KAUA'I PLANNING COMMISSION
REGULAR MEETING
January 8, 2019

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Apisa at 9:07 a.m., at the Līhu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Ms. Donna Apisa
Ms. Glenda Nogami Streufert
Mr. Roy Ho
Mr. Kimo Keawe
Mr. Sean Mahoney
Ms. Kanoe Ahuna
Mr. Elesther Calipjo

The following staff members were present: Planning Department – Director Ka'āina Hull, Chance Bukoski, and Dale Cua; Office of the County Attorney – Deputy County Attorney Nicholas Courson Office of Boards and Commissions – Administrator Ellen Ching; Commission Support Clerk Darcie Agaran and Arleen Kuwamura

CALL TO ORDER

Chair Apisa called the meeting to order at 9:07 a.m.

ROLL CALL

Planning Director Ka'āina Hull: Good morning, Chair and members of the Commission. The first order of business is roll call. Commissioner Calipjo?

Mr. Calipjo: Here.

Mr. Hull: Commissioner Keawe.

Mr. Keawe: Here.

Mr. Hull: Commissioner Ahuna.

Ms. Ahuna: Here.

Mr. Hull: Commissioner Ho.

Mr. Ho: Here.

Mr. Hull: Commissioner Streufert.

Ms. Nogami Streufert: Here.

Mr. Hull: Commissioner Mahoney.

Mr. Mahoney: Here.

Mr. Hull: Chair Apisa.

Chair Apisa: Here.

Mr. Hull: Madame Chair, all members present. Before we get to the next item on the agenda I do believe the Mayor is attendance and desires to speak to the body as a whole.

Chair Apisa: Yes. I will suspend the rules and the Mayor will say a few words. Thank you Mayor, Welcome.

Mayor Derek Kawakami: Thank you Chair, Vice Chair, Director, Deputies, Commissioners. Happy New Year. I am so happy and excited to be here. I want to say thank you for your service, it's a noble cause to be a volunteer and especially a public servant. And so for all the hard work that you do we truly appreciate it. I just want to begin by reading a little excerpt from this book. You know the first day on the job, I was so a scared, I woke up and I turned to my wife and said, "O My Gosh! What do I do now?" She goes, "well, why don't you just refer to the guide book on How to be a Mayor." I said, "I don't think there is a guide book." So she said, "Why don't you go write the guide book." So we are on that chapter of trying to write the guide book but, I did run into a book that is a pretty good guide. It's called, "The Next American City" it's by Mick Cornett the four-term Mayor of Oklahoma City. There is one little quote that he said, "That after years of study, I've concluded, that the key thing that distinguishes the thriving places of any and all sizes is surprisingly simple. Successful places are intentional. They undertake efforts to leverage and build upon their own unique assets, they mobilize their anchor institutions, their own civic organizations, and their people. They build true public/private partnerships and large or small, they create a genuine quality of place that all can see and feel." And that's exactly what you folks are doing. It's so important for our keiki, for our future, so thank you for your willingness to serve. On behalf of the office of the Mayor our goal is to serve those who are serving others, so if there is any assistance we can be…please reach out. Alright. God bless and aloha.

Chair Apisa: Thank you Mayor.

SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON APPOINTMENT OF SUBDIVISION COMMITTEE CHAIRPERSON, VICE CHAIRPERSON

Mr. Hull: On to the next agenda Item. Agenda Item C, Selection of Chair and Vice Chairperson Appointment of Subdivision Committee Chairperson, Vice Chairperson.

Chair Apisa: Nominations are in order for the position of Planning Commission Chair. Do we have a nomination?

Mr. Keawe: Madame Chair. I would like to nominate Commissioner Sean Mahoney, for the position of Chair for the Planning Commission.

Ms. Ahuna: Second.

Chair Apisa: Do we have any other nominations?

Mr. Keawe: I moved to close the nomination of position of the Chair of the Planning Commission.

Mr. Ho: Second.

Chair Apisa: All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 7:0. Congratulation Sean.

Mr. Hull: Just a procedural point of order. The motion was to essentially close the nominations. So then with the nomination now close then the vote can be taken for Mr. Mahoney.

Chair Apisa: Oh. Yeah sorry. I did not mean to be presumptuous there Sean. The motion was to close the nominations. Is there any request for a secret ballot or are we okay to take a vote? So we are going to vote to support Sean as our Chairperson.

Ms. Ahuna: There was a second.

Mr. Keawe: So we're gonna vote to close the nomination, right?

Chair Apisa: We voted to close the nominations earlier and the nominations are closed

Mr. Keawe: OK. Got it.

Mr. Hull: It would be all in favor of Commissioner Mahoney as Chair.

Chair Apisa: Right. So now it's just we have person nominated. Nominations are closed. Is everyone ready to make a motion to support and accept the nomination?

Ms. Ahuna: I make a motion to accept the nomination for Commissioner Mahoney as Chair.

Chair Apisa: Are we ok to take a public vote. All in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 7:0. Alright. Now we go congratulations Sean. Thank you.

Chair Mahoney: OK. Our next order of business. Nominations are now in order for the position of Planning Commissions Vice Chair. Nominations need not be seconded. Are there any nominations?

Mr. Keawe: I would like to nominate Commissioner Glenda Nogami Streufert for the position of Vice Chair of the Planning Commission.

Chair Mahoney: Are there any further nominations?

Mr. Keawe: I move that we close the nominations for the position of Vice Chair of the Planning Commission.

Ms. Apisa: Second.

Chair Mahoney: It's been moved and seconded. Any discussions? Hearing none. All in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 7:0. Now we need a motion to accept. A motion would be in order.

Ms. Ahuna: I make a motion to for Commissioner Streufert for Vice Chair.

Ms. Apisa: Second.

Chair Mahoney: It's been moved and seconded. Any discussions? Hearing none. All in favor? Signify by saying Aye? (Unanimous voice vote) Any opposed? (None) Motion carries 7:0.

Ms. Apisa: Congratulations.

Chair Mahoney: Thank you Vice Chair. Next order of business appointment of Subdivision Committee members. I would like to appoint Commissioner Ho as Subdivision Committee Chair Person. You accept, Mr. Ho?

Mr. Ho: Yes.

Chair Mahoney: Thank you. And let's see, the next order of business would Vice Chair for the Subdivision Committee. I would like to appoint Donna Apisa. You Accept?

Ms. Apisa: I accept. Thank you.

Chair Mahoney: Thank you. I would like to appoint Commissioner Ahuna as Committee member. You accept?

Ms. Ahuna: I accept.

Chair Mahoney: Thank you. Also, I would like to appoint Commissioner Nogami Streufert as temporary alternate member in order to achieve a quorum and to take action in cases where members are absent. Do I have a motion to approve?

Mr. Keawe: I move to appoint Commissioner Ho as Chair of the Subdivision Committee, Commissioner Apisa as Vice Chair of Subdivision Committee, and Commissioner Ahuna as a

member of the Subdivision Committee, and Commissioner Nogami Streufert to serve as an alternate member of the committee to achieve quorum.

Ms. Apisa: Second.

Chair Mahoney: It's been moved and seconded. Any discussions? Hearing none. Signify by saying Aye? (Unanimous voice vote) Any opposed? (None) Motion carries 7:0.

Mr. Keawe: Thank you.

APPROVAL OF AGENDA

Mr. Hull: Thank you Chair and Members of Commission. The next agenda item is Approval of the Agenda. The Department has no recommendations for alterations However, we do have one correction under Item J, General Business Matters: we have listed as Applicant *Voicestream PCS II Corporation.* The correction should be *Cellco Partners Doing Business as Verizon.* Aside from that, there are no other corrections to be made.

Chair Mahoney: OK, we need now a motion for approval of the agenda.

Chair Apisa: I move that we approve the agenda as slightly modified.

Ms. Ahuna: I second it.

Chair Mahoney: It's been moved and seconded. Any further discussions? Hearing none? All in favor signify by saying aye? (Unanimous voice vote) Any opposed? (None) Motion carries 7:0.

MINUTES of the meeting(s) of the Planning Commission

Meeting of November 26, 2018

Mr. Hull: The next agenda item is Agenda Item E, Minutes – minutes for the meeting of November 26, 2018.

Chair Mahoney: Do we have a motion to approve?

Noagmi Streufert: I move to accept the meeting minutes of November 26, 2018.

Ms Apisa: Second.

Chair Mahony: It's been moved and seconded. Any further discussion? Hearing none? All in favor signify by saying aye? (Unanimous voice vote) Any opposed? (None) Motion carries 7:0.

RECEIPT OF ITEMS FOR THE RECORD

There were no items to receive for the record.

HEARINGS AND PUBLIC COMMENT

Continued Agency Hearing

Mr. Hull: The next agenda item is Agenda Item G, Hearings and Public comments.

Class IV Zoning Permit Z-IV-2019-4, Use Permit U-2019-2, and Special Permit SP-2019-3 = Moloaa *Irrigation Cooperative (MIC) (Cont'd)*

Mr. Hull: Are there any members of the audience that want to testify on any agenda item at this point? Seeing none. Moving on to the next agenda Item G1. Continued Agency Hearing. We have Class IV Zoning Permit Z-IV-2019-4, Use permit U-2019-2, and Special Permit SP-2019-3 to demolish and replace the existing water tank with a new point five million gallon tank- on a parcel situated on the makai side of Kuhio Highway in Moloaa, approximately fifteen hundred feet north of the Koolau Road, Kuhio Highway intersection, further identified as 4-9-009:009, and affecting portion of a larger parcel containing the area approximately 1.882 acres of size. The applicant is Moloaa Irrigation Cooperative.

I don't believe anyone is signed up to testify. Any members is the audience here to testify on the Moloaa Irrigation Cooperative agenda item? Seeing none. The Department is in Receipt of a series of letters from the applicant as well as the listed intervener, Mr. Jeffery Leitner and the request is to defer the item for at least 30 days for the applicant and the intervener to meet and discuss further the application.

Chair Mahoney: Motion be in order.

Ms. Nogami Streufert: I move to defer the Moloaa Irrigation Cooperative Zoning Permits, Use Permit, and Special permit request for 30 days.

Ms. Ahuna: Second.

Chair Mahoney: Moved and seconded. Any discussion on the matter? Commissioner Ho.

Mr. Ho: The letter was dated on the December 19th, and so our next meeting is on the 22nd, Is there anything affecting the 30 days?

Mr. Hull: Yeah. The Department would have no problem moving it to the January 22nd, meeting unless staff is informed otherwise that they would like further time.

Mr. Cua: If anything, I can just notify the applicant that the next meeting-well they are hoping to resolve their differences before the next meeting. But if additional time is required to allow them to negotiate their differences then I'll have the applicant notify the Commission through correspondence whether additional time is necessary.

Ms. Nogami Streufert: Do you think it's reasonable to expect them to be ready for the next one or should we go from 30 days from today? At the next available Planning Commission meeting?

Mr. Cua: I would suggest that it would be 30 days from today at the next available Planning Commission meeting within that 30 days. So, in that 30 day period the next Commissions meeting would be February 12th.

Chair Mahoney: February 12th. OK. Any further discussion?

Ms Apisa: Do we need to say or I mean, is it exactly 30 calendar days or do we just say it to the first meeting in February, the February 12th, meeting just to be technical?

Mr. Cua: Yes. I think to be safe I would suggest specifying that meeting date of February 12th.

Ms. Nogami Streufert: I amend my motion to the 12th, of February.

Chair Mahoney: OK, excuse me Commissioner Apisa. Do you want to amend?

Ms Apisa: I amend the second also. Correct.

Ms. Nogami Streufert: I amended mine also to the February 12th.

Chair Mahoney: OK. Motions been made to defer to February 12th, this matter and is and it's been…Commissioner Apisa did you second that?

Ms. Apisa: Yeah I second that, and my understanding is that it will be the 12th or sooner.

Chair Mahoney: OK. It's been moved and seconded. Is there any further discussion? Hearing none. All in favor signify by saying, Aye? (Unanimous voice vote) Opposed? Motion carries.7:0. Thank You.

New Agency Hearing

Special Management Area Use Permit SMA (U)-2019-2 for a development involving the construction of two (2) single-family residences on a parcel located on the Makai side of Kuhio Highway in Wainiha, at its intersection with Mikala Place, further identified as 5-7196 Kuhio Highway, Tax Map Key: 5-8-008:009, and containing a total area of 15,588 sq. ft. = *Lon Malapit.*

Mr. Hull: Next agenda Item G2. Which is -Special Management Area Use Permit SMA(U)-2019-2 for development involving the construction of two (2) single-family residences- on a parcel that is located on the Makai said of Kuhio Highway in Wainiha, at its intersection with Mikala Place, further identified as 5-7196 Kuhio Highway, Tax Map Key: 5-8-008:009 containing a total area of 15,580 square feet. The applicant is Lon Malapit. And we have a Director's report pertaining to this matter- however, this is just the Agency Hearing. So if anyone is here to testify for this Item? Seeing none.

The Department would recommend closing the Agency Hearing.

Chair Mahoney: I'll need a motion?

Mr. Keawe: Move to close the Agency Hearing on this Item.

Ms. Apisa: Second.

Chair Mahoney: OK. It's been moved and seconded. All in favor signify by saying, Aye? (Unanimous voice vote) Opposed? Motion carries.7:0.

CONSENT CALENDER

Status Reports

Director's Report for Project Scheduled for Agency Hearing on Tuesday, 1/22/19.

Chair Mahoney: Chair would accept the motion to accept the Consent Calendar?

Chair Apisa: I move that we accept the Consent Calendar.

Ms. Nogami Streufert: Second.

Chair Mahoney: OK. It's been moved and seconded. All in favor signify by saying, Aye? (Unanimous voice vote) Opposed? Motion carries.7:0.

GENERAL BUSINESS MATTERS

Request to Amend Condition No. 2 of the subject permits to allow co-location for multiple carriers through Class Zoning Permit Z-IV-2003-19 and Use Permit U-2003-18. Tax Key: 4-3-002:018, Wailua, Kauai = *Cellco Partners DBA Verizon Wireless*

Mr. Hull: Thank you Chair. Next agenda Item is agenda Item J, General Business. We have no Executive Session scheduled. We have agenda Item J, General Business request to Amend Condition No.2 of the subject permits to allow co-location for multiple carriers through Class Zoning Permit Z-IV-2003-9 and Use Permit U-20018. Tax Key: 4-3-002:018, Wailua, Kauai = this applicant is Cellco DBA Verizon. And we have a Directors report, Chance has the seat.

Chance Bukoski: Good morning Chair and Commissioners. Happy New Year. Before I begin I would just like to I am going to try and summarize this report, as the best of my ability. The action required by the Planning Commission. Consideration of applicants request to allow co-location of telecommunication equipment on the existing tower. The Permit Application N0. Class IV Zoning Permit Z-IV-2003-19 and Use Permit U-2003-18, the name of the Applicants is Cellco Partners Doing Business As Verizon Wireless. Moving on to the project data- the subject property is located at the Coconut Market Place, Waipouli, TMK: 4-3-002:018, approximately

7,559 acres, the Zoning is a Resort, the State Land Use is Urban, the General plan Destination is Resort as well, moving on to the project description and use. The subject property permits were approved by the Planning Commission on March11, 2003, and allows for a placement/establishment of the Telecommunication Facility on the subject parcel. On December 12, 2018, the applicant requested to amend the Condition No.2 of the approval letter to allow future co-location for multiple carriers- which would be subject to the review and discretion by the Planning Director. The applicants reason and justification; according to the applicants request, the existing Telecommunication Tower was developed by T-Mobile with the intention of providing adequate space for co-location. The primary feature of this facility was to construct it as a full water tank to hide antennas and accessory structures. The water tank was designed large enough to house two (2) sets of antennas with accessory structures. The applicant has been actively pursuing this project for the past decade and the desire to improve their broad band services in the Wailua area. In accordance with the Condition No. 2 of the Permit, the applicant is requesting to allow co-location for future multiple Telecommunication carriers, as represented the applicant has been in operation for fifteen (15) years and demonstrated that there have been no adverse impacts to surrounding neighborhood and environment. The Condition currently reads; the applicant shall cooperate with the land owner leaser and other Telecommunication carriers for possible co-location on the existing lookout tower. Planning Commission review and approval shall be obtained prior to any additional modification of the tower and or any assignment of the permit or sub-lease of any of the portion of the facility to any other Communication carries. Also, in Exhibit A. I have attached the request letter as well, that's in the report. Moving on to preliminary evaluation- which is the Use Permit. The purpose of the Use Permit is a procedure to assure the proper integration into the community of uses which may be suitable only for in specific locations of the district. For the compatibility of the proposed development- the existing Telecommunications Tower is consistent with the other facilities at the Coconut Market Place Shopping Center – by visually mitigating the tower as a plantation style water tank in order to fit the overall atmosphere the shopping center is portraying. Additionally, the proposal for the co-location of multiple carriers will not increase the footprint or affect the structural integrity of the existing facility – furthermore, the location size and design of the proposed project will not create any unusual noise, traffic, or other conditions that may be detrimental or incompatible with the surrounding area. Detrimental to person and property in the area, historically the existing telecommunication tower has been in operation for fifteen (15) years. To date the department has not received any complaints or concerns at this time. Commissioners that concludes staff report- I will hold off on my conclusion recommendation. Thank you.

Mr. Hull: So kind of in a nut shell- you folks haven't seen… I think as a Commissioners, I don't believe any of you have actually seen a co-location request on a telecommunication site and that is somewhat do to the fact that back in 2007, I want to say, the Department in consultation with the Commission, and Commissioners at the time began following a… not an official policy but a standard in which any communications site that was proposed, that if a co-location, in order to accommodate co-location was proposed thereafter, that it would be handled procedurally by the Department, unless the Department found it to be somewhat significantly impactful on the view plain. And so, since that time, virtually every single new cell site that has been proposed before this body has had co-locational allowed over the counter- as well as over the past seven (7) - eights (8) years, anytime people came in applicants came in for co-location on existing sites that

required Planning Commission approval amendments were made to those sites to allow for co-location occur again- over- the counter. There is two (2) or three (3) sites over there that have not been amended since 2007 or 2008, to allow for co-location, this is just one of them- so the Department is still holding to the policy that, as long as the view plain or ecstatic's of the site are mitigated to stealthing technology…that co-location be allowed over the counter. So the request is from the applicant to allow for co-location because, and because the original permits required Planning Commission review for those co-location, we are recommending approval but we are also recommending that the permits be amended. Whereby, any future co-location requests can be reviewed by the Department- and the Department finds them to be non-obtrusive and insignificant ensure that we would approve them over- the –counter.

Mr. Keawe: So that's just consistent with what you've been doing currently?

Mr. Hull: For the past decade. Correct.

Ms. Apisa: And it makes sense. It sounds very logical.

Mr. Hull: Yes. For the most part the only time we've been open with applicants that were… as long as it doesn't appear obtrusive and for the most the antenna technology equipment that they come with the co-locations we find to be non-obtrusive, the only time we've actually triggered and said, "We are going to bring you back to the Commission" is if they proposed-like if a tower is permitted or a model pine or a stealth location is permitted a particular height say, 70 feet and they want to put it at a higher height,75 or 88 feet. If they want to go above the initial permitted site height, then we would say that could potentially be obtrusive and it needs to go back to the Planning Commission. But as long as they keep it below, we've been approving them over- the-counter.

Chair Mahoney: Commissioner Ho.

Mr. Ho: Kaaina would that trigger a variance request?

Mr. Hull: If the applicants… if the original application went to the full height limit. So, correct. My example of using 70 feet would require using variance. But if like in this particular site, Chance do you know off the top of your head what the height of the site is?

Mr. Bukoski: I believe 50 feet.

Mr. Hull: So yes, 50 and the permissible height here would be 60 or 70 feet. If they wanted to go height-wouldn't necessarily warrant a variance request because the height limitation in this area is 60 or 70 feet, I want to say. We would still say you got to go back to the Planning Commission to get the review. But if they are keeping it within the initially or originally permitted height- we're ok with it going over-the –counter.

Ms. Nogami Streufert: May I ask a question? The original request for this, did it or the conditions for the approval for the request for this co-location. Did that include something like condition 6 (six) that was for the Oma'o Verizon Wireless which says prior to installation the

applicant shall consult with the Kauai Police Department to address any potential interference with public safety radio systems. Any such interference shall be resolved to the Kauai Police Department satisfaction at the applicant's expense. Is there anything like that in that original one?

Mr. Hull: Unfortunately, I have included the original set of nine (9) Conditions and that does not have any of that Conditions within the former …the original approval letter.

Ms. Nogami Streufert: Is that something that might be added in there?

Mr. Hull: Oh, the Department would have no problem adding that as well.

Ms. Nogami Streufert: Because that is in an area, it is a flood zone and it is a tsunami area and I think we need to have something like that because communications has always been one of the bug-a-boos when you have an emergency. Just to ensure that, I don't think there would be, since you have a tower there but I would like to be certain of that for safety.

Mr. Hull: So we can also amend the approval letter as well to include Condition No. 10 and stating what you just said, Commissioner Streufert.

Ms. Nogami Streufert: Thank you.

Mr. Keawe: Chair. Just as a point… it's a good point I think that well taken, I think that the spectrum from the FCC is very specific on which agencies get to use what frequencies. But I think it's a good point Just because you might have some splatter or whatever.

Ms. Nogami Streufert: And there is newer technologies as this has been going on for ten (10) years.

Chair Mahoney: I think the industries aware of it but it's an important point you brought up.

Mr. Hull: So yeah, the Department would update this recommendation to amend to include Condition No. 10 to reflect the following language that prior to installation the applicant shall consult with the Kauai Police Department to address any potential interference with public safety radio systems. Any such interference shall be resolved by the Kauai Police Department- to the Police Departments satisfaction at the applicant's expense.

Ms. Apisa: Are we ready for a motion?

Chair Mahoney: Is there a member for the applicant?

Mr. Hull: Yes. I think the Department would recommend if you have no further questions for staff or the Department to bring the applicant up.

Chair Mahoney: Is there a representative?

Mike Bissen: Yes.

Chair Mahoney: Would you come to the microphone please and state your name for the record.

Mr. Bissen: Good morning. Happy New Year. My name is Mike Bissen, I am the representative for Verizon, Verizon Wireless, goes by either way. We are familiar with the conditions that you're talking about and that we've never had an interference problem that I know of throughout the State and the emergency services so I don't see any issue with that at all. And like he said these are all licensed frequencies and there's not a crossover in that world. So that condition would be acceptable to Verizon. Your conditions previously generally stated that for this site generally stated that we, the applicant had to meet all requirements of water, fire, and police. So there was kind of a line item there but not as specific as that one.

Chair Mahoney: Well if you are in agreement with that to making it more specific just for general clarity and that's acceptable to you, that I think that condition could be amended into.

Mr. Bissen: Yes.

Mr. Ho: I'm sorry. Kaaina. Is the Department flexible enough that we can impose future conditions if something should come up like Ms. Streufert imposed?

Mr. Hull: Yes. So the Use Permit standard is compatibility- if there's any issue with compatibility of any use, the one includer or any other the Department reserves the right to bring those uses back to this Commission to review rather or not the use is no longer compatible and rather or not it should be removed from the site and/or mitigation-further mitigation measures should be imposed upon it.

Mr. Bissen: That's Condition No. 9 of the existing permit.

Chair Mahoney: OK. Any further questions for the applicant by any of the Commissioners? And you understand the Conditions and are willing to comply and you have no objections to the additional Condition made? OK.

Mr. Bissen: Yes.

Chair Mahoney: Well if there is no further discussion- a motion will be in order?

Mr. Hull: Excuse me one second. You may just out of prudence, you may want to call to see if there is any member of the public that would like to speak on the Agenda Item.

Chair Mahoney: Excuse me, is there any members of the public who would like to testify on this agenda matter? Seeing none.

Mr. Hull: Thank you, Chair.

Chair Mahoney: Thank you, Director.

Ms. Nogami Streufert: I move to amend Condition two (2) and also to add and include Condition with consultation with Kauai Police Department as we stated earlier and to approve class IV Zoning Permit Z-IV-2003-19 and Use Permit U-2003-18.

Chair Mahoney: There's a motion on the floor, is there a second?

Ms. Apisa: I'll second.

Chair Mahoney: Is there any further discussions?

Mr. Hull: Just for clarification sake. Commissioner Streufert. In your motion, the intent was to amend Condition two (2) and add Condition ten (10) as recommended by the Departments report?

Ms. Nogami Streufert: Correct.

Mr. Hull: Thank you.

Chair Mahoney: Having clarified the motion. Any further discussions?

Ms. Apisa: Do we need to add or take separate vote about for other similar situations that the Department could make the decision or?

Mr. Hull: No. Like I was saying…well each of those have to be handled on a case by case situation and 99% of those have been handled by previous Commissions. There's two (2) or three (3) out there that may still have somewhat of that prohibitive Condition that should they come in to request for co-location on those sites you folks would or this body would have to review it. And more than likely the Department would be the Department would be recommending a similar form of action.

Chair Mahoney: Ok. We will move back to the motion as amended. It's been seconded. Any further discussion? Hearing none. All in favor signify by saying aye? (Unanimous voice vote) Opposed? (None) Motion carries 7:0. Thank you.

COMMITTEE REPORTS

Subdivision (Action Matters)

Subdivision Application No. S-2019-1 **(Alexander & Vivian Youn Trust)** Proposed 8-lot Subdivision TMK: (4) 4-2- 003:023, Wailua, Kaua'i

Subdivision Application No. S-2019-6, **(Krausz Kauai One LLC)** Proposed 2-lot Subdivision TMK: (4) 4-3-008:002 Kapaa, Kaua'i

Subdivision Application No. S-2019-7 **(Raymond Rapozo Jr. / Dorina San Augustine)**
Proposed 2-lot Subdivision TMK: (4) 4-7-005:003, Kealia, Kaua'i

Mr. Keawe: Subdivision Committee Report. We did a tentative Division Map approval for the Alexander & Vivian Youn Trust, 3:0. We did a tentative Subdivision Map Approval for Krausz Kauai One LLC, 3:0. And we did at tentative Subdivision Approval for Raymond Rapozo and Dorina San Ausgustine, Approved, 3:0. My recommendation is to accept the committee report.

Chair Mahoney: OK. There's a motion on the floor to accept the Subdivision Committee Report.

Ms. Nogami Streufert: Second

Chair Mahoney: It's been moved and seconded. Is there any further discussion? Hearing none. All in favor signify by saying aye. (Unanimous voice vote) Opposed? (None) Motion carries 7:0.

NEW BUSINESS

Special Management Area Use Permit SMA (U) -2019-2 for a development involving the construction of two (2) single-family residence on a parcel located on the Makai side of Kuhio Highway in Wainiha, at its intersection with Mikala Place, further identified as 5-7196 Kuhio Highway, Tax Map Key: 5-8-008:009, and containing a total area of 15,558 *sq. ft. = Lon Malapit.*

Mr. Hull: Thank you, Chair. Special Management Area Use Permit SMA (U) -2019-2 for a development involving the construction of two (2) single-family residence on a parcel located on the Makai side of Kuhio Highway in Wainiha, at its intersection with Mikala Place, Further identified as 5-7196 Kuhio Haighway, Tax Map Key: 5-8-008:009, and containing a total area of 15,558 *sq. ft. = Lon Malapit.* And Dale has the Directors report pertaining to this matter.

Mr. Cua: Happy New Year, Chair and members of the Planning Commission. At this time I'll go ahead and summarize and highlight portions of the Directors report. Action required by the by Planning Commission, consideration of Special Management Area Use Permit to allow construction of two (2) single-family residences which is being entertained by SMA Permit SMA (U) -2019-2. Subject site is located along the Makai side of Kuhio Highway in Wainiha, and crosses with the intersection Mikala Place. Moving on to the project description and use. As represented the applicant is proposing to construct two (2) single-family residences, due to flood requirements both dwellings will be elevated approximately 15 1/2 *ft.* Above the finish grade. The first residential dwelling will feature three (3) bedrooms with two (2) bathrooms and with a total living area of 1200 *sq. ft.* The second dwelling unit will feature two (2) bedrooms and two (2) bathrooms, also with a total living area of 1200 *sq. ft.* Both homes will have covered lani's and storage on the lower floor. The structures are packaged homes provided by Honsador subject parcel is

identified as lot 62 of the Wainiha Hui Lands and contains approximately 15,558 *sq. ft.* The parcel is currently vacant. As illustrated on the exterior elevation drawings, proposed residences are designed similar to the residences in the surrounding neighborhood. It features wood siding and asphalt shingle roofing material, there will be a paved concrete drive way and the septic system serving both residences. For further detail and justification of the application it contained in section two (2) of part b of the application. Moving on to additional findings, as previously mentioned the project sites is located in Waihiha along the Makai side of Kuhio Highway, the property is Zoned Residential District R-IV and surrounded by properties that are summarily zoned. Based on the R-IV Zoning and the area of the lot, the density of the parcel qualifies for one (1) dwelling unit and one (1) additional dwelling unit or an ADU. Subject property is not located within the visitor destination area and the General Plan designation is residential community. According to the General Plan this designation indicates areas that contain existing development that are primary residential with few to no other uses and situation outside of a quarter mile boundary of the Neighborhood Center designation. Property is situated within the Northshore planning area and will be subjected to all applicable requirements. The proposed development shall be subjected to standards prescribed in Sections 8-4.3 and 8-4.5 of the CZO. The subject parcel is situated approximately 615 feet away from the shore line area, the proposed residences are located within these Zone VE of the FEMA Flood Insurance Rate Map. The general topography of the project site is (inaudible) flat containing the general slope moving from South to North in the makai direction sloping away from the Highway. And the primary access to the project site is taken from Kuhio Highway which is under the jurisdiction of the State Department of Transportation, the roadway is improved and accommodates to vehicle traffic. Agencies comments are attached, we have received comments from the County Department of Public Works, Fire, Housing, and the State Department of Health, which is attached as exhibit A. That concludes the Directors report at this time.

Chair Mahoney: Thank you. Is there any questions by any of the Commissioners for staff report? Commissioner Streufert.

Ms. Nogami Streufert: If I could ask a question? There is something about the waste water it's an individual unit, is that a cesspool?

Mr. Cua: It's a sceptic system. Yes.

Ms. Nogami Streufert: That will accommodate both homes?

Mr. Cua: Both homes, yes.

Chair Mahoney: Commissioner Ahuna. Do you have a question?

Mrs. Ahuna: I just wanted to know if the applicant was here.

Chair Mahoney: Yes.

Ms. Apisa: Mines more of a curiosity I guess just because the road is limited to residences, I assume they would start construction later or somehow? That's something they'd work out? Like I said, it's more of a curiosity comment.

Mr. Cua: The applicant is here to answer that question.

Chair Mahoney: If there's any you know staff questions for the staff report regarding that, will bring the applicant up. But if there is any further questions to our Planner? Commissioner.

Ms. Nogami Streufert: Question on this, in prior permits and in prior conditions. One of the conditions was that the proposed residence should not be…shall not be used as vacation rental and that there was something about should that land be sold, should that unit be sold that, that covenant or that commission also applies, it is not in this on. Should that be in there as a constant thing for anything that we do so there's no argument in the future and that, that's not want of the conditions required upon the land?

Ms. Apisa: It's not an option because the TVR laws was passed in October of 2008 so there cannot be any new TVRs since October of 2008. Is that?

Ms. Nogami Streufert: I'm just thinking of making it even more secure then if we put that…because there was statement like that in there that we put on some earlier.

Mr. Hull: I believe and I maybe miss speaking, but I believe we put that condition on properties that have come for SMA Permits for homes that are going on properties that have an existing TVR on that are permitted and are Nonconforming Use Certificate Program. And so there is an abundance of caution to not only as Commissioner Apisa has pointed out rely on the law that prohibits (inaudible) but make sure it is passed down through recordation process. That's not proposed on this one it wasn't taken because there are no TVRs on the property but given the prominence for TVR usages as well as illegal TVR usages in the area the Department would have no problem taking a two (2) minute recess and we can get that language for you Commissioner if you want to propose that as an amendment to a the condition or?

Ms. Nogami Streufert: This is in an area that is very close to a TVR?

Mr. Hull: Yes.

Ms. Nogami Streufert: That's why it might behoove us now as opposed to wait for an objection later on in the process (inaudible) save the County more money that way.

Mr. Hull: The Department would have no objection to that.

Mr. Cua: Maybe just for clarification purposes and not to get a head of ourselves, but there is a condition in the recommendation, Condition five (5), that discourages the use of the property for transit accommodation purposes.

Ms. Nogami Streufert: That's correct, and that's what I was thinking about adding one more statement in there about recordation. (Inaudible).

Mr. Keawe: Chair. So I think I understand, you know the applicant- we haven't heard from them yet. But subject to that approval if they are approved and they go through with the project- I think what Commissioner Streufert is talking about is should they sell the property, and this goes with the property as far as entitlements that go with the property. The concern was that someone could start you know- two (2) TVR's with two (2) of these units however, they could probably do it and it would be legal the day they did it, if my understanding is correct because they couldn't get a permit, though, but they would be illegal and still could run for a couple months doing something illegal, and then get shut down later. So I think it, is that?

Ms. Nogami Streufert: It's just to prevent that from happening (inaudible) because I have seen cases were they I didn't know because it wasn't in the amendment and there are people who are buying these listed properties/ properties who are not from Kauai and not necessarily know this.

Mr. Keawe: Yes. No. Totally understand.

Mrs. Ahuna: It just alleviates. I agree with Commissioner Streufert.

Chair Mahoney: OK so if it seems like it's an added redundancy to the law but maybe we will just cover all bases.

Mr. Keawe: Yes. No. I agree with you. Yeah we should cover all the bases. Because it's a possibility.

Chair Mahoney: If it's a ...the Department is okay with that?

Mr. Hull: Yes. The Department will just ask for a two (2) minute recess so we can get the exact verbiage and the Department would have no problem making a friendly amendment to report to reflect such and well we only need a two (2) minute I believe we may need a captions break so Department will request a ten (10) Minute recess.

Mr. Keawe: Can we take a recess?

Chair Mahoney: At this time we will take a caption break.

The Commission recessed this portion of the meeting at 9:52 am.
The Commission reconvened this portion of the meeting at 10:00 am.

Mr. Hull: Thank you Chair and members of the Commission. We took a ten (10) minutes recess for the Department to find verbiage that was previously used on vacation rental properties to restrict TVR usages. So currently, we have a recommended condition of approval that states Condition No. 5. The applicant is made aware that the proposed residents shall not be utilized for any transient accommodation purposes, it shall not be used as transient vacation rental or a homestay. The Department would amend the recommendation to have Condition No. 5 to have

the as language stating, this restriction shall be incorporated into the deed restriction of the subject parcel in the event the property is sold to another party. Draft copies of which shall be submitted to the Department prior to Building Permit Application approval.

Chair Mahoney: A Motion?

Mr. Hull: At this time because the Department will be amending the report no motion shall be necessary at this time. But after you folks have any further clarifying questions from the Department or discussions amongst yourselves the Department would also advise to bring the applicant up to discuss the proposal as well as any other facets or issues with the application.

Chair Mahoney: At this juncture is there representative for the applicant available? Would you come up to the table and state your name for the record please.

Lon Malapit: Aloha. My name is Lon Malapit I'm the applicant. This is my beautiful wife, Leann.

Leann Malapit: Hi and Aloha.

Chair Mahoney: Is there any questions for the applicant from the Commission members?

Ms. Apisa: Just. You're ok with the amended stipulation that there's emphasizing that there is no TVR?

Mr. Malapit: Let me start by saying I am not a Planner I am not a Lawyer and it's taken me a lot of months and hours to go through this process. We are thankful for the opportunity to have a place out at Heana, Wainiha. And it's been quite an interesting process for us, as I reviewed what we submitted, I just can't help but imagine how other applicants like us will have to go through with the amount of information that is asked of us to submit. Yeah, you're asking us to taking more information? Could you explain, I just need clarification?

Ms. Apisa: No, no, no. I don't think we are asking for any conditions. I think we are clarifying it will not be used as a vacation rental. I think that's the only thing we are asking. It's just a clarification that it will not be a vacation rental.

Mr. Malapit: Yes. It's a rule, it's a law. We will adhere to all of the laws of the land.

Chair Mahoney: The application process might sound... but it's part of the law and the requirements of the County and the Planning Department and it's the law that we have to follow and it is a process. And when you go to do a project you've got to follow the steps and you do have the Planning Department and the Planners, I'm sure could help you along the way and they probably have already. But it is ...there is nothing in this world so if you want something and that is a very sensitive area and it's under scrutiny, its overrun with vacation rentals as it is and we just want to make sure that everybody understands the process and what it's for. So is there anybody else, Commissioners?

Mrs. Ahuna: Yes. I think it's just the intention from what I'm understanding in reading your report that it's really for your family and your ohana. And I just hope that, that's the intention because yeah, this is a very sensitive area and I don't know if you really know the ohanas of Wainiha, Haeana. And the vacation rentals there is over maximized and over populated and so it is very sensitive what Chair Mahoney shares and think is what we are all trying to get to is what is the intention of the property and that it not be used for vacation rental but specifically for your ohana.

Mr. Malapit: And we appreciate that. We've been there since the mid 60's but that was all cattle lands and we've seen the progress and the development so we appreciate the protection that you have imposed. All I'm saying is that if you are requiring additional layers too?

Mrs. Ahuna: No.

Chair Mahoney: The last amended Condition I'm sure you have read? Is there any… Commissioner Keawe, did you have a question for the?

Mr. Keawe: No, no. It was the same question that Commissioner Ahuna asked. You can see how unfortunately a lot of our business that we do here has to deal with illegal vacation rentals

Mrs. Malapit: Yes. I can tell.

Mr. Keawe: So you can see that when you know this thing came up…Oh my goodness, you know, So that was the main concern so our intent is not to scare you in anyway. Our intent is to make sure that this is your ohana land that you had for a long time and if the intent is to build these homes for your family in perpetuity if possible or whatever we want to make sure that they don't turn into a vacation rental.

Mrs. Malapit: I have a question. Well his family has had Heana property and so they grew up going to the beach and just weekends with the family and that's really what we want to continue for us and our next generations and just to have that family time as it's such a beautiful place. But I have a question though because it does seem redundant in the law because it's already stated in the County Ordinances that it is zone for such and of course we just want to use it for family and friends and that kind of thing. But if it's already zoned that way I just don't see the need to reiterate because say the law changes twenty, thirty years from now and we are long gone or whatever and then this stipulation is stuck only this one property when all the others are not. So I just, I'm just thinking future generations ahead would this be a hindrance to them if everything else changes as long as its complaint with the current day ordinance I think that's all that's necessary? We don' know the face of Wainiha thirty, fifty years from now what that would look like, so that's just my concern for the future. I just don't want to get stuck in an old time wording that doesn't change with the times to come if things do change.

Chair Mahoney: Well I think we have to be in compliance with the law and the ordinances that are in place now and the conditions that are met now will you know that's how the property will roll forward. We can't … you know everybody that comes in can't say well let's put a little

clause in here in case something easier happens. This is what it is and the conditions are what they are and if you're willing to accept those conditions perhaps the process can move forward.

Mrs. Malapit: I think the current conditions are fine I think adding more special ones to just this property (inaudible).

Chair Mahoney: The prerogative of this Commission is when they analyze the condition and want to clarify a condition and it's voted on and is approved, that's how it's going to be and that's why we have Commissioners to scrutinize. You know it's like a check and balance with the Planning Department who does, Planners do a fine job, but that's the job of the Commission.

Mrs. Malapit: Yeah. We have no intention of ever turning it into a vacation rental it's just a family…

Chair Mahoney: How about the condition that was suggested. Do you have a problem with that?

Mrs. Malapit: The condition? I don't quite understand the condition, the condition just says it's an added stipulation to just our property goes over and beyond the regular lay of the land or?

Ms. Nogami Streufert: It's actually a clarification.

Mrs. Malapit: Clarification. Oh, OK. It's not an added stipulation that only we have to comply with?

Ms. Nogami Streufert: No. but it's something there that will…That makes it for people who would buy it after you should you want to sell into or your heirs want to sell it. But it makes it clear that, that was the intent of the Commission at the time that it was approved and that it will not … its actually also to protect you at this point because you have seen all of the illegal TVRs that are around there and I'm sure that has an impact on your lives too rather its traffic or parking or even noise. It's to protect everybody yourself included in this. But it's to make it clear to everyone who comes after you who buys it that they can't say, "I did not know." Because then we get in to a contested case situation and what we are trying to avoid are contested cases, because it cost the County money it makes very unpleasant for all the neighbors and it just doesn't make any sense. So from the community standpoint that's what we are trying to do. It's not an additional stipulation yours and if possible we would think about every other one that comes through when it becomes a situation like this. So I hope that clarifies it, we are not asking you for information.

Chair Mahoney: You understand that explanation? Is there any questions from the applicant that needs to be clarified? Then you're ok with the amended condition? It's not ambiguous, it's clear I think was the point- not to layer on anything else but to absolutely make it clear. Ok.

Mr. Malapit: If you could spell it out for us again.

Mrs. Ahuna: Like a clarification?

Mr. Hull: I can. Can I be on the record again? Condition No.5 would read; the applicant is made aware that the proposed resident should not be utilized for any transient accommodation purposes, it shall not be used as a transient vacation rental or as a homestay. The added language will be of this restriction shall be incorporated into a Deed restriction of the subject parcel in the event the property is sold to another party. Draft copies of which shall be submitted to the Planning Department prior to building permit application approval.

Mr. Malapit: You said, "Deed Restriction," what does that mean? Do we need to go file with a on the Deed and change our Deed? We don't understand what that meant?

Mr. Hull: It would be a final with the Deed that you would have to amend and prior to your building permit approval will have to submit it to the Planning Department.

Ms. Apisa: Just as a realtor, I guess I will just offer this, basically and attorney would probably do the amendment to the Deed and record it at the bureau and.... I don't know? It's probably a couple hundred dollars to have that attorney make that Deed modification.

Mr. Malapit: Because we are afraid someone else will...in the future? I just don't?

Ms. Apisa: I cannot answer that.

Chair Mahoney: It's about a condition that the Commission pose upon this and either you can accept that condition and modify the Deed or not, and so I don't know what other choice you have.

Mr. Hull: The chronology for the applicant Chair. If you folks are hearing what's being discussed today and are uncomfortable with it being moved forward, you can voice your objection and request for a deferral to review and come back to the Planning Commission.

Mrs. Malapit: Would it be possible to do this without affecting the Deed? Could we just not have it Deed related? I just don't want to put stipulations that are unnecessary for the future.

Mr. Hull: And at the end of the day I would just stress that the Department has no objection to it. The Department understands what the original intention that came from Commissioner Streufert so that Department has no objection to keeping the Deed Restriction language in there. However, at the end of the day it's this body that approves rather or not the two (2) houses can be constructed on this property as what's being proposed for discussion purposes amongst the body is at least for some Commissioners appears it may be necessary to have that condition in order to get them for an affirmative vote to approve these structures. But at the end of the day it's up to this body so I will leave it at that.

Mr. Keawe: The other option is if you feel still uncomfortable because you are seating there you don't have anything in front of you, you can defer. You can ask the Commission to defer our application until such time as you feel comfortable based on what the language proposed is in the deed, in the restrictions and then can come back later and you know and consult with your

attorney, consult with your family if that's a concern that's also an option we don't have to do it today. If you feel uncomfortable because you don't feel that you have enough…

Mrs. Malapit: Yes. Very uncomfortable because you are asking us to…

Mr. Keawe: Then we can defer this application. What's the time limit on deferrals, Kaaina?

Mr. Hull: For this Special Management area it a we are not up against a tight time limit. I don't know exactly what it officially but its…we've got a considerable amount of time I mean deferral request is what the applicant is leaning towards the Department will recommend unless the applicant objects that this Item be brought back on the February 12th, Planning Commission meeting.

Mrs. Malapit: Just because of the Deed part now is kind of a new caveat thrown in that we were not prepared to look into so it would be good for us to look into that just to see what that involves but thank you for all your information.

Mr. Hull: So just to clarify, are you requesting the deferral?

Mrs. Malapit: Yes we are.

Mr. Malapit: Yes we are.

Mrs. Malapit: Question though just so I'm clear. Is there an option to not have it in the Deed? Or is it just the way it is and there is no other solution or just so we know what options are there when we go out and try to think about it?

Chair Mahoney: Well you know that would be deliberated and voted on and if it's going to be deferred you might want to study up.

Mr. Hull: So ultimately in a nut shell your application has two (2) homes under Hawaii Revised Statues you are allowed to proposed one (1) home on a property with a Class 1 Zoning Permit over the counter and you are exempt from what's for a Special Management Area rules and regulations. Once you propose a second home that second home in conjunction with the first will then be reviewed by a Planning Commission and the permit is essentially is a discretionary permit. So it's at the discretion of the body the will of this body, if you will, on whether or not they find the proposal appropriate pursuant to special matters rules and regulations. What you are hearing is essentially there is some concern and caution wanting to be exercised by this body to ensure that vacation rentals do not accuse in this area particularly given the sensitivity. And so it's hard to ask and say well can we so it without, at the end of the day it is up to the will of this body and as you guys can hear there are some concerns about it ensuring that those vacation rentals don't occur there.

Mrs. Malapit: Yes, I'm just thinking we can have that stipulation in place without affecting the Deed itself. You know that just seems like an extreme step to do that because of course we want to comply with the County rules and we are all in favor of it just being just residential home use

which is what we desire for generations to come and he has already had it with his father and their use in Heana has been that so we don't have any plans to ever use it as that or have any places to sell it. But I do understand your concerns I just don't want to add more permanency to a Deed that may be unnecessary that's what I'm thinking. So we still try and check it out. It wasn't something we weren't prepared to think of.

Mr. Malapit: So we just need more time to get legal…

Mr. Hull: So if there aren't any further questions or clarifications the Department will recommend at the request of the applicant that this be deferred to February 12, 2018.

Chair Mahoney: Do I have a motion on the floor?

Ms. Nogami Streufert: I move to defer till February 12th, meeting.

Chair Mahoney: Is there a second?

Mrs. Ahuna: It's been moved and seconded.

Chair Mahoney: It's been moved and seconded. Is there any further discussion? Hearing none. All in favor signify by saying aye. (Unanimous voice vote) Opposed? (None) Motion carries7:0. For a deferral

Mrs. Malapit: Thank you so much.

Mr. Ho: Does he have a copy of that amendment? Does he have a written copy of the amendment?

Mr. Hull: We'll provided it. Yes that concludes it.

CONSENT CALENDAR

Status Reports

Director's Report for Project Scheduled for Agency Hearing.

Mr. Hull: Our next Business. We all have received our calendar for topics for future meetings. The first three (3) we have begun to review. We of course have something on the horizon including but not limited to Farm Worker Housing, a Gymnasium for Department of Education, as well as some amendments to Kahili Baptist School.

Mr. Ho: Mr. Chair. We are talking about new Items now? Could I request from the Chair that maybe Mr. Hull brief us on enforcements of TVR and Bed and Breakfast and an illegal areas in our next meeting or the meeting following? I mean that would be an agenda Item. That's what I'm proposing.

Mr. Hull: Yes. At the Chairs discretion the Department has no problem with that.

Chair Mahoney: Thank you for your input.

Mr. Hull: As well as in addition to this just as a heads up for the Commission. The Department is in…is currently undergoing the process of updating the West Kauai Community Plan we're right in the thick of the public process. We are right now taking or doing specific workshops within the community concerning Items that have risen up as specific issues that anyone wants to focus on like housing, transportation, heritage resources, shared spaces, and economic development. And so with that we will be segwaying very shortly into the first draft so before we get into the draft, that drafting stage you can anticipate the Department giving you a briefing very shortly on the West Kauai Plan as well as looking at whether or not this body would like to read up if you will the long range committee that was put in place several years ago when we were doing the general plan update and rather or not you folks want a participate in that I just want to put it on your radar. As well as with the adoption of the General Plan last year the Department is currently working with the administration for the proposal of several initiative implemented on the legislative side. In the General Plan there are other sides like Capital improvement side that is already going on but as far as implementing legislatively General Plan Policies. I think the Commission can anticipate over the next several months several zoning amendments being proposed to implement policies adopted by the General Plan. One of which is also going to be along the lines of Transient Vacation Rental enforcement so it is appropriate that we give that briefing because there is a Vacation Draft Bill being worked on as we speak now.

Ms. Apisa: At the counsel level or?

Mr. Hull: All Zoning Amendments introduced at least from the administrative side initiates here from this body. So it starts here and then if this body approves it then it go to County Council for their review and action.

Ms. Nogami Streufert: Is there any update on what happening from the Hanalei to Wainiha to Heana area in terms of transportation openness or closed or what the plans are for the future? What the timelines are?

Mr. Hull: The Department of Transportation has given and updated timeline, I don't have that specific update on it as well as the Mayors New Proclamation issued. Which Mr. Courson is intimately familiar with (inaudible) but we can if you would like give an update at the next meeting concerning the Wainiha, Haena, area.

Ms. Apisa: I know I'm on a list to get weekly updates and I don't know if everybody is interested? I can't remember how I got on the list but it would probably…we could probably get you all on the list because it's an automated list. But with my personal input when I look at those lists, there are a lot of areas that are pending engineering studies you know…so it's going to be a while. That's just my personal take on it.

Mr. Keawe: That would be good.

Chair Mahoney: Well the briefing can happen the next go around, I guess?

Ms. Apisa: Whenever that's appropriate.

Ms. Nogami Streufert: That would be good to know.

Mr. Hull: Yes. The Department can work with DOT to get the information and then at the discretion of the Chair when it should be on the agenda. That's it that concludes our agenda Items.

Chair Mahoney: Are there any agenda Items? OK. So I guess adjournment would be in order.

Ms. Apisa: Motion to Adjourn.

Ms. Nogami Streufert: Seconded.

Chair Mahoney: It's been moved and seconded. Any discussion? Hearing none. All in favor signify by saying aye. (Unanimous voice vote) Opposed? (None) Motion carries 7:0. Adjourned. Thank you.

ADJOURNMENT

Chair Mahoney adjourned the meeting 10:24 a.m.

Respectfully submitted by:

Arleen Kuwamra,
Commission Support Clerk

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

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