

KAUA‘I PLANNING COMMISSION
REGULAR MEETING
November 12, 2019

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair Sean Mahoney at 9:13 a.m., at the Līhu‘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
Mr. Kimo Keawe

Absent:

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 9:13 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.

Mr. Keawe: Here

Mr. Hull: Chair Mahoney.

Chair Mahoney: Here.

Mr. Hull: You have a Quorum Chair.

Chair Mahoney: Thank you.

APPROVAL OF AGENDA

Mr. Hull: The next Agenda Item is Approval of the Agenda. The Department has no recommended changes to the Agenda.

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

Ms. Nogami Streufert: I move to accept the Agenda.

Mr. Ho: Second.

Chair Mahoney: It's been moved and seconded. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 5:0. Thank you.

MINUTES of the meeting(s) of the Planning Commission

Mr. Hull: We have no minutes from the previous meeting for approval.

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. At this time on the Agenda it's afforded for any member of the public that would like to testify on any agenda item. There are also Agency Hearings in which testimony will be submitted or can be presented, as well as at the Chairs discretion, he does allow testimony during the actual agenda item. But if you would like to testify on any agenda item now, please approach the microphone. Seeing none.

Continued Agency Hearing

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, Letter (10/8/19) from Applicant's Agent, Tom Schnell, PBR Hawaii & Associates, Inc., requesting continuance of hearing to November 12, 2019, received, and hearing continued 10/22/19.]

Mr. Hull: Moving on to the Continued Agency Hearing for 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*.

We have no members of the public signed up to testify on this Agency Hearing. Are there any members of the public that have not signed up that would like to testify on this agenda item? Seeing none. The Department will recommend closing the Agency Hearing.

Mr. Keawe: I move 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. 5:0. Thank you.

New Agency Hearing

Special Management Area Use Permit SMA (U)-2020-3, for the construction of highway improvements involving the replacement of 3 modular steel bridges situated at the Kuhio Highway/Alaeka Road intersection and approx. 250 ft. east of the Ananalua Road/Kuhio Highway intersection in Wainiha, identified as Tax Map Key: 5-8-002:002 (Por.); 5-8-006:009, 011, 017-019, 030-033, 046, 060; 5-8-007:023, 024, 031, 032; 5-7-003:003, and containing a total area of approx. 3 acres.

1. Director's Report pertaining to this matter

Mr. Hull: Next on the Agenda Item is the New Agency Hearing for Special Management Area Use Permit SMA (U)-2020-3, for the construction of highway improvements involving the replacement of 3 modular steel bridges situated at the Kuhio Highway/Alaeka Road intersection and approx. 250 ft. east of the Ananalua Road/Kuhio Highway intersection in Wainiha, identified as Tax Map Key: 5-8-002:002 (Por.); 5-8-006:009, 011, 017-019, 030-033, 046, 060; and the other Tax Map Key: 5-8-007:023, 024, 031, 032; 5-7-003:003, and containing a total area of approx. 3 acres. The Applicant is Federal Highways Administration Central Lands Highways Divisions.

We have 4 individuals signed up to testify the first on is Barbara Robeson.

Ms. Barbara Robeson: Thank you all of work that you do.

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

Ms. Robeson: Barbara Robeson and I live in Wainiha. Okay, I did submit testimony so you should have a copy of that. My bottom line is I totally support this SMA Application for the Wainiha Bridges proposed by our US Department of Transportation Central Federal Lands Highways Division. And I reviewed the SMA Permits which I have here plus the SMA application which I included, not the permits, the application which included the four attachments that are included in that.

And I examined the attachments and compared those details with the Wainiha Bridge's Final Environmental Assessment which is right here and other replacement and rehabilitation documents that I had. And then as I reviewed the SMA Application I compared the details in this with the Historic FEA of 2017, that's when this was produced. And found consistent information and I did not find any differences between the 2 documents, the application, and the FEA. And here was a good example that I listed there 2 things that are in each document that you could look at because it was very detailed about those 3 historic bridges.

And just FYI, concerns about the Wainiha Bridges repair began in about 2005, and there were meetings with the Department of Transportation. Next, there were meetings beginning in about 2011, and those were related to the preparation of the Environmental Assessment and I participated in all of those reviews, evaluations, input, and meetings. And just for my personal information it's related to the proposed project because I lived in that area near the Wainiha Bridges for over 40 years. Plus, I have been on the Historic Hanalei Roads Committee for about 40 years. So the entire Highway from Route 560, to Princeville, at Princeville, to the end of the Highway in Haena, that the Hanalei Roads Committee was placed on the State and National Register of Historic Places in about 2002. The first Historic Bridge that you cross is the 1912, and is the Historic Hanalei Bridge. And that's all I have in my testimony. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next speaker is Carol Wilcox.

Ms. Carol Wilcox: Good Morning Planning Director, Chairman Mahoney, and Members of the Planning Commission. I have written—

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

Ms. Wilcox: I'm sorry. Carol Wilcox.

Chair Mahoney: Thank you.

Ms. Wilcox: Yes. I live in Honolulu now but I used to live in Hanalei when all of this started in 1977. And at that time, we put together what was then called the North shore Belt Road Citizen advisory Committee, which was too much of a mouthful, so it became Hanalei Roads Committee as it is now. And I chaired that, I was one of the founding members and Chaired it and in 1988 or 9, I left and Barbara took over and so she has been... Barbara Robeson took over and she has been the Chair for 40 years and then Brian Hennessy and John Wichman has taken over now,

next generation. So this has been a long committee and we've had a lot of interesting times along the way. Kauai can be really proud of its achievement of keeping Route 560, from Hanalei to Ke'e, a rural and scenic byway and at the same time allowing for necessary improvements. It has set a model for other historic and scenic byways in Hawaii, such as the Hana Highway and Tantalus Drive. It demonstrated how informal negotiations between community groups and State agencies can succeed in resolving apparently intractable problems. The State has granted through the Legislature has granted limited liability to the Department of Transportation on Scenic and Byways that use Flexible Design Standards.

The 1989 Department of Transportation decision after 13 years of discussion to restore the Hanalei Bridge was unprecedented. Never before had transportation been considered part of the historic fabric of Hawaii. Once decided, the State put its back into it. And extra-special shout outs go to Kauai District Engineers Steve Kyono, Ray McCormick, and Larry Dill. These men were on the frontlines of everyday decisions and earned the community's respect, trust, and gratitude.

So the reason I'm taking your time today is because this kind of history is fairly lost you know, maybe you don't really know it, most people don't. Barbara Robeson as you can tell from her testimony today has been meticulous in recording and capturing and archiving all of the history of this, of this progression of saving this road. And how one community with the help of many friends has saved a rural road and its community. Sorry?

Mr. Hull: Three minutes Mr. Chair.

Chair Mahoney: You have three minutes to make you testimony which is up. But if you could summarize and finish up that would be nice.

Ms. Wilcox: I want to just say that Barbara has put together her archives of this 4 boxes of testimony. I have attached in your email a list of that, all of that testimony that she prepared and some other documents for the historical record. I'm here today to put that on record and hoping that you and others in the community will look for a place to archive, to put these archived materials so it will be publicly accessible. Thank you for the opportunity to testify.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next speaker is Brian Hennessy.

Chair Mahoney: Could you state your name for the record and there is three minutes.

Mr. Brian Hennessy: Yes. Brian Hennessy. Co-chair of the Hanalei Roads Committee. I'm just here to say that I fully support this SMA Application. It's been a long design process and the bridges that they've...this agency has come up with is really going to be an asset for the community and really restore something that has been lost. It's been about 15 years that we have been driving over these temporary Acrow Bridges and they have been extremely difficult to see cars and caused a lot of confusion just driving out to Haena. Getting these up and going is going

to make a big difference and I fully support and thank you for your guy's consideration of the project.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: The Final speaker is...I can't quite read the first name, the last name is Hanohano Pa-Smith I believe.

Chair Mahoney: Could you state your name for the record and there is three minutes.

Mr. Kamealoha Hanohano Pa-Smith: Hi. Aloha Mai ka kou. My name is Kamealoha Honohano Pa –Smith. I'm a lineal descendent from Wainiha and Haena. My grandparents are Henry Smith Sr. who is from Haena and my grandmother her name was Margaret Ann Kapiilani Ko'ohanohano Pa 'anui Pilika'a, she was born and raised in Wainiha. Today, I'm here as a representative of the Maha Moku Ohana Advisory Council, the name Maha Moku is a traditional name for the area of Haleileia.

And the Maha Moku Ohana Advisory Council, we had meeting the other day and it was just brought to our attention that the process did not go through the Section 106 Native Hawaiian consultation process. So there was some concerns about that so I called Lisa, I forget Lisa's last name but I called her in Honolulu she works for the Department of Transportation. So I know, I don't know if we made a commitment to meet. But we are hoping that we could meet and discuss what our concerns are. So based on those concerns at this time we are not in support of moving forward with the permit. I think that what is needed in order to move the project forward but the Advisor Council at this time. But we would like the opportunity as a Native Hawaiians or lineal decedents and some of us still live in that area who would like the opportunity to speak to Lisa and other people who are in charge of the project.

The last thing that I wanted to say was that a lot of times when these different community groups are meeting with each other I don't think there is enough interaction between some of the mainstream groups and some of the native groups. So it would just be nice if there were more opportunities for more meaningful and significant interaction to happen. I think a lot of times misunderstandings arise from people believing that one group or the other group is the group that we need to recognize. When quite honestly, there are a number of community groups who are operating probably doing the same types of things involved in the same type of issues but they are just coming at it from a different perspective.

The one thing I will offer as a person who is trained in indigenous pedagogy and indigenous bio-cultural restoration, on my preference is to recognize that a Hawaii's or Hawaiian history or Hawaii's history is a layered history and is a history that includes different periods throughout our time here in the Hawaiian Islands. That would include Kanaka Maoli, Kamaina—

Mr. Hull: Three minutes Chair.

Mr. Hanohano Pa-Smith: Yes, I will finish up in just a second yeah? Kamaina and Malahini so that would include any of the Plantation history, the history of the Hawaiian Kingdom,

Traditional history, and then Contemporary history as well. So I would like to sort of move forward in this in the spirit of lokahi so that we all have an opportunity to share our mana'o, yeah? Maikai, Mahalo.

Chair Mahoney: Thank you.

Mr. Hull: There are no other members of the public signed up to testify. Is there anybody in the public who did not sign up to testify and would like to testify on this agenda item? Seeing none. The Department would recommend closing the Agency Hearing.

Ms. Nogami Streufert: I move to close the Agency Hearing.

Ms. Apisa: 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. 5:0. Thank you.

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. [Director's Report received 10/22/20.]

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

Mr. Hull: Next, on we have Class IV Zoning Permit Z-IV-2020-5 and Use Permit 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. The County of Kauai Fire Department.

We have nobody signed up to testify on this Agenda Item. Is there any members of the public who would like to testify on this agenda item? Seeing none. The Department recommends closing the Agency Hearing

Ms. Nogami Streufert: I move to close the Agency Hearing.

Ms. Apisa: Seconded.

Chair Mahoney: Ok, It's been moved and seconded to close the Agency Hearing. Any discussion? Hearing none. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 5:0. 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 26, 2019.

Mr. Hull: We have no Consent Calendar.

New Public Hearing

Mr. Hull: We have no New Public Hearings.

EXECUTIVE SESSION

Pursuant to Hawai'i Revised Statutes 92-4 and 92-5(a) (4), the purpose of this executive session to consult with County's legal counsel on questions, issues, and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to Civil No. 18-1-0192 (JKW), Class IV Zoning Permit Z-IV-2007-1, Use Permit U-2007-1, Special Permit SP-2007-1 for property located at Tax Map Key (4) 2-8-002; por. 005: *Kauai Springs, Inc.*

Mr. Hull: Moving into Executive Session H. Pursuant to Hawai'i Revised Statutes 92-4 and 92-5(a) (4), the purpose of this executive session to consult with County's legal counsel on questions, issues, and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to Civil No. 18-1-0192 (JKW), Class IV Zoning Permit Z-IV-2007-1, Use Permit U-2007-1, Special Permit SP-2007-1 for property located at Tax Map Key (4) 2-8-002; por. 005: and the Kauai Springs, Inc.

Chair Mahoney: Ok. At this time I need a—

Mr. Keawe: I move to go into Executive Session.

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. 5:0. Thank you.

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

The Commission went into Executive Session at 9:31 a.m.
The Commission reconvened this portion of the meeting at 10:09 a.m.

Chair Mahoney: Call the meeting back to order.

GENERAL BUSINESS MATTERS

In the Matters of Application for a State Special Permit SP-2015-9, Use Permit U-2015-28, and Class IV Zoning Permit Z-IV-2015-29 for a bed and breakfast use on property identified by Kauai TMK: 25005080 CPR Unit 1 containing a total area of 1.033.acres =John Hoff, Trustee of the John R. Hoff Revocable Trust dated April 5, 1994 and Lorna E. Hoff, Trustee of the Lorna E. Hoff Revocable Trust dated April 5, 1994. (CC-2015-18 & CC-2016-7).

- a. Stipulation Recommending Issuance of Permits with Stipulated Conditions.
- b. Findings of Facts, Conclusions of Law, and Decision and Order.

Mr. Courson: Chair we are on Item I.1, General Business Matters. In the Matters of Application for a State Special Permit SP-2015-9, Use Permit U-2015-28, and Class IV Zoning Permit Z-IV-2015-29 for a bed and breakfast use on property identified by Kauai TMK: 25005080 CPR Unit 1 containing a total area of 1.033.acres. John Hoff, Trustee of the John R. Hoff Revocable Trust dated April 5, 1994 and Lorna E. Hoff, Trustee of the Lorna E. Hoff Revocable Trust dated April 5, 1994. (CC-2015-18 & CC-2016-7).

- a. Stipulation Recommending Issuance of Permits with Stipulated Conditions
- b. Findings of Facts, Conclusions of Law, and Decision and Order. I think we have both parties, yes.

Chair Mahoney: We have both parties please come and identify yourselves for the record, please.

Mr. Barry Edwards: Good morning. Barry Edwards on behalf of the Hoff's.

Chair Mahoney: Thank you.

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

Chair Mahoney: Thank you. And could you review the agreement. Okay. So there's been a Stipulation recommending Issuance of Permits with Stipulated Conditions. Did the members of the Commission get a chance to read this? Okay. So could we hear from the County Attorney, could you just sum up your end of it and then the applicant after, please?

Mr. Bracken: So the Planning Department is recommending approval of the Class IV Zoning Permit, Use Permit, and Special Permit, and this is in a relation to an Application for a Homestay Use. This Stipulation kind of outlines the Conditions, the agreed upon Conditions of the use.

Beyond that I can go in more detail if you would like on the Special Permit or I can just answer any questions you may have?

Chair Mahoney: I think that could sum it up. Is there any questions for the County Attorney? I think that's—

Ms. Nogami Streufert: Just a couple of questions. Since this was denied a several times, what changed that made this now acceptable?

Mr. Bracken: So this is the last of the Homestay applications that was on an Agricultural property. So there were I believe maybe 4 or 5 different Contested Cases very similar situated Contested Cases. The first Contested Case, I guess all the cases were very similar but the Appeal were over a specific issue and based on the Hearings Officers ruling in the very first Contested Case, we've kind settled up the rest of the Contested Cases. So this is the last one. If you all approve this Stipulation we would ask you to dismiss the Contested Case and that would resolve the very last case. But it all, the agreements all circulate based on the Findings and Recommendation from the Hearings Officer in the very first case. Which was...it had to do with the Special Permit and satisfying the requirements of the Special Permit. Which is what is found within the Planning Commission's Rules, and so based on our current review by the Planning Departments current review, they are recommending approval because they feel like they do meet those 5, 5 different Conditions I guess for use on Agriculture property.

Ms. Nogami Streufert: Just another question for clarification. The Amendment for the Permits that were filed on June 18, 2015, had the use of only 3 out of the 5 bedrooms as a bed and breakfast yet, then this Stipulations has 4 out of the 5 bedrooms. Is there a reason for that?

Mr. Bracken: That's correct. The original Petition, they are requesting the use if 5, 5 bedrooms. The Stipulation is between the parties so it's kind of coming to the middle. So it will be the use of 4. The Applicants will then occupy one of the rooms as required in the Homestay Ordinance so they can kind of keep the, make sure all the rules are met (inaudible) and so—

Ms. Nogami Streufert: Since there request was for 3. Why are we now at 4?

Mr. Bracken: Basically, just an agreement between the parties, they have a 5 bedrooms it's allowed to utilize 4, while occupying 1. The original request was 5, which ws then changed to 3, and then the parties agreed to 4.

Chair Mahoney: Are there any other questions? Anything from the other attorney?

Mr. Edwards: I have nothing to add.

Chair Mahoney: Okay. So it's an agreement made between the two parties the Findings of Facts and the Conclusions of Law, we've all had them, read them? Everybody satisfied in the decision and order? Are there any further questions? Chair will entertain a motion.

Mr. Keawe: I move to approve the Stipulation Recommending issuance of Permits and Stipulated Conditions, Findings of Facts, Conclusion of Law, and Decision of Order for John Hoff Revocable Trust and the Application for Matter Special Permits SP-2015-9, Use Permit U-2015-28, and Class IV Zoning Permit Z-IV-2015-29, for bed and breakfast and Use of the property identified as TMK: 25005080 CPR 1, containing a total area of 1.033 acres.

Ms. Apisa: 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. 5:0. Thank you.

COMMUNICATION (For Action)

There was no Communication For Action.

COMMITTEE REPORTS

Subdivision: Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

Mr. Hull: Moving on to the next Agenda Item we have Unfinished Business excuse me, Committee Reports a Subdivision Committee Report.

Mr. Keawe: Subdivision met this morning we had two Items on the Agenda. The first Item was a request for Modification of Condition for Atone Souza and that was denied 3:0. The other one was a Final Subdivision Map Approval for Tower Kauai Lagoons and that was approved 3:0. Recommend that the Planning Commission Adopt the Subdivision Report.

Chair Mahoney: The Chair will entertain a motion.

Ms. Nogami Streufert: I move to approve the Subdivision Committee Meeting.

Ms. Apisa: 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. 5:0. Thank you.

UNFINISHED BUSINESS (For Action)

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 Kaunaulii Highway, approx. one mile south of its intersection with Kipu Road, Further identified as Tax Key

Map: (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, haring closed and action deferred 10/22/19.]

- a. Supplement No. 1 to Director's Report pertaining to this matter.

Mr. Hull: Next Agenda Item is L. Unfinished Business. L.1, 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 Kaunaulii Highway, approx. one mile south of its intersection with Kipu Road, Further identified as Tax Key Map: (4) 3-1-002;001, and containing a total land area of approx. 2,843 acres. The applicant is Kipu Ranch Tours.

So you folks have a Supplemental Report in which Chance transmitted to you an additional Condition that we're under the impression would lay the concern... the concerns of the next door neighbor. Because if you guys recall, there was a next door neighbor that had voiced concerns about this petition and it's impacts about access ways. And so we asked for a deferral at the last meeting to see if we could work it out between the applicant and the neighbor. A Condition was proposed in the Supplement that was sent to you folks. We've been made aware the neighbor would like to have additional time to further meet with the applicant to see if there concerns further allayed I guess. And so with the applicants consent we would be looking at a deferral until January, but I would like to see if you folks have any questions for myself or the Planner before we ask the applicant to come up.

Staff Planner Chance Bukoski: Chair, can I clarify as well? So it would be a deferral between this applications but the reason behind it is the adjacent property owners, Mr. Rice is one property owner, the applicant is a lessee of, and also Water House Trust is adjacent to them. So it's between the property owners not necessarily the applicant.

Mr. Ho: A question for Chance. Are we... is there any time constraints on this application about time?

Mr. Bukoski: Yes. There is within the Class IV Zoning process they are given a certain time frame where the Commission needs to act upon or make a decision with that being said, we are going to be going over that timeline. If we do go for a deferral until January 14th as the Director has pointed out, an agreement with the applicant allowing it to happen is okay.

Chair Mahoney: Alright, well didn't you say that it's between the land owners?

Mr. Bukoski: Correct. But within the process itself that applicant is a lessee so therefore they have been given the authorized okay to proceed with the application. But the access and easements are between the adjacent property owners, not necessarily the applicant itself.

Chair Mahoney: Okay, thank you Chance.

Mr. Hull: And so to clarify indeed there is some concern that the property owner themselves which leases the land to the applicant as well as an adjacent property are trying to resolve certain issues as it pertains to this application. So we'll be looking at deferral but indeed the applicant has to give the consent to wave the timelines. If the applicant, and when we bring the applicant up is unwilling to wave the timelines essentially, action will have to happen today.

Chair Mahoney: So now—

Ms. Nogami Streufert: Can I ask a question? Is there a requirement for certain number of parking spaces for per number of guests? They have nine spaces right now for forty-eight guest, they didn't intend to go up to three hundred guest per day. Although, there is going to be some overlap but there may not be, but there is no additional requirement for parking spaces especially since we are talking about easements and we are talking about traffic here. Is there any regulation that says—?

Mr. Bukoski: There is some regulation for, Commissioner. I'm sorry I did not mean to interrupt but there is some regulation within the off street parking in the Commercial Zoning which identifies in the CZO. However, looking at and going off of historically what the last meeting was, the information from the applicant itself. What he was explaining was that Mr. Teves, was that it's not, and in case in point and time, that all of the three hundred patrons would be there at one given time. It is made in a process where the parking lot will be full at one given time and then once that tour is done and everybody leaves and then another parking lot. So it's not necessarily every single patron is there at one time.

Ms. Nogami Streufert: Right. But there is still...there will be overlap? That's what I'm getting at.

Mr. Bukoski: In some sorts yes, given that the applicant has requested that they are provide additional eighteen to bump up the parking stalls to twenty- seven parking stalls with...yeah.

Ms. Nogami Streufert: Thank you.

Mr. Bukoski: No Problem.

Chair Mahoney: Is there a representative for the applicant present? Could you state your name for the record please?

Ms. Dionne Teves: Good morning I'm Dionne Teves speaking here on behalf of Kipu Ranch Adventures.

Chair Mahoney: Okay. Could you explain on your side what's ...we talked about deferral and what is your positions on that?

Ms. Dionne Teves: If we are required to, if we are not able to get this approved then I am not sure what other options we have? We do understand that the land owner, the opposing land owner wants to work directly with the land owner that we have a lease with and come to an

agreement. But I think it's also because there are others using the word as well. So this has presented an opportunity for them to bring it to the table for discussion it hasn't been discussed for years. So, but if there are any options for us that we are not aware of or we can move forward I'm open, we are open.

Chair Mahoney: Would you be opposed to a deferral to January?

Ms. Dionne Teves: No if that is what we have to do. Sounding like it yeah? Okay... well—

Mr. Hull: Let me interject. The purpose of the Use Permit which is what you guys are requesting as an amendment to your existing Use Permit. The primary function of the Use Permit is to determine compatibility with a type of use with its surrounding neighbors in particular. Being that there are objections from the neighbors. The Department is inclined to recommend that you or the land owner try to see if these issues can be resolved. However, you have to waive the timelines to extend it to January if you are unwilling to waive the timelines requirements, the Department and ultimately this body has to respect that decline of waiver but they would have to take action today. And whether or not this body feels it has enough information to make that determination that it is going to be compatible with the surrounding neighbors that you'll just have to leave up to them.

Ms. Dionne Teves: Okay.

Mr. Hull: So I guess the question is are you willing to waive the line requirements for a Class IV Zoning Permit?

Ms. Dionne Teves: We are willing to waive if it's not going to be in favor of us being able to move forward after you know, if you guys discuss that. So and just to, if I can shed some light on the three-hundred- it's kind of a high number, it's typically only if a large group is coming in for that day. So on a normal day to day business it's not three-hundred at any given time and so hopefully that makes sense. We haven't had any...we don't anticipate any issues with all three-hundred being on property at the same time.

Ms. Nogami Streufert: I think that was clear. But the question is one of overlap there were only nine spaces but Mr. Bukoski just said that you were willing to add another eighteen spaces. So that allays all my concerns, so that is not a problem. I just wanted to make sure we had enough spaces for the overlap because there are people who are going to stay longer or they are going to come early those kinds of things.

Ms. Dionne Teves: Okay...perfect...right...great.

Mr. Hull: And Chance will be getting in touch with you to also get in writing what you have confirmed orally in way of the timelines. If in the confirmation you want that waiver restricted to say just the January 14th meeting so that the January 14th is held as an actual deadline for you as the applicant that could be in writing as well.

Ms. Dionne Teves: Okay. Alright so we are in agreement to defer till January 14th based on the circumstances.

Mr. Hull: Thank you. I'd just ask if there is anyone from the public wishing to testify.

Chair Mahoney: Thank you. Okay? Any member of the public that would like to testify on this Agenda Item? Seeing none.

Mr. Hull: Seeing none the Department would recommend deferring this Agenda Item to January 14th, 2020.

Ms. Nogami Streufert: I move to defer the consideration of the Special Permit for Kipu Ranch to the January meeting.

Chair Mahoney: January—

Mr. Keawe: January 14th.

Ms. Apisa: Seconded.

Ms. Nogami Streufert: January 14th.

Ms. Apisa: Seconded.

Chair Mahoney: Ok, It's been moved to defer to January 14th and moved and seconded. Any discussion? Hearing none. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 5:0. Thank you.

NEW BUSINESS (For Action)

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, Letter (10/8/19) from Applicant's Agent, Tom Schnell, PBR Hawaii & Associates, Inc., requesting continuance of hearing to November 12, 2019, received, and hearing continued 10/22/19.]

Mr. Hull: Moving on to Agenda M. which brings us back to 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. Is the applicant and Romio is our Planner.

Staff Planner Romio Idica: Aloha Commissioner, Chair and fellow Commissioners.

Mr. Idica read the Summary, Project Description and Use, and Applicant's Reasons/Justification sections of the Director's Report for the record (on file with the Planning Department).

Mr. Idica: That concludes the summary of the Director's Report and I will hold off for any questions.

Chair Mahoney: Thank you Romio. Is there any questions for the Planner? Seeing none. Is there a representative for the applicant? Could you state your name for the record please? You have a presentation? I saw the light on a few times so I think I might have to move.

Mr. Tom Schnell: Good morning Commission members. My name is Tom Schnell. I am the representative for the applicant KHS, LLC. They are also owned by Davison Hotel and Resorts so I might be referring them to it as Davidson Properties or Davidson Resort and I do have presentation. Let me see if I can get it up if I can't get it up really quickly I have handouts of the presentation.

Mr. Hull: Tom I think we will just take the handouts, yeah.

Mr. Tom Schnell: Also, I'd like to let you know that with me today we have Chris Mochorek, who is the General Manager of the Property, Leo Kelley who is the Director of Engineering, and then the PV provider is Hawaii Unified, so we have representatives from Hawaii Unified to represent Engineering and Operations and Project Management. So if there are questions I can call them up. I also have a Project Archeologist with us that can answer questions that you may have about archeology.

Let me go through the presentation and I'll just flip through the page and go through the page. I think you are familiar with where the property is, it's the former Marriot Courtyard, and it's now been re-branded into the Sheraton Kauai Coconut Beach Resort. I was there yesterday and today if you have a chance to go take a look at it. The renovations that you previously approved back in February are essentially complete and the hotel looks great. I have an Exhibit of the Tax Map Key and the Property is about 10 acres or a little bit more than 10 acres. The General Plan and Zoning of the property designation is Resort, there is a little bit of open space which is actually the shoreline area. This map doesn't show it very well because it's a big blow up but this is basically the beach area is in the Open District.

The next page, the areas within the visitor destination areas, designation areas this map doesn't quite show it exactly but VDA extends closer to the shoreline. The next page, is the Special Management Area that is why we are here today the entire property is within an SMA, we are asking for approval of an SMA Use Permit and also a Class IV Zoning Permit. On the next page, is just a summary of what the hotel contains its's four stories, the first floor is basically lobby, common area, restaurants things like that. There are some guest rooms on the first floor, rooms 2 thru 4 are guest rooms, total guest rooms 313 and I'll skip through to the grounds and the other structures. If you move to the next page, I do want to summarize what was approved

previously in February we were before for an SMA Class IV for renovations to the hotel. There's been major renovations with all of the guest rooms renovated as so a new court yard area and pool which is open and completed. And also the bike path in front of the hotel has been put in and I will get to that in a moment. And then the hotel has been re-branded to the Sheraton Kauai Coconut Beach Resort.

The next page is what we are here for you today is the next phase of the improvements. As Romio stated, the owner would like to provide PV parking over the parking areas and it would be PV structures and it would cover most of the parking area. As you can see on the Exhibit I have here new improvement. Also, a new Luau Pavilion and there was a Luau Pavilion a little bit further towards the road side of the property that was destroyed by fire. That's been demolished, right now there is a tent facility where they are holding the luau. Let's talk about the PV system on the next page, a little bit closer so the aerial photo you see represents the parking lot as it looks now. The next page shows where the PV facilities would be located, there is also, if you see in the red text the PV battery storage structure that's located in the area of the property where there are other infrastructure like the cooling tower, propane tanks, generator building in that area there.

The next page shows before and after pictures so if you see the picture of the sign with the "Marriot Courtyard" which is actually since been changed to the "Sheraton" but it's pretty much what it looks like now. If you flip the page and see what it would look like with the PV structures superposed over the parking lot. And the next page is also a before from a different angle, this is by the pedestrian walk way that you cut Across...if you walk from Longs you'd walk through this walkway into the property. And the next page also shows the PV structures as they would look. The following page is just a the PV structure elevations architectural drawings I think Romio pointed it out that the highest structure would be 19 ft. 3 in. it slopes down a little bit and there different sizes because three are three different pavilions.

Next, I'd like to talk a little bit more in detail about the Luau facility. If you flip the page after the Luau facility cover page, you see the tents currently there the tents have been there for maybe three or four years and this is a temporary Luau facility. There are three pages of what the tents look like now and the new Luau Building would replace these tents. On the page that shows where the tennis court is and the parking lot that's a close up of where the Luau Pavilion would be. There is an existing tennis courts the tents one of the largest tents over the existing tennis court, this aerial photo doesn't show it because it is an older aerial. There are two other axillary tents, all of the tents would be taken out and the PV or the Luau facility would be put in essentially the same spot. Romio if you compare the two pages before and after the facility you can see the new facility would take twelve parking spaces from that small parking lot area. However, as Romio pointed out we have more parking then required per code.

The following page shows the floor plan for the Luau facility there's a large dining are, this is open sided pavilion structure, the service area is in the back are rooms basically three sides are open for the dining area. The rooms there are staging, storage, the check-in area, the lei stand. And I want to point out there is now commercial kitchen involved with this, it's just a food staging area. So the food will be prepared in the hotel's kitchen and brought over here and staged and then brought out for folks. There are also no restrooms proposed for this facility,

there are restrooms close by at the hotel like right near the entrance where people could walk to the restroom maybe 30 ft. from this structure.

The following pages just show what the building would look like on the elevations, it is proposed to have a thatched roof. The architect tells me that it's a flame retardant thatched and also the inside would be sprinklered for fire requirements.

There is another page of the elevation drawing and then just as an update on my last pages, I wanted to update you on the Bike Path in front of the property in the application and in the previous application. We had mentioned that Davidson's resort was working with the County, we work directly with Doug Haigh from the Public Works on the Bike Path. The County would like to build this Bike Path area and we were in negotiations to build a bike path. Davidson's Resort just went ahead and built the Bike Path as part of the renovations. So you can see on the last page has the pictures of the Bike Path as the concrete was being poured, it was poured about two weeks ago, I walked on it yesterday, it's all dry, it's open.

And the negotiation's on the compensation and how its working is still being worked out with the Public Works Department but they just went ahead and did it. I think they need to agree to an easement on the property so the County has control of the Bike Path, but it's in right now and it's the only segment in that area. So it ends at the property but I understand the other properties like Coconut Beach Resort will build their own section and the other section on the other side. And that's the brief summary. Thank you.

Chair Mahoney: Is there any questions?

Ms. Apisa: So did Coconut Beach put in the Bike Path or the County?

Mr. Schnell: Coconut Beach didn't, they are not under construction yet. My understanding is they've already agreed to put in the Bike Path as part of construction in their project, yes.

Chair Mahoney: Commissioner Keawe.

Mr. Keawe: I have questions about maintaining public access for the north side and south side. And you had mentioned in your proposal that you need to redefine those as construction begins obviously to maintain safety. Can you give me a little idea of how you are going to do that and still allow the access to go through?

Mr. Schnell: Okay, sure. So I don't have the page numbered but if you look on the page titled, "Existing Hotel" there are two access points on the property that are lateral from the street down to the shoreline.

Mr. Keawe: Right, yes I can see those.

Mr. Schnell: Okay, the one on the south side by Coconut Beach which is not built yet, that is the designated Public shoreline access. The one on the north side is the informal access and it's not required but it's open to the public and most people use that area so the Luau Pavilion will be built there. So there might be some temporary when they are doing construction or especially

when they are doing grating where that might be restricted or re-routed. But the important point is, well on the other side to there is the PV Pavilion on that side so there might be some construction impacts there. But the point is there won't be anytime where both access points will be closed.

Mr. Keawe: So either one or the other maybe available during construction?

Mr. Schnell: Oh yes.

Mr. Keawe: Okay, and so will there be proper signage to let people know that, that's the case?

Mr. Schnell: Yes. And also there is eight shoreline access public parking spaces, those will be relocated with proper signage during construction and then moved back.

Mr. Keawe: Okay. My other question has to do with the archeological survey. And I understand that in this subsequent archeological survey there were additional 16 trenches dug through out the property and one of the issues had to deal with the footings. I understand that 44 footings some of them 10x10? Is that correct?

Mr. Schnell: There are large footing to hold the poles for the PV structure yes.

Mr. Keawe: Right. So obviously, that would be one of the concerns that you would have as to where to put those making sure that you know, it wasn't in an area that was potentially could be you know...and the way surveys are done you know, you dig the 14, 15, foot trench, you go down 4 ft. or 6 ft. or whatever it is and then 2ft. on the other side could be something else. You know you could have ancient remains in there. So the concern is just so that I know you have I've read it all you had the good protocols with regard...I just wanted to make sure that, that is maintained so should something happen while you are going ahead and building. And you know what the protocol is as far finding ancient remains.

Mr. Schnell: So the first step was to do the test trenches and do an Archeological Inventory Survey. It was actually a supplemental because another survey had been done.

Mr. Keawe: You had already done the first one I remember that.

Mr. Schnell: So HSPD Historic Preservation Division is reviewing that—

Mr. Keawe: So they've got it now the Supplemental?

Mr. Schnell: Yes. They had it since January or since June 24th. They haven't gotten back to us.

Mr. Keawe: You have no comments from that?

Mr. Schnell: Well we'll get comments. We are expecting any day now I've tried to get it before the Hearing. But importantly the next step that's recommended is Archeological Monitoring during any on-site ground disturbance—

Mr. Keawe: Similar to what you did the first time.

Mr. Schnell: Exactly.

Mr. Keawe: Okay.

Ms. Apisa: I had a question back about the beach access. Both of them will be open after the construction?

Mr. Schnell: Yes.

Ms. Apisa: Thank you.

Chair Mahoney: Is further questions?

Ms. Nogami Streufert: Since your ADA stalls or parking spaces are close to the Luau facility I think, they will be?

Mr. Schnell: They will be or they will be relocated, yes.

Ms. Nogami Streufert: And you have no bathroom facilities in your Luau facility, is that going to be ADA compliance so that they can get back and forth to the—?

Mr. Schnell: It will be ADA complaint we have to comply with ADA, yes.

Chair Mahoney: Any further questions for the applicant? Hearing none. Recommendation from the Planner?

Mr. Idica: Based on the foregoing evaluation and conclusion it is hereby recommended that Class IV Zoning Permit Z-IV-2020-4 and Special Management Area Use Permit SMA (U)-2020-2 be approved subject to the following Conditions as outlined in the Director's Report.

Chair Mahoney: Has everybody read the Conditions? Is there any member of the public who would like to testify on this Agenda Item? Seeing none. So back to the Conditions, and the applicant will be in compliance with all Conditions and agrees to that?

Mr. Schnell: We have no problems with the Conditions, I reviewed them all, yes.

Chair Mahoney: Okay so—

Ms. Nogami Streufert: I move to approve the Class IV Zoning Permit Z-IV-2020-4 and Special Management Area Use Permit SMA (U) -2020-2.

Mr. Keawe: 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. 5:0. Thank you.

Chair Mahoney: Thank you.

Mr. Schnell: Thank you very much.

Chair Mahoney: Thank you Romio.

Special Management Area Use Permit SMA (U)-2020-3, for the construction of highway improvements involving the replacement of 3 modular steel bridges situated at the Kuhio Highway/Alaeka Road intersection and approx. 250 ft. east of the Ananalu Road/Kuhio Highway intersection in Wainiha, identified as Tax Map Key: 5-8-002:002 (Por.); 5-8-006:009, 011, 017-019, 030-033, 046, 060; 5-8-007:023, 024, 031, 032; 5-7-003:003, and containing a total area of approx. 3 acres.

2. Director's Report pertaining to this matter

Mr. Hull: Next on the Agenda Item is Special Management Area Use Permit SMA (U)-2020-3, for the construction of highway improvements involving the replacement of 3 modular steel bridges situated at the Kuhio Highway/Alaeka Road intersection. The Applicant is Federal Highways Administration Central Lands Highways Divisions, and Romio is our Planner on this.

Staff Planner Romio Idica: Hello again, Commissioner, Chair and fellow Commissioners.

Mr. Idica read the Summary, Project Description and Use, and Applicant's Reasons/Justification sections of the Director's Report for the record (on file with the Planning Department).

Mr. Idica: So I will hold up on my report for any questions.

Chair Mahoney: Is there a representative for the applicant? Please state your name for the record please? Even though we all know who you are.

Mr. Larry Dill: Good morning Chair Mahoney and members of the Commission. My name is Larry Dill, I'm the Kauai District Engineer for the State of Hawaii Department of Transportation. We don't really have a presentation to give you this morning but I would like to mention couple of things to clarify the project. I just want to say first, I'm grateful for the testimony we received this morning those who are in support of the project. We have been working long and hard with those folks who are very passionate about their Highway up there and they have given us a lot of great input as to how this project gets scoped.

One gentlemen did speak on behalf of a Native Hawaiian Organization and I did have the opportunity to speak with him while you folks were in Executive session. And clarify that his organization is actually only been formed in the last year or two. Which is why they were not

part of the NPA required testimonial process that concluded prior to the formation of their organization. We did do significant outreach to many NHO Native Hawaiian Organizations that were in existence at the time. I will say we did cover that base and pretty thoroughly with all the organizations that did exist at that time. I did get his contact information and I will be sending him all the final documentation and invited him to contact me if there is any final comments on the project. But I would say the 106 process at this point is officially closed and we did cover that scope of work in our consultation.

I will mention and it was mentioned by Romio, thank you. That this project is actually to replace what are actually temporary bridges that were out there that were put in place after the...when it was found that the existing bridges were found to be structurally deficient. And so a rapid temporary bridge was down to put the projects out there. So the bridges we're proposing to put in reflect the history of the bridges that were taken out back in 2006, I believe. So they are not reflective of the Acrow bridges they're reflective as the community requested of bridges that existed prior to that time. We have also done some work in this proposal so that we are improving the alignment of those bridges.

If you are familiar with those bridges you know that when you go from bridge 2 to 3 there is a pretty significant elevation change and there is broken back curb you have to negotiate. We are going to smooth all that out with a simple curb between the bridges and the alignment vertically will be much smoother as well. The new railings compared to the existing Acrow bridges that are out there are going to be much lower a reminiscent again with the older bridges. So that will improve safety because vehicles will be able to see other users of the bridge at a much greater distance. I don't really have anything else to add but I'm happy to take any questions you may have.

Chair Mahoney: Is there any questions? Commissioner Ho.

Mr. Ho: Mr. Dill, this is an afterthought but because these bridges are in a flood plain or in tsunami area is there any consideration given to raising the heights of the bridge?

Mr. Larry Dill: So we... and that's a great question and we had significant engineering work to take a look at the bridge elevation with respect to a 100 year storm, storm surge. And I had a meeting with our Central Federal Lands folks from Federal Highways Administration that are managing the project. When they got close to I think it was the 90% design stage to talk about those things. So that bridge does meet all 100 year storm elevation clearance criteria and also I think provides 1.2 ft. of freeboard. So essentially, provides for 1.2 ft. of sea level raise. In that discussion the issue of tsunami forces came up, which is an interesting discussion because I can tell you the Hawaii Department of Transportation has no defined criteria for bridges in coastal areas to design to tsunami forces. So since I was speaking to Federal Highways, they asked the Highway folks if they had a criteria and Federal Highway has not any criteria. And Federal Highway has not established any criteria and I also inquired ASSHTO which is the American Association of State Highway and Transportation Officials and there is no established criteria for making bridges tsunami resistant which I really found interesting.

Based on the history of this bridge, we all know the bridge was taken out by tsunamis twice I think once in the 40's and once in the 50's, I think or there about? We made the decision we would go ahead and design the substructure to be tsunami resistant. And the idea there would be in the event a tsunami it's possible that we would lose the deck of the super structure. But in that situation having saved the foundation, the substructure it would be relatively easy to get a temporary Acrow bridge put back up there as was done in 2005.

Chair Mahoney: Is there any further questions?

Ms. Nogami Streufert: There's a lot of information in there that there's not going to be any decrement in the water quality at the surface level or in the stream. Is there any consideration for the residential water supply? Is there going to be any impact for the residents while the construction is going on?

Mr. Larry Dill: Similar to what we did on the north shore with the ER, Emergency Relief work we did on the north shore this pass 18 months or so, seems like about 10 years. We re-built, replaced 2 bridges, and rehabilitated 1. So what we typically do for a bridge project that we are doing in Wainiha, is we are going to first construct temporary bridges makai of and parallel to the existing bridges that are out there and when we build that we will provide water service to make sure we can maintain continuous service. We did that for the 3 bridges we worked on in the ER work. We relocated the water line temporarily I think mauka in 2 locations and makai in 1. So we maintained continuous water service. There are short shut downs when we turn it off and reconnect with the other line but we basically maintain continuous water service for the residents.

Ms. Nogami Streufert: Okay.

Chair Mahoney: Is there any further questions? Okay, thank you very much. Is there any member of the public who hasn't testified and who would like to testify on this Agenda Item? Seeing none. May I have your recommendation please, Romio?

Mr. Idica: Based on the foregoing conclusion it is recommended that special Management Area Use Permit SMA (U) - 2020-3 be approved with the subject following Conditions as outline again, in the Director's Report.

Chair Mahoney: Chair will entertain a motion. Everybody understands and accepts the Conditions correct? Yeah, Okay. Hearing that is there a motion on the floor?

Mr. Keawe: Okay, I'll make a motion. I move to approve the Special Management Area Use Permit SMA (U) -2020-3 for the construction of Highway improvements involving a the replacement of three modular steel bridges situated at the Kuhio Highway/ Alaeke Road intersection approx. 0250 ft. east of Ananalua Road Kuhio Highway intersection in Wainiha.

Ms. Apisa: 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. 5:0. Thank you.

Chair: At this time, we're going to take a 5 minute caption break.

The Commission recessed at 11:05 a.m.
The Commission reconvened at 11:15 a.m.

Chair Mahoney: Call the meeting back to order.

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. [Director's Report received 10/22/20.]

2. Supplemental No. 1 to Director's Report pertaining to this mater.

Mr. Hull: Rounding out to the last actionable Item Class IV Zoning Permit Z-IV-2020-5 and Use Permit 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. The applicant is the County of Kauai Fire Department, and Romio is the Planner on this.

Before he reads the report I will make one typographical edit, the date receipt of completed application as the Director's Report states and the public Hearing date all reference 2020, it should be 2019. That was actually my fault I drafted this report myself so I take full responsibility for that error, I apologize. But Romio is the Planner assigned and it is the Romio Idica day apparently, so Romio you want to take it over.

Staff Planner Romio Idica: Aloha, Chair and fellow Commissioners.

Mr. Idica read the Summary, Project Description and Use, and Applicant's Reasons/Justification sections of the Director's Report for the record (on file with the Planning Department).

Mr. Idica: That concludes the summary of the Director's Report and I will hold off for any questions.

Chair Mahoney: Is there any questions for the Planner? Is there a representative for the applicant please? And thank you for your patients. Please state your name for the record please.

Mr. Kilipaki Vaughan: Aloha wa kea. Kilipaki Vaughan, Deputy Fire Chief. May I please this Commission? Thank you.

Chair Mahoney: Thank you. Is there any question for the applicant? Commissioner Streufert.

Ms. Nogami Streufert: On the application, on the first page of the application, it says that helicopter fueling and maintenance will be down off site. Yet on the (inaudible) report it said it would be fueling in that hangar.

Mr. Idica: That was a mispronunciation on my part. Commissioner, I apologies for that.

Ms. Nogami Streufert: There won't be any?

Mr. Idica: There won't be any refueling on site.

Mr. Vaughan: And maybe I can shed some light on your practical nature of the fueling operation. So the hangar would be at a particular position and the helicopter would be there. We tend to fuel away from the hangars as well and there's a normal spot that is our refueling spot, they actually have fueling tanks near bye. Sometimes the Aviation Tanker comes by and fills up but it wouldn't be happening in the hangar itself.

Chair Mahoney: Any other questions or concerns? No. And the hangar is for...maybe just a brief summary of what the hangars purpose is for, for the public maybe short.

Mr. Vaughan: Sure, thank you for this opportunity to share. The hangar will be home for November Hotel Kilo 911, which is our aircraft, Air One. And that was appropriated I believe in '2010ish period, it is a critical resource for the County. I have a Resolution here for April 6th and 7th where we performed 121 rescues in about 12 hours' time helping people from Hanakapiai stream with this critical resource. Without his opportunity and without this resource a lot of people would still be stranded there, I hate to say it. But this particular helicopter is a critical resource to the County and a health and public safety and welfare of the community of Kauai and those visitors that come from beyond, most times it's from beyond. Is there anything else I can clarify for you?

Chair Mahoney: Commissioner Keawe.

Mr. Keawe: What about pilots Paki, as far as you know, pilots and training? Or back-up pilots? I mean because there not available all the time when you get the 911 call, and where's the pilot? He went vacation? Something like that, how do you do that with that many potential rescues?

Mr. Vaughan: Sure, thank you for the question Commissioner. Our pilot we have a contract that is farmed out every few years. Those pilots are dedicated during the daylight hours we don't perform rescues with the helicopter at night. We are not rated for that type of capacity. Again, we have a contract with multiple certified helicopters, I mean certified pilots that fly this helicopter '20, it's not '24/7, it's 8, 7, 3, 6, 5.

Mr. Keawe: So multiple companies provide pilots for you, is that correct?

Mr. Vaughan: Negative. We have one company providing pilots under a contract.

Mr. Keawe: On a yearly bases?

Mr. Vaughan: On a yearly bases and it tends to be a multi-year contract that comes up.

Mr. Keawe: So it's yearly renewable?

Mr. Vaughan: Yes, correct.

Mr. Keawe: And have you had any problems with pilots themselves? Skill level? Or difficulty of rescues? You know, that kind of stuff.

Mr. Vaughan: We do not have trouble with the pilots. We are very happy and we try to get them annual re-certification through the helicopter manufacturer. And it's critical this environment flying here is like any other environment. I think we can know that by past history and helicopter crashes that have occurred over the years. So we take it very seriously to provide training and refresher certification for our pilots.

Mr. Keawe: What about the aircraft itself certifying, '2014, is when you got the aircraft?

Mr. Vaughan: I'm forgetting the actual date when we got the aircraft, I think it's about '2010, '2011ish?

Mr. Keawe: So you are getting up there in age and is there any thought of you know, getting a new model that might be easier for you to perform rescues?

Mr. Vaughan: We would love to have more than one model to perform rescues. You know, tends to move into paramedical EMS type of situation where we could be transporting multiple patients.

Chair Mahoney: Let's get back to the hangar.

Mr. Vaughan: This model works well for us right now, we have a utilization study exploring some of these other utilization opportunities out there. We believe we've taken great care of it, there's a maintenance contract that is also out there for this helicopter. It under goes strict inspections 100 hours, 300 hours annual inspections, we are very confident in the aircraft itself. These types of aircraft can last quite a long time, you'll see aircraft flying for about fifty years and with different changes in the Rotor, possibly fuselage but the aircraft can continue to fly for quite a long time.

Mr. Keawe: Thank you.

Mr. Vaughan: Thank you.

Chair Mahoney: Thank you very much. Is there any questions about the hangar? That's what we're, the issues we got. Commissioner Ho.

Mr. Ho: Is there consideration about having a living quarters there in the hangar? So that you could keep the pilots there longer for personnel?

Mr. Vaughan: There is not a consideration at this time. You know, I think it would open up a whole not can of worms but restrictions and opportunities. We like to make sure that again, until our helicopter pilots are rated and certified to fly in the evening as well as our helicopter. We'd rather not have the pilot staying at the helicopter hangar. We do have the office for rest and for administrative work but we have pilots position across the island that will be able to service it.

Chair Mahoney: Thank you very much. Is there any member of the public who would like to testify on this Agenda Item? Seeing none. Thank you very much and thank you so much for waiting. Romio our Planner could you give us your recommendation, please.

Mr. Idica: Based on the foregoing evaluation and conclusion it is hereby recommended that the subject proposal to allow the construction of a new helicopter hangar through Class IV Zoning Permit Z-IV- 2020-5 and Use Permit (U) - 2020-4 be approved with the following Conditions outlined in the Director's Report.

Chair Mahoney: Has everyone seen the Conditions? Any questions? And Fire Department is aware of the Conditions and agrees? Okay at this juncture the Chair will entertain a motion.

Ms. Nogami Streufert: I move to approve Class IV Zoning Permit Z-IV-2020-5 and Use Permit (U) -2020-4.

Chair Mahoney: Is there a second?

Ms. Apisa: 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. 5:0.

Thank you very much. Thank you Romio, good job today.

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, December 10, 2019.

Mr. Hull: That concludes our actual Agenda Items. I circulated a list that has the upcoming potential future meeting topics. We have the Department of Transportation, we have the construction of the pedestrian bridge coming up for Hanakapiai Stream, I'm sure Kilipaki will be back here with that specific Resolution because that talks specifically about that the needs for improvement at the Hanakapiai area. We also have some Zoning Amendments coming up concerning residential development standards, one in particular is the driveway that has come to light over the past year or two that proposals coming to you folks in the December meeting. There's some farm worker housing units, as well as possible Commercial Zoning bill as well. And then next meeting, we have the deferrals that happened at previous Commission meetings. We are also looking at the Hanalei Bay Resort parking issue as well as the Kahili Adventist School which had a considerable amount of public testimony.

Ms. Apisa: And those would be on which agenda?

Mr. Hull: That coming on December 10th

Ms. Apisa: December, okay?

Mr. Hull: There's no meeting for the 4th week of November.

ADJOURNMENT

Chair Mahoney: Do I have a motion to adjourn?

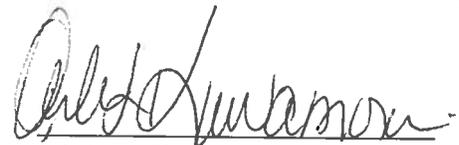
Ms. Apisa: Motion to adjourn.

Ms. Nogami Streufert: Second.

Chair Mahoney: All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 5:0. Meeting adjourned. Thank you.

Chair Mahoney adjourned the meeting 11:29 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.