

COUNTY OF KAUA'I
Minutes of Meeting
OPEN SESSION

Board/Commission:		Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	October 10, 2019
Location	Mo'ikeha Building – Meeting Room 2A/2B		Start of Meeting: 1:06 p.m.	End of Meeting: 2:18 p.m.
Present	<p>Chair Karen Ono. Vice Chair Shaylyn Kimura (<i>left meeting at 1:08pm and returned at 1:49pm</i>). Commissioners: Jett Jasper, Nancy Kanna, Erica Taniguchi and Herman Texeira.</p> <p>Planning Department Staff: Director of Planning Ka'āina Hull, Duke Nakamatsu and Nani Sadora.</p> <p>Office of Boards and Commissions: Administrator Ellen Ching (<i>left meeting at 1:57pm</i>) and Commission Support Clerk Sandra Muragin.</p>			
Excused	Commissioner Taryn Dizon			
Absent				
SUBJECT	DISCUSSION			ACTION
Call To Order	Chair Ono announced that Commissioner Taryn Dizon was unable to be here today and the oath of office would be deferred to the next meeting.			Chair Ono called the meeting to order at 1:06 p.m.
Roll Call	The meeting commenced with a roll call of the Commissioners.			Six Commissioners were present, which constituted a quorum.
Approval of Agenda				Mr. Texeira moved to approve the agenda as circulated. Ms. Kanna seconded the motion. Motion carried 6:0.
Minutes of the Meeting(s) of the Open Space Commission	<u>E.1.</u> Meeting minutes of August 8, 2019.			Mr. Texeira moved to approve the August 8, 2019, minutes as circulated. Ms. Kanna seconded the motion. Motion carried 6:0.
Receipt of Items For The Record (None)	There were no items for the record.			
Hearings and	<u>G.1.</u> All remaining public testimony pursuant to HRS 92 (Sunshine Law).			

SUBJECT	DISCUSSION	ACTION
Public Comment	Seeing no one, Chair Ono moved on to the next agenda item.	
Communication (For Action) (None)	There were no communications.	
New Business (For Action)	<p><u>I.1. Update on a 1.8 acre property known as Kaluanono, further identified as Tax May Key (TMK) (4) 5-6-004:010 and a .25 acre property known as Halulu Fishpond further identified as Tax May Key (TMK) (4) 5-6-004:017 located in Waipa, Waipha Ahupuaa, Halalea Moku. (Preliminary report 4/9/15, Supplemental report 5/9/19)</u></p> <p><i>Ms. Kimura recused herself and left the meeting at 1:08 p.m.</i></p> <p>Ms. Sadora read portions of Supplemental #2 to Preliminary Report dated October 10, 2019, for the record, which included Exhibit A Updated Project Description, Exhibit B Real Property Appraisal(s) – Appraisal Report Waipa Makai dated August 26, 2019 and Appraisal Report Waipa Mauka dated August 26, 2019; and Exhibit C Supplement #1 to Preliminary Report, which included Supplemental #1 Preliminary Report dated May 9, 2019, Exhibit A Real Property Assessed Value, Exhibit B Update Waipa Kuleana Project, Exhibit C Preliminary Report, which included a letter to Planning Director Mike Dahilig dated April 10, 2017, letter to Stacy Sproat-Beck, Executive Director Waipa Foundation dated May 14, 2015 and a Bill for an Ordinance appropriating one million five hundred dollars from the Public Access, Open Space and Natural Resources Preservation Fund. <i>(Documents on file)</i></p> <p>Mr. Teixeira probed for more acquisition clarification and information. Director of Planning Ka’aina Hull replied that this proposal was granted a tentative approval back in 2015, pending an appraisal, but due to a title clause it had been in limbo until now. The title clause was resolved, the appraisal completed and now they were back to request funding.</p> <p>The Trust for Public Lands State Director Lea Hong explained that this request was to assist Waipa Foundation in the purchase of the properties and it would be the County’s first</p>	

SUBJECT	DISCUSSION	ACTION
	<p>conservation easement purchase. A conservation easement was a document that placed restrictions on the property. These restrictions stay with the property, even if it were to be sold or passed down to heirs. Waipa Foundation would own title to the Kaluanono and Halulu Fishpond subject to a County owned conservation easement. The conservation easement would take away the development value and stipulate no development and no residences. As the landowner, Waipa Foundation could use it for its educational programs, open space and farming plans. Once they agreed to the terms of the conservation easement they would procure another appraisal. The corporation counsel would ensure that Waipa Foundation followed the conservation easement stipulations. Although conservation easements are new to the County of Kaua'i, it's been around for a very long time and defined under Hawai'i Revised Statutes §198-1.</p> <p>Waipa Foundation Executive Director Ms. Stacy Sproat-Beck clarified that they had a lease from Kamehameha Schools for all the surrounding properties, except the nineteen Kuleana lots embedded in Waipa.</p> <p>Ms. Hong said other counties have found value in conservation easements and it was mainly for the following reasons;</p> <ol style="list-style-type: none"> 1. Less upfront money for more property. 2. Conservation land at the fraction of the cost of full ownership. 3. It lessened the County's ownership responsibility of management and maintenance costs. 4. Achieved the public's desire for open space. <p>Mr. Teixeira requested that Waipa Foundation provide an annual report to the Planning Department that outlined the status of projects. Ms. Hong said they were required by the Legacy Lands program to complete an annual report, and they would forward a copy to the department.</p> <p>Ms. Kanna asked if the Planning Department would provide an opinion on the pros and cons.</p>	

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	<p>Mr. Hull said this was pitched to the commissioners' years earlier and there was conservation easement discussion with other open space purchases. The Planning Department favored a conservation easement purchase.</p> <p>Mr. Texeira asked Waipa Foundation for what their plans were for the property. Ms. Sproat-Beck said they had a 20-year plan for facilities and infrastructure and expected to continue to preserve the area, increase stream restoration and maintain its educational and cultural outreach in the community.</p> <p>Ms. Taniguchi asked if there would be a clause to require Waipa Foundation to steward the lands and prohibit sale of the property. Her concern was to prevent sale of the property to make a profit and if there was a way to hold the purpose of the land; that it remain for conservation purposes. Ms. Hong explained that the conservation easement was a perpetual document and in the worse-case scenario, if Waipa Foundation sold the land, they could not rezone it, it would have to stay open space and undeveloped. Mr. Hull said even if the County updated its master plan and designated the property as a commercial area and rezoned, the conservation easement would override and continue to dictate its restrictions.</p> <p>Mr. Hull explained that the open space fund balance was approximately \$1.1 million and the conservation easement purchase was for \$850,000. Mr. Texeira inquired about the Hanapēpē purchase. Mr. Hull clarified that they were unable to purchase both properties in this fiscal year. The Department recommended acquisition of this property and that it would take six to eight months to complete the transaction.</p> <p>Chair Ono asked Waipa Foundation if they had to decide on one property would they want the mauka or makai. Ms. Stacey-Sproat said they would choose the makai property.</p> <p>With no further discussion from the commission, Chair Ono opened it for public comments.</p> <p>Ms. Dorothy Hayashi advocated the purchase of the Kaluanono and Halulu Fishpond over the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Hanapēpē properties. She reminded the commission that the County Council promised they would consider funding purchases, if the commission needed it.</p>	<p>Mr. Texeira moved to approve the \$850,000 conservation easement acquisition of the 1.8 acre property known as Kaluanono, further identified as Tax May Key (TMK) (4) 5-6-004:010 and a .25 acre property known as Halulu Fishpond further identified as Tax May Key (TMK) (4) 5-6-004:017 located in Waipa, Waipa Ahupuaa, Halalea Moku. Mr. Jasper seconded the motion.</p> <p>Vote by roll call: Jasper – Aye Kanna – Aye Taniguchi- Aye Texeira –Aye Chair Ono – Aye Motion carried 5:0 (Kimura – Recused)</p>
	<p><u>I.2. Update on a 0.2764 acre parcel located in Hanapēpē, Hanapēpē Ahupuaa, Kona Moku, further identified as Tax May Key (TMK) (4) 1-8-008:065.</u></p> <p><i>Vice Chair Kimura returned to the meeting at 1:49 p.m.</i></p>	

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	<p>Ms. Sadora read portions of Supplemental #5 to Preliminary Report dated October 10, 2019, for the record. Report included the following documents: Exhibit A Supplemental #4 to Preliminary Report dated May 9, 2019 and Supplemental #3 to Preliminary Report dated November 2, 2018, Exhibit A Supplemental #2 to Preliminary Report dated April 12, 2018, Exhibit A Supplemental #1 to Preliminary Report dated February 8, 2018 and Exhibit A Property Research Blood in the Field: The Hanapēpē Massacre and the 1924 Filipino Strike. <i>(Documents on file)</i></p> <p>Mr. Hull added that this was placed back on the agenda for an update at the request of the commission. He said the appraisal was completed and they were still negotiating a purchase price with the landowner, which was double the appraisal amount. The Planning department had recently become aware of a documentary filmmaker researching the massacre story, which created conflict in the Hanapēpē community, due to concerns on how and who had ownership of the story and that it should be their story to tell, not a famous filmmaker. He said their recent attendance to the placemaking conference made them aware that it was significantly important on who told the story. The department would make an effort to contact the filmmakers.</p> <p>Vice Chair Kimura asked what the department would request once they contacted the documentary filmmakers. Mr. Hull explained that they would inquire where they were and what were their desired outcome and goals. He said there was not enough funds to purchase the Waipa and Hanapēpē properties, should the Hanapēpē property landowner stand firm on the selling price. Mr. Hull said he always envisioned memorializing and sharing the story to improve the site. The Hanapēpē site would be a collaboration with the community and their input was important. Vice Chair Kimura said that she wanted to make sure that the Hanapēpē properties were done to honor and do things the right way, which would include consultation with the community, neighborhood associations and stakeholders.</p> <p>Ms. Dorothy Hayashi reminded the group that it should be a heritage site and it was not only about the massacre. She said Hanapēpē had so many other history to share that included</p>	

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	<p>stories about the Hawaiians and Japanese.</p> <p>Mr. Hull said the body could take action in March 2020 and move it to the County Council. He said by the end of the year they should get a projected Open Space fund balance amount.</p> <p>With no further discussion, Chair Ono called for the question.</p>	<p>Mr. Teixeira moved to defer the 0.2764 acre parcel located in Hanapēpē, Hanapēpē Ahupuaa, Kona Moku, further identified as Tax May Key (TMK) (4) 1-8-008:065. Ms. Kanna seconded the motion.</p> <p>Motion carried 6:0.</p>
	<p><u>I.3. Update on a 0.2867 acre parcel located in Hanapēpē, Hanapēpē Ahupuaa, Kona Moku, further identified as Tax May Key (TMK) (4) 1-8-008:071.</u></p> <p>Mr. Hull said this was the same information as the previous property and the department recommended a deferral, also. Ms. Sadora added that this was the back parcel; the actual massacre site.</p>	<p>Mr. Teixeira moved to defer the 0.2867 acre parcel located in Hanapēpē, Hanapēpē Ahupuaa, Kona Moku, further identified as Tax May Key (TMK) (4) 1-8-008:071. Ms. Kanna seconded the motion. Motion carried 6:0.</p>
<p>Unfinished Business (None)</p>	<p>There were no unfinished business.</p>	
<p>Announcements</p>	<p>Mr. Hull said the department had no further announcements but opened up the floor to those who attended the placemaking conference.</p>	

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	<p>Ms. Kimura thanked the department and staff for the opportunity to attend the conference. She said placemaking was new to her and wanted to make sure what they learned was taken to the next level. She asked the department to list the next steps.</p> <p>Mr. Hull concurred and said the department was given \$50,000 for placemaking measures from the Department of Health and they were meeting with the Mayor's Office to flesh out a plan. They would also deploy the tools learned at the placemaking conference into the Hanapēpē sites and fold them into the acquisition reports.</p> <p>Ms. Kanna thanked the department for allowing her the opportunity to attend the conference. She gained many levels of understanding on what placemaking was and how it brought communities together. Mr. Hull said it changed government designs and acquisitions from a single standard use into a service/multi-functional purpose that brought communities together.</p> <p>Ms. Ono thanked the department and shared a simple lesson she learned through an activity at the conference. She said we all need to play together nicely to accomplish goals.</p>	
<p>Next Meeting Date and Agenda Topics for Discussion</p>	<p>The next meeting is Thursday, November 14, 2019.</p> <p>Chair Ono received the following November agenda topics:</p> <ol style="list-style-type: none"> 1. Update on Beach Access to Hideaway Beach. 2. Permitted Interaction Group (PIG) update. 3. Ms. Sadora to forward Community outreach dates for October and November. 	
<p>Adjournment</p>	<p>With no further business to conduct, Chair Ono called for a motion to adjourn.</p>	<p>Mr. Texeira moved to adjourn the meeting. Ms. Kanna seconded the motion. Motion carried 6:0.</p> <p>Meeting adjourned at 2:18 p.m.</p>

Public Access, Open Space & Natural Resources
Preservation Fund Commission
Open Session
October 10, 2019

Page 9

Submitted by: 
Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
Karen Ono, Chair

- Approved as circulated. 11/14/19
- Approved with amendments. See minutes of _____ meeting.