Keawe

The following staff members were present: Planning Department – Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Chance Bukoski, Jody Galinato, Dale Cua, Romio Idica, 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 9:03 a.m.

**ROLL CALL**

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

Ms. Nogami Streufert: Here.

Mr. Hull: Commissioner Ho.

Mr. Ho: Here.

Mr. Hull: Commissioner Apisa.

Ms. Apisa: Here.

Mr.Hull: Commissioner Keawe is excused.

Mr. Hull: Chair Mahoney

Chair Mahoney: Here.

Mr. Hull: Chair, you have a Quorum.

### **APPROVAL OF AGENDA**

Mr. Hull: The next Agenda Item is Approval of the Agenda. Chair, given the rather large crowd we have here today. The Department going to recommend amending the Agenda so that K.1, the Subdivision Section be moved directly after D.1, and being that the vast majority of individuals are here to testify concerning the Matthew and Naomi Yoshida Application. I would recommend moving F. 2.b, and M. 2.b, up in the Agenda to be directly after F. 3.

Chair Mahoney: Chair will accept a motion.

Ms. Apisa: I make a motion we amend the Agenda as suggested.

Ms. Nogami Streufert: I second.

Chair Mahoney: It's been moved and seconded. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 4:0. Thank you.

### **MINUTES of the meeting(s) of the Planning Commission**

Mr. Hull: The next up is the approval of minutes for September 10, 2019 Meeting.

Ms. Nogami Streufert: I move to approve and accept the minutes of the last meeting.

Ms. Apisa: Seconded.

Chair Mahoney: Ok, It's been moved and seconded. . All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 4:0. Thank you.

### **RECEIPT OF ITEMS FOR THE RECORD (None)**

Mr. Hull: There are no receipt of items for the record.

### **HEARINGS AND PUBLIC COMMENT**

Mr. Hull: Next up is Agenda Item F, Hearings and Public Comment. Individuals may orally testify at this time on Items on this Agenda during the public comment period. So for you folks that are here to testify and specifically for the school application for the Matthew and Naomi Yoshida, which we understand the vast majority are. The Commission has just moved that up to the Agenda so that will be reviewed very shortly here. But if you are here to testify on other agenda items, there are other agenda items. The Chair at his discretion does allow members of the public to testify during those agenda items, but depending on which it is, it could be sometime before we get to that. So right now, if you would like to afford your opportunity to testify before this body on any agenda item, now would be the time to come up and testify. Is there anybody who wants to testify on any agenda item right now, before waiting for the actual agenda item itself? Seeing none.

New Agency Hearing

Consideration of Class IV Zoning Permit Z-IV-2001-21, Use Permit U-2001-16, and Special Permit SP-2001-9 to amend Condition No. 1 that would allow an increase in the number of tours per day and amount of patrons (300 max.), and the construction of three (3) additional structures on the subject property situated south of Kaumualii Highway, approx. one mile south of its intersection with Kipu Road, further identified as Tax Map Key: (4) 3-1-002:001, and containing a total land area of approx. 2,843 acres= Kipu Ranch Tours. [Director's Report received by Commission Clerk 10/8/19.]

1. Supplemental No. 1 to Director's Report pertaining to this matter

Mr. Hull: Next up is Item 2. a. New Agency Hearing for Consideration of Class IV Zoning Permit Z-IV-2001-21, Use Permit U-2001-16, and Special Permit SP-2001-9 to amend Condition No. 1 that would allow an increase in the number of tours per day and amount of patrons to 300 maximum, and the construction of three (3) additional structures on the subject property situated south of Kaumualii Highway, approx. one mile south of its intersection with Kipu Road, further identified as Tax Map Key: (4) 3-1-002:001, and containing a total land area of approx. 2,843 acres. The applicant is Kipu Ranch Tours. Dale can I get the sign-up list for Kipu? We have one member of the public signed up to testify Antone Teves? Now is your time to testify, Sir.

Chair Mahoney: Could you state your name for the record please?

Mr. Antone Teves: Good morning. Antone Teves.

Chair Mahoney: You have three minutes.

Mr. Teves: Primarily, we are just here to answer questions and concerns that maybe you had, but we're a, we've enjoyed 18 long years there at the ranch and our primary adjustment here is we are going from a single passenger—

Mr. Hull: Sorry, Mr. Teves. So you work for Kipu Ranch?

Mr. Teves: I'm the standing President.

Mr. Hull: Okay so, you'll be given, so this is just for members of the public to testify. Sorry for the confusion. For the actual application time, you'll be afforded the time to— Okay, sorry about that.

Mr. Teves: Okay.

Chair Mahoney: So is there anybody here that is the member of the public that would like to testify on this Agenda Item? Okay, seeing none.

Mr. Hull: Seeing none. The Department would recommend closing the Agency Hearing.

Chair Mahoney: Chair would accept a motion to close the Agency Hearing.

Ms. Apisa: Motion to close the Agency Hearing.

Ms. Nogami Streufert: Second.

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

Special Management Area Use Permit SMA (U)-2020-1, and Class IV Zoning Permit Z-IV-2020-3, and Use Permit U-2020-3 for the construction of a farm dwelling unit within Lot 7 of the Kahili Makai Subdivision in Kilauea, involving a parcel situated at the terminus of Kahili Makai Street and immediately adjacent to property identified as 4254 Kahili Makai Street, Tax Map Key: (4) 5-2-021:007 (Unit E), and affecting a portion of a larger parcel approx. 27.56 acres in size =Valerie M. Neilson and David N. Kells. [Director's Report received by Commission Clear 10/18/19.]

1. Supplemental No.1 to Director's Report pertaining to this matter.
2. Petition for Intervention (10/15/19) by Roy A. Vitousek III, Attorney for Petitioners CS Development LLC and Charles Somers, Individually.

Mr. Hull: Next on the Agenda Item is F. 2c. Special Management area Permit SMA (U)-2020-1, and Class IV Zoning Permit Z-IV-2020-3, and Use Permit U-2020-3 for the construction of a farm dwelling unit within Lot 7 of the Kahili Makai Subdivision in Kilauea, involving a parcel situated at the terminus of Kahili Makai Street and immediately adjacent to property identified as 4254 Kahili Makai Street, Tax Map Key: (4) 5-2-021:007 (Unit E), and affecting a portion of a larger parcel approx. 27.56 acres in size. The applicant is Valerie M. Neilson and David N. Kells. Dale can you give me the sign-up sheet for the Kells' application. We also have a supplement No. 1, to the Director's Report and a Petition for Intervention for the Representative concerning the Petition for Intervention that will be discussed during the actual agenda item for discussion. We have no one signed up for the Valerie Neilson and David Kells Agency Hearing. Any members of the general public that would like to testify on this application? Seeing None. Giving the request for intervention that will be discussed later. The Department would recommend deferring the Agency Hearing.

Ms. Apisa: I make a motion we defer the Agency Hearing for Zoning Permit Z –IV-2020-3, and Use Permit U-2020-3.

Chair Mahoney: 20-2 not 20-3.

Ms. Nogami Streufert: Deferred to what date?

Mr. Hull: It would be an open ended deferral. Essentially, if the Commission finds that intervention is warranted, then this would more than likely be referred to a Contested Case Hearing so the Agency Hearing will stand open with that.

Chair Mahoney: 20-2 not 20-3.

Mr. Hull: No that's Yoshida. We are on the Neilson's, yeah. So it would just be an open, the Department would be recommending an open deferral.

Ms. Nogami Streufert: Seconded.

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

Special Management Area Use Permit SMA (U)-2020-2 and Class IV Zoning Permit Z-IV-2020-4 to allow installation of a new photovoltaic system and reconstruction of the luau facility on a parcel situated on the makai side of Aleka Loop in Wailua, approx.. 400 ft. east of the Kuhio Highway/Aleka Loop intersection, further identified as 650 Aleka Loop, Tax Map Key: (4) 4-3-007:028, and containing a total area of 10.377 Acres= KHS, LLC. [Director's Report received by Commission Clerk 10/18/19.]

1. Letter (10/8/19) from Applicant's Agent, Tom Schnell, PBR Hawaii & Associates, Inc., requesting continuance of hearing to November 12, 2019.

Mr. Hull: Next on the Agenda Item is F. 2.d. Special Management Area Use Permit SMA (U)-2020-2 and Class IV Zoning Permit Z-IV-2020-4 to allow installation of a new photovoltaic system and reconstruction of the luau facility on a parcel situated on the makai side of Aleka Loop in Wailua, approx. 400 ft. east of the Kuhio Highway/Aleka Loop intersection, further identified as 650 Aleka Loop, Tax Map Key: (4) 4-3-007:028, and containing a total area of 10.377 Acres. The applicant *KHS, LLC*. And we do not have any members of the public signed up to testify for this agenda item. Is there anyone here in general public that would like to testify on the *KHS, LLC* application? Seeing none. The Department would recommend closing the Agency Hearing.

Chair Mahoney: The Chair will accept a motion.

Mr. Ho: Move to close the Agency Hearing.

Ms. Nogami Streufert: Seconded.

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

## COMMITTEE REPORTS

### Subdivision

Mr. Hull: Next up is the Amended Agenda. We have the Subdivision Action K.1. Subdivision Committee Report.

Mr. Ho: We had three (3) items to consider this morning. One from Stephen and Kathy Palama, this was a Tentative Map Approval. The request was granted. Kukui'ula Development, Tentative Map Approval with a Modification that was approved. State of Hawaii, Final Subdivision Map Approval that was also approved. That was our meeting.

Ms. Nogami Streufert: I moved to accept the Subdivision Committee Report.

Ms. Apisa: Seconded.

Chair Mahoney: It's been moved and seconded to accept the Subdivision Committee Report. Any discussion? Hearing none. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 4:0. Thank you.

New Agency Hearing (Cont'd)

Class IV Zoning Permit Z-IV-2020-2, Use Permit U-2020-2, and Special Permit SP-2020-1 to operate a school facility on a parcel situated on the southern side of Kawaihau Road in Kapahi, approx. 900 ft. west of the Kawaihau Road/Makaleha Place intersection, further identified as 6525 Kawaihau Road, Tax Map Key: (4) 4-6-007:057, and affecting a portion of a larger parcel approx. 6.231 acres in size=Matthew and Naomi Yoshida. [Director's Report received by Commission Clerk 10/8/19.]

1. Supplemental No. 1 to Director's Report to this matter.

Mr. Hull: Next up we have the excuse me. Now returning, we are now going into the the Amended Section which the Commission moved the Matthew and Naomi Yoshida, the School application to this section of the Agenda. So we will be accepting public testimony at this time. So we are on to the Agency Hearing Class IV Zoning Permit Z-IV-2020-2, Use Permit U-2020-2, and Special Permit SP-2020-1 to operate a school facility on a parcel situated on the southern side of Kawaihau Road in Kapahi, approx. 900 ft. west of the Kawaihau Road/Makaleha Place intersection, further identified as 6525 Kawaihau Road, Tax Map Key: (4) 4-6-007:057, and affecting a portion of a larger parcel approx. 6.231 acres in size. The applicant is Matthew and Naomi Yoshida. At this point the Department is going to recommend that we take the staff report summarization, get into discussion, and as we had recommended the approved amendment to the Agenda, then hear testimony after that.

Chair Mahoney: Okay. Sounds good.

Mr. Hull: So our Planner on this is Jody Galinato.

Staff Jody Galinato: Good morning, Chair and members of the Commissioners. I will be as brief as I can for you.

Ms. Galinato 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).

Ms. Galinato: The proposal generally meets the requirements of the General Plan, the Kapaa/Wailua Development Plan, the CZO, and I will hold off for the preliminary conclusion and recommendation.

Chair Mahoney: Thank you.

Mr. Hull: Does the Commissioners have any questions for the staff at this time?

Chair Mahoney: Any questions for the Planner?

Ms. Galinato: Oh I'm sorry. I wanted to include that there was 3 letters submitted today. I gave you Supplemental 1, with some letters in favor and some agency comment from Sea Grant. And then Supplemental 2, with 1, 2, 3, 4 letters in favor, and an email in favor, a Petition in favor with a 104 signatures, and a Petition against with 287 signature. That's all Chair, sorry.

Ms. Apisa: No questions for me.

Chair Mahoney: Okay so could we—

Mr. Hull: Okay, we will bring the applicant up at this point. Could the Applicant come to the front and approach the podium?

Chair Mahoney: Representative for the Applicant, could you please state your name for the record?

Ms. Deborah Nakamura: Yes, good morning. My name is Deborah Nakamura and I am the Authorized Agent for Matthew and Naomi Yoshida.

Mr. Hull: I guess Ma'am, do you have any formal presentation or any comments to the staff report at this time.

Ms. Nakamura: I don't personally have, I just want to say that Kahili Adventist is a faith based school that tries to incorporate the best of a traditional school with qualified, certified teaching staff with an accredited curriculum. But in a setting that is more of the best that you can have in a homeschool type of setting. And so that's in a smaller setting where you have students in a multi-grade classroom. Where older interact with younger students and its more in keeping with what a homeschool type of situation would be for students. Our intent is to remain a small school and to be Elementary level only.

Chair Mahoney: Any questions by the Commissioners?

Ms. Nogami Streufert: If I could?

Chair Mahoney: Commissioner Streufert.

Ms. Nogami Streufert: Right now as I understand your application, you have fifteen (15) to twenty (20) students in the elementary school and in the pre-school you have twelve (12)?

Ms. Nakamura: It varies from year to year of course. So we started this last year, this year currently there are eighteen (18) students in the elementary, nineteen (19) in the elementary program and there are nine (9) students in the pre-school program, that's the current year. The Pre-school program maximum would be twelve (12) students.

Ms. Nogami Streufert: And thirty (30) students for the elementary?

Ms. Nakamura: That's what we are requesting. Right now, we've been stable at about twenty (20) students for the past three (3) years.

Ms. Nogami Streufert: If you have forty-two (42) students and your maximum employees would be four (4)? Is that correct?

Ms. Nakamura: Yes, that's correct.

Chair Mahoney: Any further questions for the applicant?

Ms. Nogami Streufert: I have one last question. Right now you are teaching or you are holding classes somewhere else?

Ms. Nakamura: That's correct.

Ms. Nogami Streufert: What makes that less acceptable or what makes that less attractive than this particular area? What makes it (inaudible)?

Ms. Nakamura: That's a good question. Yes, of course. The school is being housed at the Seven Day Adventist Church in Kapaa. Which is if you're familiar with that area is across street from Burger King and across it on the other side we have the Hongwanji Mission. That street is a very busy street and so the classroom is right next to the traffic noise. So it makes for a noisy classroom. It is also a very busy street and even the street, so we intersect with the street going to the harbor, small harbor there? And even that road is very busy and so for the kids when they are playing in that parking lot area of the church, the grassed in area. When they, say if their ball goes over the fence you know, we don't allow the kids to go out to retrieve it because of the safety issues with so much traffic in that area. So there is, and it's a very noisy for the classroom and it's small. We'd like to be able to have space to do more of a science program with a computer lab, a separate library space, and there is just not the space available. There is not the space on that lot to expand to include those things. Does that answer your question?

Ms. Nogami Streufert: That sounds like you want it to be more of a traditional classroom I as opposed to a homeschool if you want to have those things.

Ms. Nakamura: Yes, we do want all of the, like I said what's best from the traditional classroom of course and a lot of those aspects are which would have in a traditional classroom. But we want also, because of the small size. We also want children to be able to experience a school in a setting that's similar to being at home. So that the main house on the property would be the main focus for classroom. And they would be able to access and go out in a safe play area, it's a quiet area, it's rural, so it's away from traffic noise, it's away from congestion, it's away from pollution of traffic. And they would be able to go out and work in the school garden and the school orchard easily every day without having to take bus and drive up Olohena Road, up to the Nakamura farm where they currently go three times a week. So it is the blend, trying to do the blend of the best of both worlds.

Ms. Apisa: Question. Are you doing any agricultural projects with farming corps or—?

Ms. Nakamura: Oh yes. Well the school has an agricultural program for the past five years now.

Ms. Apisa: But where are you doing that at? Not in Kapaa? At your current location?

Ms. Nakamura: Not where the school is located. So it's up Olohena Road from Kapaa going up Olohena Road about, it's about a ten minute drive from the School to go up to our farm; on the Nakamura Property up at Olohena Road. So it's a nice location for them to farm but it's inconvenient from the standpoint that it is not right there where the school is located. But they have had it for four years. The students harvest every Wednesday morning and they take produce to the market on Wednesday afternoon at the Farmers market in Kapaa and they sell there produce. Some of the produce they take home. They've done, there is also an orchard there as well so they also have harvested fruit from the orchard. And a couple years ago they took fruit baskets to cancer patients at the Infusion Center at Wilcox Hospital. They've taken food and vegetable baskets to the elderly. And they've volunteered students to go help yard clean-up for elderly. So we really emphasis a community service aspect to the school as well as the agricultural component to it.

Ms. Apisa: Thank you.

Chair Mahoney: Any further questions for the applicant? Seeing none.

Mr. Hull: Seeing none. The Department would recommend taking the Agency Hearing public comments at this time.

Chair Mahoney: Okay. At this time any members of the audience that wants to testify on this Agenda Item my do so for three minutes.

Mr. Hull: So Mr. Chair we do have a sign-up list that has names that have signed up. So I will read the list and then we can go into anybody else that would like to speak. First, signed-up we have Paul Yoo.

Chair Mahoney: State your name for the record and you have three minutes.

Mr. Paul Yoo: My name is Paul Yoo and I want to thank you all for giving me the opportunity to come together and discuss this matter. As we know, the greatest gift we can give to our keiki's is an education. An education that prepares them mentally, spiritually, that teaches them to aspire, and hope to become everything that they want to become in life. Education also frees them from some of the ignorance and some of the, some of the challenges that some places may face, some countries may face because of lack of education. And we're given an opportunity to add to the history of what Kahili Adventist School has been doing. They have a great legacy of training, and touching, and teaching and helping our keiki's to grow into model citizens that can be an asset to the island community. And here we are, we are in a tiny school, one room school, and all the kids want to do is have a play yard that's safe, a garden program that's next door. And so I'm just here this morning to vouch my support in favor into allowing the school to relocate to a place where they can have a formal school where they can have all these other things that we discussed earlier or we talked about earlier. And so again, thank you so much for your time and I request that you consider what I've shared this morning. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have Rami Donahoe followed by Chris Donahoe.

Chair Mahoney: State your name into the microphone and you have three minutes.

Ms. Rami Donahoe: Aloha ke akua. My name is Rami Donahoe. Both of my daughters have gone to Kahili Adventist School in its smaller times. It used to be rather larger and it used to be located in Kahili Mountain Park. As it got smaller my girls were able to attend there. I loved it because it instilled so much agricultural values in to them. I'm a city person and moving to this island you just really appreciate the 'aina. When I saw my kids coming home and wanting to play with "this is going to sound so funny" lizards and they wanted to get in the dirt and grow things and they wanted to be sustainable, and they loved the island. It was very different as what I experienced as a child. I had the pleasure of going to Waimea High School for basically a field trip for transitioning of some of our junior high kids to the high school level. And I saw aquaponics, I saw farming, I saw the student engaged, and out of the four walls of the classroom. And I wasn't surprised because I had seen this before I've seen this at Kahili Adventist School. And I was just so proud because Waimea was doing it and really pulling the kids out of the classroom. And also, one situation that we have, that we are facing on this island and other really expensive places to live is, how do you find a job that allows you to stay here in this community on this island? Those are your science jobs, those are our natural resources jobs. We have the Telsa plant over here, we have the water power plants over here that filters our water. They want to hire locals but if we're not reaching out and if we're not having this alternative opportunity to get engaged more with agricultural, we are not going to give our students that opportunity. So I just really appreciated that and I just wanted to say I'm completely in favor of this. Another reason why I am in favor this property is because of the additional commute from where they are now. In Kapaa to the Nakamura Farms although it is beautiful it's so much more accessible. When the students can just walk and see what they planted, eat what they planted and so that is why I am in favor of it. It's mostly be of this island and how beautiful it is and I

want more jobs and I want our students to know that they have opportunities and other alternatives for careers and to stay on this 'aina. Thank you very much.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have Chris Donahoe.

Chair Mahoney: State your name for the record please.

Mr. Chris Donahoe: Good morning Commission. My name is Chris Donahoe. Rami Donahoe's significant other, less significant sometimes. I am here to testify in support of the Special Use Permit for Kahili School on the Yoshida property. Both of our daughters as my wife stated, went through the program through elementary. They recently transitioned to public school and the foundational education that they got at Kahili was immeasurable to what, to how they are exceling now, in their school. As Debbie said, Kahili gives a student's not only a chance to learn core basic fundamentals with accredited teacher and accredited program, but it goes beyond that it has the farming program. It allows the students to learn how to protect the land, how to be sustainable off the land, how to give back to the community through the farmers market; and it also utilizes basic math and science skills in a way that is not traditional. It showed our kids how to measure, how to grow things, how to produce something, and how to be proud of what this land can give you. And that's an invaluable program that other schools on this island are picking up but Kahili's been doing it for quite some time and I think it needs to continue in a greater setting. Not only does Kahili teach kids well, but it also teaches them to be good people. And I know that this community is concerned about traffic, about noise, about throngs of kids running around screaming with their heads off. In my experience with Kahili students they are some of the most polite, well behaved, and grounded kids I have ever known. As you can see here, there are kids from Kahili here and you wouldn't know that, because that's how well behaved they are. Because Kahili's focus is not only on core fundamentals but also on values and service to others, value to self, value family, respect to this community. Respect to self, respect to others, overall physical health, service to others, love and respect to the land. That's what my kids learned and that's what kids at Kahili are learning. And sure Kahili is a Christian school and it gives Christian values and I am thankful for that, but these values of service to others over self, service to the community, and respect of others. That transcends to any religion and given what has been going on in our public schools recently these are values that are desperately needed in our students today. And that's why Kahili Adventist School is vital to this island I think expanding this program to the Yoshida farm is a perfect fit and a perfect match for this community. And in thinking of the term "Special Use" what a Special Use Permit is? I can't think of any other Special Use then investing in the kids on this island future of kids on this island. So not only can they grow up to be productive members on this island but wherever they go. And that is what Kahili stands for in a very small very specialized setting and I fully approve this and I thank this Commission for its time today. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have Paul Rivera.

Chair Mahoney: Could you state your name into the microphone for the record please.

Mr. Paul Rivera: My name is Paul Rivera and aloha to all of you. I would like to testify about the kids. And our purpose here today is to let you know is that we are for the kids having a better environment. Right now we are doing the farming my wife and I Sandra, who is seated here. We go up three times a week to teach the kids sustainability how to farm and how to malama the 'aina. And it is so rewarding to see the kids so motivated to do the right things plant stuff, grow papaya trees, stuff like that, and then harvest the fruit. I have so much fun with them and my wife too. We enjoy having the teachers come up with the kids, you know the Principal Keith and Vergie, and Keith's wife, Leah. You know even the Kupuna's come up and enjoy gardening, some of them haven't done it and having the older people up there I think it benefits the community. And with this new property I think we are trying to purchase from Matthew and Naomi who have been so patient with us. My prayer is that you know, we go forward. And thank you for listening to me and for the children being here I thank them so much. Mahalo.

Chair Mahoney: Thank you for your testimony and thank you for holding up the photos.

Mr. Hull: Next we have Barbara Wiedner or Widener? I sorry.

Chair Mahoney: Please state your name for the record.

Ms. Barbara Wiedner: Aloha. My name is Barbara Wiedner and I am here to speak in support of this Special Permit for this wonderful school. I myself am a resident of Kapahi and I live about a mile and half away from the purposed site. But how I have a relationship with the school is that I volunteer with the Surf Rider Foundation and the kids of this school have been working with me to clean the beach regularly for the past three years. Typically, I visit the classroom once a year and we do education about the environment and how we can help the environment. And then three or four times a year the kids come out and clean the beach with us and it is always a great experience. What I want to state is how respectful and wonderful these students are. The way this school is run is outstanding. I have a Master's degree in special education and was in the school system for fourteen years. So I can strongly support this school being in this special, special spot and I just really want you to consider that. These are outstanding staff and outstanding students who are nothing but positive light in this community. I am just one of the many community groups that works with this school and I just want to urge the Commission today to consider a yes on this project. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have Leah Hatcher.

Chair Mahoney: Could you state your name for the record please.

Ms. Leah Hatcher: Leah Hatcher.

Chair Mahoney: Thank you.

Ms. Hatcher: Aloha Planning Commission. Thank you for allowing me to testify today. I stand in strong support of this Zoning changes and the Use Permit and Special Use Permit for the Yoshida property to allow the Kahili Adventist School to operate there in the future. I ask these changes as well. The Kahili Adventist School has been on Kauai for many years and it has a rich history of community service. It was the Red Cross base camp after hurricane Iniki it also have High academic achievement you know, history. The school has been searching many years for a country setting so it continue with its agriculture program. I have been involved with the search for the last four years and similar to finding residential housing this has been a very challenging endeavor, there has not been much available. The Yoshida's have been exceptionally generous to ask for the permitting changes to be done before Kahili Adventist School would purchase the property. It would be almost impossible to purchase a property otherwise. The school will have a positive impact on the neighborhood and community. The school is quiet, respectful, charming, and is very focused on outreaching into the community, and respecting the environment. I am one of the aides who teaches part-time. I have been involved in Adventist education since 1992, and it provides an excellent well rounded community-based sustainable education that I am proud to support. My four children all attended Adventist Schools from kindergarten through high school, actually through there bachelors at our universities. In addition to that, I would just like to say that my husband is the principal and he and I together have been piloting outdoor in all of the schools that we have worked at which has been you know, for a long time. And it's just our passion to have kids learning in an outdoor environment. The impact the school has in the Kapahi Neighborhood will be only beneficial in my opinion. I will be one of those committing myself to working hard to make a good impression on the neighborhood and a positive lasting impact on the physical environment there as well. Please approve our request for the Zoning and Use Permit changes and I thank you very much. Mahalo nui loa.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have Kelly Liberatore? Liberatore? Liberatore?

Ms. Kelly Liberatore: Liberatore.

Mr. Hull: Liberatore.

Chair Mahoney: Could you state your name for the record please.

Ms. Liberatore: Hello. Kelly Liberatore. I am here in support of the school and one of the things I thought I would stress with you is just how daunting it is to find something a property that would be suitable. Every time we look at something and I looked with the Nakamura's as a friend. The first thing was how would this impact the neighbors? Or how would this be beneficial to the neighbors? Or maybe impactful in a negative way? Every single property we looked at and it took years. So when we did a site visit to the Yoshida property it's so large and so sort of accessible for this type of thing that it made sense. And it's taken months and months and like the other speaker just said, what seller would let someone wait all of this time with all of their research and months of preparing for something like this Hearing and keep their property off the market for you but the Yoshida's did that. So there are so many reasons why this is an

impossible task. And so many reasons why they've made all of the steps they've done so much of their homework and have made an immense project out of this to make sure that it wouldn't impact the neighbors in a negative way. And I know they will do the best they can. My son went Kahili we wanted a faith-based school for him so from eight to twelfth it was a high school as well as an elementary back then. Our son was actually a pretty easy teenager because he had values instilled at home but at school as well. And the kids have fun and play but they also have disciplined and very well-mannered and I would just like to express my support for this. And next time get my name right. Thank you.

Chair Mahoney: Chow.

Mr. Hull: Next we have Shane Davis.

Chair Mahoney: Could you state your name for the record please.

Pastor Shane Davis: Good morning and aloha. I am the Pastor of the Kapaa and Lawa'i Valley Seventh Day Adventist Churches. I was not born and raised in Hawaii. I am from Chicago. But I am the son of two Public school teachers who taught in Chicago for over thirty years. My undergraduate degree is in education and after I got my degree I worked in law enforcement. I served as a State Trooper in Iowa for over 5 years and I worked in the highest level of uniformed law enforcement in State Governance. And I wish to say that to you today to say as someone who has been around education their whole life and served our community and our Country. That this institution that is before today is one of the most balanced, well-rounded, and holistic education systems that I have ever been a part of. In conjunction with academics we also teach character building, compassion for humanity, and care for our community. And everything I've seen from this institution has been nothing short of a blessing for this community and for the children that are associated with it. I wish to submit to you today that if you allow us to expand our territory to acquire this property you are doing nothing but enriching this island, this community, and investing in yourselves. By doing this and allowing us to be a part of this educational system here on this island and allowing us to have this land for the kids and for this community. We just promise to you that we will be the best neighbors in the neighborhood and make a difference on this island and we will leave it better for those who come after us. Thank you for hearing us and our petition today and I just ask for your support in this endeavor. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have Manual Macky De Silva.

Chair Mahoney: Please state your name for the record please.

Mr. Manuel Macky De Silva: Good morning Commissioners. Manuel Macky De Silva. I'm here to oppose the school. And I will start where I will read the letter I received by certified mail. At the bottom of the page 1, it states, "we believe Kahili Adventist School would be a good neighbor and an asset to the neighborhood we appreciate that so many of you have signed the signature form showing your support, that being said. I took the initiative to contact the

Planning Department and requested a list of all certified mail recipients. I reached out and upon conversing with them about the proposed school many have signed the petition opposing the school in the immediate neighborhood. On page 4, of the Director's Report it states, five, on Exhibit A, saying they are in support, out of the five, three have said they are opposed. They want their names withdrawn and they are not in support of the school. Before you, you have many signatures signed by neighbors and residents within the community opposing the proposed school, including myself. There is a part in here I'm going to read and I think it is relevant and if not you can shut me down. On February 20, 19, I retained Kodani and Associates to reserve my 4.69 acre parcels into 4 one acre parcels. My property has been in my family for generations my intentions are to continue the legacy for my grandchildren and their future home sites. However, the Planning Department informed me by email that my request was not part of the General plan. Now you have Matthew and Naomi Yoshida applying for a Zoning Permit, Use Permit, and Special Permit. Commissioners I am totally confused? Here you can have density of one and yet you can't on the other. That is all I get to say. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have Keith Hatcher? Sorry I can't read the last name.

Chair Mahoney: Could you state your correct name for the record please.

Mr. Keith Hatcher: My name is Keith Hatcher. My name is Keith Hatcher. I'm the Principal and lead teacher of Kahili Adventist School and I thank you for the opportunity to speak to the Commission this morning. I am asking for approval for our request. Kahili is a school operated by the Hawaii Conference of Seventh-day Adventists and is part of the largest Protestant school system in the world and I've been a Principal and teacher in the school system for 23 years. Our system provides a curriculum support direction for the 1,049 Adventist schools in North America. There has been Adventist education on Kauai for over 95 years. My point is that Kahili is a stable entity and is part of a boarder system that's well founded on research and development and meaningful education. And as the Lead teacher it's my responsibility to implement this program. What makes Kahili more even more unique is our small size multi-grade design with the focus on outdoor education and agriculture. Studies show that children who spend a far amounts of time outdoors do better academically. Also, with Kauai's rich history of culture of agriculture, we see our Ag. Program as one of the few on the island that uses sustainable agriculture to teach students the important of the land and their place on it. We do this from tending the soil all the way to selling at the market. Our goal by moving our school out of down town Kapaa is to provide our students with a safe environment in a natural setting. We can accomplish our aim of teaching them that a rewarding life is based on unselfish service to others and achievement of their highest academic credential. As well as teaching them to respect of the land and the culture of our island. We've been looking for suitable property for 4 years, we think this is the prefect property to implement our aims and goals. With the quiet safe setting, healthy air, beautiful views for our children to learn and grow. Our desire is to stay small enough so to keep the impact of the neighborhood to a minimum. We plan on using the existing structures with no plans to build other structures. We'll be bring to Kapahi working family's high quality Pre-school and Elementary school. We realize that opening up the school can cause concern for the neighbors but let's remember that most schools are in residential areas.

We also believe in serving our community through outreach such as volunteering, regularly botanical forestry work in Koke'e, beach clean-ups, musical performances, and ministries to the sick and the infirm. We look forward to winning our neighbors over with generosity, respect, as well as kindness and love. Mahalo for your time and support of our request.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next speaker we have signed up is Kaitlyn Ventar. Ventar?

Chair Mahoney: Could you state your correct name for the record please.

Ms. Kaitlyn Ventar: My name is Kaitlyn Ventar. Aloha to all. We the students of Kahili Adventist School need your help for us to have a safer place, quiet environment, and suitable for great learning and spacious open spaces for running around. Also, we love to grow vegetables and flowers for our family and neighbors. We hope and pray for your positive response.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next speaker is signed up is Seth Carvalho? Last name Carvalho. It is either a Seth or Beth? Sorry it is not quite legible. It's speaking against last name Carvalho. Ruth!

Chair Mahoney: Okay Ruth could you state your correct name for the record please.

Ms. Ruth Carvalho: Ruth Carvalho. I just wanted to come out and say we're faith-based too and we love where we have our property is right next to the proposed property for the school. Even if my Priest asked me to put a school there I would still be against it. We have had, we're the ones that re most impacted by the school is located. We have two rentals right there, our one renter has been there for 26 years our other renter the Bryant's Louise and Jan Bryant. When they first saw the property they said this is my last move, I'm going to die here, this is so serene and peaceful. And so he died in the middle of 2000, he was there from 1993. It has been in my husband's family for generations. And my daughter who is in Arizona right now she's a first responder, she eventually wants to retire and come back and move up there, that's her piece. We wanted to keep it small and rural and we're afraid that once it starts it's going to open up Special Permits everywhere. So a lot of the people that signed our petition was afraid of the traffic, the noise, and to do away with our setting of peace and tranquility up there. We love our place and again, our rentals are right next to where the school is going to be and the classes are going to be held. So again, I'm voicing my concern about that and we are opposed to this. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next signed speaker is Dawn De Silva.

Chair Mahoney: Could you state your correct name for the record please.

Ms. Dawn De Silva: Hi, Good morning. My name is Dawn De Silva. Good morning Commissioners. For the record my name is Dawn De Silva and I am here today to express my

opposition for the proposed Re-Zoning of 6525 Kawaihau Road, the property owned by Matthew and Naomi Yoshida. I have three children of my own they attend Kapaa High school and Kapaa Elementary school. I already deal with traffic in the Kawaihau area Monday through Friday, I leave 45 minutes to an hour before the school day starts just to drive 3.3 miles down the road. Approximately 3 years ago, my husband and I finished building our forever home at 6501 Kawaihau Road adjacent to the Yoshida's property on land owned by my father-in-law Manual De Silva. This land has been a part of his family for generations, and for those of you who don't know the Yoshida's property was actually also owned by my father-in-law's grandfather. Unfortunately, it was sold over time but directly on the opposite side it is still owned by family. As you all know land itself is extremely expensive here and not something we could ever imagine, imagine purchasing on our own unless we were to uproot our family and move elsewhere, something we could never imagine doing. The application the Yoshida's have submitted allows Kahili Adventist School to operate in-between and amongst properties owned and occupied by family members that have lived there for generations and will have a negative impact on the future generations to come. Kapahi homesteads is a quiet, rural, and peaceful community that does not benefit in any way from a school. The negative impacts it will have, it will have on the community and the surrounding neighbors far outweighs any benefit Kahili Adventist School could bring to Kapahi homesteads. Approximately two weeks ago my in-laws had received the certified letter from the Yoshida's and immediately started a petition along with his cousin Glen Carvalho. And with the help of also neighbors Ang Teves and Vatsala Andrade they produced over 250 signatures within that small amount of time for those, of neighbors in the surrounding and immediate areas opposing the school. So I just ask that while you are making your decision I humbly ask that you take into consideration of all those who are deeply rooted in the neighborhood. Your decision will have a profound impact on all of us who live there forever. So I appreciate your time. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next signed speaker is Michael De Silva.

Chair Mahoney: Could you state your correct name for the record please.

Mr. Michael De Silva: My name is Michael De Silva. So I am going to start off saying to you guys, I lived in Kapahi all of my life. My family land passed down from generations from my great grandpa. It has always been a quiet neighborhood surrounded by family. Few of the old timers are retired and enjoy the quiet country life right next to the proposed school. The quality of life for us in the area will never be the same with the added noise and traffic. I was approached by a man on two separate occasions representing the school and he made it sound mellow and with very little impact on us as far as noise and traffic. After giving it some thought and visiting some of my family members who live close by to see how they really felt about it. I realized quickly that the truth needs to be heard. We cannot expect all of the old timers to speak on behalf of this matter so here we are today in front of you. Some of the residents received certified letters on this matter signed the petition in favor of the school originally but changed their minds soon after. I also understand the Mayor and some of his staff were invited to the property to check it out. None of his staff members came to talk to the surrounding neighbors to see how we really felt about it. So my dad Manual De Silva and my uncle Glen Carvalho got

together and started a petition for those who are opposed to the school. I wasn't surprised to see the amount of signatures on the petition who were not in favor of the school, 200 plus. Not one from the adjacent properties nor from the surrounding neighborhood within a 2 mile radius. Kids will be driven and bused in from around the island to our small little neighborhood in the morning and the afternoon adding to the bad traffic we have already. There's other properties on this island that would fit the school's needs, our neighborhood is not it. We have 4 schools down the road on Kawaihau and Kaapuni that brings tons of traffic as it is, we don't need any more. Now, getting back to the land itself that we live in up in Kapahi, originally this was a land back a land back in the day, originally this was Ag. Land back in the day. But that has been disappearing over the years for lack of ditch water etc. My great grandpa had a vision of our families living in the country together on our land we got from him. We are all aware of the housing shortage on Kauai, my wife and I are raising our 4 kids on one of the adjacent properties to the proposed school. Our vision is to keep our legacy from our grandpa and live here with our kids until our time has passed. We put in 3 additional water meters some years back in the hopes that our kids will be able to stay here on Kauai and live on the land, on the foundation that my dad has laid out for us. We recently were told that you wouldn't support the idea that we have because it is not in the General Plan. What is the General Plan, Yeah? I thought being able to live here on Kauai is plan for our generations. I'm convinced that the School in this homestead area is not in the General Plan either. Please make the right decision. My opinion and many others that a school in this area does not fit. There are commercial spaces elsewhere—

Mr. Hull: Three minutes Mr. Chair.

Mr. De Silva: For a school, not herein Kapahi. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next signed speaker is Vatsala Andrade.

Chair Mahoney: Could you state your correct name for the record please.

Ms. Vatsala Andrade: Good morning. My name is Vatsula Andrade and my husband Jacques Pautrat, is in the back. We reside at 6469 Kawaihau Road, which is right next to the school that is being planned and built. We are not in favor for a school to be built on this property for the following reasons; 1. We chose to buy our property and make it our little heaven because it is a quiet and peaceful area, it is our sanctuary. I am a teacher at present and I have been a Vice Principal at Kapaa Middle School for the last five years. I have been in the education field for 33 years. I love children. I have dedicated myself to educating kids, so this is nothing to do with a school being built it is against the location it is built on. Being a vice principal, I know how a school affects a neighborhood due to all the activities throughout the day. The drop-offs, the pick-ups, the open house, the parent teacher conferences, the curriculum nights, math nights, social studies nights, ELA night, science nights, all the different events, the programs, the PTSA meetings, the board meetings, the fund raisers, afterschool events, and on and on. Now this is going to affect us totally, it's not just the traffic, it's the noise pollution as well. We have Kapaa Middle School creating the traffic on one road then we have St. Catherine's, Kapaa Elementary School, Kapaa High School blocking our traffic on the other. We just have one road left which

is our emergency exit. And unfortunately, now there are being plans to build a school there, it's going to take away our piece of mind, our security from us. I'll give you a simple example of what happened recently. So my husband Jacques Pautrat, he was not well and we thought he had a heart attack. We couldn't take the two roads so we decided to take the back road, we rushed to the hospital and luckily it was not a, it was, it was okay, it was not heart attack. But, if you build, if you give the permission to build the school we won't have that emergency route to exit from that road. You...

Chair Mahoney: Could you rap up your testimony please.

Ms. Andrade: Say that again?

Chair Mahoney: Your three minutes are up. Could you rap up your testimony please?

Ms. Andrade: Yes. So lastly, I would like to say that only 29 letters was sent to inform the neighbors. And the petition that was signed on, four pages that the neighbors signed on, they was shocked that they were not informed. So I would like you to know that. Finally, I would like to say that we request the committee not to grant the permit to build the school. We are not against schools but the location the school is going to be built on. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next signed speaker is Jon Nakamura.

Mr. Jon Nakamura: Hi. My name is Jon Nakamura and this is my prop, one of my favorite subjects in school was show and tell. So as you can see by my t-shirt, I love fruit trees and I love Kahili Adventist School. A very effective preacher once said, "First you tell'em what you are going to tell'em, then you tell'em, then you tell'em what you told them." So I'm going to tell you what I'm going to tell you. Four goals in planning the planting of Kahili and my role with Kahili is I'm in charge of planting the fruit trees and coordinating that. So I want to plant as many trees as possible number one. Number two, I want to plant the trees that is sensitive to the neighbors and believe me there are ways of planting trees that have a low impact on neighbors. Also, I want to be sustainable and teach the kids sustainable agriculture and I also wanted to be a blessing to the community. So the details. First of all, planting as many trees as possible any area that is not the parking lot, building, playing field, or vegetable garden I would like to be in fruit trees. And I know the area described to me is a bit small but a we'll work with that also, the kids have some pictures here of some of the trees that are ready to plant, be planted right now. So there are over 300 grafted citrus trees, about 20 varieties that I will be donating, 300 grafted trees and about 300 exotic trees that I will be also donating. Number two, planting trees in a way that is sensitive to the neighbors. And this is very important. First of all, I plan to get input from the neighbors about the planting. So I would like to meet with the neighbors, the immediate neighbors and discuss my plan for where and how the trees would be planted. One of my top priorities is to provide privacy for the neighbors and along the drive way there is a narrow strip which there is a tree that is called Jaboticaba, which tends to grow upward is very dense and doesn't have many lateral branches. I have probably a 100 of those ready to plant and I would like to plant that as a hedge to provide privacy for the neighbors that are right by the drive way

and that would be one of the top priorities of planting. Also, Jaboticaba does not drop a lot of leaves so it shouldn't be a nuisance to the neighbors and it should be a very good tree but of course we would be discussing it with the neighbors. Also, with the other boundaries my plan is to plant the other trees about 20 ft. away from the boundaries and what this would do is allow the trees to grow but not in crouch on the neighbor's property. Also, along those boundaries I plan to plant...

Mr. Hull: Three minutes Mr. Chair.

Chair Mahoney: Okay. Could you rap up your testimony your three minutes is up.

Mr. Nakamura: Okay. So I guess the ironic thing about this situation is by approving this we are going to be actually putting more land into agriculture and it will be one of the bigger agricultural, sustainable agricultural plots on the Kawaihau district. Thank you.

Chair Mahoney: Thank you for your testimony. Thank you ladies for –

Mr. Hull: Next signed speaker we have registered is Janie Yoo.

Chair Mahoney: State your correct name for the record, you have three minutes.

Ms. Janie Yoo: Good Morning. Thank you so much Chairman and the Commission. My name is Janie Yoo and I stand in support of the school being built at the Kapahi location. My family moved to Kauai about 2 years ago and one of our biggest concerns was quality education. We enrolled our kids into the Kahili Adventist Pre-school as well as the Kahili Adventist School and have been astounded by the amazing program, the educational curriculum, as well as life skills agricultural program that they have had there. As you know and as we mentioned the Seventh day Adventist Church has run the Kahili Adventist School since 1938. It was really a well esteemed private school on the island. It was leasing property at the Kahili Mountain Park for almost 30 years and then due to a series of unfortunate events the school was led off the property about five years ago. Now they convene in a 63 excuse me, 6,340 sq. ft. Lot, it's very tiny on the campus of this Kapaa Seventh Day Adventist Church and they just really need a bigger location. I myself am a product of Seventh Day Adventist education, I attended medical school at Loma Linda University. This is a bigger boarder educational system that has not only pre-schools and elementary but also middle schools, high schools, undergraduate, and graduate education throughout the world. And I believe this small school can contribute a huge amount to this island. Finally, I'm an Ophthalmologist and I understand that near work contributes to Myopia progression. The traditional system that we have for reading in doors, the book learning you know, we can actually combat Myopia with our school children. Encouraging them to increase their distance activities working in the garden, they have a swimming program, and this new location will sort of enhance the current educational program that Kahili Adventist School has. Finally, we are talking a maximum of 42 children. We're not talking of 100's or 1000's contributing to dozens, and dozens of cars contributing to traffic on that road. I understand the neighbors' concerns and we do respect that but most, mostly, most of the children will be bused in the school buses. And so we just ask that you kindly consider our plea and we thank you so much for your time.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next signed speaker we have Glenn Carvalho.

Chair Mahoney: State your correct name for the record, please.

Mr. Glenn Carvalho: Good Morning. My name is Glenn Carvalho. I own the property adjacent to where the school is proposed. Okay, they have a so-called warehouse, it's from that wall to that wall from where my houses are. And I have grandchildren, I have 10 of them and kids will play, they will scream, they will make noise, I don't care what anyone says. I strongly reject this because that place is a nice quiet peaceful place. I hear all this testimony of all these people who went to this university and this and dat. I went to the University of Vietnam straight out of high school. So all what they learned they are trying to pull over on the people that did not have all this education. And I strongly, strongly reject and against this proposal of putting a school that close to resident, to a house. I don't care what they say about planting tree, if you do plant trees you are blocking off the wind that comes through my property. He says the trees are going to be tall, I don't know? But I'm strongly against it and I wish you would take it into consideration not to have this bill pass. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: The last registered speaker we have signed up I can't say the last name. Denise begins with an L, last name? Sorry

Chair Mahoney: Could you state your correct name for the record, please. You have three minutes.

Ms. Denise Laurama: It's Denise Laurama. Everything that was said here positively about the school I just want to reiterate without having to say it again. I'm in agreement with everything that they have said that's positive and wonderful. I also understand I like peace and where I live in Kalaheo, is very peaceful and I understand what the neighbors are saying. But to me this school would be nothing but a blessing to that whole environment and to that whole community there. I put all of our children in Kahili Adventist School from the time they were kindergarten up and it was nothing but a blessing and an incredible experience. I would never want them to have been anywhere else, it was wonderful it is the best education possible. During that time that our kids were up at Kahili Mountain Park and the school was there. We had approximately at our highest enrollment was 176, between 176-180 children. There was mountain cabins up there that people from around the world came and occupied and stayed there. And the children played in the meadows right next to them, and not one ever complained, I managed it. Not one ever complained that the children were a nuisance, were a bother to them or anything. To them it was a pleasure having the children, seeing them, enjoying them. I just think everything about it would be a positive and incredible experience for everybody. I'm fully in favor of it and I truly hope you look at it that way.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: There is no other further register signed up general members of the public to speak. Is there anybody in the audience who did not sign up who would like to have the opportunity to speak? Okay, if you guys want to start coming one by one and state your name for the record and you have three minutes for your testimony.

Ms. Tina Taniguchi: Hi. My name is Tina Taniguchi and I live at 5258 Kawaihau Road, pretty much the lower end. But I want to say that I had no idea that this was the proposed location and it will affect us. We currently have four schools that cause such a backup, soon to be five. Because I don't know if any of you know Kamehameha Schools is proposing to be a part of St. Catherine's? So this would be the sixth school on our road and this is outside of daycares that are currently operating on that road. I'm an early childhood educator it's very busy on this road. I also enjoy taking my kids up there just to feel the serenity and enjoy the mountains and the peacefulness. I am in support of this school in support of their curriculum I just feel like with the communities help they can find a better location. Like two years ago or less, there was like a two and half acre piece behind Safeway that has a spring, it's beautiful for farming. I think with help we can find a better location.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Any additional speakers please just approach the microphone. Could you just state your name for the record?

Ms. Valerie Garcia: My name is Valerie Garcia. My husband is a descendent of the property owners around this proposed property. And I am against putting the school there like everyone has already said it is a serene property. A lot of the people that are currently living there are middle aged or aged you know. They have worked their lands, they have inherited it from generations, and I mean there are three generations up there right now. And it's not only the De Silva's. There's the Arruda's, there's other property owners there that have put there hard earned hands into that ground to be able to keep it. Putting a school up there will add to the, the traffic up there. And we already know, I don't know if you folks have frequented the, you know, the roads up there? But as it the county cannot maintain it. You know, they go twenty ft. they stop they go another twenty ft. The roads are not conducive to having a school up there. And I know that they are saying that they are going to bus the children in. But if we open it up now, a couple words I heard in the report was "intent" and "encourage" but that doesn't make it black and white, that it won't happen. And so I'm concerned about that you know, and I'm requesting that you really take a look at it. Go out there and take a look at the roads that are up there. Because like everybody else is saying we already have schools up there that, I live in the lower part of Kawaihau and the traffic. I mean in the good old days I could get to Lihue in half an hour now it takes a half an hour to forty-five minutes to get the same job that I've been doing for the last thirty years at the State Building. So you're just going to add to that traffic and yeah, maybe it won't initially affect it, but it will open up the can of worms to do so later on. So I am asking that you please reject this permit. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Any additional speakers please just approach the microphone. Could you just state your name for the record?

Ms. Jeanna Lasher: My name is Jeanna Lasher. I'm a parent I've sent all three kids to Kahili Adventist School. The kids that are in Kahili Adventist School are all in this building right now. There's only ten or fifteen of them. We have a small school bus and small van transport them in. It's not like we are building a school we are using the existing buildings that are there. And it's a, it's a donation from the family to the school. I would really appreciate it if you consider giving it to us. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Kurt Leong: Aloha everyone and good morning. Kurt Leong for the record. Number one, just for the record I never got a notified here, I'm at 6490 Kawaihau Road, right across the street just down two lots. So when I heard this two weeks ago I was pretty blown away. A lot of attorneys in here a lot of you guys have heard it all before but let's get back to the basics of why we have Zoning. You know the primary purpose of Zoning is to segregate uses that thought to be incompatible. In practice Zoning is used to prevent new development from interfering with existing Uses and/or to preserve the character of the community. Kapahi homesteads got some character you guys. I don't know of you guys been up there? But we are losing it fast, every time a house is built, a school, a church, anything. That pastures been cut in half we're losing all of our Ag. we are losing a lot. And we have nothing against the school you guys can build your school and those kids are wonderful, all the parents are insanely nice but that place isn't for your guys school. There's a lot of places like everyone said before but so much traffic up there. I'm retired I can't even leave my house until 8:30 a.m. or 9:00 a.m. in the morning just to get down to Kuhio Highway. It's so backed up and you know, I know a big part of why they want that property they are probably getting a good deal its Ag. Land. Of course, Ag. Land is going to be way cheaper than going to town and buying a parcel next to the church where they are at now or by Foodland or anywhere around Kapaa Middle School. It's expensive it is prime but if you let it go because they also got a good deal and yes, the Yoshida's are working with them which is awesome. But it's going to start a precedence like they've said earlier and anytime you can get a cheaper piece of land that's beautiful companies are going to go for it even though it's part of a none profit, they are going to go for it. And so what's going to stop people from looking for the cheapest piece of land? So and you know if you live up there and you know those roads are already some of the worst roads around. Kaapuni Road, I rank it the worst road on this island. If the County could keep or roads up and keep up with our infrastructure all good, but they cannot you know. And I'm just saying you know, I know why they are going up there it is beautiful and to uncle who wants to plant his thousands of trees, ah, awesome. But the guys behind our property when Makalea Estates was built right under our noses they planted all their trees and you know, we lost our trade winds, our views, and our privacy with that. So trees is not always the answer I have no more views around my back yard, Kalalea view is gone okay, Makalea view is gone because of people planting trees for that reason which is a good reason. But it's a bad reason for the other side so that's all. Aloha.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Is there any other members of the public that have not signed up or have not spoken at this point that would like to testify? Seeing none. Yes, if the Commission has any questions for the Department staff or the applicant at this time?

Ms. Nogami Streufert: If I could ask a couple of questions.

Chair Mahoney: To whom?

Ms. Nogami Streufert: And this would be to either Debbie Nakamura or to the Planning Department. If you were—

Chair Mahoney: Well which one?

Ms. Nogami Streufert: Probably this one is for Debbie? I'm sorry is your name Deborah (inaudible)?

Ms. Deborah Nakamura: Debbie, Debbie is fine.

Ms. Nogami Streufert: Excuse me. If you were none Christian can you attend your school?

Ms. Nakamura: Yes.

Ms. Nogami Streufert: What are the criteria for attending your school?

Ms. Nakamura: The criteria for attending is to agree with the rules and the regulations of the school, that you support the intent of the school, that your there to be a part of that family. So you know we have a school handbook that they review and if they are agreeable to that. Because we do teach religion in class and so somebody who is not faith based might have an objection to that. That's one of the reasons why we've probably maintained a smaller enrollment. But yes, they are welcome to come with the emphasis on character development, giving back to the community, being part of a family, yes.

Ms. Nogami Streufert: Would it be possible since we are talking about many here are talking about traffic and that is a concern and noise and a different activities that you have at the school. Would it be possible to split your curriculum as such that you had your school work down where you are currently teaching and only do they agriculture which is what the Mr. Nakamura's is talking about at the Yoshida location? So that you keep the character of the agriculture up at the Yoshida's without, it's not that you're not going to teach anything, you're still going to be teaching the principals, but it doesn't have to be in a classroom setting if the classroom is someplace else where you have it right now. Which is—

Ms. Nakamura: Right I understand. The problem we have is because the current setting for classroom instruction is not an ideal of setting. It's not a traditional classroom nor is it homelike setting. It's within a church fellowship hall and it's on a very noisy street with a lot of traffic right next door to the classroom. So the intent is that we find a property that we can still do the classroom, the portion, we need to for classroom instruction that's in a quieter location. And that

eliminates the need to then have the agricultural component program off campus. So and what you are proposing is what we are currently doing right? Where the school at that location and the agricultural program is up at our farm, the Nakamura farm. The big concern is because the location where the school is now is not adequate for what we need to have for our students. Like I said we don't have space to really do, have a library science type of classroom where we can you know, they can do science class. They have to fit it in with the existing classroom things of that nature. And the playground area is not really adequate either, yeah.

Ms. Nogami Streufert: The suggestion was also to alleviate traffic because that way you don't have to go through rush hour traffic in order to go back and forth. So that could alleviate some of the concerns of the community has about the amount of traffic.

Ms. Nakamura: Yes, we still have the traffic concerns and sometimes our school bus coming from west side and Puhi side will take the bypass roads sometimes and go through the roundabout. Now there is other ways to get up to the Yoshida property that would bypass the lower Kawaihau Road area by the High school, the Elementary School, and St. Catherine's right? You can also take Kaapuni Road which is, cuts across comes out by the park and then it would eliminate going pass the other schools and that's more dense residential location. There's also of course the back road which is a little bit more circuitous route. But there is other ways you know, there's also the way of coming up pass Coco Palms going up behind the Sleeping Giant you know, Kamalu Road and down around that way. So—

Ms. Nogami Streufert: One of the other concerns also has an impact on the traffic is that and it was stated, "That many schools or most schools are in residential areas" that's correct? But that's is primarily because the students come from that area. So in this particular case where do most of, what's the distribution of your students around the—?

Ms. Nakamura: Oh that's a good question. We have about and I can't give you exact numbers right off the top of my head I didn't come prepared that. I would say it's kind of a half-half split almost. There's a, we have about I don't know? Keith is it six students is here from Kalaheo side? I think there is about six that come as far as Kalaheo and there is another 1, 2, 3, 4, and 5 that come from Lihue and then the rest are all from the Kapaa area. And of course some of the students that ride our bus could possibly be pre-school and a lot of our kids is siblings so the traffic coming often times it's a parent dropping off two kids not just one student. So I would say at least half our students is from the Kapaa area at this point and time. And you know we like to see it draw from that of course if that's possible. But like I said before we're open to students from any area of the island that would like to have this experience.

Chair Mahoney: Any further questions from any Commissioner for the applicant?

Mr. Hull: I have one quick question for Deborah. The Department is in our analysis and reviews definitely taking the comments and input that were stated today as well as the letters that were submitted. As well as the fact that we currently don't have the comments you have from some of the other sister agencies particularly the Department of Health and the Fire Department. So right now we would be looking at a deferral till December 10<sup>th</sup> Planning Commission meeting. Are you as the applicant representative okay with waiving the time line requirements that are set

forth in our Kauai County code? Essentially the time line is set-up it requires action actually at this meeting because there are no subsequent meeting that meets the deadline. Being that we don't have all the necessary information in the Departments eyes for the Planning Commission to proceed forward. Are you okay with waiving that 60 day time line?

Ms. Nakamura: It sounds like that's the only choice we have available probably doesn't it? So yes of course and we want to have adequate time for concerns to be addressed and alleviate it and take a look at what is Kahili Adventist School really look like and you know, a lot of people who didn't get notices obviously because of the constraints of the who we must notify by certified mail, so there is no intent of course to not let anybody know about the project. And somebody referenced when the Mayor came up and looked at the project. I just wanted to add that there was a member from the family that was in that group. So it wasn't that the neighbors was excluded from that meeting and I just want to make sure that their aware of that. Our intent all along has been to include the neighbors to feel free to reach out to us with their questions or their concerns.

Chair Mahoney: Okay so?

Mr. Hull: Yes, so for the Commissions own edification the Department being that we'd like to work with the applicant and as they can possibly address some of the concerns that have been brought up at this meeting. Included but not limited to the traffic and noise concerns that have been brought up. As well as to work with the Department of Health and Fire Department to see what their requirements are. And as well as to clarify not sure you folks were at the Water Departments requirements which point to potentially very I'll say it very expensive infrastructure improvement for this particular site. But it was the comments where a bit open ended and while the Commission is used to reviewing other Use Permits and Class IV Zoning Permits and allowing the agencies to resolve that at Building Permit. Because there are no building permits required for the proposal it's the general practice to you know, should there even be an approval action that's warranted that this body wants to take. To clarify very specifically from those State or County agencies on the infrastructure requirement to see exactly what is necessary because it would be your conditions that would be the leverage to those requirements. So among those other reasons working with the neighbors as well as well as working with the agencies to see what their specific requirements. The Department will be asking for a deferral to December 10<sup>th</sup> Planning Commission Hearing.

Chair Mahoney: So—

Ms. Nakamura: Could I, could I just add one more point. Kahili has no plans of holding big fundraising events on this property that's not our philosophy. You know, we would have an open house once a year where parents and interested can come and see the school. But other than that we don't hold big events on that property.

Chair Mahoney: Okay, we understand. Now the point of business that we are going to take up is for deferral. So is there a motion on the floor? Defer.

Ms. Apisa: Do we want to hear from the Planner anymore? Just the motion to defer?

Chair Mahoney: Defer?

Mr. Hull: Yes, generally in previous or other hearings the Department if there was no objection to moving forward would be to recommended conditions of approval if there was a desire to move forward. At this point the Department saying we'd like further time to one, work with the applicant, as well potential neighbors and community members, as well as sister State and County agencies to clarify their requirements.

Ms. Apisa: So deferred till?

Mr. Hull: We are asking for December 10<sup>th</sup> deferral.

Ms. Apisa: I make a motion that we defer this matter till our December 10, 2019.

Ms. Nogami Streufert: Second.

Chair Mahoney: It's been moved and seconded. Any discussion? Hearing none. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 4:0. Deferral to December 19?

Mr. Hull: 10th.

Chair Mahoney: I'm sorry December 10<sup>th</sup>. We are going to take a 10 minute recess.

The Commission recessed this portion of the meeting at 10:40 a.m.

The Commission reconvened this portion of the meeting at 10:52 a.m.

Chair Mahoney: I call the meeting back to order.

#### New Public Hearing

Zoning Amendment ZA-2020-3: A bill for ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Zoning Permits. The proposal amends Section 8-3.1 (f) of the Kauai County Code relating to Class IV Zoning Permits and amends the process to include the County Transportation Agency as one of the reviewing agencies = County of Kauai Planning Department/Transportation Agency.

Mr. Hull: Next on the Agenda Item is Agenda Item F 4.a. Zoning Amendment ZA-2020-3: A bill for ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Zoning Permits. The proposal amends Section 8-3.1(f) of the Kauai County Code relating to Class IV Zoning Permits and amends the process to include the County Transportation Agency as one of the reviewing agencies County of Kauai Planning Department/Transportation Agency. And Romio is our Planner.

Staff Planner Romio Idica: Aloha Commissioners. Today bringing to you consideration of bill No. 2740, that amends Chapter 8, of the Kauai County Code. Zoning Amendment ZA-2020-3: name of the applicant is Kauai County Transportation Agency.

Mr. Idica read the Permit Information, Project Description and Use, and Additional Findings sections of the Director's Report for the record (on file with the Planning Department).

Mr. Idica: Any questions before I read off the recommendations? No. Okay, based on the forgoing it is hereby recommended that Zoning Amendment ZA-2020-3 be approved. Does the Commissioners want me to read the Section 8-3.1(f) for the record?

Chair Mahoney: Yes.

Mr. Idica: Based on the forgoing it is hereby recommended that Zoning Amendment ZA-2020-3 be approved and that Section 8-3.1(f) to read as follows.

Mr. Hull: So the sum Commissioners of what's just being proposed is on behalf of our sister agency the Department of Transportation. The Planning Department has introduced an amendment to make their agency a required referral agency during a Class IV Zoning process. We do it by practice already, but it's codifying that to ensure that regardless of whatever Administration or whatever Director is at the helm, that they would be continuously folded in to the Class IV Zoning Permit review process. So if you have any questions for myself or Romio? We also have Kalawaia Lee from that agency here to answer any questions I'm not sure... Kalawai did you have a presentation at all that you wanted to give?

Mr. Kalawaia Lee: No.

Chair Mahoney: Does anyone have any questions?

Ms. Nogami Streufert: I do have a question. The Transportation Agency is this just about public transportation? Or is this about all too included car, traffic, transportation, and air? I know there's one coming up on the helicopter. So just wondering about what does it include and not include? And why some agencies were not included or not mentioned in this? Maybe at some later time but for example; the situation that came up this morning was that the roads are probably, are difficult to pass with emergency vehicles—

Mr. Hull: If I can interject Commissioner. This is a common issue that Kalawai and Celia folks deal with it's a bit of an identity crisis or existential question I think. Their title is the Transportation Agency but they don't oversee The Bus, their focus I primarily on the bus. So a lot of times that question or concern gets lobbed at them but this is primarily concerning just the bus and that's —

Ms. Nogami Streufert: Public transportation.

Mr. Hull: Yes, correct.

Ms. Nogami Streufert: So was there a reason why public transportation was included but others were not? Or is that—

Mr. Hull: So the public works is already required, a required referral. So they will deal with specifically like some of the concerns that came up today. As far as folding in like the FAA or State Department of Transportation it's not a conversation we had with them per se. It's standard practice again though if it abuts the Department of Transportation road or or if it going to affect the airport that we do feel out those agencies on the review process. But that's a currently by a case by case situation.

Ms. Apisa: So it sounds reasonable to me but how would that motion be framed?

Mr. Hull: Before you go into the motion if you guys don't have any questions, further questions of the Department or of the Transportation Agency? The Department would recommend opening the Agency Hearing for any testimony.

Chair Mahoney: Is there any member of the public that would like to testify on this agenda item? Check the list.

Mr. Hull: No, there is no one signed-up. So if there is no further members of the audience that would like to testify. I think it be appropriate if you folks don't have any a questions for a motion at the time.

Chair Mahoney: (inaudible)

Mr. Hull: Oh, sorry.

Mr. Ho: Kaaina, if they don't, if they don't provide the input on it or if they have a question of a, some question related to their department. Would that hold-up there permit application before us?

Mr. Hull: It's the same process that you folks deal with in the other agencies Class IV. It could if they don't provide comment in regards to the last application you guys had. The Department was hesitant to recommend approval or any action that is to say, without certain agencies comment. Department of Health had not commented and they will be specifically, they have specific concerns about the type of petition. So without the Transportation Agency providing comments, it could arguably hold up certain applications. I can say that it in virtually all the applications we've referred to them, I can't think of a single one in the past few years that, that Transportation Agency didn't get back to us on. In fact, they get back relatively quicker than most agencies just because a lot of them they see it as not affecting their jurisdiction. But—

Mr. Ho: If they do not respond by the time we have the agenda on the floor, would that be considered that agency being silent or not responding?

Mr. Hull: It could be. We do have a deadline in the agency comment request that we send out and generally those deadlines are before the Planning Commission Hearing. There have been a few rare occasions that I can think of on the top of my head. Where the comment request didn't go out in a timely fashion and we put a deadline after the first Commission hearing. At that time

it generally is a practice to say, okay, we can resolve that at a future date or at some scenarios we may request deferrals of the action till we get those comments.

Ms. Apisa: But silence is deemed acceptance if they don't respond?

Mr. Hull: Within the timeline allotted correct.

Chair Mahoney: So is this to enter hearing first or?

Mr. Hull: It's a bit different then the Agency Hearing. The Public Hearing and the Agenda Item is one and the same so you don't have to have a motion to close the public hearing per se. Just a motion for action if you folks are ready.

Chair Mahoney: Okay.

Ms. Apisa: And that would be framed?

Mr. Hull: The Department is asking or recommending a motion to approve the proposed Zoning Amendment.

Ms. Apisa: So I would move that we approve the proposed Zoning Amendment.

Ms. Nogami Streufert: Second.

Chair Mahoney: It's been moved and seconded to approve Zoning Amendment ZA-2020-3. Any discussion? Hearing none. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 4:0. Thank you.

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

## CONSENT CALENDAR

### Status Reports

Director's Report(s) for Project(s) Scheduled for Agency Hearing on Tuesday, November 12, 2019.

Class IV Zoning Permit Z-IV-2020-5 and Use permit U-2020-4, to allow construction of a new helicopter hangar, which would include an office and restroom facilities, on a parcel located along the makai side of Ahukini Road in Lihue, situated at the Lihue Airport facility and approx. 0.5 miles east of the Kapule Highway/Ahukini Road intersection, further identified as Tax map Key: 3-5-001:008, and affecting a portion of a larger parcel containing 768 acres = County of Kauai, Fire Department.

Mr. Hull: Next on the Agenda Item is G. Consent Calendar. There is one Director's Report. If there is no desire to move it off the Consent Calendar the Department would be asking for a motion to receive.

Ms. Apisa: Move to receive the Consent Calendar.

Mr. Ho: Second.

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

## **GENERAL BUSINESS MATTERS**

Applicant Motion to Amend Master Permit Special Management Area use Permit SMA (U)-80-18; Use Permit U-37-80; and Class IV Zoning Permit Z-IV-80-43 and Renovation Permit Special Management Area Use Permit SMA (U)-89-4, Use Permit U-89-14, Class IV Zoning Permit Z-IV-89-14, concerning property located at Princeville and Hanalei, Halalea, Kauai, Hawaii, identified by Kauai Tax Map Key: Nos. (4) 4-4-004:029 and 035 and (4) 4-4-011:004 = SOF – XI Kauai PV Hotel, L.P. (Princeville Hotel).

- a. Planning Director's Report pertaining to this matter.
- b. Supplemental No. 1 to Planning Director's Report.

Mr. Hull: Next Agenda Item is General Business Matters I.1., Applicants Motion to Amend Master Permit Special Management Area use Permit SMA (U)-80-18; Use Permit U-37-80; and Class IV Zoning Permit Z-IV-80-43 and Renovation Permit Special Management Area Use Permit SMA (U)-89-4, Use Permit U-89-14, Class IV Zoning Permit Z-IV-89-14, concerning property located at Princeville and Hanalei, Halalea, Kauai, Hawaii, identified by Kauai Tax Map Key: Nos. (4) 4-4-004:029 and 035 and (4) 4-4-011:004. The applicant is Princeville Hotel and Dale is our Planner on this.

Staff Planner Dale Cua: Good morning Mr. Chair and members of the Planning Commission. I would like to summarize the report given the agenda we have.

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

Mr. Cua: And that pretty much sums up the application.

Chair Mahoney: Any questions for the Planner? None. Is there a representative for the applicant? Could you state our name for the record please?

Mr. Max Graham: Good morning Planning Commission. I am Max Graham representing the applicant and with me Ian Jung. And the Applicant in this case is SOF –XI Kauai PV Hotel, Limited Partnership that saying an affiliate of the Starwood Capital Group. And the applicant purchased the hotel at the end of 2018. The Starwood Capital Group operates hotels, high-end

hotels under their one hotel brand and so they're proposing to operate the Princeville Kauai Resort under their on hotel brand. And what they want to do prior to this undertaking the ongoing operation of the hotel is renovated it. As Dale Cua has mentioned to you this hotel has been renovated a number of times. It was opened actually initially in 1985, as a Sheraton Hotel, it was renovated pursuant to a renovation permit that was issued in 1985. And was actually, the construction was completed in 1991 and shortly thereafter, the hotel was damaged by the hurricane Iniki and had to be repaired and was re-opened in 1993. And when it re-opened it was re-opened as a Sheraton mirage Hotel. And then the hotel was sold in 2005, and renovated once again and then re-opened as a Marriot St. Regis Hotel and now this is the latest renovation. The hotel has always been operated as a top tier hotel in the Princeville area and of course for the entire County of Kauai.

So briefly, applicant wants to do is renovate all of the interior rooms by the way this renovation is all within the existing footprint. So renovate the interior rooms and right now there are 252 hotel rooms. Construct a new re-designed entry drive, construct a new Porte cohere and entry way, and the plan is to open up the present entry way into the lobby and make it an open courtyard. As a result of the removal over the present entry way and area the actual footprint of the hotel will be reduced by 24,000 sq. ft. So there is actually going to be a reduction in the overall footprint of the existing buildings. Within the lobby area the applicant proposes to renovate and re-design the Makana Lounge which is the bar area, the Mamalahoa dining lanai which is that restaurant on the entry level. There's, if your familiar with the hotel there's a reflecting pool off the restaurant and the applicant proposes to turn that into actually a lap pool that people can use. The hotel, to get from the top level to the pool level along the beach there is a series of walkways. And the applicant proposes to renovate and open up that walkway so that it a more enjoyable open entry to the lower pool area. The pool itself, the pool area along the beach basically will be cleaned up and renovated. The existing cabanas will be spruced up there foot prints won't change and there may be some additional landscaping in that area. The main thing is probably for the community is that there is a plan to try to soften the exterior of the building and to minimize visual impact. And that would be done by new landscaping on the roof tops and along the sides of some of the buildings and a new color scheme for the exterior and I think it's going to be moderate to dark earth tones colors.

And over here to my right your left are some of the diagrams showing the hotel. You can see the color palette over on the dark board so that gives you an example... I actually have this neat device. So, here is the color palette so nicer darker tones. Here's a rendition of what the hotel would look like from Hanalei Bay, right now it's fairly light and visible with the addition of a roof top landscaping and landscaping along the side in the new color tones. The visual impacts will be reduced and you can see from, this is the entry way the attempt is being made to create a more open design for the various buildings. And to make the entry into the entire hotel a more open experience for the guest. So that's the basic proposal and I'd be happy to answer any questions you might have?

Chair Mahoney: Any questions for the applicants?

Ms. Apisa: Just a question on the, you said a reduction and currently there are 252 rooms are you reducing the number of rooms or?

Mr. Graham: No. So it will remain 252 rooms. Over here there is a before and after foot print and because the, up here they lobby area is being opened up, the entry way lobby area? There's a reduction in overall footprint.

Ms. Apisa: Thank you.

Chair Mahoney: Any questions?

Ms. Nogami Streufert: With the new renovations that you're doing, where does the Russian Fort figure into this?

Mr. Graham: The Russian Fort is out front here and the Russian Fort is a when the hotel was originally built and then renovated. The than owners where required to have a plan to protect the Fort that was approved by the State Historic Preservation Division. And so those plans remain in place and there's a, and we would expect to consult with SHPD to make sure that area is not touched at all during the renovation process.

Ms. Nogami Streufert: That would be the concern?

Mr. Graham: Yes.

Ms. Nogami Streufert: Because it also says that it was supposed to be restored in the original—

Ms. Apisa: It was never a really a real fort, what would they restore?

Mr. Graham: Well it was once upon a time it was a real fort.

Ms. Apisa: It was?

Mr. Graham: Yeah. In 18—

Ms. Apisa: Okay. I thought it was just started I didn't know it really was—

Mr. Graham: Yeah. In 1816. But there is nothing there anymore other than some earthen walls around the side that are being preserved. So there's a plan to keep it preserved in place and if you go up there you will also see a cabana that also explains the history of the fort. So the main thing is to preserve it and protect it in place.

Mr. Ho: Is that going to affect public beach access to the beach way? Does that shut off any public access?

Mr. Graham: No. During any renovation the public access to the beach will, it goes around on the Princeville side of the hotel so the public access comes down along this side. That will remain open, the parking will remain open, and access to the Russian Fort will remain open.

Ms. Nogami Streufert: There's a building height restriction 25 ft. on the North shore Ordinance that was, they were given a Variance to that and it could go up I think as I read it...there's 40 ft. now height restriction on that. Will that still be complied with all the changes that are being made?

Mr. Graham: Yes, that won't change. No new structures will be built above the existing limits.

Ms. Nogami Streufert: You're intending to does this in 2020 to 2021 is that correct?

Mr. Graham: 2020 to 2021 depending on the final scope but yes, that's when it will be done and completed.

Ms. Nogami Streufert: The final scope? Does that mean the plan that's being resented today is not it?

Mr. Graham: No. Depending on what this Commission approves.

Ms. Nogami Streufert: Oh I see. Should that be one of the Conditions in there about the timing of this? Because we said earlier that we didn't want anything that was open ended in terms of timing.

Mr. Hull: Which Condition are you referring to? Commissioner? Which Condition were you referring to?

Ms. Nogami Streufert: I'm sorry? No, I'm just saying shouldn't there be another Condition that adds some kind of a timing time frame? Because earlier ones there were no time frames that were included so therefore people did not necessarily do what they thought they were going to do. It can always be extended once you put something in but if don't have any time limitation's and there is no sun setting of anything. And is that a question we would want to address here?

Mr. Hull: I think it is the prerogative of the Commission when...generally when the Departments gets fairly concerned with timelines is the granting of certain provisions such as you know, a Department of Transportation payment of x amount to deal with bus shelters or the construction of say park facilities. That's generally when the Department now particularly concerned with having timelines in there as far as utilizing that 40 ft. I think it's just at the prerogative of the Commission really.

Ms. Nogami Streufert: Not the 40 ft. I'm thinking about the entire renovation that's going on because the intent is to do it between 2020 and 2021. Can we put a time limitation that there has to be at least started, faith start before?

Mr. Hull: The Department won't have any objections to that, yeah.

Mr. Ian Jung: And in response to your question Commissioner. I think what you are looking at is like a performance timeline, is that what you are suggesting?

Ms. Nogami Streufert: At least a beginning a so that we know that it's going to happen within our time.

Mr. Jung: Yeah, and that is certainly a reasonable Condition we could certainly entertain. The only issue we run in to is we, you know, these are conceptual plans. And so the building sets would have to be prepared and generated so we can get the building permits and then go operational with construction.

Ms. Nogami Streufert: Six months is not enough?

Chair Mahoney: No. Not even close.

Mr. Ho: Kaaina, are they also required to have a...what do you call that a shoreline permit? Shoreline—

Mr. Hull: Their going to do a shoreline survey prior to the construction happening but they have to stay outside of a 100 ft. buffer from that shoreline area.

Mr. Ho: Are you gentlemen doing the plan now?

Mr. Jung: Yeah, so Commissioner Ho. What we did we actually had the certified shoreline certified and so we've had that mark set. And then we did prepare and if this Commission approves the renovation plans then we will submit a shoreline set back determination based on that certified shoreline. But as the Director indicated we do have a Condition in the Zoning that requires a 100 ft. setback no matter what.

Mr. Ho: Thank you.

Chair Mahoney: Further questions? Hearing none.

Mr. Hull: The Commission is also in receipt of proposed series of Amendments to the recommended Conditions of approval. I don't think Dale needs to go into our full on recommend Condition of approval you folks have had that a report. In looking over the proposed amendments to the recommendations of approval the Department would look at these as friendly amendments.

There's a clarification in particular for the Newell shearwater lighting Condition that is actually a bit stronger in that lining with the Kauai Sea Bird and Habitat Program in place right now. And there are series of let say type-o's that Mr. Jung caught that were in the original Conditions of approval that should be amended. One in particular was the "lower pool" being referred to the "lover pool" and if Mr. Jung can confirm no afterhours "amorous activities" are occurring there I think we would find that appropriate.

Mr. Jung: I can neither affirm nor deny that.

Chair Mahoney: Okay, has everybody seen the Amended Conditions?

Mr. Hull: A before you get into that as well I think you may want to provide anybody from the public who may want to testify as well.

Chair Mahoney: Is there any member of the public that would like to testify on this agenda item? Seeing none.

Ms. Nogami Streufert: Can one add an amendment or a condition that states that there should be some kind of a significant start to this whole process by x date? I don't know the date obviously, it's not six months but a year or two years or something to that affect? Rather than a conclusion but more of a significance also.

Mr. Ho: Could that also...Kaaina—

Mr. Cua: Maybe I can address that request. Normally, in projects where we have an SMA permit there is usually a two year performance time. Looking at another report that I prepared there's a requirement that reads; unless otherwise stated in the permit once a permit is issued applicant must substantial progress as determined by the Director the development and activity within the two years. And then like in this case the SMA Permit has been previously issued already. So I mean, we are not taking the permit away it's just more making sure that there is activity within two years. And generally, what we also do is the Department requires that prior to commencement of the project that the applicant submit written confirmations you know. Of compliance with the requirements from all the other reviewing agencies so that, to insure that there requirements have been met. So what I can do is I can craft a Condition to incorporate both requirement to that added Condition.

Mr. Ho: So you would review it? The Planning Department would review their progress and then report back to the Commission for renewal of time?

Mr. Cua: Right. If they cannot perform within that two year period obviously the applicant would make a request to extend.

Chair Mahoney: It's extended already.

Mr. Graham: Let me clarify, that's, you have to undertake substantial startup of the project within the two year period which is a of course a problem for this applicant.

Mr. Hull: Yes.

Ms. Nogami Streufert: I think what we are trying to prevent is some other kinds of issues that might come up.

Chair Mahoney: Well two years seems reasonable—

Mr. Cua: Right. So I can propose a Condition and read it out loud.

Chair Mahoney: Yes. Why don't you do that?

Mr. Cua: It would be Condition No. 15. the Condition would read; unless otherwise stated in the permit once a permit is issued the applicant must make substantial progress as determined by the Director regarding the development or the activity within two years. Prior to commencement of the proposed development written confirmation of compliance with the requirements of all reviewing agencies shall be provided to the Planning Department. Failure to comply may result in forfeiture of the SMA Permit.

Chair Mahoney: Does that sound satisfactory? To the applicant, do you have any objections?

Mr. Graham: No objections.

Chair Mahoney: No objections. And the Commission are you amenable to that?

Ms. Apisa: Sounds good.

Chair Mahoney: Okay. So we go for a motion at this time or we need a recommendation?

Mr. Hull: Yes, so the Department again will be requested a motion for approval of the amended recommended Conditions of approval.

Ms. Nogami Streufert: I move to accept the proposed recommendations and stipulations from the Department for—

Ms. Apisa: Second.

Chair Mahoney: Okay, for?

Ms. Nogami Streufert: Special Management Area Use Permit SMA U-89-4, Use Permit U-89-4, and Class IV Zoning Permit Z-IV-80-14.

Chair Mahoney: Okay, and that was second?

Ms. Apisa: Second.

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

Mr. Graham: Thank you very much.

Chair Mahoney: Thank you.

Application's Request to Amend Condition's Nos. 1 & 2 of Class IV Zoning Permit Z-IV-2015-16, Use Permit U-2015-15, Variance Permit V-2015-2, and Special Permit SP-

2015-04 to allow continuation of operation involving the asphalt batch plant facility = Maui Asphalt X-IV, LLC.

a. Director's Report pertaining to this matter.

Mr. Hull: Next Agenda Item is General Business Matters I.2. Application's Request to Amend Condition's Nos. 1 & 2 of Class IV Zoning Permit Z-IV-2015-16, Use Permit U-2015-15, Variance Permit V-2015-2, and Special Permit SP-2015-04 to allow continuation of operation involving the asphalt batch plant facility. Maui Asphalt is the applicant and again Dale Cua is the Planner on this project.

Staff Planner Dale Cua: Good morning Commissioners. Again I'd like to summarize the report.

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

Mr. Cua: The applicant is again requesting to Amend this Conditions to allow operation of this facility for another eighteen months. Based on this request the project permits would be Amend from May 11, 2019 to November 11, 2020. And concludes the Director's Report.

Chair Mahoney: Is there any questions for the Planner? Commissioner Ho.

Mr. Ho: Dale has any letters of complaints been received by this Department?

Mr. Cua: In this go around the Department hasn't received any.

Mr. Ho: No complaints?

Mr. Cua: And actually the applicant can even address those concerns that you may have regarding the facility himself.

Chair Mahoney: Is there a representative for the applicant? State your name for the record please.

Mr. Ian Jung: Ian Jung on behalf of the Maui Asphalt X-IV, LLC. Here with me is Eric Reinlander who's with Maui Kapona, who's an affiliate of Maui Asphalt. We can certainly address any questions and ironically just to orientate the Commission to the property we have some maps that were distributed from the Planner earlier today. But this is the piece of property that the County just squared out there on the Westside, so our new landlord is actually the County of Kauai. So what we're looking at here is we have a lease extension to April 3<sup>rd</sup> of 2020, we're trying to get that extended to November 1, 2020. The reason for the extension is since Maui Kapona and Maui Asphalt has begun operations here on Kauai it been discovered to be a need for additional asphalt hot batching for the island. As you all know from the discussion and dialog this morning there's some issues with our roadways. And I think the State and the County now stepping up to address those issues and have contracted with the applicant to start

moving forward on a bunch of road projects that are identified and are request. So with that we can answer any questions again, we are trying to push this out to November of 2020. In the meantime we are going to start looking for another piece of property. As you can imagine for this type of industrial use it's pretty difficult to find a piece of property that would work for that kind of industrial use without having to go to some Ag. Land. But we are continuing that approach look with a willing land owner or work with a willing land owner to create a batch plant location in the future.

Chair Mahoney: Okay is there any questions for the applicant from the Commissioners?

Mr. Ho: In this extension all Conditions prior Conditions is it in place?

Mr. Jung: Yes, they are. And I think to address one of questions about the complaint there is a Condition that requires testing to be done on bi-annual bases. And one of the other Conditions is Condition 11. I think it's important for, at the time of the original application Waimea Middle School had a concern. And so the Condition that was agreed to was that if it's a Kona wind day or if they have Niihau winds blowing in then they'll cease operations. But if it's one of those days where variable wind still wind day they can start operating. But if the wind shift they will have to complete the batch and then cease as soon as the batch is completed.

Chair Mahoney: Okay, thank you. Any further there any questions or concerns? No. Your recommendation?

Mr. Hull: The recommendation stands as is, the Extension be granted.

Chair Mahoney: Okay, seems reasonable with the roads. So is there a motion on the floor?

Ms. Nogami Streufert: I move to accept—

Mr. Hull: I'm sorry. Commission you may want to ask our public if they have any testimony if there is any. Nobody signed up but just in case.

Chair Mahoney: Okay, sorry about that. Is there any member of the public who would like to testify on this Agenda Item? Seeing none. We can open up for a motion on the floor please.

Ms. Nogami Streufert: I think I have a question. There's Conditions 1 & 2, we only addressed Condition 1. I mean Condition 2, we did not address—

Mr. Jung: I'll take the blame for that one I inadvertently put an amendment to Conditions 1 & 2, in the application. But I think Dales report adequately corrected that to refer only to Condition No. 2.

Ms. Nogami Streufert: So it's only Condition No. 2?

Mr. Jung: Correct.

Ms. Nogami Streufert: Got it, okay. I moved to accept the amended Condition No. 2, for the Class IV Zoning Permit, Use Permit, Variance Permit, and Special Permit. To allow continuation of the operation of the asphalt batch plant facility.

Ms. Apisa: Second.

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

Mr. Jung: Okay, Thank you Commissioners.

Chair Mahoney: Thank you. Next?

Applicant's Request to Amend the existing permits to include construction of a new pistol/rifle range and transform the existing south 5-stand course into a combination of Trap/rifle field with associated site improvements = Benjamin Ellsworth (Kauai Eco Sporting Clays, LLC).

Mr. Hull: Next we have I, General Business Matters I.3. Applicant's Request to amend the existing permits to include construction of a new pistol/rifle range and transform the existing south 5-stand course into a combination of Trap/rifle field with associated site improvements. The applicant is Benjamin Ellsworth, Kauai Eco Sporting Clays, LLC and Chance is our Planner on this Project.

Staff Planner Chance Bukoski: Good afternoon Chair and Commissioners. Since we kind of have a full agenda I'll be summarizing my report.

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

Mr. Bukoski: That concludes my staff report. Any questions?

Chair Mahoney: Any questions for the Planner? Hearing none okay?

Mr. Ho: I have one. Shouldn't there be hours of operation and time?

Mr. Bukoski: Technically, they are situated within all of the way Mahaalo not near the adolescent treatment center but buried up into the, I'd say the Kapaia area. Which kind of mitigates the noise and hours of operations. But unfortunately, we have not in the application was it not discussed of hours of operations so I will leave that up to the applicant.

Chair Mahoney: Okay, maybe we can here from the applicant and see if we get some. Any further questions for the Planner? How about the applicant could you state your name for the record please?

Mr. Benjamin Ellsworth: Yes, Commissioners. Good morning my name is Ben Ellsworth, owner of the Kauai Eco Sporting Clays.

Chair Mahoney: Okay. Could you explain a little bit?

Mr. Ellsworth: Yes. We're requesting amendments to our current permit that has been in place for right about seven years. We've currently had over twenty-five thousand patrons visit our facility, thrown over a million targets with approximately a million shots being fired on the property. To this date we've had no known complaints filed as far as any noise. We've also completed with 100% safety where we've had no accidents on the property with over a million shots fired.

We're requesting this Variance to our permit or amendment to our permit to allow us to diversify the property to allow for more, diversify things for a couple of different sporting Clay's games. As well as the main purpose is for pistol and rifle range which would accommodate a need here on the island of Kauai. If you are not aware, there is actually no commercial facility where anyone can legally go shoot a firearm other than an actual hunting areas out in public or private land. We wish to fulfill this need for the community allowing for us to have locals be able to use the facility as well as the law Enforcement Agencies, Kauai Police Department, TSA, and our DLNR Representatives will also be able to use this facility.

As far as to answer your question, I'm sorry to interrupt. To answer your question for the Planner. In the application that one of the, the, the, excuse me, the times that we're available for this property to be open? We currently do use the property occasionally to 10 p.m. for our sporting clays facility. However, in the application it is stated that the pistol/rifle range facility would only be used during day light hours, if that answers your question?

Mr. Ho: 7 days a week?

Mr. Ellsworth: 7 days a week.

Mr. Ho: And is it monitored apparently, is there a Range Master or whatever you call—

Mr. Ellsworth: I'm sorry. So, currently everyone that visits our facility is fully safety briefed and currently we are with the patrons at all times when they are there. The pistol/rifle range facility everyone would be everyone the same similar to what we do with our shot gun facility. With a range safety office present and everyone will be safety briefed as well.

Mr. Ho: Is this open the Public? They pay a fee and you can use the range?

Mr. Ellsworth: That's correct. Currently we are open to the public 100%. The final details have not been fully set in stone just yet but it is open to the public, yes.

Ms. Nogami Streufert: I didn't see the timing thing in the application but maybe (inaudible).

Mr. Bukoski: Commissioner Streufert, timing as in?

Ms. Nogami Streufert: When they can operate, hours of operation.

Mr. Ellsworth: Hours of operation.

Mr. Bukoski: Referencing back to the application itself—

Mr. Hull: I think as the applicant mentioned it's just a reference to daylight hours is when the pistol range would be available. And there is a Condition that says it should be operated as represented. So, it would be held to daylight hour's operation.

Ms. Nogami Streufert: To the original one? We're going back to the original one?

Mr. Hull: No, sorry. So what he was saying is that in his petition for the pistol range there was a reference to daylight hours and so the daylight hours, the Department has no objections to. The Department is aware that they operate during some evenings for the range that they have right now. And the Commission when they reviewed it six or seven years ago didn't have an issue with that. And as the applicant's presented, the Department has not had a single complaint on this facility. And I've visited this facility once and even within you know, within a few minutes' drive away from it you can't really hear the activity going on in there. And there's a reason it was selected specifically in this very remote area to ensure that the operation would not impact on any say residential or urban type uses.

Mr. Ho: I think if I'm not mistaken did you say the shot gun to 10 p.m.? And the pistol and rifle to sunset?

Mr. Ellsworth: Daylight hours correct, yes.

Ms. Nogami Streufert: Do riffles include assault also include assault weapons?

Mr. Ellsworth: We have not declared any kind of parameters as far as what we would like to do for that pistol and riffle range. However, I would assume that if the range is available for our Law Enforcement agencies that we would also make that available for them to shoot their weapons there as well including their Law Enforcement assault rifles, yes ma'am.

Ms. Nogami Streufert: The Proposed site is three quarters of a mile from the closes residential neighbor. I know nothing about guns, so how far does a bullet travel?

Mr. Ellsworth: It depends on the caliber of the bullet. And along with our lines of safety, we are also going to still be in compliance with our eco-friendly product model. Where we will be actually catching all the lead that is shot by the pistols and rifles on the facility. So, there will be a lead containment system that is to collect all of this ammunition.

Ms. Nogami Streufert: I'm thinking of safety, since the nearest residential, residence is now three quarters of a mile away. I have no clue as to how far a bullet flies?

Mr. Ellsworth: Okay. So in the application there was some diagrams that will show that our actual direction of fire would be sent in a direction that it would not be possible to put anyone in harm's way. There's no, it's in the direction where there is no housing there is nothing but agriculture and jungle behind the range, ma'am.

Mr. Bukoski: Commissioners, just to clarify as well, just the location of itself as the property it is in kind of a valley type of area. So, the direction that the customers that will be shooting at is towards this mountain where it is kind of a puka in the mountain. Not necessarily shooting at any residential areas. So the residential areas would be in the back of the applicant or the customers while they will be shooting towards this massive forest per se with like a hill in front of them. So, if you look at Exhibit B, it kind of depicts the pistol range and the distance and how it's going to be applied.

Chair Mahoney: So what you are saying is that there is adequate safety? I mean with all the firearms that are used out there? The direction to the public you're saying that everything is taken into consideration?

Mr. Ellsworth: Absolutely.

Chair Mahoney: What is this lead containment? What do you do for that?

Mr. Ellsworth: So currently our business model when we first started in 2012 was to be a complete eco-friendly site. Along with the landowner which is Grow Farms, who we lease from we have chosen to go with lead free ammunition for our shot gun shooting facility. Our shot gun shooting facility covers about three acres again, we are also shooting away from any public are. And we are currently using a steel shot ammunition which is non-toxic, lead free, does not harm the environment. So, along those lines with the pistol/rifle range we intend to create a bullet containment system which would actually catch all of the lead that is shot from the weapons to basically a containment system. Where we would be able to mine that out keep it so that it is basically containing that lead from getting into the environment.

Chair Mahoney: Okay. Thank you. Any further questions for the applicant? I guess the safety to the public is our main concern. I mean safety for everyone that's using that and that it's totally emphasizing that. I mean if you've said that you've had over a million shots fired and that stays in paramount concern at all times.

Mr. Ellsworth: Absolutely.

Chair Mahoney: Yeah? Okay, thank you. Is there any member of the public who would like to testify on this agenda Item?

Mr. Hull: The Department has no one signed up at this time.

Chair Mahoney: Seeing none.

Mr. Bukoski: Chair, my preliminary recommendation.

Chair Mahoney: Okay.

Mr. Bukoski: Based on the foregoing finding and re-valuation and conclusions it is hereby recommended that Class IV Zoning Permit Z-IV-2012-18, Use Permit U-2012-14, Special Permit SP-2012-38 be amended and approved to the following Conditions; No. 15-18, would you like me Commissioners to read, our Chair to read all of the Conditions 1-18 or just the Amended Conditions?

Chair Mahoney: How about the Amended Conditions.

Mr. Bukoski: Okay. Condition No. 15, the operation of the pistol/rifle range and the combination Traps/Skeet facility shall be temporary for the initial period of 2 years only. Additional extensions maybe granted for longer periods of time by the Planning Department provided adverse impacts are not generated that affect the public health, safety, and welfare. As well as the surrounding environment and Conditions of approval are complied with. Condition No. 16, the use of the pistol/rifle range shall be restricted to daylight hours only and limited to those activities presented by the applicant. Condition No. 17, any grading, grubbing works shall be in compliance with the permits contained in Ordinance No. 808. And lastly, Condition No. 18, prior to the preparation and construction plan involving the pistol/rifle range and the combination of Trap/Skeet, and field facility. The applicant shall verify with the County Department of Public Works whether the national pollutant discharge elimination and PDS Permit is required, and that concludes the Conditions of approval.

Chair Mahoney: Do you agree with all the Conditions?

Mr. Ellsworth: I do, thank you.

Chair Mahoney: Okay. Is there anybody want to make a motion?

Ms. Apisa: I'll make a motion we grant the request to amend the existing permits to include the construction of a new pistol/rifle range and transform the existing south 5-satnd course into a combination of Trap/Skeet field with associated site improvements with the Amended Conditions as stated.

Chair Mahoney: Is there a second?

Mr. Ho: Second.

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

Mr. Ellsworth: Thank you.

Class IV Zoning Permit Z-IV-2019-13 and Use Permit U-2019-10 to allow modifications to an existing helicopter tour facility that includes restrooms facilities, office trailer, storage, and associated improvements on a parcel located along the mauka side of Kuiloko road in Hanapepe, situated at its intersection with Lele Road, further identified as 3441 Kuiloko Road, Tax Map Key: 1-8-008:004 (Portion) and 1-8-008:005 and affecting a portion of a larger parcel that is approx. 54,461 sq. ft., a portion of a larger parcel that is 166.452 acres = Smoky Mountain helicopters, Inc. [Director's Report received by Commission Clerk 6/12/19, Supplemental No. 1 to Director's Report received and Petition to Intervene by Hui Hana Pa'akai O Hanapepe, Ku'ueialoha Santos, and Malia Nobrega-Olivera approved 6/25/19.]

a. Letter (10/4/19) from Jonathan J. Chun, Esq., Withdrawing Application

Mr. Hull: Next we have Agenda Item I.4. Class IV Zoning Permit Z-IV-2019-13 and Use Permit U-2019-10 to allow modifications to an existing helicopter tour facility that includes restrooms facilities, office trailer, storage, and associated improvements on a parcel located along the mauka side of Kuiloko road in Hanapepe, situated at its intersection with Lele Road, further identified as 3441 Kuiloko Road, Tax Map Key: 1-8-008:004 Portion and 1-8-008:005 and affecting a portion of a larger parcel that is approx. 54,461 sq. ft., a portion of a larger parcel that is 166.452 acres. The applicant is Smoky Mountain helicopters, Inc. And there is a letter from Jonathan Chun Esq., Withdrawing the Application.

So just for the Commissions edification this is the application for the after the fact permit for Smoky Mountain Helicopters that the Department cited a violation as far as expanding in the structures out there. As well as using an illegal toilet facility that or should I say an illegal cesspool that had not gotten the appropriate Permits in place, and they came in for after the fact permits.

There was an intervention request that intervention was granted and it appears, was gearing towards the Planning Commission itself holding the Contested Case Hearing for the parties. Since that time the Department did issue a Notice of Violation to the property owner and the lessee or tenant Smoky Mountain Helicopters, Inc., that they were in violation of the Special Management Area rules and regulations. And that they needed to remove the illegal structures and replace them with those that had been previously permitted as well the Department levied a \$10,000 fine on the applicant.

Since that time the applicant has removed all of the illegal structures, brought the property into conformance with the existing SMA Permit and they have paid the \$10,000 fine. And what you folks have before you now is actually a withdrawal letter for the application that they wanted to utilize to expand for those after the fact improvements.

So, that's where it is as far Zoning is concern, the Department is, has done a site inspection and verified that as far as Zoning is concerned they are in full conformance with the Zoning aspects. And right now with this withdrawal letter the Department will just be recommending ultimately a motion to receive. But we are here for any discussions or questions that you folks may have.

Chair Mahoney: Are there any questions for the Director? Okay.

Ms. Apisa: No. Just a comment I'm rather impressed that they complied so quickly. I make a motion that we—

Mr. Hull: Excuse me, I just want recommend if there's anybody in the public?

Chair Mahoney: Is there any member of the public that would like to testify on this Agenda Item you may do so? Okay, seeing none.

Ms. Apisa: I make a motion that we receive the letter withdrawing the application.

Ms. Nogami Streufert: Seconded.

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

Deputy County Attorney Nicholas Courson: Chair, also with the withdrawal of this application the Contested Case is now moved. So, we could have the Commission vote to dismiss the Contested Case as moved.

Chair Mahoney: Okay.

Ms. Apisa: As a follow-up I move that we withdraw the—

Mr. Courson: Dismiss.

Ms. Apisa: Dismiss, we dismiss the Contested Case Hearing.

Ms. Nogami Streufert: Seconded.

Chair Mahoney: Okay, is that proper language?

Mr. Courson: Yes.

Chair Mahoney: It's been moved and seconded to dismiss the Contested Case. Any further discussion? Hearing none. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 4:0. Thank you.

### **GENERAL BUSINESS MATTERS (Cont'd)**

In the Matters of Petition to appeal the Planning Director's Decision Related to the Planning Director's Notice of Violation and Order to pay fines for the Continued Operation of an Unpermitted Homestay for Property Situated at Moloaa, Kauai, Hawaii, identified by TMK: No. (4) 4-9-011:038, (CC-2018-14) and Petition to Appeal Decision

of Planning Director's Recommendation for Denial of Class IV Zoning Permit Z-IV-2016-17, Use Permit U-2016-14, and Special Permit SP-2016-6, for Property Situated at for Property Situated at Moloaa, Kauai, Hawaii, identified by TMK: No. (4) 4-9-011:038, containing a total area of 43,560 sq. ft. (CC-2016-11) = Steven Henry and Eddie Henry.

- a. Findings of Facts, Conclusions of law, and Decision and Order (9/18/19).
- b. Stipulation and Recommendation for Issuance of Permits with Stipulated Conditions (6/21/19).

Mr. Courson: Commissioners, we are now on Item I.5. In the Matters of Petition to appeal the Planning Director's Decision Related to the Planning Director's Notice of Violation and Order to pay fines for the Continued Operation of an Unpermitted Homestay for Property Situated at Moloaa, Kauai, Hawaii, identified by TMK: No. (4) 4-9-011:038, (CC-2018-14) and Petition to Appeal Decision of Planning Director's Recommendation for Denial of Class IV Zoning Permit Z-IV-2016-17, Use Permit U-2016-14, and Special Permit SP-2016-6, for Property Situated at Moloaa, Kauai, Hawaii, identified by TMK: No. (4) 4-9-011:038, containing a total area of 43,560 sq. ft. CC-2016-11. Steven Henry and Eddie Henry. Findings of Facts, Conclusions of law, and Decision and Order dated 9/18/19. Stipulation and Recommendation for Issuance of Permits with Stipulated Conditions 6/21/19. Chair, maybe if you want to have the parties come up.

Chair Mahoney: Could you folks identify yourself for the record?

Mr. Barry Edwards: Good morning. Barry Edwards for the petitioners Mr. and Mrs. Henry.

Mr. Matthew Bracken: Good morning. Matt Bracken on behalf of the Planning Department.

Chair Mahoney: Could we hear from the County first please? And then the other attorney.

Mr. Bracken: Okay. So the Planning Department is recommending the approval of the Class IV Zoning Permit and the Special Permit. In front of you, you have the Findings of Fact from the Hearings Officer, Conclusions of Law, and Decision and Order and with that is also a Stipulation and Recommendation for Issuance of the Permits. The parties have come to an agreement which is memorializing that Stipulation and that's based on... based on the Planning Permits original recommendation. Contested Cases that have acquired prior to this one and then contained within the Finds and Fact, Conclusion of Law are recommended Stipulated Conditions for the Issuance of the permits. And if you have any specific questions about this Stipulation, I would be more than happy to address them.

Chair Mahoney: Any questions for the County Attorney? Hearing none we will go to—

Mr. Edwards: I don't have anything to add. I'd be happy to answer questions if there are any?

Chair Mahoney: Any questions? Commissioners have any questions about the—?

Ms. Nogami Streufert: In terms of the Stipulations can I just ask a question whether this, and this may not be important but a...it says in here that one of the Stipulations is that they have to re-register annually? And it says at the time that it was approved as opposed to the time July 31<sup>st</sup> Which is when everyone else's registration is due. Do we want to make that clearer as to which way it goes?

Mr. Courson: I'd ask the parties.

Chair Mahoney: Yeah.

Mr. Edwards: My understanding is that if that the year begins run from the time the permits are approved. And they must renew within the year, before that year expires.

Ms. Nogami Streufert: So, that would mean in October, since this is October.

Mr. Edwards: Yes.

Ms. Nogami Streufert: Is that something the Department would approve? Because usually it is the 31<sup>st</sup> of July, was always the date for registering.

Mr. Bracken: So, for this specific one it would be the date of approval, so if this body was to adopt these Findings of Facts, Conclusion of Law it would be whatever date it was adopted on. And that's fine with the Planning Department's renewal time.

Mr. Courson: If there are no other questions we can receive public testimony.

Chair Mahoney: Okay. Is there any further questions for the applicant? Seeing none. Is there any public testimony? Okay, could we vacate that and have members of the public testify at this time. Could you state your name for the record and you have three minutes for your testimony. Thank you.

Mr. Matt Hall: Good afternoon Commission. My name is Matt Hall. I am a resident at 6751J Koolau Road. I'm not sure what the deal is that just went on here but I want to be very specific and very clear that nobody in the neighborhood directly related to this lady and attached to her wants her to have any parties, any venues, anything along those lines. I have three signed copies of neighbors directly with her attached to her property. The problem here is that a lady tried to run an illegal business for extended amount of time and created conflicts with all of her neighbors. And now there is some deal on the floor that we are not aware of. The purpose of the Zoning Laws I think is to avoid conflicts like that. Then individual has such lack of insight she's now blaming everybody else because they signed a petition within 2 days of having one of those parties, to not let her have parties anymore. She's threatened people with liens against their properties, with destruction, she's made it clear that she does not want them to file anything against her, she's came down and attacked people directly. She bragged about being a member of Wells Fargo the criminal banking institution. She brought that environment to Moloaa and she is destroying peoples comfort and peace. Her business is a nuisance and she's threatened people within that area. As a resident, I do not appreciate her actions she has texted me in

threatening manners, she has deleted the most threatening text. She's an individual that does not care about the neighborhood that is purely and solely concerned with her profit. Any Variance that is given here should not give her any abilities other than the other properties around her. None of them have temporary vacation rentals or bed and breakfasts or whatever she wants to call it. I have signatures again of three statements of other people that are directly associated with her.

Nobody around here in the neighborhood knew what was going on the only reason we found out about this is because we had a title switch and my wife went and looked and saw this. We are sick of her bullying the people, we are sick of her threatening the people, we're sick of her ruining our quiet enjoyment and peace and comfort. Her business is a nuisance. Alright, thank you.

Mr. Courson: Ten minutes Mr. Chair.

Mr. Hall: Alright. Thank you.

Chair Mahoney: Thank you.

Ms. Apisa: A question?

Chair Mahoney: We are not answering questions.

Ms. Apisa: Sorry.

Chair Mahoney: It's just testimony.

Mr. Courson: She can ask.

Ms. Apisa: You mentioned Parties? I mean are we talking how many people and noise and hours?

Mr. Hall: Yes. So what happened the disturbance was so great when she threw these parties that it disturbed all of Moloaa. In 2 days someone was able to get 27 signatures that they don't want those anymore.

Ms. Apisa: But I still don't get a picture. How many people? What hours?

Mr. Hall: It was late at night it was past 10:00 p.m. people where jumping in pools and screaming, we have pictures of them doing that. She told me and individuals that she would never have parties again or weddings again, is what she was trying to do. And still promoted her place on the website as venue for that. She says, she's a member of California and this is her business; and she can do whatever she wants as long as she doesn't disturb her neighbors. She has disturbed her neighbors. She testified directly to that standard which is much less than the obvious standard which is she violated the code by running a bed and breakfast. It should have been a simple case and it's has been confused over this time. And it's been confused because

she has controlled the dialog between the Planning Commission and the Community. The numbers at those parties I'm not sure, on her venue thing she says up to a 120 people, that's a lot.

Ms. Apisa: Don't you need permits for that?

Mr. Hall: You do.

Chair Mahoney: Did anybody make a complaint?

Mr. Hall: Yes, it was 2 days afterwards.

Chair Mahoney: To whom did you make the complaint to?

Mr. Hall: Somebody filed a complaint with the Planning Commission. And I think they had a Hearing and then they cut a, they were going to come to a discussion and she cut deal before the discussion was held on it.

Mr. Courson: The Context is fine but we are here about a Stipulation for a Homestay, that's the Agenda Item.

Mr. Hall: Once again those standards that I argued before still applies that it's a community, it's a neighborhood and she's trying to run a business in a neighborhood and attacking people. Don't like that. She's disturbed.

Chair Mahoney: Okay. Alright.

Mr. Hall: And the same with the parties and there was a complaint filed.

Chair Mahoney: Okay. Thank you.

Ms. Nogami Streufert: Could I ask for an Executive Session?

Chair Mahoney: Yes, that's a good idea.

Mr. Courson: Yes. We can do that.

Chair Mahoney: Somebody make a motion?

Ms. Nogami Streufert: I move that we go into an Executive Session to discuss some of the legal issues or questions we might have. Thank you.

Ms. Apisa: Second.

Chair Mahoney: It's been moved and seconded

Mr. Courson: And so before you vote if I could read the language that OIP likes read. The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a), which in this case is to consult with legal counsel regarding the board's powers, duties, and liabilities. Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced. Which once again is to consult with the board's legal counsel regarding its powers, duties, and liabilities. Okay, now you folks can vote.

Chair Mahoney: Okay, so did we have our motioned seconded?

Ms. Apisa: Yes.

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

Motion is carried for executive session now we are all going to be in executive session.

The Commission went into Executive Session at 12:11 p.m.

The Commission reconvened this portion of the meeting at 12:31 p.m.

## **EXECUTIVE SESSION**

In the Matters of Petition to appeal the Planning Director's Decision Related to the Planning Director's Notice of Violation and Order to pay fines for the Continued Operation of an Unpermitted Homestay for Property Situated at Moloaa, Kauai, Hawaii, identified by TMK: No. (4) 4-9-011:038, (CC-2018-14) and Petition to Appeal Decision of Planning Director's Recommendation for Denial of Class IV Zoning Permit Z-IV-2016-17, Use Permit U-2016-14, and Special Permit SP-2016-6, for Property Situated at for Property Situated at Moloaa, Kauai, Hawaii, identified by TMK: No. (4) 4-9-011:038, containing a total area of 43,560 sq. ft. (CC-2016-11) = *Steven Henry and Eddie Henry.*

- c. Findings of Facts, Conclusions of law, and Decision and Order (9/18/19).
- d. Stipulation and Recommendation for Issuance of Permits with Stipulated Conditions (6/21/19).

Motion is carried for executive session now we are all going to be in executive session.

The Commission went into Executive Session at 12:07 p.m.  
The Commission reconvened this portion of the meeting at 12:31 p.m.

Chair Mahoney: Call the meeting back to order.

Mr. Courson: Chair, we are still on Item I.5. Related to the Stipulation and Recommendations for Issuance of Permits with Stipulated Conditions in the Steven Henry and Eddie Henry Matter.

Chair Mahoney: Okay so...alright we've heard from the parties and is there any questions or concerns? Questions for anybody that you'd like to...from the applicant or the County? Would anybody like to clarify or?

Ms. Nogami Streufert: I guess the last Stipulations or one of the Stipulations; last one say that—

Chair Mahoney: Maybe both parties could come to the microphone, please. Why don't you direct to whom you wanted to direct it to.

Ms. Nogami Streufert: As we've heard there's a concern about noise levels and parties, large parties. Obviously, we've only heard it from one person, but that is still something that we've heard. So the 14<sup>th</sup> Stipulation is that the applicant shall only conduct Homestay on the subject property and shall not conduct weddings, large parties, receptions, catered events, and the like commercial activities on the subject property. Is that agreed to by the...that is a part of the agreement?

Mr. Edwards: Yes.

Mr. Hall: The Planning Department was aware of and had received similar complaints and so that's why you see it's one of the Stipulated Conditions that both parties agreed to.

Chair Mahoney: Okay.

Mr. Edwards: Mr. — the bottom line is all of these allegations which were made by this gentleman, where a part of the evidence which was submitted on both sides. I of course had a position which was somewhat different, and it's what resulted in settlement of this case. This Condition was to specifically assure the neighborhood, that there weren't going to be the things the things that they were concerned about. What happened was Mrs. Henry and Mr. Henry sponsored and paid for, weddings for two nieces on two subsequent weekends in late April or early May of 2008. They live on the top of the hill, the noise carried farther than they thought it would, and they agreed they wouldn't do that; so that's how this happened. There were two separate settings for Contested Case Hearings, in March and June. This gentleman could have come and made his pitch but didn't. I've never heard from this gentleman and when I tried to find out what his position was, in June of 2018 by sending my investigator over he wouldn't talk to her; so that's unfortunate but that's what happens in litigation. In this case, we believe we've resolved all issues which is why the Hearing Officer agrees with us.

Chair Mahoney: Okay. Alright any other...Commissioner have any questions? Or we can be satisfied then we could move towards a motion?

Mr. Ho: Motion to approve Stipulations and Recommendations for Issuance of Permits with Stipulated Conditions to Steven Henry and Eddie Henry.

Ms. Nogami Streufert: Second.

Mr. Courson: It captures the intent.

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

### **NEW BUSINESS**

Special Management Area Use Permit SMA (U)-2020-1, Class IV Zoning Permit Z-IV-2020-3, and Use Permit U-2020-3 for the construction of a farm dwelling unit within Lot 7 of the Kahili Makai Subdivision in Kilauea, involving a parcel situated at the terminus of Kahili Makai Street and immediately adjacent to property identified as 4254 Kahili Makai Street, Tax map Key: (4) 5-2-021:007 (unit E), and affecting a portion of a larger parcel approx. 27.56 acres in size = Valerie M. Neilson and David N. Kells [Director's Report received by Commission Clerk 10/8/19.]

1. Supplemental No. 1 to Director's Report pertaining to this matter.
2. Petition for Intervention (10/15/19) by Roy A. Vitousek III, Attorney for Petitioners CS Development LLC and Charles Somers, individually.

Mr. Hull: Thank you Commission. Going back to the Agency Hearings that we previously reviewed and now on F.2. on to M. New Business on the Agenda. Next agenda item up is Special Management Area Use Permit SMA (U)-2020-1, Class IV Zoning Permit Z-IV-2020-3, and Use Permit U-2020-3 for the construction of a farm dwelling unit within Lot 7 of the Kahili Makai Subdivision in Kilauea, involving a parcel situated at the terminus of Kahili Makai Street and immediately adjacent to property identified as 4254 Kahili Makai Street, Tax map Key: (4) 5-2-021:007 (unit E), and affecting a portion of a larger parcel approx. 27.56 acres in size. The applicant are Valerie M. Neilson and David N. Kells.

I believe we have...forgive me before we go into the petition. There was an individual that signed up late, if the Commissions alright with hearing public testimony prior to going into the Agenda Item?

Chair Mahoney: Yes.

Mr. Hull: Is there any members of the public here to testify on this agenda item?

Chair Mahoney: State your name for the record and you have three minutes.

Mr. Eric Hansen: Aloha kako. My name is Eric Hansen. I'm currently the Program Coordinator on Kauai for the Statewide Training Program, Grow Farm Hawaii. I also serve on the Board of Director's for the East Kauai Soil and Water Conservation District. And I am a co-owner of Kua aina Farms and Environmental Consultation. I'm here today representing myself and no other organization that I work for or participate with. I'm here to testify in sport of Mr. Kells and Ms. Neilson's project. I've been working with them for quite some time, they were former students of mine through the Grow Farm Hawaii Program. The project that they are looking at doing in my opinion is with intent of nothing but pono practices. They are already working on an agro forestry agriculture endeavor, where they are using best management practices by implementing no till farming, doing a kava orchard with diversified corps; with mamaki tea, and noni trees, as well as planting t-leaf trees for halau.

They have worked with myself and consulted with the Kauai Branch of the Natural Resource Conservation Service, to make sure that working on their land, that they minimize the impacts soil and water erosion; by planting such beneficial species as vetiver along areas of concern. As a frequent user, beach goer of Kahili Beach, there is no concern from my standpoint of visual impacts being, occurring on their property. If you are at the beach all you can see is iron wood trees and from their property, there is a huge grove of hau bush that blocks the already blocks there two story farm dwelling from being seen by the public. So it is in my...I don't want to say expert opinion, but in my mind I really feel that there is nothing wrong with their project. Their doing again, the best intentions with their agriculture practices by implementing no till farming, not mano cropping. They are planting intentionally, beneficial species that mitigate water and soil erosion. And as a frequent beach goer and surfer of Kahili Beach, I do not find that there is any impact to the visual area within the Kahili Valley itself. Thank you guys for your time and if you have any questions, I'll take them.

Chair Mahoney: No. Thank you very much for your testimony we appreciate it.

Mr. Hull: Are there any other members of the public who would like to testify on this agenda item? Seeing none. Going directly into the agenda item. Dale Cua is the Staff Planner on this however, we have a petition for intervention from a Roy A. Vitousek, Attorney for petitioners CS Development, LLC and Charles Somers individually. At this time it would be appropriate to hear from the Petitioner for Intervention.

Chair Mahoney: Could we hear from the petitioner for Intervention. Could you state your name for the record please?

Mr. Christopher Gooden: Christopher Gooden for the petitioners. I brought a power point slide to put up, but I understand that the projector isn't working. Is it okay if I pass out a paper copy of my slides?

Mr. Hull: Give It to the Director.

Mr. Gooden: Thank you.

Chair Mahoney: Okay.

Mr. Gooden: Sorry, but if you could just flip along with me. I'm here on behalf of CS Development, LLC and Charles Summers. First, I would like to tell you a little bit about who we

are in reference to the applicant's property. And I have there on the second page the Tax Map Key and the Unit number, Unit E, for the applicant's property. CS, owns adjacent property which is a Unit in the same legal lot. And that's Tax Map Key: (4) 5-2-021:007-0004, and that's Unit D, in the same CPR. CS's owner Mr. Somers has a dwelling on Unit D, on the same legal lot and Mr. Somers also owns nearby Conservation property right across the river, it's adjacent to the applicant's property and the Tax Map Key is listed there as well. Turning—

Ms. Nogami Streufert: A Just for clarification. Oh you're still on?

Mr. Gooden: Please go ahead.

Ms. Nogami Streufert: Okay. I was just trying to find it on the maps that you had.

Mr. Gooden: Yes, I'm going to take you through'em. So if you just turn the page. This is from the County's Real Properties Tax website. The light gray parcel is the applicant's Unit E, and you can see all the information there, the owner's name. If we turn the page, the next one is right next door CS's Unit D, and again, you can see the ownership or mailing address there for CS. Then if turn the next page, it's the highlighted large parcel right above, that's the parcel owned by Mr. Somers. It's dedicated to conservation. Any questions further about the maps?

Mr. Ho: Where is Mr. Somers residence?

Mr. Gooden: That would be, he has a residence on Unit D. So if you turn back on page where it says intervener CS's Unit D, there is a residence there.

Ms. Nogami Streufert: And is there a third party to this, is there a third party to this parcel?

Mr. Gooden: A third party to this parcel?

Ms. Nogami Streufert: There is a third party? Okay.

Mr. Gooden: So moving on to the next slide titled, Why We Are Here? We are here to intervene and our status here is a co-owners of the same legal lot, and as neighbors, and we are here to provide the Commission with best information to minimize the impacts on the SMA and surrounding areas. We're here seeking intervention under two separate rules. Both under Mandatory Intervention and Permissive Intervention, this is provided for in the Commission's Rules. The Mandatory Intervention is denoted by the "shall be admitted" and that's 1-4-1 and Permissive Intervention, "maybe admitted" and that's 1-4-2 of the Commission's Rules. So moving to Mandatory Intervention this is 1-4-1; all persons who hold interest in land who lawfully reside on the land, who otherwise can demonstrated they will be so directly and immediately affected by the proposed application that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted. This is the Intervention Rule, there are three triggers there and we would respectfully submit that we come in under all three for different reasons. So applying the terms of 1-4-1, specifically the first two triggers, CS holds and interest in the same legal lot and Mr. Somers has a residence and so for he lawfully resides on the same legal lot.

Moving on to the third trigger again, applying the same rule, as neighbors CS and Mr. Somers have interest clearly distinguishable from that of the general public. Again, CS owns a Unit that is next door and Mr. Somers owns Conservation property right across the river.

Now, looking very, very briefly at the law, the Hawaii Supreme Court has consistently recognized that neighbors to a project has interest that are clearly distinguishable from that of the general public. Just to take a quick page from, from a couple of cases that we cited. According to the Hawaii Supreme Court, a neighbor is personally and adversely affected as distinguished from one who is merely in the general class of a tax payer, whose only interest is to have strict enforcement of Zoning Regulations for the welfare of the entire community. As the Supreme Court put it very simply “neighbors” quote, “are affected the most.” Looking to another Hawaii Supreme Court case, the Dalton Case. Neighbors’ who were in very close proximity who even live across the street are affected by development that restricts scenic views, limits the the sense of space, and increases the density of population. According to the Supreme Court clearly, this is concrete interest in a legal relation between the developer and the neighbor. And so as we said in our petition, we don’t necessarily object to the farm dwelling.

However, at this point and time the applicant has not provided us with sufficient information to make a determination as to whether the use of the proposed development will affect Unit D and the Conservation property, whether it will comply with the CZMA, and whether it will comply with the SMA guidelines. So just looking very quickly at those guidelines. All developments shall be subject to reasonable terms and Conditions imposed by the Planning Commission to ensure that; alterations to existing land forms and vegetation, accept crops, and construction of structures shall cause minimum adverse effect to water resources, scenic and recreational amenities, and minimum danger of floods, storm surge, erosion, among other things.

Looking at the next SAM guidelines section 4-b. No development shall be approved unless the Planning Commission first finds that the development will not have any substantial adverse environmental or ecological affect accept, as such adverse effects that minimize to the extent practicable. So under these legal standards we submit that there are many potential issues we seek to raise in this proceeding including, whether the notice of hearing in this case was accurate and complete, I note that, I believe that there are also going to be developing a pool and other improvements and the Notice of Hearing only noted the farm dwelling. We also would seek to raise whether the proposed development may have adverse and environmental and other impacts on the SMA and on the neighboring property. And we would also like to raise whether Modifications and/or Conditions could mitigate any adverse impacts on the SMA and interveners neighboring property. And so Concrete examples of these potential effects could be born out based on the based on the effect on view plains, effects on access, runoff, and other issues that we’ve identified.

Allowing mandatory intervention is consistent with the CZMA which contemplates that individuals whose property interest maybe adversely affected would be notified so they can appear and participate in the debate meaningfully in this proceeding. And so interveners’ property rights may be adversely affected and for that reason, we believe that we are entitled to mandatory intervention. But even if the Commission did not grant mandatory intervention, in the alternative we would ask for Discretionary Intervention under 1-4-2.

So that Section talks about intervention maybe granted subject to three factors which would allow the potential to deny Permissive or Discretionary Intervention. We submit that none of those three factors apply in this case. No. 1 isn't applicable because it's concerned with the situation where other parties have been allowed to intervene. Here there are no interveners so therefore factor 1 does not apply. Factor 2 does not apply, because it's concern with a situation where the interveners participation would render the proceeding and insufficient and unmanageable, and here we are just talking about two neighbors represented by one law firm. And No 3, factor 3 isn't applicable because interveners will aid in the development of a full witness by examining witnesses and offering evidence. And interveners have owned surrounding land for several years before today and have granted Conservation easements for that Conservation parcel, the Hawaiian Islands Land Trust. And we aren't going to go far field or overly broadened the case, were going to stick to the issues. Even so, for those reasons we respectfully ask that we be granted Mandatory Intervention or in the alternative Permissive Intervention.

Mr. Courson: Okay, so the issue at hand the very first thing that has to be decided is rather or not to grant Intervention. I think counsel accurately summarized, I particularly agree with his presentation regarding Mandatory Section. So do you folks have any questions for me or for counsel?

Ms. Nogami Streufert: So right now, this is just to either accept or deny a request to intervene not an intervention per se, am I correct?

Mr. Courson: I'm not sure I understand the distinction?

Ms. Nogami Streufert: We're not coming down on one side or the other, we're just saying that he has the right to—?

Mr. Courson: It would be allowing an additional party into this proceeding.

Mr. Ho: Is your primary objection to this site plain, it interferes with his site plain?

Mr. Gooden: That's potentially one issue. I can't say that at this point we have a firm position on whether it will interfere with the site plain. I think we need to look at it further, but is certainly one of the issues one of the property rights that is affected and implicated in this matter.

Mr. Courson: And just to keep us focused on the right area its if your satisfied that they hold an interest in the land, lawfully reside on the land, or can otherwise demonstrate that they would be so directly and immediately affected by the proposed application, that they are distinguishable from the general public. Those are really what you should be—

Chair Mahoney: Focused on.

Mr. Courson: That's the croaks of this matter.

Ms. Apisa: It sounds pretty clear we don't have any options, legally.

Chair Mahoney: Well if they have standing then we would be...I think—

Mr. Ho: Can we (inaudible)?

Chair Mahoney: No. You can't, not right now.

Ms. Apisa: Not at this time.

Chair Mahoney: So maybe you the applicant, let's have, could we have the applicant just respond to the intervener, the attorney that requested intervention. And so could you state your name for the record please?

Mr. David Kells: I'm David Kells and this I my wife.

Mrs. Valerie Neilson: Valerie Neilson. So do you want us to respond to what he said?

Chair Mahoney: Yes. If you could please.

Mrs. Neilson: Well first of all, Mr. Somers's does not live here. He lives in California. So he is not an occupant. He may own the property but he does not live here. Dave and I have, we purchased the property in 2015 with the intent to move here and make this our home when my husband Dr. Kells retired. Retired from Arizona Medical Practice and we've been living here since February 2018. In the year prior to moving here we were contacted by Mr. Somers's realtor Rohn Boyd and he had petitioned us to sell our land to Mr. Somers six months after we had purchased it and then every year thereafter. And when we moved here he approached us again, was uninvited and on our land I was at work, my husband graciously accepted them and they had some exchange and dialog. It became very clear Mr. Somers intent was to pressure us to leave our land so he could acquire it.

Chair Mahoney: Can we kind of narrow this back to you know, intervention is what were...do you think he has standing to be an intervener or not?

Mr. Courson: And to maybe narrow it even further. It was helpful that you disputed...you don't believe he lawfully resides on land but do you deny that he holds an interest in the land?

Mr. Kells: There are a number of errors in the petition. On page 2, where it says that his property abuts and surrounds Unit E, it does not. It abuts but it certainly does not surround Unit E. He states that petitioners have previously attempted to work with applicants in a cooperative manner, that's blatantly false.

Mrs. Neilson: He came on our property and basically threatened us.

Mr. Kells: He told me twice to my face we will not be good neighbors. He also states that he has owned the land for several years and that's false. He has owned the land that's adjacent to our property for less than two years.

Mr. Courson: I think that some of the concerns that are raising can be brought up in the Contested Case Hearing. I don't mean to come across as silencing you, but at this particular juncture, what I would like to keep the Commission focused on is whether or not to grant a motion to—

Mr. Kells: Let me make two more legal points then?

Mr. Courson: Okay.

Mr. Kells: Okay. These evolve...sorry.

Mrs. Neilson: To answer your question earlier, is there another party that owns the property? Yes. And that's Jessie Hill, she owns the Units A, B, and C now called A.1, they kind of rolled it up into one. She owns 60% of the voting rights, she was also notified and she is in favor of our build, she does not oppose it what so ever. We met with her a second time to make sure she was still in agreement and she is still in agreement.

Mr. Kells: Okay. I'm going to refer to document No. 99-099732 which was recorded in the State of Hawaii Bureau of Conveyance June 23, 1999. The relevant points I'm going to make are of applications to an adjacent plot owner. CS Development and Charles Somers received a certified letter post marked November 9, 2018, informing him of our intent to apply for Zoning Permits for this project receipt being confirmed via email from his designee Rohn Boyd. No written response was received from Mr. Somers regarding this application until communication from this office October 10, 2019 approximately 11 months after the confirmed receipt of the letter. The Kahili Makai Estate CPR Declaration notes on page 12, 21.H under Compliance for Foregoing Provisions; that the owner shall cooperate and assist each other and if necessary confirm in writing their consent to any application for any permits described above within 15 days after submission. And failure to do so shall constitute and automatic consent to such application. Lastly, the same documents Item 15.0 on page 7 Titled, "Alteration of Apartments and Projects" clearly states, "construction, restoration, or replacement of individual apartments in the project may be undertaken by the declarant for apartments that it owns or any apartment owner without the of the association or other apartment owners." So legally we don't need his permission to build.

Mr. Courson: I think that there is a time and a place to make that argument, but I think that it's after this which is just deciding whether or not he meets the test in 1-4.1. Whether you have an interest in the land, reside on the land, or otherwise demonstrate a distinct interest. And so if you are not disputing that he is a partial fee owner I think that is the issue—

Mr. Kells: We could dispute every item he's raised because he's brought up no specific's that could be addressed. He is simply delaying, he is trying to extort us.

Mr. Courson: That is comment on motive that this Commission is not here to judge motives.

Mr. Kells: We just want that on the record.

Chair Mahoney: This is about whether he's able to intervene, or interverner if this goes to a Contested Case then you could, I'm sure our attorney can explain it better than I am. But we don't want to get litigating evidence thrown out there now about...we want to stick to the point about interverner. Does he qualify to be an interverner?

Mr. Kells: Understood and I respect that but he already endorsed the project.

Mr. Courson: So Commission that is the question at hand before you can do anything else is deciding to grant interverner status.

Ms. Nogami Streufert: So basically we come back to what? It's either Permissive Intervention, or Mandatory Intervention, or no Intervention, is that correct?

Mr. Courson: Yes, but it best to try and rule on things as narrowly as you can and so in so far as the petitioner is holding themselves as a partial fee owner and that fact is not being disputed. I think they meet the first sentence, they hold an interest in the land.

Ms. Apisa: They only need one Condition as required so...I'm ready to make a motion, we have any further discussion?

Chair Mahoney: Okay. Any questions from the other Commissioners? If not, you're ready to make a motion?

Ms. Apisa: Based on the evidence provided I move that we approve the Petition for Intervention.

Chair Mahoney: Is there a second?

Ms. Nogami Streufert: Second.

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

Mr. Hull: Okay. Given the intervention has been granted still on this Agenda Item as Clerk of the Commission the Department would recommend that this body refer this Agenda Item to a Hearings Officer.

Ms. Apisa: I move that we defer this Matter to a Hearings Officers—

Chair Mahoney: Refer, refer.

Ms. Apisa: Refer, refer to a Hearings Officer.

Chair Mahoney: Second is there?

Ms. Nogami Streufert: Second.

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

Mr. Kells: Thank you.

Chair Mahoney: Thank you.

Consideration of Class IV Zoning Permit Z-IV-2001-21, Use Permit U-2001-16, and Special Permit SP-2001-9 to amend Condition No. 1 that would allow an increase in the number of tours per day and amount of patrons (300 max.), and the construction of three (3) additional structures on the subject property situated south of Kaumualii Highway, approx. one mile south of its intersection with Kipu Road, further identified as Tax Map Key: (4) 3-1-002:001, and containing a total land area of approx. 2,843 acres = Kipu Ranch Tours. [Director's Report received by Commission Clerk 10/8/18.]

Mr. Hull: Next on the Agenda and my apologies Commissioners I skipped the ahead of the Kipu Ranch Tours, which was actually supposed to have been heard before the Kells. So going back on the agenda would be on 2.a.M.a. Consideration of Class IV Zoning Permit Z-IV-2001-21, Use Permit U-2001-16, and Special Permit SP-2001-9 to amend Condition No. 1 that would allow an increase in the number of tours per day and amount of patrons (300 max.), and the construction of three (3) additional structures on the subject property situated south of Kaumualii Highway, approx. one mile south of its intersection with Kipu Road, further identified as Tax Map Key: (4) 3-1-002:001, and containing a total land area of approx. 2,843 acres. The applicant is Kipu Ranch Tours, and Chance is our Planner on this.

Staff Planner Chance Bukoski: Good afternoon again, Chair and Commissioners. I'll be summarizing my report.

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

Mr. Bukoski: These are all consistent with those and I will hold off on my recommendation.

Chair Mahoney: Any questions for the Planner? Hearing none. Is there a representative for the applicant?

Ms. Nogami Streufert: I'm sorry. Could I ask a question of the Planner?

Chair Mahoney: Yes, sure.

Ms. Nogami Streufert: The original application was for a total of 48 patrons and 10 guides per day. And for that there was a requirement for 9 off the street parking areas. They are now increasing it to 300 per day, the requirements still has not changed for its off street parking?

Mr. Bukoski: Correct. However, the applicant is going to add 18 additional new stalls to a total of 27 parking stalls and also in those photo's Exhibit C, I've gathered photos to show the parking lot there as well. Generally speaking I can have the applicant answer those questions as well, but generally it's for patrons is more a group setting. So I don't want to assume anything but it's for maybe group tour with buses but I can't, I'll leave that up to the applicant to answer.

Chair Mahoney: We will get the applicant up and then you can ask them and clarify. Could you state your name for the record please?

Mr. Antone Teves: Thank you Counsel. My name is Antone Teves.

Chair Mahoney: Could you tell us a little bit about the project and include maybe some of the concerns by Commissioner Streufert about parking and maybe she will clarify when she asks questions further. Sure, thank you very much.

Mr. Teves: So I think the best way to describe you know, our vehicles is to back up to the original or latest revised Special Use Permit in 2003, where it states 15 portion, people per tour.

So if you kind of visualize in those days the vehicles we used were single sit on top ATV, it's like the ranchers used that and then in 2012 we started slowly incorporating these passenger vehicles that had roll cages and doors and seat belts. And at that point we went from 15 vehicles per tour down to 12 per tour, and we did that all the way up until 2016. And I remember that day because it was an important day, that was the last day of a single ATVS.

So at that point what naturally happened is when we went from no single ATV's and all of these four passenger vehicles and six passenger vehicles. Our vehicle count never really adjusted much but our capacity just went Poof, big and some of our newer tours like our twenty schedule. One of the four tours on our tour schedule is a VIP tour that actually runs eight vehicles per tour on all these tours. The vehicle count is coming down as far as vehicles impacting, but the capacity is going up and that is also why I'm here for the buildings you know, we have kind of out grown this check-in office which is about half of this room right here and checking in that group size of twelve vehicles per tour and eight vehicles on some of the tours.

Ms. Apisa: I just have a question?

Mr. Teves: Yes.

Ms. Apisa: Because I just didn't get the math somewhere some part of the formula. It said that there would be a maximum of 300 patrons per day, but the maximum number of tours is eight per day? There is something...how many tours per day? Or how many tourist per tour?

Mr. Teves: So we have four tour types and as it stands right now you know, under this original permit that we would do fifteen vehicles. But what we run it out, what we find works for us is we run twelve vehicles with the two guide vehicles. But because now all of those vehicles are no longer your single ride on top vehicles, that they have room for 2 to 6 people, the vehicle count is smaller but the overall capacity is bigger.

Ms. Apisa: Okay, so it's twelve vehicles with 5 per—?

Mr. Teves: Anywhere from a couple to up to 5 or 6 people.

Ms. Apisa: Okay, that I think was the number the twelve vehicles because so how I couldn't get the math to come out to 300. Okay, thank you.

Chair Mahoney: Parking? Was parking spaces a concern I think it was brought—

Ms. Nogami Streufert: There was in the original excuse me, application with 48 patrons there was a requirement for nine parking, off street parking?

Mr. Teves: Yes.

Ms. Nogami Streufert: You are now going up to 300. So what is the plan for off street parking?

Mr. Teves: So at that time that nine parking stalls where like being parked on the road as you come up through Kipu Road and you turn to the ranch, they were designated on the road, but

we've since moved that off the road on to our check-in lot area. So that new parking area is off of the road and just in our staging area.

Ms. Nogami Streufert: But there's only still nine spaces for 300 guest total per day as opposed nine spaces for 48 guests per day?

Mr. Teves: Um—

Ms. Nogami Streufert: The original was for 48 guests or patrons per day?

Mr. Teves: Yes, we have already expanded the parking for from the photos you've shown.

Mr. Bukoski: Yes, with the photos I've shown in Exhibit C was the parking lot and additionally, that applicant is willing to do eighteen additional stalls on top of the nine to total twenty-seven stalls. I think Commissioner, what you are trying to get at is with the 300 and—

Ms. Nogami Streufert: Spaces.

Mr. Bukoski: Spaces for maximum tours if per se if it does happen in the near future, how the applicant would accommodate that? And with maybe coming in like in a bus all one time so not actually 300 people are parking so.

Mr. Teves: Now I understand the question. Sorry, I can answer it. So it's not for necessarily one time use so the way the tours are lined up is that our first tour starts at 7 a.m. in the morning, and at no time can we have more than two or three out at one time because of the size of the fleet. So those 300 people if they are even there, because that's at full capacity. They are never there at one time. They have to come in on two tours, they go out on their tour, they come back, they get in their car, they leave and then the tour guides will begin their shift for the second half of the day and then those vehicles will come in and out. So we are not in need of parking for up to 300 people at any one given time, it's as the day cycles through the tour schedule.

Ms. Nogami Streufert: But even then at 300 patrons at maximum of eight tours per day you are still looking at you are looking at something closer to about 32 to 34 people per tour. And I don't know how many, how your guest come so I don't know whether or not spaces is appropriate or enough or it's not enough is my question.

Mr. Teves: So in addition to the parking stalls there's the employee parking. And then we don't use the road parking because we haven't needed it with that new parking lot, but I think we can go back using the original stalls.

Ms. Nogami Streufert: So there are enough parking spaces in your parking lot, how many spaces are there? I guess is the question.

Mr. Teves: The twenty- seven plus the employee parking and then the road parking that we are not using.

Ms. Nogami Streufert: Will you have to add more trails?

Mr. Teves: No. That's what's funny we were the first ones on the list and we are the last ones here. And in the course of that I had two different people come up to me and say, what's the new trails you are going to add? Or are you adding new trails? And you know, we are not here because we need new trails nor do I want to have to maintain new trails. We are here because we changed out of a vehicle type from single to multiple passenger and when that January 1<sup>st</sup> of 2016 date happened it just changed the face of our you know, it went from the guy that wants to come ride a single ATV to the whole family coming out with their kids and getting in one altogether. So it just went, the capacity went up and if you look at the numbers and break it down the overall vehicle counts are pretty neat you know, we've kept it very small.

Ms. Nogami Streufert: I was just wondering because it is an open Conservation so I wanted to ensure that there was not going to be a lot more trails.

Mr. Teves: No. The trails are used are existing like management trails that the ranch had and we've been using those same trails for eighteen years. You know these vehicles there run a tire pressure about 10 to 12 psi. So if you think about it the tires are kind of like a beach ball, they weigh about 1600 lbs. they are not like jeep you now, where you are in a 4 or 5000 lbs. vehicle with a 30 ps. tires, these things are built for easy off road touring.

Chair Mahoney: Are there any further questions for the applicant? Is there any members of the public who would like to testify on this Agenda Item? Seeing none.

Mr. Hull: So the Department has a tentative recommendation but there are some concerns that came from an abutting property owner that the Department would like to have additional time to work with both the applicant and possibly the abutting property owner concerning the traffic concerns to see if that could be mitigated. So we are asking for a deferral till the December 10<sup>th</sup> Planning Commission meeting.

Mr. Teves: Can I give brief comment to that to? So the location that the conflict is coming from is the easement that goes from the beginning of the ranch to their easement access. That easement accounts for 1.2 miles of road, it's less than 10% of the trail system that we even use. Our trail system accounts for 12 to 14 miles and of that 1.2 miles that's the easement. Of that 1.2 miles some of that road erosion or subject are they are talking about only 400 yards of it is a gravel area, the rest of the 1.2 miles is asphalt it's like paved road. So if you go back to thinking about our vehicles you know, they're 1600 lbs. with a beach ball tire on they are not doing anything to that paved section. Their concern is just the gravel areas and I talked to them a week before the meeting here and they said "oh I wish you would have explained that." Because they had the same question for me, they said, "What new trails are you going to make? And where are you going to put all these new people?" So I had to explain to them it's not about trails it's about the capacity we are at.

So we work tightly with them you know, that Trust Department. We are currently the only ones actually facilitating any of the repairs that go on that road section, technically that steep road that goes up and over the mountain. And we are also facilitate their parking area for their annual and

semi-annual historic viewing of that property to, so we've worked with them for gosh, a long time now I worked with them for over a decade. So yes, I mean I understand.

Mr. Hull: I was hoping was hoping that they were actually here to testify so we could engage with them a little bit, but if you are saying you have reached out to them, I have no problems recommending that the deferral go to November 12<sup>th</sup> and Chance can reach out to them to see if, to make sure it's all mitigated if it isn't totally worked out then perhaps there is another deferral warranted to have those discussions. But if you're saying you have reached out to them already we have no problem recommending at least a deferral to the next Planning Commission meeting which is—

Mr. Teves: Yes, they let me know that they wrote a letter and they understand that we are not the only ones that use the road you know, we are just one part of it. But we are the ones that they work with directly on helping them keep it maintained.

Mr. Hull: So yeah, we will be recommending a deferral to November 12<sup>th</sup>.

Chair Mahoney: Okay, so a—

Mr. Teves: One other question. Is there a way because we are here not so much like, sound like an increase in tours or whatever, but the capacity we are at, to separate the building structures from these road use things? No, okay. I had to ask.

Mr. Hull: Not really, sorry.

Chair Mahoney: Alright so the business on the floor is for a deferral is there a—

Ms. Apisa: Till December 10<sup>th</sup> or November 12<sup>th</sup>?

Mr. Hull: November 12<sup>th</sup>.

Chair Mahoney: November 12<sup>th</sup>.

Ms. Apisa: I move we defer this Item to November 12, 2019.

Mr. Ho: Second.

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

Mr. Teves: Thank you. Thank you for your time.

Chair Mahoney: Thank you and thanks for waiting.

Mr. Teves: Yes. You guys do an amazing job. That's a lot of information you guys have to assimilate all day.

Chair Mahoney: We love it.

Special Management Area Use Permit SMA (U)-2020-2 and Class IV Zoning Permit Z-IV-2020-4 to allow installation of a new photovoltaic system and reconstruction of the luau facility on a parcel situated on the makai side of Aleka Loop in Wailua, approx. 400 ft. east of the Kuhio Highway/Aleka Loop intersection, further identified as 650 Aleka Loop, Tax Map Key: (4) 4-3-007:028, and containing a total area of 10.377 acres = KHS, LLC. [Director's Report received by Commission Clerk 10/8/19.]

1. Letter (10/8/19) from Applicant's Agent, Tom Schnell, PBR Hawaii & Associates, Inc., requesting continuance of hearing to November 12, 2019.

Mr. Hull: Okay. Closing out our Agenda Items we have Item M.2.d, Special Management Area Use Permit SMA (U)-2020-2 and Class IV Zoning Permit Z-IV-2020-4 to allow installation of a new photovoltaic system and reconstruction of the luau facility on a parcel situated on the makai side of Aleka Loop in Wailua, approx. 400 ft. east of the Kuhio Highway/Aleka Loop intersection, further identified as 650 Aleka Loop, Tax Map Key: (4) 4-3-007:028, and containing a total area of 10.377 acres. The applicant is KHS, LLC.

We got word from the applicant yesterday that they are unable to attend this meeting so they requested a deferral to the November 12<sup>th</sup> meeting. If any of you folks have any questions having read the application and petition, Romio is our Planner and he is here to answer any of those questions if you have any. Other than that, we would be recommending deferral to November 12<sup>th</sup> so you guys can hear from the applicant as well.

Chair Mahoney: Any questions for the Planner? Hearing none. Is there a motion on the floor?

Ms. Apisa: I move we defer to November 12, 2019.

Mr. Ho: Second.

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

### **UNFINISHED BUSINESS (For Action)**

Mr. Hull: That about round it out folks. So we have no Unfinished Business.

### **ANNOUNCEMENTS**

#### Topics for Future Meetings

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Līhu'e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i 96766 on Tuesday, November 12, 2019.

Mr. Hull: That about rounds it out folks. We have just Announcements for future topic meetings. We have an upcoming pedestrian bridge at Hanakapiai stream, we also have a construction on a new aircraft hangar at the airport, the Lihue Airport, we have some proposals relating to Residential Uses with in the within the Commercial Zoning District a Zoning Amendment as well as a couple farm worker housing applications on the upcoming agenda, but those have not been set for specific dates yet.

Chair Mahoney: Thank you. Is that it? So—

Mr. Hull: That would be all so we have no further announcements. 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, Kaua'i, Hawai'i 96766 on Tuesday, November 12, 2019 and we will see you folks then.

### ADJOURNMENT

Chair Mahoney: Do I have a motion to adjourn?

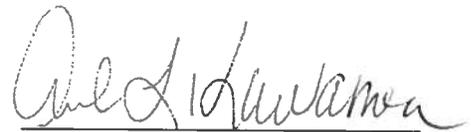
Mr. Ho: Move to adjourn.

Ms. Nogami Streufert: Second.

Chair Mahoney: It's been moved and seconded to adjourn. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 4:0. Meeting adjourned. Thank you.

Chair Mahoney adjourned the meeting 1:29 p.m.

Respectfully submitted by:



Arleen Kuwamura,  
Commission Support Clerk

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

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.