

KAUA'I PLANNING COMMISSION  
REGULAR MEETING  
August 13, 2019

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Sean Mahoney at 9:25 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  
Mr. Kimo Keawe

The following staff members were present: Planning Department – Director Kaaina Hull, 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 9:25 a.m.

**ROLL CALL**

Planning Director Mr. Kaaina Hull: Good Morning Chair and members of the Commission. Um, first order of business is roll call. Commissioner Apisa?

Ms. Apisa: Here.

Mr.Hull: Commissioner Keawe.

Mr. Keawe: Here.

Mr.Hull: Commissioner Streufert.

Ms. Nogami Streufert: Here.

Mr. Hull: Commissioner Ho

Mr. Ho: Here.

Mr. Hull: Chair Mahoney

Chair Mahoney: Here.

Mr. Hull: You have a Quorum, Mr. Chair.

### **APPROVAL OF AGENDA**

Mr. Hull: The next agenda item is approval of the agenda. The Department would request that, you guys have a series of Zoning Amendments concerning additional rental units. And because of agenda construction they had to be placed in order but the Department would recommend, so they can all be heard together, that 3.a and 3.b., be moved after 4.b., as well as the communication J.1., be moved after 4.b. The Department will stand by their recommendation to amend the agenda.

Chair Mahoney: Okay. Chair will entertain a motion to amend the agenda.

Ms. Nogami Streufert: I move to amend the agenda as noted by the Planning Department.

Chair Mahoney: Is there a second?

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

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

Mr. Hull: The next is agenda item D., minutes, you have the meeting minutes for June 25<sup>th</sup> 2019.

Ms. Apisa: Motion to approve the minutes.

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. 5:0. Thank you.

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

Mr. Hull: Next E. Receipt Items for the Record. We have no receipt of items for the record.

## HEARINGS AND PUBLIC COMMENT

### Continued Agency Hearing

There was no continued agency hearings

### New Agency Hearing

Class IV Zoning Permit Z-IV-2020-1 and Use Permit U-2020-1 to construct a new branch office building and associated site improvements on property located within Kilauea Town, situated immediately across the Kilauea Post Office facility and immediately adjacent to the Kilauea Lighthouse Center, along the northern side of the Kilauea Lighthouse Road/Keneke Road intersection, further identified as Tax Map Key: 5-2-005:023, and affecting a portion of a larger parcel containing approx. 179.439 acres = Gather Federal Credit Union. [Director's Report received 7/23/19.]

Mr. Hull: Uh, first agenda Item is 2.a, New Agency Hearing for Class IV Zoning Permit Z-IV-2020-1 and Use Permit U-2020-1 to construct a new branch office building and associated site improvements on property located within Kilauea Town, situated immediately across from the Kilauea Post Office facility and immediately adjacent to the Kilauea Lighthouse Shopping Center, along the northern side of the Kilauea Lighthouse Road/Keneke Road intersection, further identified as Tax Map Key: 5-2-005:023, and the applicant is Gather Federal Credit Union. We have an extensive sign-up list here. The first person signed up is, Tess Shimabukuro.

Chair Mahoney: Could you state your name for the record please? And you have three minutes to testify.

Ms. Tess Shimabukuro: Good morning Commissioners. My name is Tess Shimabukuro and I am the President CEO, of Gather Federal Credit Union. I do have written testimony here that I will be submitting but I just wanted to touch on a little bit of a, well, points of interest I think for everyone here today. So Gather is a not-for-profit financial co-operative. We were established in 1954, when ten pineapple farmers found it necessary to pull their resources together and come up with micro loans to support their businesses. Fast forward sixty-five years later, we have five branches that are pretty much located throughout the island from Waimea to Kapaa. And we service about thirty-five thousand members with about five-hundred twenty million dollars in assets. And we are here today to ask for the Planning Commission to grant a Use Permit for our Property that we are planning to purchase in Kilauea. We have approximately twenty-seven hundred members that live on the North Shore, about seventeen-hundred of them live directly in the Kilauea area. Earlier I submitted about sixteen hundred signatures to the Planning Department and these are signatures of support for our office, we then had collected nearly two hundred more signatures. Late, just as a little bit of history. Late in the 1960's we were then called Kauai Community Federal Credit Union actually merged with Kilauea Plantation Credit Union after the Plantation Closed. And we serviced that area on a part-time basis until it became a little bit too dangerous because of the volume of cash that we had to manage was posing a security issue so we stopped that service. Our roots have been in the community for sixty-five years, and we are more than ever now committed to nurturing that community as well.

Although we live in this digital age, you know, we also feel that we are very home grown values and that building a branch in Kilauea is also going to help us cultivate more relationships out there. We are presently already out in Kilauea in the sense that we are in the community, we work with Kilauea school, we've been there for about three years, and we would also like to expand that to other schools in the area. The Proposed site for the Credit union, we fill is very conveniently located within the town of Kilauea. It is across of the Post Office adjacent to the Kilauea Lighthouse Shopping Center as well and it's also the location that makes it conducive to walking and biking rather than driving in that area. Um, on August 6<sup>th</sup> we did get invited to the Kilauea Neighborhood Association meeting, where we pro, we showed them the proposal of our site and our plans also, give testimony about the project and solicit feedback. At the meeting there was one neighbor who is—

Mr. Hull: Three minutes Mr. Chair.

Chair Mahoney: Okay, excuse me it's three minutes but as an applicant you know, maybe we, the Director might be able to clarify.

Ms. Shimabukuro: Oh, sorry.

Mr. Hull: Because we understand you are here with the applicant itself. Will you be presenting with the application as well?

Ms. Shimabukuro: Sorry. Yes.

Mr. Hull: Yes, so I mean, because at that time you don't have any time limits. You as the applicant can come up here and testify and the Commission will through essentially a dialogue with you presenting the application.

Ms. Shimabukuro: Oh, okay, okay.

Mr. Hull: And we will just make that clarification for anybody else that signed up. If they are just here to speak in support or opposition or concerns that have signed up indeed, you have been afforded this opportunity now. However, your part of the actual petition itself, you will be afforded a time later-on, on the agenda in which discussion will be had with the actual applicant.

Ms. Shimabukuro: Okay. Sorry about that.

Mr. Hull: Thanks Tess.

Chair Mahoney: Thank you, thank you for your testimony.

Mr. Hull: Next up is Terri Kaniho.

Ms. Terri Kaniho: Good morning and aloha. My name is Terri Kaniho. Sorry I am a little bit nervous here, first time. Um, I'm an employee of Gather Federal Credit Union and this November I make 24 years working at the credit union. I started as a teller in Lihue and I have had the opportunity to work in operations in all of our branch locations, Kapaa through Waimea. My position now is the Marketing Manager. As I manage the credit unions community events, public relations, promotion, and so forth. My testimony today is to share the love and the passion that I have for what our credit union does for our island communities that we work and

live in. I am very proud for company who continuously works hard towards strengthening the financial wellbeing of our members, the business, and our island communities. Everything Gather does is for the betterment of others. Our off, we offer options, tools, knowledge, and connections to help people succeed. Our management and leadership team works hard at keeping our credit union safe and sound. The decisions are always based on “what’s in it for the member.” We are community we are always there to help whether it be financial assistance offering financial literacy or volunteer work. We support a number of organizations island wide such as non-profits, youth sports, the hospitals, public schools, charter schools, the food banks, Habitat for Humanity, tourism industries, and so many more. I do not live or work in the North Shore but after working with the people in the community and having a relationship with Kilauea through our Banking Bus Program, it’s our kids savings program for the past three years. I believe a more prominent and full-time presents in the Kilauea location would be beneficial to our members and potential members, as our goal is to be accessible and available for all of Kaua’i. Mahalo.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next up is, next up is Melanie Agayan.

Chair Mahoney: So could you state your name for the record, please? And you have three minutes for your testimony. Thank you.

Ms. Melanie Agayan: Hi, my name is Melanie Agayan. And I also work for Gather Federal Credit Union. And I am the Branch Manager at our Kapaa location. So I have been with the Credit Union for sixteen years now and it has been a constant demand from our members who live, works, and have friends and relatives up north to have a branch office up there. Just last week one of our members who lives in Kilauea, told me that their lives would be much easier if we have a branch in Kilauea especially, her elderly parents who can no longer drive far. A branch in Kilauea will make them feel independent again because they will no longer, the will be able to do their banking on their own due to the shorter commutes. So please consider our petition to build a branch up in Kilauea. It would really help the community up there to have a branch there so they can go in whenever they want to they don’t have to go through traffic every day at our Kapaa location. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next speaker is Stephanie Kawamura.

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

Ms. Stephanie Kawamura: Hi. My name is Stephanie Kawamura. Um, I’ve been working at Gather Credit—

Chair Mahoney: Will you speak a little louder please?

Ms. Kawamura: I’ve been working at Gather Federal Credit union for six years. I actually do live in Kilauea. Um, I was raised there as well, so I live there my whole life. Um, I do have two testimonials also from family that live in Kilauea, which I can submit. Um, but it would be very useful to have branch in Kilauea. A lot of my neighbors have been around since the plantation

and they can't get around as well anymore. And whenever I see anybody, they are always asking me, when we can get a branch out there because they have a hard time getting out through the Kapaa traffic or having their family members bring them out. A lot of them would be walking over to the branch, so a lot of them are in support of this as well. Thank you.

Chair Mahoney: Okay. Thank you for your testimony.

Mr. Hull: Next speaker is Stephanie Brown.

Chair Mahoney: Okay. Same could you state your name for the record, please?

Ms. Stephanie Brown: Aloha. Good morning. My name is Stephanie Brown. I am the Business Development Manager for Gather Federal Credit Union. I just started in March but I live in Kilauea and have for the last forty years and have been a member of Gather Credit Union for the last twenty years. Both my children have accounts with Gather Federal Credit Union and have for many years. As a mom working on the North shore and as a coach and as a team mom for various youth sports over the years in the community. I can't tell you how many times I've missed making deposit at the credit union when it was choice between dropping my child off at sporting event or rushing through Kapaa to make a deposit. I can't tell you how many times we were under a little tight budget during the weekend because I did choice my children and putting my family first over rushing through Kapaa. Many times in my life I've had to choose between battling Kapaa traffic. I'm a believer that the Kilauea branch office for Gather Federal Credit Union would help increase the quality of life for over one thousand-seven- hundred members that live in Kilauea. That's one thousand-seven- hundred less cars that need to leave Kilauea to journey to Kapaa and to Journey back. Um, and for more than twenty- seven-hundred members that live on the North shore. The location of the Kilauea branch across from the Post Office is both ideal and convenient. I envision moms and dads being able to walk or ride bikes with their children to their sporting events or afterschool activities and then being able to walk or ride bikes right across street to take care of their financial needs with Gather. What a dream this would be, this would have been, sorry, to think that I could have been walked or biked to the Gather Branch than go across the street to the Post Office and take care of my responsibilities and then go next door to get a few groceries, and then right next door to great cup of coffee. The Kilauea community is a special type of community, we are kid friendly, we are pet friendly, at any time you can see so many children walking to the gym, like I did or walking to the Parish hall or the Menehune Food mart like I did. So it's a safe community and I just feel that a branch within the community would enable the community to be a part of the heartbeat of Kilauea to be a part of that town and to enable parents to have a healthy, and happy, and easy lifestyle. So I hope that you approve this thing. Thank you so much.

Chair Mahoney: Okay. Thank you for your testimony.

Mr. Hull: Next we have Jenna Garcia.

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

Ms. Jenna Garcia: Hi. I am Jenna Garcia and I am also from the North shore of Kauai but I recently moved three years ago to Kapaa. But, growing up I did have a Credit Union account and speaking on behalf of my family that still lives on the North Shore it would benefit them so they wouldn't have to fight our dearly loved Kapaa traffic. And, yea, it would just make

everything easier especially because we are just able to put a ATM down in Ching Young and to actually have a facility on the North shore would help all the wonderful families down there to better accommodate their schedules. Thank you.

Chair Mahoney: Thank you.

Mr. Hull: Next we have Kendra Inanod.

Chair Mahoney: Okay, Kendra you're on so could you clarify your name for the record, please? Thanks.

Ms. Kendra Inanod: It's Kendra Inanod. Um, I work for Gather Federal Credit Union for the past eleven years. Worked at the Kapaa branch for nine years. I have worked with a lot of North Shore members and I feel their frustration and seen their frustration in making it at the very last minute. Sometimes we are even closed and them knocking on the door, trying to get their banking, especially on Friday's. I just feel that if we do and were able to open up the Kilauea branch it will just alleviate a lot of the traffic in Kapaa and just be really you know, work for the community. It will work out best especially, also, people that work out on the North shore that live in Anahola and in Kapaa, that would be just you know, one stop shop and go home early to their family and get dinner ready and it would just make life easier. So I do have some testimonials, letters that I will submit from residents of the North shore and people that do live out and work out on the North shore also that I will be submitting to you folks. Thank you for your time.

Chair Mahoney: Thank you.

Mr. Hull: Next we have Nick Hill.

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

Mr. Nick Hill: Sure. Good morning. My name is Nick Hill. I am also a resident of Kilauea, grown up there for many years. I actually own the house that will be directly behind and almost adjacent to the proposed site. Um, I am not against the Credit Union coming to Kilauea. In fact, a while back there was a petition that went around and I signed that petition. I've talked to a lot of people in the community that say that it would be very convenient and I agree with a lot of the testimony that have been said and the convince that it would afford a lot of our citizens. Um, I did not, however, educate myself on the proposed plan and the added density and commercial development that would create. Um, the concern that I have is that we have just had the Lighthouse Village go into place in our neighborhood. We are basically neighbors with them now. I understand that there is some talk of another credit union that would be a possibly coming into the Lighthouse Village. And I question if that would be an opportunity that Gather would be able to explore? Which maybe would alleviate the development of commercial property in that area. We have had a lot of development, the infrastructure has not been updated. When the lighthouse project was proposed, we were told that the road Ala Namahana Road, would go all the way to Kuhio Highway. I understand that there is some private landownership issues there that need be addressed. But what we are doing is creating more density in a very small area and I don't know if we are ready for that yet without additional road infrastructure put in. I think that there is a lot of questions that need to be answered about the project and

concerns that need to be brought up and I would look forward to addressing and discussing those concerns before we move forward with the project. Thank you for letting me speak.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have Kaleo Perez Jr.

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

Mr. Kaleo Perez Jr.: Good Morning. Um, my name is Kaleo Perez Jr. I'm the Vice President for Human Resources for Gather Federal Credit Union. I was the former Branch Manager for Kapaa branch when this project was first started about three years ago. And I'm just going to echo what my colleagues said you know, we really want to be a partner with the Kilauea community. It's been many members that they try to come in after their work day to cash their paychecks and you know, they get stuck in traffic. We feel like having a branch in their community would help with their quality of life and really we want to be a part of their schools and financial literacy as well. We open a lot of business accounts and we also help with kids that move away to college that need checking accounts for their parents to help funnel money in so they can pay for food and tuition and things like that. So we humbly ask for your support in helping us build our branch out there.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have Mic Garcia but I see Mic saying he's not going to testify. So I will take Mic Off. The next is Mel Kay.

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

Ms. Mel Kay: Mel Kay. I don't live in Kilauea and I am not against the development of the Federal Credit Union. But I took a look at the families that are going to be impacted and I went by the cul-de-sac and I spoke to the family that is right there and they had said that it would basically, the parking lot would go straight up pretty much like ten feet away from their door, from their back windows. And I had seen that impact that these commercial developments are having on the residences and the families. And I think that changing the way that the architecture, no disrespect to the architects. But the way that everything is being planned and built perhaps maybe creating a buffer zone and keeping that buffer zone so that there is not so many cars backing up into these people's private homes. And also, another thing is I don't feel the need for, that there is a need for all of these drive throughs. I have never seen any other bank except for Gather with a drive through. First Hawaiian bank, they have all gotten away from not having a drive through and it just kind of takes up unnecessary space. So you know, if there was, maybe if the building could be in the back rather than the cars in the back when they drive through. These people are going to be really affected and impacted you know, the quality of life and I am sure the value of their homes will go down because there is going to be a lot of people coming in and out. And so I just, as a family, I mean a community member and I care about this island and we are all in this together. I think that maybe re-thinking the way in which the architecture has gone. And there is no solar panels, I just thought I'd put that out there, no rainwater catchment, or anything to stop the drainage of waste water or run-off from rain. I think maybe a little bit more thought—

Mr. Hull: Three minutes Mr. Chair.

Ms. Kay: That's it. Thank you.

Chair Mahoney: Okay. Thank you for your testimony.

Mr. Hull: And the last signed up we have Kenneth Carvalho.

Mr. Kenneth Carvalho: Good morning for the record. Kenneth Carvalho. We are the property owners that are going to be impacted the most. I have a map here that I can share with you to show you the proximity of how we will now have two parking lots that we have to deal with. One from the adjacent property that has just been developed and now this new development that they are proposing. Which would be ten feet from our master bedroom, their parking lot. I, it's a positive thing for the thing but now it's in my back yard. That's the problem that I am having, it's in my back yard and I wouldn't think that any of you would want a parking lot directly in the back of your house. If this does go forward, is there any way we can flip this thing around? So that the parking lot is in front instead of in the back, than we don't have to deal with the traffic coming in and out all day, every day. Because they will have some type of kiosk that will be in there, so you will have traffic all day, even when they are closed, an ATM. So we have to deal with that also. I've spoken with Tess and there a, people that have drawn this up and they plan on working with us. But I still would like to see this thing flipped around. I really don't want another parking lot in my back yard. We are dealing with other developments and any other type of restrictions that you guys can see to help us because we are impacted the most. Thank you.

Chair Mahoney: Okay. Thank you for your testimony.

Mr. Hull: Is there anybody else in the public who would like to testify on this agenda item?

Chair Mahoney: The clerk will come and get that from you, yeah. Thank you.

Mr. Hull: Seeing no further testimonies on the Chair, the Department will recommend closing the agency hearing.

Ms. Nogami Streufert: I move to close the agency hearing.

Ms. Apisa: Second.

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

Mr. Hull: For the members of the public that are for Gather so what, the action that just happened in essentially the agency hearing was to allow public testimonies to occur for the Commission to hear you folks. But the actual agenda item where the petition is discussed and debated amongst the Commissioners happens later on in the agenda. So if you folks want to stick around for that that happens later on in the agenda. But that was just afforded so testimony can be taken. Now the Commission moves on to other agenda items and later on in the agenda we will hit the Gather application. So next on the agenda we have down to

New Public Hearing

Zoning Amendments ZA-2020-1 to amend Zoning Conditions in Ordinance No. PM-2004-370, relating to zoning designation at Kukuiula, Kauai, further identified as Tax Map Key: 2-6-003: Por. 001, 004, 021, 023, Por. 031, and Por. 032; 2-6-004: 017, 038, and 045; 2-6-011: 013 through 016; 2-6-015: 001 and 006 and affecting a total land area of 1,002 acres= County of Kauai.

Mr. Hull: So next on the agenda we have down to 4.a., Zoning amendment ZA-2020-1 to amend Zoning Conditions in Ordinance No. PM-2004-370, relating to zoning designation at Kukui'ula, Kaua'i, further identified as Tax Map Key: 2-6-003: Por. 001, 004, 021, 023, and Por. 031, and 032; 2-6-004: 017, 038, and 2-6-011; 013 through 016; 2-6-015: 001 and 006, and affecting a total land area of 1,002 acres, the is the County of Kauai. Dale Cua is our Planner on this.

Dale Cua will be providing the report on behalf of the Department.

Staff Planner Dale Cua: Good morning Chair and members of the Commission. I will go through the Directors Report and just summarize highlights of the report if you guys are okay with that.

Chair Mahoney: Is there any questions for the Planner from any member of the Commission?

Ms. Nogami Streufert: Yes. Could I ask a question?

Chair Mahoney: Yes.

Ms. Nogami Streufert: Is this isn't the VDA is that correct, the Visitor Destination Area?

Mr. Cua: I believe the park is outside of it.

Mr. Hull: It's outside of the VDA.

Ms. Nogami Streufert: Outside.

Mr. Hull: Yeah, so just some background. The applicant is the County of Kauai. Essentially, when we took a look at it and we have been throughout the island is looking at avenues in which we can address the housing crisis essentially. You guys have seen a barrage of policy changes this past year concerning removing what our governmental barriers to housing. Affordable local housing, housing in town cores throughout the island, in Lihue, in Waimea, and what have you. And what you actually have on the agenda later on is a series of Amendments that are proposed to incentivize additional rental units. Which are also in that local work force housing but within you know, individual property owner areas. To incentivize the construction to reduce things like the FRC, to reduce waste water hook ups, and all too somewhat, hopefully, compel small land owners. Not only have we afforded in our ability to build these new units for say, Kupuna who want age in place or students coming home from the mainland that want to live here. But now to actually look at waiving fees that can be substantial in nature such as, the FRC, which can be seventeen thousand dollars or the waste water hook up which can be four or five thousand dollars. Looking at was that the County can adjust and help out individual property owners in this housing crisis. In looking at this particular parcel, the County has embarked in past few years in using some of its land assets to provide affordable housing units. You folks saw it in

Princeville, you folks saw as well as the Rice Camp development that happened here in Lihue for Senior Housing as well as what's going on with Lima Ola in Ele'ele. A huge part of providing housing is the cost of land. Cost of construction is fairly high here in Hawaii and a lot of that is something we can't control. But where we can, essentially chip away and look at avenues where we can reduce the cost is looking at our land assets. And we began looking at among other things in this particular scenario, a land that was slated to be a park. The, in the grand scheme of things, the County of Kauai has twice as many parks as any municipality in America that has our population. It is something that our own Parks Department has problems keeping up with because it has been a formula in which when developments come on line. These new parks are created and um, the Parks Department has to fold them into their assets whether or not there in the long range plan of the Parks Department. The proposal here before you folks looks at having Kukui'ula, the land owner maintain this park once it's essentially created. But like I said the Department, not just the Department, the Planning Department, the Housing Agency, and the County Administration overall is trying to look at its avenues where we can use our land assets to potentially provide for our affordable housing. So the proposal is to take what was originally established for park purposes, it has to be used for park purposes to amend the ordinance to say that it will be taken out of the Parks Department domain and put in the Housing Agencies Domain and then the Housing Agency will have the ability to either look at putting affordable housing on that property. Um, and that is the proposal in a nutshell. I would say that over the past week or so that Department has gotten a considerable amount of testimony in opposition to this particularly from the Koloa community. And I think when we go into the public comments section you guys are going to hear some of that opposition and the Department is in no way attempting to move quickly on this. We were a little surprised about the amount of opposition given that you know, there has been a very clear mandate to put housing, to address the housing crisis. But it's an honest discussion we are about to have here after with the public comments as far as, what does the community want to weigh? A potential park being put in place verses housing. There is a desire to have all of it, right? The County only has so much to work with though. So if you have any further questions for the Department? Otherwise, I would recommend taking a public testimony and hearing what the community has to say.

Ms. Nogami Streufert: I have one additional question. A there was one agency, I'm not sure which one as I was looking towards, through my notes. It said that Knudson Park is in the area and has been underutilized. That was one of the rational for changing this designation from park to residential. Can you address that one?

Mr. Cua: It was an agency comment?

Ms. Nogami Streufert: I believe it was an agency comment that Knudson Park was already underutilized and it was in the area.

Mr. Hull: We can get further assessment from the Parks Division as well. I believe they submitted a preliminary comment, we anticipate more comments coming from them in the future as well.

Ms. Apisa: Yes, I think that comment was in Mr. Cua's Report also.

Mr. Hull: I think we can return to that while Dale is looking into that. Um, are there any other question that the Commissioners have for the Department at this time? Yeah. Then the

Department will recommend taking public testimony at this time. And we have a sign-up list as well over here.

Chair Mahoney: Okay. So for public please state your name for the record and I will probably remind everybody that you have three minutes.

Mr. Hull: First, we have Tessie Kinnaman.

Ms. Tessie Kinnaman: Good Morning. Tessie Kinnaman for the record. I would like to acknowledge a former college of yours Louie Abrams, who was very adamant about these Conditions and I am not surprised that you have such a response from the Koloa community. I do have the Ordinance here from fourteen years ago. Let me read Condition No. 15, as represented the applicant shall develop, dedicate, and perpetually maintain a twenty acre active regional community park within the project as shown in "Exhibit ZA-1" and titled, "Conceptual Community Park Plan" the improvements to be provided by the applicant. This shall include multi-purpose fields that accommodate baseball, football, soccer as well as pavilions. The applicant shall dedicate the park to the County upon completion of the improvements. The applicant shall enter-in to a maintenance agreement with the County for the maintenance of the park. No. B, the applicant shall continue the concept of a hundred foot buffer on the makai side of Lawai Road, west of Lawai Beach Resort for development into beach parking and pedestrian bike paths. If a golf course is developed along Lawai Road, the hundred foot buffer may not be provided however, pedestrian and bicycle trails for Lawai Road shall be provided, and that is from the Harbor to Sprouting Horn Road. As represented in No. C, as represented, the application shall provide a comprehensive pedestrian and biking trail system throughout the project, which they are doing and have been continuing on. No. D, very important. We need it now, dedicate it. The applicant shall dedicate a minimum of twenty foot wide lateral beach public easement access along Kukui'ula Bay shore front. Applicant shall also develop and dedicate to the County and perpetually maintain the properties identified as TMK: 2-6-001: 013, 014, 015, and 016, as a public park. The (inaudible) shall not have the option of moving the existing structures that are on which has already been done years ago. Improvements my include (inaudible) boat launch, ramps, additional parking, pavilions, landscaping shade trees, shower facilities, and a playground area. The specific improvement shall be dedicated to the County Parks Division in consultation with all stakeholders including the community, the applicant, and neighbors surrounding process. As, speaking as, as talking about twenty acre park, dedication of the twenty acre park shall satisfy the dedication requirements of the Section 92.8 case of the County Code. And we would like to see that, at least I would like to see that park start being worked on as soon as they are done with the plumbing with the connection with the housing development that they are doing now. Ad so—

Chair Mahoney: Okay, can you summarize your testimony please.

Ms. Kinnaman: Sure. I ask that you not approve this applicant, and as an aside, also that there is a gated community coming up in that, in their development and I would like the Planning Department to go ahead and check on that cause it's on the upper side of the, at the end of their project that they are working on. They are always moving things around there, it's off of Ala Kukui—

Chair Mahoney: Could you wrap it up please.

Ms. Kinnaman: Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have—

Ms. Kinnaman: Oh, I'm sorry. Those maps I have there if you could take a look at it, it will hopefully help you.

Chair Mahoney: Thank you.

Mr. Hull: Next we up it's a little illegible, Gary, Ide? Id? Gary? Oh, he had to leave? Okay. Next up is Keba Kruse.

Chair Mahoney: Good morning. Could you state your name for the record, please? And you have three minutes for your testimony. Thank you.

Mr. Keba Kruse: Aloha, Commission and Chair. My name is Keba Kruse. I was born and raised in Koloa. My great grandfather, great, great, grandfather was the German Engineer that brought the steam, the first steam plow to Koloa. To the first large scale sugar cultivations, my family have roots in this town for a long time. Thank you for giving me an opportunity to speak from the heart. I'd like to humbly offer testimony in opposition of the County's proposal to amend Ordinance PM-2004-370 to turn it from a district park into an R-20 Zoning. So as I've grown up, I have seen Koloa change, I moved home to support my community when Koloa Camp was evicted to create fifty affordable homes that never happened and that was in 2013. And so, we lost it and we lost a simple way of life that is never coming back. I'd also, like to state for the record that I am not against affordable housing but I am against broken promises and failure to follow through. I understand that change is inevitable, the South Kauai Community Plan is well executed design for the future changes of this special place. It is the guiding documents for the long range growth and development of the South shore sector of Kaua'i. It won two American Planning Association Hawaii Chapter Awards in 2015, for outstanding planning and best practice. Amending this Ordinance directly undermines the trust and the efforts of the engaged community who spent countless hours drafting the best vision for Kauai's future. In this plan Koloa's vision statement is to maintain its rural feel and historical town feel by preserving, enhancing, and protecting its vast cultural treasures. Changing the park to an R-20 Zoning with a form based code overlay provides density that could be deemed extra ordinary. I mean the highest next zoning is and RR-20, which is resort. I feel like there are other places where housing are appropriate. I commend the County for addressing ah, the housing need for this island, but this was always promised as a park. There are already for four housing projects already in the works 134 units at Koa'e Makana, 100 units at Koloa Village, another 110 units in the surrounding area. I would like to talk about parks to as well, in this Kaua'i Community Plan, the parks was the number three on the top five list of feedback from the Kaua'i community. It was also one of the four entitlements for the development including the Kukui'ula Harbor, the Lopaka Paipa Pass through, and the Kaua'i Affordable Housing as well. A lot of the people I have spoken to felt that the park should have been first on this list instead of taking twenty years for Kaua'i t start. A little bit about parks before my time runs out. Parks are super important; parks keep community healthy, happy, active, and engaged and safe. The reasons why I think we have so many parks and a form factor of what that equates to is CBS just awarded Hawaii as

the healthiest and happiest State in the United States, and maybe that has a correlation to why we have so many parks. Parks encourage community engagement, it preserves open spaces, it promotes public health, they support arts and culture, and they help children learn in an alternative classroom environment. Parks benefit all age groups keikei, adults, kupuna, residents and visitors—

Mr. Hull: Three minutes Mr. Chair.

Chair Mahoney: Could you summarize please.

Mr. Kruse: Yes, I will. Our current parks are overcrowded and a Koloa/Poipu district Park is twenty acres and its part of the offset for Kukui'ula's one-thousand and ten acre residential community. We don't own Kauai we belong to it, the ultimate goal is to create a symbiotic relationship with the place that nourishes us. A park would nourish this community. The Park was promised twenty years ago, it was planned in 2013, it was celebrated with awards in 2015, I humbly ask for your integrity and that promises are kept and that this community will be given the park that it deserves and it needs. Thank you very much.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next is Louis Abrams.

Chair Mahoney: Good morning. Could you state your name for the record, please? And you have three minutes for your testimony. Thank you.

Mr. Louis Abrams: Aloha, members of the Planning Commission. My name is Louis Abrams. I am here today to provide testimony against the proposed amendment to Section 1 and 2 of Ordinance No. PM-2004-370, involving the twenty acre parcel within the Kukui'ula Master Plan Area in Poipu. Many years ago in when I returned home after graduating from college to work in our long standing family business in Koloa. I personally witnessed the efforts of many members in the Koloa community especially my father, the late Louie Abrams to get involved in the future development plans for the Poipu area when it was obvious that the community did not work together. The south shore of Kaua'i would have been changed permanently for future generations in a potentially negative way. As many already know, Poipu has long been the leader and largest destination area on Kaua'i and in 2005, during a good economy there were at least a half a dozen or more developments applying for approval with the County of Kaua'i. One of these applicants included the Kukui'ula Project that initially was slated for hundreds if not thousands of high-end residential homes mauka of Lawai Road. When combining the Kukui'ula Project with other developments being planned in the Poipu Area there would have been an explosion of new inventory almost doubling Poipu's existing capacity in just a few short years. Many who lived in the south shore region were very concerned about how all of these development projects. Slated to commence and complete in such a short amount of time could have altered the Poipu/Koloa area that many of our visitors have come back year over year to get away from the crowds around the world and even within Hawaii. In addition to that the potential negative impact to our visitors with overcrowding, the largest concern from our community was, How would our limited infrastructure in the Poipu are and area still proud to be the largest visitor area on the island without a single stoplight or intersection handle all of this? Was anyone in public office or the private developers going to evaluate, compose, fund, and implement the

necessary infrastructure to support such development in a small area? Unfortunately, the answer was no. It's seemed everyone involved cannot see passed the lucrative economic opportunity and their fingertips to develop what the most, if not the most desirable district destination areas in the world. It was time for the community to organize themselves and take action into their own hands. I will never forget showing Mr. Charlier and his associates from his firm in Boulder Colorado who specialized in innovative approaches to multi-modal transportation planning around the Poipu area with my father. It did not take long for Mr. Charlier to realize that the potential for gridlock in Poipu if we did not think ahead and simply allow all these new development to come into existence and simply connect to existing Poipu Roads and infrastructure. These developments need to contribute their fair share so that developments fit in instead of just plugged in. Many residents may not know how many months and even years went into this effort by the south shore community to ensure that our small town would not become a gridlocked nightmare for locals and visitors alike. In that process one thing that was important to the south shore community and especially my father, was a public park that would be built and dedicated back to the County of Kauai. Affordable housing east of Poipu Road was already included and provides ample local workforce affordable housing for the south shore. It was clear then and I would like to hope that it is still clear now, that doubling down on the housing plans, even though it will be labeled affordable, goes against the efforts and intent of those members of the community who worked tirelessly to find an acceptable balance for the Poipu Area.

Mr. Hull: Three minutes Mr. Chair.

Chair Mahoney: Could you summarize please.

Mr. Abrams: Over twenty years ago when I was a young man I witnessed what this community and my father went through to fight a responsible, for fight for a responsible south shore post development. In fact, it was so important to my father that this island have responsible members involved in government that he himself got involved and ultimately was appointed to this very commission by Mayor Bernard Carvalho, where he served with honor until his unfortunate passing in 2016. What do you think my father would be saying today if he was still with us and serving on this Commission? What message are we sending the youths or those like me who have many years ahead of us to participate in matters as important as these? If everything that is worked for over two decades would simply be replaced with short a meeting and signature overriding what was already agreed to and accepted by the south shore community. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next up I can't read the last name but first name Ryan last name begins with a B.

Chair Mahoney: Could you state your name for the record, please? And you have three minutes for your testimony.

Mr. Ryan Buhk: Thank you. My name is Ryan Buhk, B.u.h.k for the record. Again my name is Ryan Buhk and I am offering testimony on behalf of our fifth generation Koloa family in opposition to the County's proposal to amend the Ordinance. I offer this testimony with Ha'a ha'a and aloha. The County's proposal will allow Kukui'ula development to renege on one of the four contractually promised Conditions that was to have created a twenty-plus acre regional park in Koloa. This regional park was promised to contain soccer fields, baseball fields, and

pavilions for our growing community. This regional park was promised to Koloa over twenty years ago. If anyone cares to remember this regional park was an important part of this very Department's award winning South Kauai Community Plan, as KPC cited, that part was necessary and integral to a healthy community plan. The County's need for affordable housing is understandable okay, few get it. One could even say that, that is the most important issue facing our island. My testimony does not deny this need, we need that. In fact, what I offer is a win win, Okay? If the developer wants to give the County twenty plus acres to be designated for affordable housing? Great. But this gift cannot be received in lieu of this developer honoring their contractual promises. Allowing any developer to circumvent promised Conditions will not be received well, we have a new generation of what we call "woke citizens" millennials and gen x'ers who are educated, passionate, and looking for a cause. Okay? Witness Mauna Kea and what's going on there, don't think it can't happen here. Rumbblings of it at Hanapepe. Going forward County, receive the gift with humility and gratitude, but enforce the Conditions that were placed upon Kukui'ula that includes their promise to build a regional park which was a Condition that allowed them to develop their successfully profitable community. County, enforce the Condition that agreed to whereby they install a connector road between Poipu Road and Ala Kalani Kamaka using Lopaka Paipa Boulevard. County, enforce the Condition that the parking lot at Kukui'ula Small Boat Harbor Park be enlarged and be sure that the amenities that were promised are fulfilled. I ask this humbly and with aloha. Mahalo.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next speaker is Teddy Blake.

Chair Mahoney: Could you state your name for the record, please? And you have three minutes for your testimony.

Mr. Ted Blake: Aloha Commissioners. My name is Ted Blake. I am totally against this request by Kukui'ula. It's been over two decades since Kukui'ula was granted approval for its one thousand acres of high-end development on Kauai. Kukui'ula development contractually agreed to four Conditions. Building an affordable housing on Poipu Road that just happened last year which is twenty years after they signed this document. Twenty acre park develop, turn back to the County, and maintain in perpetuity, connect a road from Poipu to Koloa through Koloa Estates, which I am sure you remember. And the last one would be the Kukui'ula Harbor Park. For twenty-one years Koloa has waited patiently for a regional park with soccer and baseball fields and for the rest of remaining exemptions to be built, we are still waiting, for twenty, excuse me, Kukui'ula received the additional upgrades to its original approved plans by Planning, since, in the last twenty years. All the while the community of Koloa has sit by patiently and waited, awaited it's promised park, connector roads, and the community still extends aloha to Kukui'ula in spite of having to wait for twenty years. The County today, wants to re-zone the regional park, this land was not given to the County, and this was given to the Koloa community through the County. The County wants to re-zone it from a regional park to affordable housing project that, it will, take it away completely from Koloa well affordable housing is an island and County problem. We are being asked to sacrifice exactions with a major impact put upon our community by the County. There has been no discussion with the developer or the County for this proposition for another site location in Koloa with the same amenities for what they signed for. Kukui'ula's tract record is suspect however, on February, on or around February 6<sup>th</sup> of this year, former Kukui'ula development project Koloa Estates community

brought forth a proposal to eliminate one of the four extractions, this is the connector road we talked about. This body denied that request because it was a contractual agreement, the Planning Commission has rejected this contractual agreement as part of our, because it's part of our circulation plan. The Circulation Plan, I'd like to add, was done, the monies raised for the Circulation Plan, for the anticipated traffic problems we are going to have in Koloa was raised by the community and to the tune of eight-hundred thousand dollars. No government help whatsoever. We knew we were going to be stuck in traffic, we went after the County to fix it, the developers, and nobody did anything. We did it ourselves having to raise the money and hire Jim Charlier from Boulder Colorado. This is and I will address this to the Attorney, "legal fiat" you using the law now to screw—

Mr. Hull: Three minutes Mr. Chair.

Chair Mahoney: Could you summarize please.

Mr. Blake: Character displayed by the developer and County should not be condoned. You gonna talk the talk, then walk the walk. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next signed up is Jeri Di Pietro.

Chair Mahoney: Could you give your name for the record, please? And you have three minutes for your testimony.

Ms. Jeri Di Pietro: My name is Jeri Di Pietro. Aloha Planning Department, Chair, and Planning Commissioners. I am the president of the Koloa Community Association. I speak to you on behalf of our Board and our Poipu/Koloa community members. Since the inception and negotiations for the Poipu A&B land and the Kukui'ula Development we have been attentive to the agreement for the twenty acre community sports park on Poipu Road. As well as the three and half acre parcel for the public beach recreation at the Kukui'ula Boat Harbor. Just last week we were made aware of this application to add 400 residential units to this parcel instead of a park. You promised a twenty acre park to the Koloa community for well over ten years. We need that park for the youth of Koloa especially as we grow in residential and visitor units. This park is imperative for the community. It is well situated flat terrain and can be tailored for use by the youths' soccer, pop warner, basketball, little league, it's close to the Koloa School, and the kids need a place to play. We all know the value of strong healthy bodies and they are our future, kids left with nothing to do, well you know what can happen to them too. Poipu cannot retain a world class destination with being a community of thugs and ne'er-do-wells. And what about the sewer issue or lack thereof? Until we get our regional waste water treatment plant built, we cannot add small treatment plants in what surely will be too close to the coast as we face sea level rise. Koloa hopes to lead the island by being the first to install a regional treatment plant for our area. The south shore coastline lava tube are the only habitat for the approximately one hundred and fifty big eyed, no eyed cave spider in the entire world. You can witness the Federal protection of this endangered species right across the street from these parcels where the park is situated in the protected area, in the Kiahuna Golf Course. We have had more development than any other part of the island. We are warm and kind to the visitors and part-time residence in our area. But a promise is a promise and we have been waiting patiently for

this twenty acre park. And it must be upheld for the children of Pa'anau Village Apartments and the newest workforce housing being built between Poipu Road and Waikomo stream. We took residencies away in Koloa camp and nothing has been built as promised in that area as of yet. We don't understand why you did not connect the Koloa Community Association before making, or when this application was made—

Mr. Hull: Three minutes Mr. Chair.

Chair Mahoney: Could you summarize please.

Ms. i Pietro: We may have lost past Presidents Louie Abrams, David Chang, and Board member Carol Davis but this is no reason to think of us as anything less than a community group that is always open to dialogue and deserving of notice and communication. We know the past agreements and we were trained by the best and the most akamai. The next generation is a part of our planning and motivation. We do know the value of affordable housing but we are not naïve, a promise is a promise. Thank you for listening. Mahalo.

Chair Mahoney: We are going to take a 10 minute caption break.

The Commission recessed this portion of the meeting at 10:28 a.m.  
The Commission reconvened this portion of the meeting at 10:42 a.m.

Chair Mahoney: I call the meeting back to order Please.

Mr. Hull: Next up we have Marty Kuala.

Chair Mahoney: Could you give your name for the record, please? And you have three minutes for your testimony. Thank you.

Ms. Marty Kuala: Aloha. My name is Marty Kuala. I've been a resident of Koloa for forty-seven years. And owned a business in Koloa for thirty-three of those years. I was on the South Shore General Planning Committee and I am well aware of the promises that A & B made to the community in order to gain approval for their development. Affordable homes are needed but affordable housing will not be found adjacent to multi-million dollar dwellings, as I am sure you realize. I am asking that you not allow A & B to re-nig on their promise of a park on that twenty acre site as families in Poipu need that park. And as well, please don't let them renege on their promise of giving the Deed to the County for the park at Kukui'ula Harbor. I know that you wish the best for the Koloa/Poipu community and it is my hope that we can work together for that purpose. Thank you very much.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have Ana Mo Des.

Chair Mahoney: Could you state your name for the record, please? And you have three minutes for your testimony.

Ms. Ana Mo Des: Aloha. Good morning Commissioners my name is Ana Mo Des and I am here to testify in opposition of the proposal and in favor for the park for Koloa. We must be in accordance with the rule of law and fulfill all agreements. The reason why we are having so

many issues is because of the long list of broken promises that have now reach critical mass. Koloa was promised a park twenty years ago and should receive a park. Albeit the situation we are facing with the need for affordable housing, it shouldn't be to the sacrifice of those patiently waiting for the agreement to be fulfilled. On top of that, affordable housing concept doesn't work since half or more than half in some cases get subsidized by the County and more so is reflected on the market housing that gets inflated due to those providing the housing needing to meet their bottom line. In economic terms, there is no free lunch. I stated my proposed solution during the west Kauai Planning meeting in Hanapepe to use the parcel owned by A & B through a signature, meaning no initial investment to create attainable housing. Add \$100k to \$300,000 for local working families where the Planning Department can waive fees along with means to keep cost down and so on. This way the real estate value will start to lower itself by using these comparable and will become sustainable by reducing the risk of the inevitable explosion caused by an inflated economy. Thank you for your time, I appreciate your work. Aloha.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next we have Hana Sirois.

Chair Mahoney: Could you state your name for the record, please? As if we all don't know you but.

Mr. Ted Blake: My name is Ted Blake and I am reading the testimony of Hana Sirois. Aloha Commissioners. I am a lifetime resident of Hawaii and a thirty-four year resident of Koloa. Today I am offering a testimony against the County of Kauai's application to amend Ordinance No. PM-2004-370. Wherein a district park will be replace with R-20 Zoning. Over the past twenty years south Kauai residence actively in the current General Plan. The entitlement process for Kukui'ula and likewise the community showed up most recently to shape the County of Kauai Department of Planning award for the south Kauai community plan. Parks are referenced throughout as necessities and integral to a healthy community plan. To eliminate the district park of twenty-four acres undermines the entire plan, South Kauai Community Plan, on our islands vision for how we want to live. In my view if we eliminate a civic space from a plan that was just adopted four years ago, our island could very well cease to have the reliance upon this work, product, and knowledge and the spend was a waste of the tax payers money. As a constituent, I want to rely on my government, commissioners, and my neighbors, developers to abide by what is documented and what is committed to. I do not want policy documents to simply placate voters from one administration to the next. It's so yesterday to quickly change the rules believing that kupuna and kamaina simply forget and just move on. As Commissioners as you consider what is before you please review Kukui'ula's Conditions of entitlement, the General Plan and South Kauai's Community Plan and look for any reference to spot zoning mean and acceptable modus operandi for your decisions. Our current County Council, Planning Department has done a remarkable job at staying focused on value desires and lasting outcomes. I doubt that the County of Kauai truly want to be, excuse me, I doubt that the County of Kauai truly wants to be the successful (inaudible) for spot zoning particular, when there are multiple options for housing on our beautiful south shore. Regards, Hana Sirois. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next speaker is Ray Gordon.

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

Mr. Ray Gordon: Hi, I am Ray Gordon. I am an Architect and I have a Masters in City and Municipal Planning. I am also representing the Community of Koloa Estates as their President. We fully support the need for affordable housing on the island of Kauai. However, we strongly feel that such projects must be carefully thought through and not hastily implemented. Just noting that very few members of our community received advance notification of this change supported by the County. More important such a significant change in the South Shore Plan and the up zoning to the highest allowable zoning density should be presented to the public by the County Planning Department staff well before it is formally brought to the Planning Commission at this point. To our knowledge this proposal has never been presented in open forum to local residents nor proper studies undertaken to assess the potential impacts. The mere act of re-zoning public use such as a park, to high density residential use clearly warrants an environmental impact assessment of some type regardless of the final form of development. The potential created by such a significant change in lane use or traffic utility storm water runoff and public services are too substantial to not be properly studied. We feel an environmental assessment must be conducted by professional to determine potential impactive traffic, storm water, sewer, portable water, powering up the utilities, and public service and facilities. As you know there is an existing workforce housing project that comprise of 140 units currently under construction directly across from the proposed lane use change. When completed that project will generate approximately two-thousand total trips per day, and they'll be added to a Poipu Road that's already experiencing congestion. Adding up to four-hundred units on a twenty acre parcel directly across the street from that project, will significantly add more traffic to an already dire situation. The project will also empty its entrance directly to the acceleration/de-celebration lanes to that project and be within three-hundred feet of the entrance to that 140 project, unit project that is already under construction. There are benefits to a public park. Planned park has a one such primary Condition approval the local community, as we've heard before. Banning a public facility such as this is short-sited and counterproductive. In talking to many members of the greater Koloa community, it has become crystal clear that a virtually unanimous support for the recreation facility in that location. The park is also a key component to the Kauai Southshore Plan and would be a great asset to local community and our keiki. Although the future development recreation can be seen as contributing to increase traffic on Poipu Road, utilizing cane road to connect the western bypass at that point, would alleviate that problem and would allow greater access to that park. Although relatively small population center Koloa has done more than its share to provide—

Mr. Hull: Three minutes Mr. Chair.

Chair Mahoney: Could you rap up your testimony please.

Mr. Ray Gordon: Yes I will. On the significant scale. In summary, we all understand the need for affordable housing on Kauai, but let's do it right. Let's work together to find solutions, not paralyze Poipu Road, that would have a win, win for the community. We should work towards providing quality pubic amenities for our residents while helping to obtain thorough goals set by the County. Thank you very much and a I have a copy of more extensive version of what I mentioned today as my testimony. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next speaker is Allan Rachap, Rachap.

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

Mr. Allan Rachap: My name is Allan Rachap. I live in Poipu, lived there for twenty years. Before that I lived on the mainland and I worked in the finance business for Merle Lynch I am a Financial Consultant, retired. And I just don't think this is about affordable housing, if I could take a poll of the people in the room. Who's against more affordable housing? Raise your hand.

Chair Mahoney: Could you just keep your testimony to us please. Okay.

Mr. Rachap: Well there is nobody against affordable housing. The issue is where to put it? And I don't think you put it in an inappropriate place like the "promised park" that A& B had as a Condition of their approval of the Kukui'ula project. That's like twenty years ago and if you are like A & B you don't have to fulfill your promises, you're A & B. You should be rewarded. And this an A & B reward action. How do they get rewarded? They can save like a quarter of a million dollars a year probably of what it would cost to maintain the park if they put it in as promised. So I just don't think that people should be rewarded for bad behavior regardless how big they are. Commitments that are made should be fulfilled and it shouldn't take an eternity. How long did it take to get a comfort station down by the Sheraton? How long did it take to get the affordable housing up in Princeville? Decades. I can't wait for that, I'm too old to buy green bananas. But I just don't think that future generations are going to enjoy any better life style than in the Poipu/Koloa area, if it has amenities which have been established and should have been in place years ago. Thank you for the opportunity to testify.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next speaker is Malia Thain.

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

Ms. Malia Thain: Hello, my name is Malia Thain. Um, I want to first say that firstly, I don't have a really organized testimony. Because it was such last minute that I received the letter informing me of this meeting, that I did not have a chance to really plan well. But I am a resident of Koloa. I raised my children there, I brought my three youngest children here today with me. We live in proximity to the park, when we purchased the property we actually expected that we would be living by a park, but of course that never happened. I appreciate everyone testimony so far today, reminding us that we've gone through a lot of work to put forth a South shore Plan both for traffic and for future growth. We've gone through a lot of trouble to adopt the form base code, which allows for a lot more density and mixed use, which is very pop, wonderful. Um, there are some issues that some people have brought up, that if we have some kind of municipal sewer, there would be all kinds of opportunities for all types of people to develop more affordable housing. But with the lack of infrastructure it's incredibly difficult of developers to actually build affordable housing. I would also like to bring up that um, we have Holo Holo scenic roadway corridor, and when you just think about driving from, through the tree tunnel down into little Koloa Town, you drive down Poipu Road and its tree lined streets. And all of a sudden you have two huge apartment complexes on either side of the road. It just doesn't even fit in, it doesn't tie in with what we have planned and what we all live here for. I also want to bring up that when we, when there was a ground breaking for the new mixed use right in

Koloa Town the Planning Director was quoted as saying, “ we promise that we will make sure that promises made are kept.” And I know that we’ve all talked about it but this was a promise that was made to the community when Kukui’ula was approved and it should be put in place. I think lots of opportunities for other places to make affordable housing. And this I only thought of today which is really off the cuff, but even Knudsen Park, if were, truly is under used, it’s location in proximity to access both to the town and walking distance and moving out and going into Lihue is honestly, a better location than smack dab across from the other brand new apartments and adding a whole bunch more apartments. And I certainly wouldn’t think I would suggest that, but if that’s how we are looking at what does the County already own and what’s being used? Maybe we just need to look around at other properties that are maybe better served. Thank you.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Next the last speaker signed up is Sean Hoff.

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

Mr. Sean Hoff: My name is Sean Hoff. Good morning and thank you. I am opposed to the re-zoning of this property. I was born and raised on Kauai, moved off to go to school and for job and so has my wife and we just moved back with our two year old daughter and we are new residents of Koloa Estates, we just purchased a property there and are going to build our first home there. And so it is kind of a surprise to hear that this park is now going to possibly be a residential zone, a very high density residential zone. So um, that’s why I am here opposing that but I think in short, you know, it’s a good option for low-income housing or affordable housing and it helps save, that’s for the County it’s a positive for the County, right? But it also helps save Kukui’ula because they wouldn’t have to maintain the park. But it is pretty clear today that the community doesn’t want this to happen, right? So I think that even though those two factors are and everybody has said before we do need affordable housing, the community is obviously opposed to that and I think that you guys are taking that into account. I appreciate the opportunity for us to come to tell you about that. Thank you.

Mr. Hull: We have no further individual signed up. Is there anybody in the public who has not signed up that would like to testify on this agenda item?

Chair Mahoney: I think this young man...okay could you state your name for the record into the microphone and you have three minutes to give your testimony.

Mr. Bradford Thain: Hello. My name is Bradford Thain and I live across the street from, where the park was going to be built but hasn’t been. Um, I think that—

Chair Mahoney: It’s alright. Just take a minute and catch your breath. Are you opposed to it being built there? So you could state something like that.

Mr. Thain: Yeah. I have been waiting for the past, long time, I thought the park was going to be built and as stated--

Chair Mahoney: You want the park?

Mr. Thain: Kukui'ula promised for the park to be built but, um, I don't really have anything else to say.

Chair Mahoney: Well we got your message. Thank you and appreciate you testifying.

Mr. Hull: Anybody else that would like to testify who wasn't signed up?

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

Mr. Ross Larken: Hi my name is Ross Larken. I'm a resident of Koloa Estates and I just have a short thing that when we moved to Koloa Estates there was a feeling that Koloa Town was a small town. And if this goes through, Koloa Estates in particular is going to be surrounded by three affordable housing complexes of high density two story buildings and it's not what we were expecting. So I am opposed to this as well. Thank you and we will see how it goes.

Chair Mahoney: Thank you for your testimony. Appreciate it.

Mr. Hull: Anybody else from the audience who has not signed up that would like to testify on this agenda item? Seeing none. Oh, sorry, one more testifier.

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

Mr. Alfred Springer: Good morning my name is Alfred Springer. I actually did not come here to testify for this matter but after sitting here listening to this I liked to just share my thoughts. First of all, I do oppose this because promises should be kept. It is going to affect traffic drastically. I think that this County has a very brilliant mind working for them who's a close friend of mine and a client of mine, sold him his house in Poipu, Chief of Engineering, Michael Mole. I think that there are other locations if this County would actually change zoning for these types of instances. As a real estate broker I worked very hard with a group of investors who actually were willing to do work forced housing. To give you an example, Mic Harriss Mendy has a property listed for year's backside of Kukui'lono twenty acres. If that was re-zoned we could put affordable housing there and it can be done. The money is out there, there's investors that are willing too. We had a commitment, we never put it in place, to go forth because as a whole we determined that this County is not going to change the zoning. So the County states that they want affordable housing, we know we need it, yet nothings being down to make it happen. So in my opinion it seems like it's just about big developers getting their way, things being changed all the time and honestly, it's very discouraging. So in a nutshell what I see in my experience I grew up in this business of real estate development, it can be done if the County really chooses to look at other locations, such as that twenty acre parcel that I am no longer pursuing because it just seems like, honestly, impossible to get the County to see where the possibilities are. So um, I think that if individuals in the County truly cared and listened to individuals like Michael Mole who have experience in reducing the traffic. I know Michael Mole can do amazing things for this County, he has already. But his hands are pretty much tied. Unfortunately—

Mr. Hull: Three minutes Mr. Chair.

Chair Mahoney: Could you rap up your testimony please.

Mr. Springer: If you keep tying the hands of individuals who have the capacity, knowledge, and experience to get it done, it's not going to get done ever.

Chair Mahoney: Thank you for your testimony.

Mr. Hull: Any other members of the public who haven't signed up or spoken that would like to testify on this agenda item? Seeing none. Any further question for the Department or discussion the Commission has?

Ms. Nogami Streufert: I do. If could ask another question to the Department?

Chair Mahoney: Go ahead.

Ms. Nogami Streufert: This twenty acre park, what is the intent of it? Is it to have sport fields there with people with kids coming in and playing soccer? Is it a real community park? Or just an open air park?

Mr. Cua: The Vision for the park back in 2004 was to establish an active park and it was intended to create a variety of sport events.

Ms. Nogami Streufert: So it would also increase traffic and you would have parking areas within this park, is that correct? For the—

Mr. Cua: Correct.

Ms. Nogami Streufert: Thank you.

Mr. Hull: Any other questions or?

Ms. Apisa: Is this park to be developed and maintained by Kukui'ula or by whom?

Chair Mahoney: The Park, the Director can answer the question.

Mr. Hull: Yeah, the park is to be developed and maintained in perpetuity by Kukui'ula.

Chair Mahoney: I think if I might say something, I think that there is suggestion from the County about this, nothing is written in stone. I think ideas, I would like to commend the audience on their testimony and its civil discourse but ideas are brought up to look at, analyze, and for everybody in here maybe you know, they have personal interest in it. For everybody here they might be other people that say, oh, that would be a great idea to get twenty acres for affordable housing in Poipu. Because you will never get that same twenty acres for affordable housing. And housing is one of the things on there but by interacting in bringing up all the issues everybody brought up everybody can analyze and look at it and it gives the Koloa community a chance asses what the County's brings the Commission to assess what the community wants. So I think this is what, basically, this is about right now and it's nothing that an action item that's going to be taken. It's getting information and I just, like I said, I want to comment everybody for their testimony and I think we will move on.

Mr. Hull: Yeah, the Department like I said, um, when working with the whole County the Housing Agency, the Parks Department we were looking at this as a possible avenue to create housing product that the County is, has a history of creating. Indeed, there are some housing

projects that were proposed that have never gotten off the ground. But the County has had a housing product and strategy that has worked over the past few years that have worked fairly well in getting local housing and at an affordable rate. And then was looking at his possible land asset as a scenario extend that additionally to the Koloa/Poipu area. But at the same time, the Department definitely hears the concerns being voiced and at this time would ask for a month deferral so that we can perhaps work with the community voices and their concerns to see if there is any common ground that can be found? Perhaps there won't be able to? Perhaps there is just that expectation from the community that indeed a park needs to happen and um, that is what it is, but a the Department would still like the opportunity to at least speak and work with the community to see if there is some common ground to be found. So we would ask at this time that the agenda item be deferred to the September 10<sup>th</sup> Planning Commission meeting.

Chair Mahoney: December?

Mr. Hull: Sorry. September, September 10<sup>th</sup>.

Chair Mahoney: Okay. Is there a motion on the floor?

Ms. Apisa: I move that we defer this matter to, for one month to the September 10, 2019, Commission Meeting.

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

Mr. Hull: Chair and I was discussing on the side for the audience sake. We recognize that there are a lot of members of the audience here for the Gather Federal Credit Union. So the Department would recommend that if the Gather Credit Union agenda item, excuse me, 2. A., be taken out of sequence and be heard right now, essentially.

Chair Mahoney: Right now. We need a motion on the floor to amend the agenda?

Ms. Nogami Streufert: I move to amend the agenda to allow the Federal Credit Union issue to be (Inaudible).

Ms. Apisa: 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. 5:0.

Chair Mahoney: So the agenda has been modified here Kauai Federal Credit Union.

New Agency Hearing

Class Iv Zoning Permit Z-IV-2020-1 and Use Permit U-2020-1 to construct a new branch office building and associated site improvements on property located within Kilauea Town, situated immediately across the Kilauea Post Office facility and immediately adjacent to the Kilauea Lighthouse Center, along the northern side of the Kilauea Lighthouse Road/Keneke Road intersection, further identified as Tax Map Key: 5-2-005:023, and affecting a portion of a larger parcel containing approx. 179.439 acres = Gather Federal Credit Union. [Director's Report received 7/23/19.]

Mr. Hull: So again this would be the petition of Class IV Zoning Permit Z-IV-2020-1 and Use Permit U-2020-1 to construct a new branch office building and associated site improvements on property located within Kilauea Town, situated immediately across from the Kilauea Post Office facility and immediately adjacent to the Kilauea Lighthouse Shopping Center, along the northern side of the Kilauea Lighthouse Road/Keneke Road intersection, further identified as Tax Map Key: 5-2-005:023, and the applicant is Gather Federal Credit Union.

Dale Cua will be providing the report on behalf of the Department.

Staff Planner Dale Cua: Good morning Chair and members of the Commission. I will go through the Directors Report and just summarize highlights of the report if you guys are okay with that.

Mr. Cua: And that pretty much concludes the Departments report at this time.

Mr. Hull: Commissioners have any questions for the Department? The applicant is also here and is prepared to make a presentation as well.

Chair Mahoney: So there is no questions for the Department? Maybe we can have representative for the applicant come up please.

Mr. Keawe: Just a real quick one. You know, you know you talked about the access land maximum coverage and the overage is thirty-seven hundred square feet.

Mr. Cua: Correct.

Mr. Keawe: How do you find that amount of space to comply with what the ordinance says?

Mr. Cua: Actually I brought that information to the applicant, to the architect's attention and they found a solution in addressing that particular—

Mr. Keawe: Okay are we going to hear from them?

Mr. Cua: Yeah, yeah.

Mr. Hull: I believe Chair that they asked have to set-up some boards. We could take a five minute break.

Chair Mahoney: Let's take a five minute break and tell them to set-up.

The Commission recessed this portion of the meeting at 11:16 a.m.  
The Commission reconvened this portion of the meeting at 11:25 a.m.

Chair Mahoney: I call the meeting back to order Please.

Mr. Hull: I think at this point Chair, we will be looking at the applicant presentation as part of the agenda.

Chair Mahoney: Okay. For the presentation, could you, whoever is the representative, could come to the microphone and state your name for the record and present your—

Ms. Tess Shimabukuro: Thank you and Commissioner and members of the Planning Commission. Again, my name is Tess Shimabukuro and I'm the President and CEO of Gather Federal Credit Union, and I apologies for doing my testimony out of order. Here today we have three representatives from Gather, who would like to present our project. And the actual layout is up on the board here, there are six boards that we want to present to you. So there is myself, there's Chairman Walton Hong, and our Architect Mark Ventura. Are they all able to come up with me as well or?

Chair Mahoney: Yes. Yeah, just state their names for the record.

Mr. Walton Hong: Good Morning Mr. Chairman and members of the Commission. For the record my name is Walton Hong. So I looked at my watch, I'm still on Chinese time, I came back from China just last evening, so I'm kind of messed up. Anyway, excuse me but I'll be presenting testimony as part of our presentation. I think Mark Ventura the Architect will make his presentation first.

Chair Mahoney: Okay. Thank you Mr. Hong.

Mr. Mark Ventura: Good Morning Commission, Chairman Mahoney. I'm Mark Ventura, the Architect for the project here. Um, and I will plan on doing a presentation. I don't know if Tess wanted to finish kind of the opening remarks and I'll step up and present the project shortly.

Chair Mahoney: Okay, that will be fine. Thank you.

Ms. Shimabukuro: Thank you. So in continuation of what I was saying, I apologize for that again. Um, we did meet with the Kilauea Neighborhood on August 6<sup>th</sup> their meeting was last Tuesday, and we were invited there to give testimony about our project and as well as soliciting feedback from that organization as well, and the community as well. Um, at the meeting we were, got an overall feeling of, you know, the community wanted us there. There was pretty much support going our way. However, Mr. Kent Carvalho, who is here today is, and his tenants I guess actually occupy the parcel that borders the new proposed sight. You can pretty much see it there and Mark can point it out later on. Um, and during the meeting there was somethings that um, he was not I guess, very happy about. Basically, the location of our building and parking lot in relationship to his house as well. So after the meeting the community pretty much gave us their support and said that we need to address a few issues or concerning items with Mr. Carvalho. So met on August 9<sup>th</sup> that was last Friday, and Mark Ventura went ahead and created a little bit of a change to the plot plan that you see there. But we did not have a chance to change our boards for today's presentation. So one of the issues was um, us being our property, our

parking lot is bordering very close to his property. And so in the revised plan, we are actually pushing that parking lot, if you can take a look at that middle board at the very top. That parking lot is the um, where it borders his lot, we have pushed that back eighteen feet and squared off those parking stalls to be ninety degree angle parking. That was one item. The other item was, we will also put up a wall that will border along, I guess the residential neighborhood. So that again, would be the top of that board, if you, Ala Namahana Parkway going all the way left, that's the residential area and up to the north of that. So we are going to put a wall and we will be consulting with the Carvalhos' as well as to what kind of wall they are looking at. Um, so the wall we talked about was I believe was ATM access. They did not want the ATM to be Twenty-four hours I guess, available twenty-four hours a day because it is a residential area across there. And we are not able to shut down that ATM and it has to do with network connectivity and it's pretty much like a computer that you can't really turn off and turn on all the time. However, if you look at this board closes to me, there is an area where it looks like a little patio at the very bottom and right inside of that patio there is a vestibule. So what we are planning on doing is putting in the ATM in this vestibule so we would have an exterior door and an interior door per branch. Basically that is the vestibule. We can control access to the ATM by locking down that outer door. And how this works is pretty much have a, any card with the mag stripe, you stripe that through the little card reader and the doors will open up. And that is pretty much for safety. If you're familiar with our Kapaa Branch we installed that a few months ago there as well. Complaints about or his concerns about the drive through lane and the lighting, we will comply with all the codes for lighting and drive thru presently, I communicated to Mr. Carvalho we will just leave that in the site plan. Right there you'll see that there are two drive thru lanes at the bottom of that parking lot where the entrance is. The new plan has one drive thru lane and that is just, we are going to leave it in there as a suggestion and then seek community input on that if they still want the drive thru or not? That is easily, that is something we can modify. Um, I did explain to him though that these boards today are not reflective of any of the things that we talked about. So it is our intent to work fully with the neighbors in the area um, the Hills as well to make sure that this, we are part of their community. You know we want to be good neighbors and every, and every establishment I guess that we've opened throughout the island, that is what we look towards. We are in the community, we are part of the community, and we are serving the community we don't want to create a situation where people look at us as, you know, the unfriendly neighbor. So that is really part of our intent here. And you know one of the other things I did not get to say earlier is, this new location will, and I think a lot of the testimony that you heard today from our members and our staff, really the new location we feel will allow the North Shore residents to really enjoy a higher quality of life. Spend more time with their family, spend less time on the road, and again, I think I did say that but I wanted to reiterate that the location of office is very, very, conducive to walking and biking rather than driving. In that Kilauea area meaning the Shopping Center, the Post Office, and the Credit Union. I think that is pretty much. I know that there was one comment from Mr. Hill saying that there is another Credit Union going into the shopping center and, had we considered that? We did consider that. When probably three or four years ago when the shopping center was being developed, we looked into occupying a spot there. Um, but it was honestly very expensive at the time and we felt there wasn't going to be a way for us erect a drive thru and that was one of the things that we heard the community say that they wanted. So that idea was put kinda on the wayside and we wanted to than look into providing a structure that is there, that is owned by our members, that's there in the community for a very long time. Once we enter a community our plan is to be there

to service them for a very long time pass my tenor at the Credit Union for sure. Um, the other Credit Union that is going into the Lighthouse is not a community based Credit Union. So we feel as though our presence there is very important because we can take membership from anybody in the community the entire island of Kauai and Niihau as our membership base. I think that, that's about it. I will turn it over now to Mark Ventura so he can talk a little bit more about the plans that we created over the last couple of years.

Mr. Ventura: Thank you again Commission. I have six boards here, I'll go through them pretty briefly and then open up for any questions you might have. I am going to start out with general citing and site orientation. Kilauea town North shore Kauai, Kilauea this is actually a detailed planning, Kilauea and we are located just to the West outside of the newly put in Lighthouse Shopping Development there um, across from the Post office. So here is a detailed plan, sorry it's not a little bit bigger to see but I think this gives the best reference point the Post Office across the street. There's the access road from Kilauea town proper into the Post Office we are directly across the street here. There is an access road here off of the main, the main drive Ala Namahana Parkway which is here. That is our access into the lot. Mr. Carvalho's property is here adjacent, that's where his house is located in proximity to our current parking lot and the Hill residence is just past there again, that's a smaller image there. This piece here is part of the Hunt Development right now that looks like some of their parking areas for them. I'm going to move now to a bigger image of the actual cite here. Here's the enlarged site plan for the project proposed right now, I would like to point out to address Mr. Keawe's comment on the lot coverage. The one image board we did change was we did actually reduce this, we are down now to fifty-nine percent lot coverage. We paired back um, some of our plaza area and we paired back some of the circulation and parking area. So we regardless, we are not going to be looking for any kind of Variance you know we got to meet that sixty percent lot coverage and I am confident that we will be able to do that. Ala Namahana parkway, the main street frontage there and here is the access, the new access road to get to the parcel. The building is roughly three thousand square, little over thirty-four hundred square feet with the exterior walls. We have nineteen parking stalls currently, circulation path, come in and around and as represented here we have two drive thru areas that could accommodate four, probably four cars on the drive thru. I will, I like to point out that the drive thru is only operational when the bank is operational. There is a transaction that happens that gets back to tellers in the office, so after hours that won't happen and that was a convenience factor for maybe a families with children in the care, maybe a sleeping child or animal, um just for convenience to drive thru that as Tess mentioned still under discussion. So and again our current plan that we've been discussing with the neighbor we've actually squared this off for a ninety degree instead of this sawed tooth edge here that came right up against the property line, we're able to get back about eighteen feet away, which puts us somewhere about—

Chair Mahoney: Excuse me. About how many feet away was that?

Mr. Ventura: Eighteen feet.

Chair Mahoney: Eighteen?

Mr. Ventura: To the edge of paving from the property line is what we are looking at now so.

Chair Mahoney: Thank you.

Mr. Ventura: And then we forgot the ninety degree parking so, and we also took out a one lane of drive through. So we're able to sort of compress this and shifted that down a little bit to try to get as much room as we could out there. The other thing I'd like to point out is the current siting and location of the building up on Ala Namahana Parkway that was some early consultation on the Planning Department on the, and the smart streets a sort of philosophy that has been implemented and that's what we're um, adhering to with the site layout here. Parking off to the back and the building frontage up at the front and that's part of the reason why we are currently located, that is the reason why we are located up against Ala Namahana Parkway right now currently. So once parking there is a covered, covered entry vestibule if you will, it's basically exterior open space from that you enter into the building. I'm going to jump to the next slide which is a floor plan layout. It's a single story building again, roughly three thousand square feet fairly a simple plan concept. Here's the south door foyer again right here. From this point you enter into what is a secure foyer, this is, Tess mentioned this. You would key card in there ATM is in this zone that can be locked down at night for security. What's in the bank? There's a large teller area, kind of a public area. Banks functioning offices along the sides here and effectively these are sort of back of the house areas. There's work rooms, storage, a bath room, and a break room in the back. Um, and that's, that's basically the plan.

Ms. Nogami Streufert: Could I ask a question while you are up there?

Mr. Ventura: Sure, sure.

Ms. Nogami Streufert: In your drive through is there going to be an ATM on the drive through?

Ms. Shimabukuro: It's not in the plans right now.

Ms. Nogami Streufert: It is not in the plans? Thank you.

Mr. Ventura: Okay. So bear with me for one second I'm going to drop these boards and go to the next. Okay these next boards are really about kind of giving you the sense of what the building would actually look like and the architectural design of the building. What we're proposing is a scale it was a big thing because we know we were in Kilauea town. And the community brought up some of the element like this stone which we've tried to incorporate, in the base and in some of surrounding entry area points. I love the stone work out in Kilauea and love to see it get implemented into the building. Most of our project designs we, we do it and usually gets value engineered out by the end of the, by the end of the day. But anyway, I think over here, a, we'll be able to work in a lot of that sort of moss rocks into the design. The building we are proposing is a stucco on a masonry exterior so we want longevity something that will last and withstand the weather out there and the climate over there. So we've got a single story with a double pitched roof on top, we're proposing now a metal roof which again I think we could get a good longevity out of that. This is the main entry in the foyer, the parking lot over here, this would be the flip side. This would be the backside fronting the neighborhood. That is the Ala Namahana Parkway street frontage and also should have pointed out there on this plan, I'm gonna just jump back real quick that in our discussions with Planning it was also important to have access and an entry point off of that frontage. So that's what we have here, we got a secondary entry point both can get to the lobby and that's the facade here. So this is the entry off of Ala Namahana parking lot, excuse me, Parkway and this is the facade off of the parking area on the back. So that is the four sides of the building, this is an image from the

corner right there looking back of the building. So that kind gives you two sides of what, what the building might look like. And that's kind of what I have to present. Any questions?

Chair Mahoney: Any questions for the Architect from any of the Commissioners? Micro phone on?

Ms. Apisa: You mentioned doing a wall between Gather and the neighbor that had a concern?

Mr. Ventura: That's correct. So that wall would come along the property line along here. Um, put this just so you can see. Again, this is the neighbor's house, that's Ken's house there, so that first house and the Hill house is back in the corner. So what we're proposing you know, we can build a wall to help screen that noise and or visual impacts and a, what not. So that's what we are discussing.

Ms. Apisa: Like a six foot wall?

Mr. Ventura: Yeah I mean you know, a six foot wall is maybe too high for some, I know with a six foot wall we could go without a permit. We are taking about possible a stone wall or a solid wall, a wall that's partially landscaped, maybe a lower wall with a wooden wall on top to let some air flow? So we are up to whatever they may want to see there.

Mr. Keawe: Just to reiterate. So now you're revised plan, you have no issue with the maximum lot coverage?

Mr. Ventura: That's correct. That's correct yeah. And regardless we know we got to meet that so.

Chair Mahoney: Any further questions for the Architect?

Ms. Nogami Streufert: And the ATM machine that some people had a problem or a concern with that it would be 24 hours it's not going to be, it will be 24 hours but it has to be a walk thru so you actually park and get in there, is that correct?

Mr. Hull: Maybe you can approach the microphone Tess, sorry.

Ms. Shimabukuro: That is correct. So what we are proposing to do if you look at this last floor plan. It's to mark that area where there is like a little lanai and you walk in. So that's going to be a keyed door with that magnetic card I was talking about. So during office hours that door will remain open so you walk into like a foyer area and the ATM will be on your right and then the doors in the middle of the Credit Union will also be the entrance to the Credit Union. Now after hours that doors that, right there he is pointing at, entrance of the Credit Union will be locked down and then the front door to the foyer area will then be the secure door that you will have to key in to get to the ATM. That door we could also put a timer on that and not allow access after whatever? Whatever hours the community wants us to shut it down. And that's one way we can control activity in that ATM after those late hours.

Ms. Nogami Streufert: I commend you for working with the community on all these issues, we don't often see that to the extent that you're doing it and that's very useful for community spirit and just for becoming a part of that community. So thank you.

Ms. Shimabukuro: Our community are pretty much our members that live there so we want to make sure that this is their building. That's very important to us. Thank you.

Chair Mahoney: Okay, any further questions? Is there anyone else, Mr. Hong was going to testify?

Mr. Hong: Again for the record my name is Walton Hong. It's kind of weird because it is the first time I'm not appearing as an Attorney before the Planning Commission therefore no coat and tie. But I'm appearing as the Chair of the Board of Directors for Gather Federal Credit Union. The applicant has turned in my written testimony which was written before I left for China and incase I did not make it back so I'm going off of that but it is not going to be verbatim. First of all I would like to commend the Credit Unions staff members that come out this morning to present their testimony. I did not expect that and I very frankly am proud of them. I think that their testimony was from the heart and it showed what the feeling of the community was and it addressed a lot of the issues that our members all of what seventeen hundred plus living in the Kilauea area felt. As indicated Gather Federal Credit Union is the largest Credit Union on the island of Kauai. We have five branches, but unfortunately, in the pass we have not been able to serve the North Shore members. The closes we have is the Kapaa branch and as you heard the testimony earlier this morning it presented a lot of inconvenience to the North Shore members having to go through the Kapaa. Either coming out of the North Shore to Kapaa and then back again for their needs or adjusting their time so they would get there business done in the Kapaa branch on their way home or on their way to work. Which again, it's presented a lot of problems for families living on the North shore. Um, we have been ask by the Kilauea members and North Shore community members to open up a branch on the North Shore and believe me we tried for a number of years to find a proper location. We started looking at this and I will be very honest about this my feeling was you know what, the best place to be right on Kuhio Highway. We would catch the Kilauea members, we'd catch the North Princeville members, we'd catch the Haena members, the Hanalei members. But as we went through this process of site selection, we did membership surveys and what-not and at least to my surprise, the Kilauea community did not want it on the Highway. They wanted it in the middle of their town and we said fine, we will look for a place and let's find a place as best we could. But now I'm going to skip around from my testimony if you don't mind? I know a question came up, there is Kilauea Lighthouse Shopping Complex, and why not put it there? We did have early discussions with the developer of the complex and as Tess mentioned, one of the big problems was we did not have the drive through. We found the drive thrus are very, very important. You have a lot members that for one reason or another do not want to park their car, get out of their car, walk into the building and do their banking and come out. And this is true especially if you have young families with kids in the car, then you got too with the car seats and everything unpack the kids, unbuckle them, bring them in to the building with you, then you go back out and buckle them up again, and then go on your way. So the convenience factor was a large thing and the drive thru is only going to be operational during normal business hours. So it's not like it's going to be handled during the evenings to be a disturbance to the neighbors. Now, also we looked at the Kilauea Lighthouse Village, we were concerned about the cost. What was the cost of renting or leasing the site? And what would be involved in that? What the Board of Directors decided was no, "we don't want a lease. We want to own our own building." Several reasons No. 1, when you are in a shopping complex, this is nothing to disparage the developers of the Kilauea Lighthouse Village first of all let me make that clear. But as you know when you are in

a shopping complex you have to pay CAM charges and other operational cost and we have no control over that. Were a non-profit organization owned by the members as a Director we have a fiducial responsibility to manage the Credit Union in an efficient financial responsible means. And when we looked at that we said, "You know, we're here for the long run. It's not like we are going to stay there for five years and then we are going to move on." I expect us to be in Kilauea as Tees said, "Way beyond her term." Way beyond my term, I like to think at least for another forty to fifty years or longer. And when you look at the cost of leasing as compared to owning it doesn't make economically sense to lease. Further, and I think more importantly, when the credit union owns the building the members have a pride of ownership; we are part owner of the building it is our Credit Union. Because the Credit Union is based on membership, Credit Union has members who own the Credit Union. So every member of the Credit Union regardless if they have five dollars in there or five hundred dollars or five-hundred thousand dollars in there, you are still an owner of the Credit Union. And I think that is a source of, at least in my source of pride, if I'm a member at least I can say, "You know what, it's part of my building I own part of this and I can use this as my financial institution in Kilauea for the convenience." Also the site was chosen because hopefully sometime in the future that connecting road it goes past the Post Office and will curve around and meet Kuhio Highway. I hope that is soon, I don't know when it's ever going to be, but when it does happen it will enable our members in Hanalei, Haena, and Wainiha to access this site without having to go through Kilauea town. And that is one of the reasons we had this site available and I do commend our realtors in their diligence in searching for a site for us to build it. It's been a number of years I think, I would say a half a dozen years we've been searching for a site and when this popped up we said, "Great let's jump on it and let's do it." As Tess mentioned and another person that there is another Credit Union coming in that's true, but it is not a community based Credit Union. Their membership under the NCUA if you look membership rules are restricted, our Gather Federal Credit Union is open all members living and working on Kauai and that makes a big difference. I'm not sure what the population of Kilauea is but we have over seventeen hundred members just living in Kilauea alone that this will service, not counting those living beyond Kilauea. And I think um, is clear from the work done by the Architect, Mark Ventura, and meetings with the community as well as meeting with the staff members I think we have addressed all the environmental concerns from this proposed work. Just for example, there was mentioned about lights, as I was involved as you know, many, many times before the Planning Commission and I am very well aware of ecological and environmental concerns. All lights will be down facing, the building will be earth tone color, these are all to address environmental concerns I think we have addressed all of those satisfactory, at least I hope satisfactory for everybody. Um, and I do commend Tess and the Architect for taking the time and the effort to meet with the neighbors to address the outstanding issues. You know, you are not going to please everybody but we sure as heck did a good job in trying to address all of the issues meeting with neighborhood association, the Kilauea Neighborhood association and the neighbors and I think we reached a very, very good solution to their satisfaction. And with that I would ask that this Commission approve the request and Zoning Permits for the Kilauea branch office of Gather Federal Credit Union. Is there any questions for Tess, Mark or myself? We would be available to answer any questions.

Chair Mahoney: Are there any questions for Mr. Hong? Well you did very well Mr. Hong seeing you just came back from China.

Mr. Hong: Well I'm still half a sleep but thank you.

Chair Mahoney: You did well. Thank you. Could we, no questions from the Commissioners? Could we have the Planners recommendation please?

Mr. Cua: Thank you Chair. Moving on to the recommendation of the report based on the foregoing evaluation and conclusion, it is here by recommended that the subject request construct and operate a commercial, sorry. A banking facility and associate site improvements through Class IV Zoning Permit Z-IV-2020-1 and Use Permit U-2020-1 be approved subject to the following Conditions; 1. The proposed facility shall be constructed and operated as represented any changes to the operation and or the respective structure shall be reviewed by the Planning Department to determine whether a Planning Commission review and approval is required. 2. As proposed and this was drafted a time before the revisions but a Condition two reads; as proposed the project does not comply with the land coverage requirement within the residential Zoning District. Prior submittal of Building Permits for this facility the applicant consider revisions to the project to comply with the land coverage requirement as pursuant to Section 8-4.3 Subsection (d) (3) of the Kauai County Code. 3. In order to minimize impacts on the Federal Listed Threatened Species Newell shear water and other see birds if external lighting is to be used in connection with the proposed project all external lighting shall only be of the following type; downward facing shielded lights—

Mr. Hull: Dale, I'm going to interrupt because I know we've got a lot of agenda items and potential quorum issues approaching. So the recommendation stands is the Conditions of approval which were transmitted to you folks and have been on the record for the past, since Thursday. Given the testimony of the adjacent property owner the Department would add an additional Condition to our report that would state, "the applicant shall install landscaping and a fence up to six feet in height along the properties eastern boundary. The applicant shall also maintain an eighteen foot setback between the subject's facilities parking lot and its eastern boundary. That will be the additional Conditions at the same time as the applicant pointed out that their representation on the Board was not able to reflect that potential eighteen feet. So if you folks need the additional time to see what that eighteen feet would look like for further discussions the Department would respect that as well I mean—

Ms. Nogami Streufert: Has that eighteen foot and the fence that has been, you've discussed that with the neighbor, is that correct? And he has agreed, or they have agreed that, that would be acceptable?

Mr. Hull: Tess if you could approach the microphone.

Chair Mahoney: Please state your name.

Ms. Shimabukuro: This is Tess Shimabukuro. Um, I believe the meeting did end very well in my opinion and Mr. Carvalho is here if you wanted to speak on this matter. But I believe that was a pretty good workout plan.

Mr. Hull: I think Mr. Carvalho is here if you wanted to ask him questions if he is willing to come up to the microphone.

Chair Mahoney: Mr. Carvalho would you be willing to come to the microphone please? Wants again state your name for the record. Thank you.

Mr. Carvalho: Kenneth Carvalho for the record.

Chair Mahoney: Okay. Hearing the, maybe Commissioner Streufert.

Ms. Nogami Streufert: You had, you stated some concerns earlier this morning about the building of it and the setback and it was close to your master bedroom I think by ten feet?

Mr. Carvalho: Yes. Correct.

Ms. Nogami Streufert: The Federal Credit Union has stated that they are increasing that setback to eighteen feet, they are changing some of the, they are going to be putting up a fence or wall. Does that answer all of your concerns?

Mr. Carvalho: Yes. It has addressed our concerns based on the original drawing that they gave us the way that the parking structure was directly towards our property with the set back and the angle they changed it too. Truthfully I wouldn't want something in my back yard but if we have to work with them the second plan that they showed us we can work with as compared to this one.

Ms. Nogami Streufert: So that would be acceptable to you?

Mr. Carvalho: Acceptable to me is not having it there. But if we have to work with them well, yes.

Chair Mahoney: Well to work with them is the point right?

Mr. Carvalho: Yes. Correct.

Ms. Nogami Streufert: Thank you.

Chair Mahoney: Well thank you. Thank you for your testimony. Thank you. So okay did we have our recommendation?

Mr. Hull: Yes.

Chair Mahoney: We did. Okay so are we ready for a vote? So is anyone willing to make a motion having heard?

Ms. Apisa: I'll make a motion that we approve the site as the Class IV Zoning Permit for Gather Federal Credit Union with the Conditions as amended and stated today.

Ms. Nogami Streufert: Second.

Chair Mahoney: It's been moved and seconded. Any further discussion?

Mr. Ho: I believe there's a Use Permit in there also.

Chair Mahoney: Okay. So we want to include your motion for Class IV Zoning Permit Z-IV-2020-1 and Use Permit U-2020-1. Did you read the highlighted area?

Ms. Apisa: Yes correct. Correct. I amend my motion to include the Class IV Zoning Permit Z-IV-2020-1 and Use Permit U-2020-1 to construct a new branch office building and associate site.

Chair Mahoney: That's enough. Okay so now we have the motion. Could we get a second?

Ms. Nogami Streufert: 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. 5:0. Thank you very much.

### New Public Hearing

Zoning Amendments ZA-2020-2: A bill (2740) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Additional Rental Units. The proposal amends Section 8-3.1(i) of the Kauai County code relating to Zoning Permit fee exemptions and establishes a process to subsidize the Facility Reserve Charge relating to an Additional Rental Unit (ARU) = Kauai County Council.

Mr. Hull: So next on the agenda item we have we Zoning amendment ZA excuse me, Zoning Amendment ZA-2020-2: a bill (2740) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Additional Rental Units. The proposal amends Section 8-3.1(i) of the Kauai County Code relating to Zoning Permit fee exemptions and to establishes a process to subsidize the Facility Reserve Charge relating to an Additional Rental Unit (ARU). The applicant is the Kauai County Council. A is Jody the Planner? Oh I apologize. Dale is the planner again. I guess I'm getting it mixed. Sorry about that.

Dale Cua will be providing the report on behalf of the Department.

Staff Planner Dale Cua: Good afternoon Chair and members of the Commission. Again I'd like to summarize the Directors Report.

Mr. Cua: The second half of the bill as previously noted establishes a process to subsidize the facility's Reserve Charge for ARU's. It identifies the purpose of the subsidy and source of the funding the contents of this section will be added, will be added a new section to a chapter of the KCC and that concludes the Departments finding for now.

Mr. Hull: Yeah. So just in a nutshell guys and you guys have a whole slew of ARU incentive bills here or fee waivers or what have you. Um, yeah and you review a couple at the last Planning Commission meeting one having to do with EIA exemptions under our own Planning Department's code and also the ability to allow for additional in Special Planning area D, which is the Rice Street District which you guys decided to defer until all the ARU were together. So you have this first one which again, to essentially to waiver the Zoning Permit process for those that are classified as affordable housing units by the Housing Agency. And to also provide funding for the facilities reserve charge which can be up to seventeen thousand dollars from the Department of Water. Should again it be classified as an affordable housing unit by the Housing Agency. This is like I was discussing earlier, another several of lines that the County is looking at casting in order to address the housing crisis. This was proposed by the Kauai County

Council. The Department is supportive of attempts to reduce barriers for affordable Housing Units. Do you have any further questions?

Chair Mahoney: Do you have any questions for the Director? Any um, discussion or concerns or is there anything that anybody wants to bring up?

Ms. Nogami Streufert: This is just for the fees is that correct?

Mr. Hull: This is for the Zoning Permit fee. And I'm sorry, the Facility's Reserve Charge cost.

Ms. Nogami Streufert: Okay.

Chair Mahoney: Does anybody need further clarification of what this is about? Hearing none. The Chair will entertain a motion. Anybody going to China?

Mr. Keawe: Alright we are at 4.b.

Chair Mahoney: Correct.

Mr. Keawe: I move to approve Zoning Amendment ZA-2020-2 bill (2740) for an ordinance amending Chapter 8, Kauai County Code 1987, as amended relating to Additional Rental Units. Kauai County Council.

Chair Mahoney: Okay there is a motion on the floor is there a second?

Ms. Nogami Streufert: Second.

Mr. Hull: Chair sorry to interrupt I just realized that this is a public hearing as opposed to an agency hearing. We haven't offered the public to testify.

Chair Mahoney: (Inaudible). Okay will let's correct that. Is there any member of the public that would like to testify on this agenda item? Seeing none. Hearing none. Okay I think we can go back to our motion.

Mr. Keawe: Okay we had a motion, we have a second.

Chair Mahoney: It's been moved and seconded. Any further discussion? Hearing no public comment. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 5:0. Thank you.

#### Continued Public Hearing

Zoning Amendments ZA-2019-7: A bill (2740) for an ordinance amending Chapter 11 A, Kauai County Code 1987, as amended, relating to Environmental Impact Assessment on Land Development. The proposal amends Section 11A-2.1 of the Kauai County code

relating to EIA exemptions= Kauai County Council. [Director's Report received 7/23/19. Hearing deferred 7/23/19.]

Mr. Hull: So next on the agenda item is Continued Public Hearing we have we Zoning amendment ZA excuse me, Zoning Amendment ZA-2019-7: a bill (2740) for an ordinance amending Chapter 11A, Kauai County Code 1987, as amended, relating to Environmental Impact Assessment on Land Development. The proposal amends Section 11A-2.1 of the Kauai County Code relating to EIA exemptions. Kauai County Council is the applicant. Is Jody the Planner? But just in brief this is another one of the proposals to reduce cost on additional rental units. This is pertaining specifically to the Environmental Impact Assessment, which, is essentially denoted through addressing how many parking stall are required for a unit and then establishing a formula on how much is exacted on that. I can say the Department is already waiving this fee and the Department's interpretation of the code I so see these as additional rental units as accessory to the primary dwelling unit. And therefore do not constitute the need for an EIA waiver, I had a conversation with Council member Eveslin who actually introduced this bill. But I explained to him that it is within my authority to make that interpretation a different Director could make the interpretation that an EIA is necessary. And so in Councilmember Evelyns's need for abundance of clarity that these fees should be waived, he ultimately proposed the proposal before you folks. We're already practicing the practice so of course we are supportive of it.

Chair Mahoney: With that, Jody.

Jody Galinato will be providing the report on behalf of the Department.

Staff Planner Jody Galinato: Good afternoon Chair and members of the Commission. Yes. I don't have anything else to add after that, we'd just tell this over for the other ARU bills.

Chair Mahoney: Okay. Thank you. So does everyone understand the bill?

Mr. Keawe: I just had one question? Chair?

Chair Mahoney: Sure.

Mr. Keawe: So this is the spot D. category?

Ms. Galinato: No that's the next one. Yeah.

Mr. Keawe: Oh it's the next one. Okay.

Ms. Galinato: It's okay.

Chair Mahoney: Okay. Now we are on Item 3.a correct?

Ms. Galinato: Correct.

Chair Mahoney: Does everybody understand that? Okay.

Ms. Apisa: Is there a motion?

Chair Mahoney: Motion on the floor please?

Ms. Nogami Streufert: 2741?

Mr. Hull: Correct.

Chair Mahoney: 2741, item 3.a. Okay?

Ms. Apisa: I make a motion regarding Zoning Amendment ZA-2019-7, bill 2741 for an ordinance amending Chapter 11A, a Kauai County Code 1987, as amended relating to the Environmental Impact Assessment on Land and Development. That we approve this.

Chair Mahoney: Is there a second?

Mr. Keawe: Second.

Chair Mahoney: Is there a second? It's been moved and seconded. Is there any further discussion? Hearing none. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 5:0. Thank you.

Zoning Amendments ZA-2019-8: A bill (2745) for an ordinance amending Chapter 10, Kauai County Code 1987, as amended, relating to Lihue Town Core Urban Design District. The proposal amends Section 10-5A.7(a) of the Kauai County code relating to generally permitted uses and structures within the Special Planning Area "D" (SPA-D), Rice Street Neighborhood Design District = Kauai County Council. [Director's Report received 7/23/19. Hearing deferred 7/23/19.]

Mr. Hull: Next agenda item is Zoning Amendment ZA excuse me, Zoning Amendment ZA-2019-8: a bill (2745) for an ordinance amending Chapter 10, Kauai County Code 1987, as amended, relating to Lihue Town Core Urban Design District. The proposal amends Section 11-5A.7 (a) of the Kauai County Code relating generally permitted uses and structures within the Special Planning Area "D" (SPA-D), Rice Street Neighborhood Design District. Kauai County Council is the applicant. Jody is our Planner on this and again, just to summarize it again, another slew of bills coming from Council to look at ARU's and facilitating them in various parts of the island. This one I will say is a little bit different from the others though. The other bills are looking at fee waivers or covering cost to help incentivize property owners to construct these ARU's. This bill isn't a cost reduction or a fee waiver. It's essentially to allow ARU's in the Rice Street district which the County Council entertained last year a bill to increase density in the Rice Street district which is arguably the area that you want most of our density to be in the highest sense of development from R-20 potential to R-410, which is roughly 40 swelling units

per acre. In that bill or during the discussions of that bill, the Kauai Council at that time decided because the ARU bill, The ARU right or I should day the Additional Rental Unit right, is an established in all residential zoning districts except for the North shore. And they decided, the Council decided that the R-40 up zone was appropriate however, additional rental units should not be allowed in this district. And that's what essentially was passed and so now a Council member Eveslyn has proposed opening it up and allowing for ARU's to be in the Rice Street district which the Department is supportive of in that the general plan directs our growth to be intensified in that concourse in particularly Lihue. Having said that, the Department recognizes that the County Council recently took action to disallow or prohibit ARU's in this district and so you know, making a move so quickly after the legislative body has taken action not to allow. Is of some concern to the Department quite honestly. But we also recognize that our general plan and our growth policies do direct this type of action.

Chair Mahoney: I have a question. What do they want? Really, I mean, they are the legislative body that they're introducing a bill that they don't want to approve? I don't understand that one. Well why it would come before us?

Mr. Hull: Well I can say it was a different legislative body make up last year. Whether this new body –

Chair Mahoney: The new body now agrees to it?

Mr. Hull: Well you have, the process is that a Council member can introduce it before they go into serious deliberation over the bill if it pertains to Planning, they are going to refer it to the Planning Commission.

Chair Mahoney: So it comes to the Planning Commission and it goes back to them?

Mr. Hull: Correct.

Chair Mahoney: Okay. Gotcha there. Okay.

Ms. Nogami Streufert: Is there any records of the arguments for and against this? Since it's been in both directions. What are the pros and cons?

Chair Mahoney: Probably in the Council minutes.

Ms. Nogami Streufert: Probably in the Council minutes but is there some way to summarize what was, what concerns where either for having it or not having this?

Mr. Hull: Essentially, there were concerns that it would be, the density would be overly intensive if ARU's and R-40's were permitted together. It essentially with the ARU's the additional rental unit right, you can build, excuse me, an additional rental unit per every dwelling unit that your property is entitled too. So if you have one acre of R-40, you are entitled to 40 dwelling units and now if you are a provider for this 40 additional rental units. Um, you still have to meet the design perimeters and the lot coverage issues. Such as if it is a residential zoning district, you still have to meet the sixty percent lot coverage. If it's in a commercial district, you still have to meet the ninety percent lot coverage.

Mr. Keawe: Are there properties within that corridor that would qualify?

Mr. Hull: There are.

Mr. Keawe: There are. That's the part that was confusing.

Chair Mahoney: so it's in compliance with the general plan, is that the ideal to get more density? So it would be, no matter what if this body votes affirmatively than it still goes to the Council? Okay. I understand.

Ms. Apisa: Just to clarify, residential is was fifty percent lot coverage, commercial is ninety percent?

Mr. Hull: Ah, the Residential Zoning District is now sixty percent.

Ms. Apisa: Oh sixty.

Mr. Hull: It, for a long time it was fifty percent but recently this body and ultimately the County Council took action to free up some of the setbacks as well as to increase the lot coverage to sixty percent.

Ms. Apisa: Okay, so the Council approved that?

Mr. Hull: Yes.

Ms. Apisa: And commercial is ninety?

Mr. Hull: A general commercial is ninety and neighborhood commercial is, I want to say eighty but I have to double check on that.

Ms. Apisa: Okay, no. That's sufficient. Thank you.

Chair Mahoney: Okay. So any further questions for the Director? Planner? Hearing none. Do we need a public testimony?

Mr. Hull: Yes you should ask for public testimony—

Ms. Nogami Streufert: I'm sorry. Could I ask a one question? So by affirming this, this group, all we are saying is "we are sending it back to Council?"

Mr. Hull: Correct. Well you're sending an advice, this body functions in an advisory manner to the Council concerning legislative proposals. So if you send it back with a motion to approve, you're recommending to the Council that from a Planning Commission perspective that it be approved. If you vote to not approve ultimately in gets sent back to the Council but the message is clear from this body that it does not think it's appropriate.

Ms. Nogami Streufert: Is it appropriate to defer this until we get more information or that all of the bills are before us are at the same time?

Mr. Hull: No, no, no. There all, I think there is a desire to have them all at the same time together, so if there are any cross overs it could be handled in a discussion. But you've taken action to send up so far two bills in support of, if you, if the body, if the Planning Commission would like to defer this item to get, say the minutes from the County Council when they debated

the R-40 ARU issue? The Department has no objection to that either, it just means that this bill would be held back from the other bills.

Mr. Keawe: That was the purpose of trying to put them together, right? But again in answer to Commissioner Streufert's concern, there's no guarantee that what we sent up to them they might change it anyway, right?

Mr. Hull: Correct.

Chair Mahoney: One of the things is when you get a bill and sometimes the more you get you know, I think we lose focus on the one we got. So we have this in front of us for consideration you know, I don't see why we have to defer it.

Ms. Nogami Streufert: I think my concern right now is that we doing all of this piecemeal. We really don't know what the total is going to look like and the sum of the parts are not necessarily the whole of that. I am afraid that at this point we're just passing everything without seeing what the big picture is, we're getting little pieces of it. We're seeing pieces of the elephant but we don't see the elephant. And I'm not sure that—

Chair Mahoney: Well I understand you're a concern but part of it has to be sent piecemeal. It's got to be Amendment set to them and us to send it back to them. And when you get maybe all of them at once, you know, you'll be reading, I don't know, I think that's more confusing. Being able to analyze these, it doesn't seem like its big rocket science, the amendment to me but a, if everybody feels like they don't have enough information on it um, I'm open on it?

Ms. Apisa: I would just like one more clarification and then I'd be ready to make a motion.

Chair Mahoney: Yeah.

Ms. Apisa: So basically, this says that there would be residential and commercial, this will allow residential and commercial kind of mixed together?

Mr. Hull: So the Special Planning Area district on Rice Street, Planning district already allows that. So the Rice Street district is a mixed use district that has a component of commercial and residential. It has residential at an R-40 rate. Um, meaning if they choose to build residential and in conjunction with the commercial or as a sole project it has to be built at a density not to exceed forty per acre. So this just increases the ability now to have ARU's.

Ms. Apisa: Which could double it?

Mr. Hull: Could potentially.

Ms. Apisa: If it's even physically possible.

Mr. Hull: Correct.

Chair Mahoney: Well is there any further discussions?

Ms. Apisa: I'm ready to make a motion and we will see where it goes and—

Chair Mahoney: Well let's try that on the floor.

Ms. Apisa: We can always—

Chair Mahoney: We have a motion, the Chair will accept a motion.

Ms. Apisa: I make a motion that we approve Zoning Amendment ZA-2019-8, bill 2745 for an ordinance amending Chapter 10, Kauai County Code 1997, as amended relating to the Lihue Town Core Urban Center District.

Chair Mahoney: Before we, could we have a second on that?

Mr. Ho: Second.

Chair Mahoney: Is there a second? It's been moved and seconded. But we are going to ask for public testimony. Is there any members of the public care to testify on this agenda item? Hearing and seeing none. We'll continue with the motion. Motion on the floor was moved and seconded. You want a roll call vote?

Mr.Hull: Commissioner Apisa?

Ms. Apisa: Yes.

Mr.Hull: Commissioner Keawe.

Mr. Keawe: Aye.

Mr.Hull: Commissioner Streufert.

Ms. Nogami Streufert: No.

Mr. Hull: Commissioner Ho?

Mr. Ho: Aye.

Mr. Hull: Chair Mahoney

Chair Mahoney: Aye.

Mr. Hull: Chair you have four on the affirmative. Motion passes

Chair Mahoney: Motion carried. 4:1. Thank you.

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

**COMMUNICATION (For Action)**

Letter (4/11/19) from County Clerk Jade K. Fountain-Tanigawa to Planning Commission regarding referral of Kauai County Council's proposed amendments to sections of the

Kauai County Code 1987, as amended, related to Additional Rental Units, for review and recommendation.

Mr. Hull: Next on the agenda item it was re-organized to have the letter from County Clerk Jade Fountain-Tanigawa to Planning Commission regarding referral of Kauai County Council' proposed amendments to sections of the Kauai County Code as amended relating to Additional Rental Units for review and recommendation. So there is no, there is, the proposed bills that you have before you to this communication don't actually touch legislatively any of the Sections of the Kauai County Code that this body has administrative, or have authority over. It has to do with the Building Permit Fees and waiving those as well as waiving hook up to a County sewer system. Council member Evslyn felt it prudent to forward them as a whole package to you folks to see if you had any input, any you know, concerns, objections, um, motions of support, what have you. So you have again, the bills concerning waiving the Building Permit fees as, and again the Housing Agency qualifies as an affordable housing unit and waiving the sewer for County sewer system. There are private systems that the County doesn't have jurisdiction over as far as fee structuring. But those County sewer lines that an ARU could hook up too should the Housing Agency deem it to be an affordable unit. The bill proposed to waive the, I think it a roughly three to four thousand dollar hookup fee right now. And so the Department is in support of again if you look at the various cost on housing. Sewer fee hook ups the FRC all these are, you know, they chip at or they contribute to a higher construction rate can be cost prohibitive to the some families to construct the units that they need their families to be in. So the Department is supportive of it and the end of the day, you guys can do a motion to receive, you can do a motion to support, you can do a motion to object. It's really of this body.

Chair Mahoney: Is there any thoughts?

Mr. Keawe: So she is basically saying this is one of the things that they are working on?

Mr. Hull: It's been proposed.

Mr. Keawe: It's been proposed but we haven't seen anything yet?

Mr. Hull: What's that?

Mr. Keawe: Have we seen anything? I mean—

Mr. Hull: The, the, communications attached so it's in your packet. Um, and it's the two bills, you won't, don't generally officially see any proposals to amend the Building code. Or you won't see any proposals, legislative proposals to amend the Sewer Code. But Council member Evslyn thought it would be prudent, would be for you folks to see his whole package of bills he that is looking at trying to reduce cost on and if you have any input.

Mr. Keawe: Okay.

Ms. Nogami Streufert: It's really nice to decrease the cost for building everything but the cost, or those fees are used for something else within the County. By decreasing these fees, what are we decreasing in terms of services that the County can receive?

Mr. Hull: The building Permit fees go directly to the Building Department in maintaining their tech support staff to review building permits. And speaking with the Building Division Chief, they didn't have objections to this proposal. They feel that it would significantly contribute to excess work that they wouldn't be able to cover. Um, in speaking with, sorry, and then the Sewage hookup fees do go into maintaining the sewer lines and the overall administration of it. In speaking with Mr. Kagimoto they did not have any problem waiving that fee because if we, as he characterized it, once their hooking up then they are paying into the system as well now. So the more users on the system will allow additional revenues to be utilized in places like Lihue where he's at fifty percent capacity. They seem supportive of it as well.

Chair Mahoney: Alright so we have a choice of receiving or making comments or, we have no authority on anything?

Mr. Hull: Not on this one.

Chair Mahoney: to begin with so but do we receive—

Ms. Nogami Streufert: I move to receive the Zoning Amendment ZA-2020-2.

Chair Mahoney: Okay. There's a motion on the floor. Is there a second?

Mr. Ho: Second.

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

## **CONSENT CALENDAR**

### **Status Reports**

**Status Report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2017-7, Variance Permit V-2015-1, and Special Management Area Permit SMA (U)-2015-6, Tax Map Keys: (4) 4-1-003:004 (por.), 005, 007, 011, and 017 and (4) 4-1-005:014 and 017= *Coco Palm Hui, LLC*.**

Mr. Hull: Okay next on the agenda and forgive me Chair in that my haste to acknowledge and deal with the crowd we had this morning, I forgot to request that the, cause I know that there is interest from the Commission to discuss Coco Palms and have a presentation. The agenda item was actually under the Consent Calendar so we'd have to have an Amendment to remove it off of the Consent Calendar for them to give the presentation to you folks today.

Chair Mahoney: So we need a motion on the floor to remove Item G.1, out of the Consent Calendar.

Ms. Nogami Streufert: And put it where?

Mr. Hull: We can put it essentially after agenda item 5.

Chair Mahoney: Leave it at agenda 5?

Ms. Apisa: Would it still be brought up today? Or will it be—

Chair Mahoney: Yes. You have to remove the consent Calendar part—

Mr. Hull: So it could be put after 5.

Chair Mahoney: After 5 would be good on your motion. Remove from Consent Calendar to F.5? Does that sound—?

Ms. Apisa: Basically we are re-locating not removing.

Chair Mahoney: Yeah, we are just taking that Consent Calendar out of it. Okay so do we want to review the motion again? Um, anybody want to make a corrective motion?

Ms. Nogami Streufert: I move to remove the Status Report regarding Class IV Zoning Permit Z-IV-2015-8, and Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA (U) -2015-6, from the Consent Calendar and insert it under F.5.

Mr. Keawe: Second.

Chair Mahoney: Brilliant motion. 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.

Status Report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1, and Special Management Area Permit SMA (U)-2015-6, Tax Map Keys: (4) 4-1-003:004 (por.), 005, 007, 011, and 017 and (4) 4-1-005:014 and 017= *Coco Palm Hui, LLC*.

Mr. Hull: So Commissioners that would put us at F.5, or 6, Status Report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1, and Special Management Area Permit SMA (U)-2015-6, Tax Map Keys: (4) 4-1-003:004 (por.), 005, 007, 011, and 017 and (4) 4-1-005:014 and 017 the applicant is *Coco Palm Hui, LLC*. And I believe they are here to give a presentation.

Chair Mahoney: Representatives please come to the microphone and state your name for the record please?

Mr. John Pang: Good afternoon Commissioners. My name is John Pang I'm with Case Lombardi & Pettit, and I'm the Attorney for Coco Palms Hui.

Mr. Christian Sundell: Good afternoon. I'm Christen Zendel and I'm the Project Manager on the Coco Palms Hui.

Chair Mahoney: Okay. Thank you.

Mr. Pang: Commissioners. We appreciate the opportunity to provide you with an update on the Coco Palms project. I think the last time we were, we appeared um, the Commission wanted more information regarding the applicant and the project. Right now as it stands today, Coco Palms Hui is still the owner of the property. It is the and the applicant. It has changed its management and currently the new manager is Stillwater Equity Partners. So Stillwater's is the sole manager and has full authority with respect to the entity Coco Palms Hui as well as the property. Since becoming the manager, Stillwater has, they are fully aware of the Conditions that need to be satisfied and the requirements and they have been actively engaged in trying to fulfill those Conditions as well as to upkeep and secure the property. Um, they have funded all of those efforts to do so. So right now I have with me Christian Sundell he is the on the ground person for Stillwater Properties, whose been working with the Committee and the various people here to try to get the property secure and updated.

Mr. Christian Sundell: Appreciate your time Council I understand it has been a long day already. So Stillwater Equity Partners Firm and we have years of experience in the industry. We have projects well over seventy completed all throughout the nation, anywhere from the US Virgin Islands to Hawaii where we have several projects going on simultaneously. Everything from marinas, to hotels, to office, to commercial and we run the whole gamut as far as the development cycle. And we have, because we are a private equity firm we have a unique relationship with companies that allows us to secure the funding as needed and it hasn't been a problem and it won't be a problem moving forward. So between our development expertise and our ability to secure funding for the project we are prepared to take this project all the way to completion. Stillwater has since assuming control the management, we have done a lot to secure the property. We have been working hand in hand with KPD, Captain Rod Greene has been very helpful in motivating his crew to increase presence on the property. Just yesterday we actually found a stolen car and got that returned. We found some stolen property the week before and returned it to the local business that it was stolen from, tow trailers worth about \$6000 each. We put in new fencing with "No Trespassing" signs and working to keep all squatters off the property it's very important to us. And we've received some interest from the Fire Department or I have been told that the Fire Department is interested burning down some of the dilapidated buildings on the property in training for them and we are amiable that scenario if they choose to move forward with that. So we are working hard to keep this property and its history preserved and we are working hard to make sure it's properly cared for in the meantime until this development takes place. And it's hard there's a lot of over growth on the property that needs to be maintained constantly. And the drugs and the criminal, the criminal behavior have been plaguing it for a while but we have been taking some large strides and reduced that and we are going to continue to work towards that. A lot of it has to do with increasing the police presence on the property. And with that being said we are um, we have plans to keep maintaining this

property in different ways. We plan to submit an Additional Use Permit to be able to use goats to maintain the grove area as a natural sustainable way to keep the area clean and maintain. Part of the problem is the lack of visibility and so we are trying hard to keep that done. Right now we've cleared out the front and we are continuing to maintain the front being cleared out and we put up new fencing like I said. There is seven cars and a bus that all need to be removed from the property along with the squatters belongings that have been removed that we are actively working on it every day. We have a four month plan for continued maintenance on the overgrowth in place in the moment and we are going to continue moving forward it's going to get better and better. I am sure you guys have noticed that there are tractors out in front of the property now as we continue to clear out the brush that is there. But it is important to us that we maintain the history of the project and maintain the safety of the project. We work a lot with Bob Jasper maintaining what he envisions the proper standard for this type of property. We understand the importance of this property to the community and the history behind it and we wish to maintain that. We have been working to meet all the time lines that the County has provided for the permitting process and we plan to have every permit, every permit either submitted or will be submitted by the August 31<sup>st</sup> deadline. We have you know, all the documentation to substantiate that statement.

Chair Mahoney: How about plans? Wasn't it one of the problems before of submitting plans?

Mr. Sundell: Plans? You talking about renderings and?

Chair Mahoney: Yeah.

Mr. Sundell: Oh. Financing?

Chair Mahoney: No not financing.

Mr. Hull: No. I think what there are getting at is um, there was some concern John with the previous developers who had made various concessions or promises and one of the issues that came up was they were supposed to meet a Building Permit Deadline. And the attempt of those individuals was essentially to submit Building Permit applications with not a single plan attached to many for them. And so they had to come back before this body and this body essentially adopted a additional approval that said, "Plans renderings essentially will be submitted by August 31<sup>st</sup> and the applicant will work in good faith to get those plans approved."

Mr. Pang: Right. So that has changed so Stillwater has engaged a Architect and paid him to complete the plans. He has been working since that time to try to prepare a mature plans that will all of the plans, all of the improvements have been or will be submitted before the end of the month and they'll be mature plans. And he has been working with Building on the ones that were previously submitted to address their comments already. Um, the rest of them will be submitted and should be ready for circulation or routings through various Departments so that will all be done by the end of the year. I mean not the end of the year, end of the month, yes.

Chair Mahoney: Okay well that's an important step, is you know, these Conditions that there met on a time. And you know, we know the problems we had in the past and so you know, the

end of the month is the end of the month. So I think the community and everyone has been very patient and the Council and everybody has bent over backwards. And to have a fair shake, there has been a lot of steps to clean up the property, it is noticeable driving by and but your Conditions must be met and hopefully you have them in by the end of the month, alright? Here's a question from—

Ms. Apisa: Just what is the overall plan? Because I have heard stories that it's resort, that it's going to be affordable housing, it's going to be mixed use? I mean what is the ultimate end plan?

Mr. Pang: So right now Stillwater is proceeding according to the plan that was presented for the Permitted. So it's the plans that have been submitted are hotel with cottages and what was presented to the Commission. Now one of the things Stillwater wants to do is they realize how important the project, the property is to the community and the island. To be honest with you we did have a buyer that came in and wanted to change the plan to affordable housing. That buyer decided not to pursue it because when we talked to them we made sure they understand that the permits are there, the Conditions are there, and they need to comply with them. They can do their due diligence and decide whether they want to go forward or not. We clearly say that any changes that they want to make they need to come back to this Commission and ask for it. We are, Stillwater's is getting approached by various people to participate and we keep getting interest and to be preferably transparent with you they are in negotiations with an established hotel developer and operator that's familiar with Kauai that their talking to. But of course again, Stillwater is making sure that they understand what the requirements are of the permit and if they decide they want to go forward they have to comply or again come back to you folks for any changes. So—

Chair Mahoney: Mr. Keawe.

Mr. Keawe: Um, the plan still is basically to find a potential buyer that is willing to accept all of the terms and Conditions of the original Permit?

Mr. Pang: I think it's more Stillwater is entertaining all options. And, what they think is best to get it done. So if yea, right now there is a buyer that they are talking to but that buyer is a established hotel operator and developer here. We actually have authority to tell you who they are but not much more because it's still in negotiations.

Mr. Keawe: No. That's fine, just want um, make sure we understand your position moving forward and your position moving forward is to complete those items that you have already committed to complete based on the time schedule. In addition to potentially finding a buyer for the property that is willing to accept all of the terms and conditions. Is that correct?

Mr. Pang: Right. And so we intend to keep complying if a buyer does come in we tell them these are the Conditions and you need to comply with them.

Ms. Nogami Streufert: So the plans that are going to be submitted at the end of the month, what plans are they that will be submitted at the end of the month? Who will be responsible for submitting it in? And who will be responsible for fulfilling it?

Mr. Pang: Okay. So the plans that are being submitted are for all of the components of the project. Um, they will be, and the person that will be submitting it on behalf, they've engaged Ron Agor to finish them and he's been working with Building to get it all submitted. It was just today or yesterday to download the rest of them, I think it was. Right? Yes I guess building needs to prepare it for them to be submitted.

Mr. Hull: Commissioners. So for clarification. So generally when an applicant comes before this body they'll have schematics drawn up for you to see and review. The generate out the detailed plans that Building needs to get into their building code analysis and then quite honestly, when applicants come before this body, this body can exercise discretion to either deny them or change the site and planning of it. So um, and you guys have seen some applicants come in and say they can't change the site plan because they already paid for the Building plans to be done. The building plans hadn't been done for this project and that Condition, the Condition 15, concerning the August 31<sup>st</sup> deadline. When they before you folks last year and it was found out you know, this body wanted to see essentially forward progress on the project. And so the Commission imposed a Condition to say "by such and such date you shall pulled building permits" and the applicant essentially pulled the permits but didn't attach the plans. Because the can be, for a project of this size hundreds of thousands of dollars. And so the Commission kind of wanted to see that commitment that indeed there's forward progress happening. And so once it was revealed that there were building permits pulled. But it did not meet the spirit of that Conditions where you folks had wanted or this body had wanted to see forward progress. And you're actually getting the plans drawn up, you're getting the renderings done, the Building Division can review these application and potentially get the applicant their building permits. It was imposed upon them that they actually do the plans themselves and we want to see the, and those plans need to be submitted by the end of this month. And what I think Mr. Pang is saying is, it is their commitment to, as the new team essentially takes over this project is to say they will be meeting that Condition. And is is something the Department will be monitoring very carefully to see on August 31<sup>st</sup> if all goes as plans have been submitted.

Mr. Keawe: So a Chair.

Chair Mahoney: Yes?

Mr. Keawe: Um, would it be appropriate to hear from the Architect?

Chair Mahoney: Pardon me?

Mr. Keawe: Would it be appropriate to hear from the Architect to see where he is?

Chair Mahoney: Sure.

Ms. Apisa: I have one quick question. Just so that I understand um, if I'm understanding correctly. Coco Palm, the original Coco Palm Hui is still the owner and Stillwater Equity Partners is the manager?

Mr. Pang: Correct. The manager is based on LLC. So they are the sole manager with full authority over the entity and the property.

Mr. Keawe: So the former owner basically relinquished all of their development and decision rights to Stillwater? Is that correct?

Mr. Pang: Correct.

Mr. Keawe: And that is a legal binding agreement?

Mr. Pang: Yes.

Chair Mahoney: Okay. Commissioner Ho.

Mr. Ho: But all of the Conditions that were imposed on a Coco Palms Hui for the building permits that the responsibility now of Stillwater to fulfill?

Mr. Pang: Yes. Well Stillwater is the manager, it's still Coco Palms Hui who needs to fulfill it. But it is the responsibility of Stillwater as the managers to make it happen.

Ms. Apisa: One more question. Just because it's coincidental or is there still a connection because of Chad Waters, Stillwater, I mean is there some connection there?

Chair Mahoney: With Water?

Mr. Pang: Oh no, no, there is not. No connection.

Mr. Hull: So just for clarification because Taylor Greene and Chad Waters have been here on several occasions' right? Taylor and Chad still apart of this project?

Chair Mahoney: Well they are no longer management but they still have small equity interest as a member. But um, not as a majority, so they can't change the manager, put it that way right now.

Ms. Apisa: So there is no controlling interest there? It's just minor?

Mr. Pang: Well I don't want to say minor but it is a not a controlling interest.

Ms. Apisa: Oh, okay. Thank you.

Chair Mahoney: Any a?

Mr. Ho: Mr. Chair could I have two minutes to speak with the, with the—

Chair Mahoney: Well we are kind on the open meeting here I don't know. Did you want something open?

Mr. Ho: Yes.

Ms. Apisa: Open? Or Recess? Or Executive?

Mr. Ho: Recess.

Ms. Nogami Streufert: I move that we go into executive session.

County Deputy Attorney Nicholas Courson: You could do a recess or you could do an Executive session but the Executive session would have to be for a very limited purpose. It wouldn't be for speaking with the Director it would be for speaking with me so.

Chair Mahoney: Yes. So you wanna take a, we could take a five minute recess?

Ms. Apisa: That's before or after we hear from the Architect?

Mr. Hull: Yeah, do you guys want to hear the full presentation and also from the Architect Perhaps?

Chair Mahoney: Yes. Before we make any, is that alright with you?

Mr. Ho: Sure.

Ms. Apisa: It might answer our questions.

Chair Mahoney: Yeah. Is that okay? So would it be alright if we hear from the Architect please? Mr. Agor. State your name.

Mr. Agor: My name is Ron Agor for the record. Um, here it answer any question you may have.

Chair Mahoney: Okay. Any questions?

Mr. Keawe: Well first of all, are you going to make the deadline?

Mr. Agor: We have approximately 26 permits—

Mr. Keawe: You have 26 permits?

Mr. Agor: To apply for and I've got six left to submit. I've submitted the rest.

Mr. Keawe: So you've already done the rest of those drawings?

Mr. Agor: Yes.

Mr. Keawe: And they are ready to submit? You have six left?

Mr. Agor: I have six left to submit.

Mr. Keawe: But the rest of them have been completed already?

Mr. Agor: Yeah. They have been uploaded into the County System.

Mr. Keawe: Okay. Is that recently?

Mr. Agor: Oh the last one was last night.

Mr. Keawe: Okay.

Mr. Agor: I'm working on it hard.

Ms. Apisa: So they are ongoing?

Mr. Agor: Yes, they are ongoing. And the last six permits we're about seventy percent completed.

Mr. Keawe: About seventy percent completed.

Mr. Agor: Yes.

Mr. Ho: Am I correct to assume that these plans can be submitted to a contractor for bidding? Can be permitted by the Department?

Mr. Agor: Yes. I've had comments already and I'm adjusting the comments. Yeah. In fact, in fact, last night I uploaded the last comments, minor comments for all of the cottages and we should be, hopefully getting a notice to pick up the permits in the next couple weeks for all the cottages.

Mr. Keawe: And then after that obviously, with the permits then you're in a position basically, start looking for contractors to do it?

Mr. Agor: Yes.

Ms. Nogami Streufert: Does this mean you already got the financing available for this?

Mr. Agor: I can't answer the question. I'm the help.

Mr. Pang: That would be more Christian but um, Stillwater, you want? Let's have Christian seize the –

Mr. Sundell: My I ask the Counsel to repeat the question?

Ms. Nogami Streufert: Does this because all the plans are going to go in and when the plans are approved, they can go out for contract bids. Does that mean therefore that you have funding or financing available to do this?

Mr. Sundell: Yes mam.

Chair Mahoney: Any other questions?

Mr. Ho: Would you be willing to share who the financier is?

Mr. Sundell: Sir we are a private equity firm our funds are made up from private investors. There is no problems.

Chair Mahoney: Okay, you want to take a recess? We are going to take a recess for five minutes.

The Commission recessed this portion of the meeting at 12:53 p.m.

The Commission reconvened this portion of the meeting at 12:59 p.m.

Chair Mahoney: I call the meeting back to order. And where did we leave off? Commissioner Ho.

Mr. Ho: Thank you for that little recess there. Um, my question is for Mr. Pang. As part of the Conditions, as part of the Conditions, Haleilio Road was to have a right hand turn out onto Kuhio Highway. Coco Palms Hui has donated or given us the funds for it, but we need the land for it. Where are you on that? I need a Subdivision update (inaudible).

Mr. Pang: Sorry we were actually supposed to tell you that. So um, we are working with Esaki Surveying and we are communicating with them, I think earlier this week. And they are working on the final subdivision map to get it approved I think? Um, I am not sure what exactly their timing but we, they have been authorized to proceed with that and to finalize it. And then once that is done we can then start the process of dedicating it to the County.

Mr. Ho: Can I expect that within a month?

Mr. Pang: Well the final subdivision approval needs to come to you.

Mr. Ho: Yes.

Mr. Pang: Right. Um, I don't know but we can, we can let um, the Department know, I don't see why not because they seem to have not to have any obstacles for it. We sent them the information that we need, that they need like the Title Reports and stuff. Because we got a new Title Report (inaudible) Plans. But um, we can definitely update the, the, Department on that, we ask Esaki to commit it directly to the Department.

Mr. Ho: Thank you.

Chair Mahoney: Thank you. Any further questions?

Ms. Nogami Streufert: I move to accept the Status Report regarding Class IV Zoning Permit Project Development Use Permit, Variance Permit, and Special Management Area Use Permit for Coco Palms Hui.

Mr. Courson: Commissioner could I suggest you word that as receive instead of accept?  
Yeah—

Ms. Nogami Streufert: I'm sorry. I received. I move that we receive that the Commission has received the Status report.

Mr. Keawe: Second.

Mr. Hull: You should ask for testimony.

Chair Mahoney: Is there any member of the public that would like to testify on this agenda item? Seeing or hearing none. Okay we have a motion on the floor that's been seconded. Any further discussion? . All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 5:0. Thank you very much.

Mr. Pang: Thank you very much for your time.

Chair Mahoney: Appreciate your presentation.

### **GENERAL BUSINESS MATTERS**

Notice of Appeal and Demand for Contested Case Hearing from Notice of Violation & Order to Pay Fines, 4176 Anahola Road (aka 4176 Pilikai Road) for *Elizabeth Kendrick & Joe Chaulklin*, from Gregory Kugle, Esq., and Joana C. Zeigler, Esq., to Clerk of the Planning Commission, Mr. Kaaina S. Hull (7/18/19) [Contested Case No. CC-2019-7].

- a. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Planning Director's Notice of Violation & Order to pay Fines for the continued operation of a forfeited transient vacation rental, *Elizabeth Kendrick & Joe Chaulklin*, (aka 4176 Pilikai Raod), Tax Map Key: (4) 48007002, Anahola, Kauai, received on July 18, 2019, via email, for referral to Board and Commissions as Contested as Contested Case File No. CC-2019-4.

Mr. Hull: Next agenda item is General Business Matters I.1., Notice of Appeal and Demand for Contested Case Hearing from Notice of Violation & Order to Pay Fines, 4176 Anahola Road, *Elizabeth Kendrick & Joe Chaulklin*, from Gregory Kugle, Esq., the clerk, we have the recommendation from myself recommending that this be forward to a Hearings Officer.

County Attorney Maryann Sasaki: Maryann Sasaki for the County. My clients may want to have it go to a Hearings Officer.

Chair Mahoney: Pardon me, I could not hear you.

Ms. Sasaki: Kaaina, Kaaina has said that he wants this matter to go to a Hearings Officer and obviously I have no dispute, I agree with that and it's just for the Commission to vote on.

Chair Mahoney: Okay. Um, anybody have any motion they would like to make or?

Ms. Sasaki: If you have any questions?

Chair Mahoney: Any questions for the Attorney or the Department? This is recommended to the Hearing officer.

Ms. Nogami Streufert: Is this 4176 Anahola?

Mr. Hull: Correct.

Mr. Keawe: (Inaudible).

Mr. Ho: I move to accept the Planning Departments recommendation to move this to a Hearings Officer.

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. 5:0. Thank you.

Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's related to the Planning Director's Notice of Violation & Order to Pay Fines for the operation of an unpermitted homestay, Alfred Sprenger, Tax Map Key (4) 24015010, Kalaheo, Kauai, received on July 22, 2019, for referral to Boards and Commissions as a Contested Case File No. CC-2019.

Mr. Hull: Next agenda item is General Business Matters I.2., Request Appeal of the actions by the Planning Director's by Alfred Sprenger, again I'm recommending that this notice of violation and order to pay fines for an unpermitted homestay be referred to a Hearings Officer.

Chair Mahoney: County?

Ms. Sasaki: The County supports our client.

Chair Mahoney: Alright. Um, it's been recommended by the Department to, anybody want a make a motion besides me?

Ms. Sasaki: This is a TVR review, I mean a Homestay review.

Mr. Ho: I move to accept the Planning Departments recommendation to move this to a Hearings Officer.

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. 5:0. Thank you.

In the Matter of Petition to Appeal Decision of the Planning Director Relating to the Denial of Non-Conforming Use Certificate Packet submitted on 8/13/18, as Required by Kauai County Code Sec. 8-17.10(h)(1) for TVNC#5081, Anini Beach Hale, LLC, located at 4371 Anini Beach Road, Kilauea, Kauai, Hawaii, 96754, and Further identified by Kauai TMK No. (4) 5-3-007:006, and containing 32,813 s.f. = Anini Beach Hale LLC.

a. Hearing Officer's Report and Recommendation of Contested Case dated July 29, 2019.

Mr. Courson: Commissioners the third item is Item I.3., In the Matter of Petition to Appeal Decision of the Planning Director Relating to the Denial of Non-Conforming Use Certificate Packet submitted on 8/13/18, as Required by Kauai County Code Sec. 8-17.10(h) (1) for TVNC#5081, Anini Beach Hale, LLC, located at 4371 Anini Beach Road, Kilauea, Kauai, Hawaii, 96754, and Further identified by Kauai TMK No. (4) 5-3-007:006, and containing 32,813 s.f. Anini Beach Hale LLC. Hearing Officer's Report and Recommendation of Contested Case dated July 29, 2019.

Ms. Sasaki: Maryann Sasaki, County of Kauai. My client the Planning Department does not agree with the Hearing Officer's recommendation in this case. Moreover, He, the Hearing Officer, there is a due process problem because we did not have a Notice to be heard. The Hearing Officer determined that this TVR was a Quasi-Governmental Authority because it helped during the rain. We disagree with this position and we would like the opportunity to brief that point so you'll understand why they are not a Quasi-Governmental Agency and we would like to have an oral argument in September if that is possible?

Chair Mahoney: Commissioners?

Mr. Ho: I'm sorry Maryann you kind of lost me. What are you asking for here?

Ms. Sasaki: Oh, I'd like to have an, they, the, the reason that the Hearing Officer gave was never discussed during the Hearing. So we didn't have an opportunity to be heard on this issue of whether or not the TVR was a Quasi-Governmental Authority. So I would like the opportunity to brief that, write a document indicating why we don't think it's a Quasi-Governmental Agency and to have an oral argument on this issue, on the Hearing Officers Report, on the ultimate decision.

Mr. Ho: Are you asking or a deferral then?

Ms. Sasaki: Yes. Essentially.

Mr. Courson: She is asking or a deferral but there wouldn't be an order from this Commission. It's not simply moving it to September between now and then both parties would submit (inaudible) this body will be hearing oral argument on those (inaudible). So it's not simply a deferral although there is an aspect of it the time is moved down. I would also say, if the Commission wants we could do an unanticipated Executive session if there are legal questions.

Deputy County Attorney Sasaki is here on behalf of the Department but I am here for you folks if you have questions.

Mr. Keawe: Right.

Chair Mahoney: I don't think that would be a bad idea if we go into a brief Executive session. If any Commissioner was so moved to make a motion?

Mr. Keawe: Yeah I move that we go into Executive session for this particular item.

Mr. Ho: you want to do it over lunch? Or can we just go right into?

Chair Mahoney: Why don't we so it right now.

Mr. Keawe: Let's do it now. Lunch come in—

Ms. Apisa: Let's just do it.

Mr. Ho: Let's do it know?

Chair Mahoney: It's been moved we need a second?

Ms. Nogami Streufert: Second.

Chair Mahoney: It's been moved and seconded to go into Executive session. Any further discussion? Hearing none. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 5:0. Thank you.

The Commission went into Executive Session at 1:09 p.m.

The Commission reconvened this portion of the meeting at 1:30 p.m.

Chair Mahoney: I call the meeting back to order. Ok we are back in session.

Chair Mahoney: Ok we are back in session. Okay, there was a request by the attorney—

Ms. Nogami Streufert: Could you state your request one more time.

Ms. Sasaki: I'm going to request that I be able to brief the issue of whether or not the TVR was a Quasi-Governmental Agency. Because the Mayor asked for one of its sister companies to open the airport during the flood. I've reconsidered the oral argument issue, it may not be fair to the other side because they are not here to object but I would like the opportunity to brief that issue.

Chair Mahoney: Ok. Alright so we were in the executive session so now on the floor is there any questions for the applicant? Alright. So regarding the request is there any—

Ms. Nogami Streufert: I move to request further briefings from both parties on the issue of whether Anini Beach Hale is a, can be considered a Quasi-Governmental Agency? And if so, does the emergency proclamation pertain to them? I would like to also to suggest that the written briefs be submitted no later than 4:30p.m. On August the 30<sup>th</sup> for oral arguments for September the 10<sup>th</sup> at the next Planning Commission meeting. And these oral arguments be no more than 15 minutes per party.

Mr. Keawe: Second.

Chair Mahoney: It's been moved and seconded. Any further discussion? Any from the applicant?

Ms. Sasaki: I'm concern if you order an oral argument the other side will say that he did not have the opportunity to be heard and argue against that but I would still like to brief the issue just not dispense with the oral argument.

Chair Mahoney: You would like to dispense with the oral argument?

Ms. Sasaki: Yes please.

Chair Mahoney: The other party has got to be there.

Ms. Sasaki: Well the other Party well—

Chair Mahoney: Well this is in fairness to the other party. You want to give a briefing?

Ms. Sasaki: Well they be, have an opportunity to brief as well, yes.

Chair Mahoney: Yeah, okay, alright.

Ms. Sasaki: It's for both parties.

Chair Mahoney: Yeah, okay well that's what you were are asking for right? For the briefing?

Ms. Sasaki: Yes, for both parties. Right.

Chair Mahoney: Yeah you're okay alright, you resend the oral argument? Alright, alright.

Mr. Keawe: So what?

Chair Mahoney: Well let's get back to that one again. Okay so the motion was further briefing regarding the two items that you testified and then in order for us to analysis that there was going to be the oral arguments, maybe you could help?

Mr. Courson: The Departments concern is that if you order oral arguments when Anini Beach Hale isn't here to chime in their just going to say this is unfair somehow. So the Department is saying they would like to do a written brief, the other side can do a written brief. It's up to you folks if you want to say, "we want someone to do oral arguments be here on September 10<sup>th</sup>" you can if you are content with reviewing the written briefs that's fine too.

Ms. Nogami Streufert: But could they also object to the written brief? Is there a requirement for a written brief?

Ms. Sasaki: Well they'll write a responsive brief, they will respond to the issue. I mean, I guess really—

Ms. Nogami Streufert: Why would they argue an oral brief but not against a written brief?

Ms. Sasaki: Because they would have the equal opportunity, well your right, I mean its inconsistent right, oral or written. Um, well I just don't to request, the thing is the reason I want to do the written brief on the issue is because the Hearing Officer did not give either side to argue this issue that is was a Quasi-Governmental Agency. So nobody had an opportunity to be heard. Oral argument really if you read the rules, it should be requested in writing. I should have requested it in writing, so I don't want to come back and say "oh you didn't request it in writing and you prejudiced me" so that's why I don't want to do that because I was reviewing the rules as I was, when I was upstairs. I can request brief but I can't request an oral argument orally.

Ms. Apisa: Can we request that the other party, that Anini Beach Hale be present at September 10<sup>th</sup> and give them the opportunity to be here or not?

Ms. Sasaki: I think this question is for your lawyer.

Mr. Courson: Yes, it is. Um, we might need to take a brief recess because regardless of whether, I'm not sure that the rules may bind the parties from requesting oral argument but in writing. But I'm not sure that, that same rule binds the Commission if it wants to hear from the parties. So if I could ask for 5 minutes?

Chair Mahoney: Yes.

Ms. Apisa: I just wanted to be fair. I just don't want an arguments later on—

Chair Mahoney: Okay, so right now we are going to take a 5 minute recess.

The Commission recessed this portion of the meeting at 1:36 p.m.

The Commission reconvened this portion of the meeting at 1:41 p.m.

Chair Mahoney: I call the meeting back to order.

Mr. Courson: Chair. Thank you for that recess so I could review the rules real quick. Pursuant to Rule 1-6-19(d) (2) Oral Argument before the Commission. The Commission my direct Oral Argument on its own motion. So if this body wishes to hear oral arguments that's fine, if not, that is also fine.

Chair Mahoney: Okay. Commissioners any comments?

Ms. Apisa: My point, I, it's not so much that we hear oral arguments. It's just that I don't want to hear one side say they weren't given the opportunity, equal opportunity.

Mr. Courson: Correct. Yeah.

Ms. Nogami Streufert: The motion as it stands is for both parties to present both written and oral arguments. The written argument should be submitted no later than August 30<sup>th</sup>, the oral arguments will be on September the 10<sup>th</sup>, no longer than 15 minutes per party.

Chair Mahoney: Regarding those two questions.

Ms. Apisa: I mean the other party, Anini Beach Hale will be notified to be here? So get with them so then it's their choice.

Mr. Courson: Yeah.

Chair Mahoney: Any further comment Commissioners?

Ms. Apisa: The Department is good with that?

Ms. Sasaki: The Departments good with that.

Chair Mahoney: Ok, we've got a motion on the floor that's been moved and seconded. Any further discussions? Hearing none. All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Opposed? (None). Motion carried. 5:0. Thank you.

Ms. Sasaki: I really appreciate it, thank you.

Chair Mahoney: Thank you very much.

## **COMMITTEE REPORTS**

### **Subdivision**

Mr. Hall: Okay next on the agenda would be Committee Reports, Subdivision Committee.

Mr. Keawe: Okay you all got a copy of the Subdivision Report. We had several items, five items on the agenda. And if you have a copy of the report I would just request we receive and approve the Subdivision Report.

Ms. Apisa: I move that we receive and approve the Subdivision Report as submitted.

Ms. Nogami Streufert: Second.

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

## **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, September 10, 2019.

Mr. Hull: Next we have announcements for topics for future meetings. We distributed a list we’ve actually gone through the vast majority of the projects on this list. Um, we are looking at the Kahili Adventist School Use Permit up in Kapaa homesteads coming to you guys on your September Agenda. As we as it looks like we’ll have further discussions concerning the Kukui’ula Zoning amendment, as well as now oral arguments concerning a TVR.

Mr. Keawe: And then Sean leaves at 1 o’clock.

Chair Mahoney: Or probably earlier.

Mr. Hall: Yeah, the September Agenda isn’t looking too loaded except for Kukui’ula which could have considerable public testimony? It looks like it’s going to be a so far a fairly light agenda.

Ms. Apisa: So our next meeting will be September 10<sup>th</sup>?

Mr. Keawe: Right.

Mr. Hall: Correct.

Ms. Apisa: There’s none later in August?

Mr. Hall: Yeah, I believe we have it listed here but um, looking at the agenda potential, we don’t have anything really on that Agenda.

Ms. Apisa: Having looked at the –

Ms. Nogami Streufert: Would it be preferable to do something at the end of August so that we can clear the calendar for September the 10<sup>th</sup>?

Ms. Apisa: Well September 24<sup>th</sup> I think we are not going to have a quorum.

Mr. Keawe: Nope. I’m good.

Ms. Nogami Streufert: No I meant for August.

Ms. Apisa: Oh August, oh August.

Ms. Nogami Streufert: To clear the Calendar for September the 10<sup>th</sup>.

Mr. Hall: Yeah, the, given he the timelines for the projects and Policy Amendments it would require it be in September.

Mr. Courson: Also I won't be here. So you'd get legal counsel that wasn't necessarily familiar with what's going on.

Ms. Apisa: So there is no meeting for August 27<sup>th</sup>?

Mr. Hall: No.

Ms. Apisa: Correct?

Mr. Hall: Yes. Only September 10<sup>th</sup>.

Ms. Apisa: So we are meeting on September 10<sup>th</sup> but I think we will not have a quorum for September 24<sup>th</sup>.

Mr. Hall: No. And the way we, the Department has planned for that, and so we have made adjustments to the timelines and Publication Notices for the various projects coming up.

Ms. Apisa: Will there be a meeting on September 24<sup>th</sup>?

Mr. Hall: No. We are anticipating that there won't be a quorum so we have not scheduled any.

Ms. Apisa: Okay, okay, so we are having one meeting um, today and the next meeting is September 10<sup>th</sup> and the next meeting is in October.

Mr. Hall: Correct.

Ms. Apisa: Just want to make sure I got my calendar straight. Thank you.

Mr. Hall: And without any other topics for the discussion the following week we are scheduled for the 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 and that will be September 10<sup>th</sup>, now that we don't anticipate on an, August 27, 2019 Agenda but September 10, 2019.

Chair Mahoney: Okay. Can we get a motion to adjourn?

Ms. Apisa: I move to adjourn.

Ms. Nogami Streufert: Seconded.

Chair Mahoney: It's been moved and seconded. . All in favor, signify by saying, aye. Aye. (Unanimous voice vote). Meeting adjourned. Motion carried. 5:0

Chair Mahoney adjourned the meeting 1:47 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.