

KAUA‘I PLANNING COMMISSION
REGULAR MEETING
July 13, 2021

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair Glenda Nogami Streufert at 9:15 a.m., - Microsoft Teams Audio +1 469-848-0234, Conference ID: 889 153 263# The following Commissioners were present:

Ms. Donna Apisa
Ms. Helen Cox
Mr. Gerald Ako
Mr. Melvin Chiba
Mr. Francis DeGracia
Ms. Glenda Nogami Streufert
Ms. Lori Otsuka

The following staff members were present: Planning Department – Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Myles Hironaka, Dale Cua, Romeo Idica, Mike Laureta, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai; Office of Boards and Commissions – Administrator- Ellen Ching and Support Clerk Arleen Kuwamura.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Apisa: Called the meeting to order at 9:15 a.m.

ROLL CALL

Planning Director Mr. Kaaina Mr. Hull: Okay, Madam Chair, it is 9:15 a.m. I think we got all the glitches out. Whenever you are ready to gavel the meeting. I think we are ready on our end.

Chair Apisa: Okay, I am ready. I will, the meeting is called to order. Roll call please.

Mr. Hull: Roll call, Madame Chair. Commissioner Chiba?

Mr. Chiba: Here.

Mr. Hull: Commissioner Cox?

Ms. Cox: Here.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Here.

Mr. Hull: Commissioner Streufert?

Ms. Nogami Streufert: Here.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Here.

Mr. Hull: Commissioner Ako.

Mr. Ako: Here.

Mr. Hull: Chair Apisa.

Chair Apisa: Here.

Mr. Hull: You have a quorum, Madame Chair. Seven (7) present.

APPROVAL OF AGENDA

Mr. Hull: Next would be the Approval of the Agenda. The only agenda change the Department would recommend be a standard one we have been doing throughout the course of the pandemic is to move to have all News Business for Actions be heard directly after the respective hearings and we do not have any further changes.

Ms. Nogami Streufert: I would move to accept the agenda as amended.

Ms. Cox: I seconded.

Chair Apisa: We have motion to approve the agenda as amend. All in favor? Say aye. (Unanimous voice vote).

Ms. Cox: Aye.

Ms. Otsuka: Aye.

Ms. Nogami Streufert: Aye.

Mr. Chiba: Aye.

[Background talking]

Mr. Hull: Members of the public that have called in, this will be the last call. We have asked you to be considerate of everybody participating. Please mute your phones.

Chair Apisa: Thank you, Kaaina. So we have a motion on the floor to approve the Agenda as amended. All in favor? Aye. (Unanimous voice vote). All those who oppose? Hearing none. The Motion carried. 7:0. The Agenda is approved as amended.

MINUTES of the meeting(s) of the Planning Commission

Mr. Hull: Thank you, Madame Chair. We have no minutes.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: There are no Receipt of Items for the record.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: We are now moving into Hearings and Public Comment section. So for members of the public that have called in that are not applicants, if you are an applicant you can wait until your agenda item. But for members of the public that have called in, I will be calling out each individual phone number. If you wish to testify on any agenda item, unmute your phone, state your name, and you will have three minutes for testimony. Again, I will be calling through all of the listed phone numbers of individuals who have called in and we have roughly 36 or 37 at this point but I will be calling through the list. If you would like to testify on any agenda item again, unmute your phone, state your name, and you have three minutes for testimony. I will commence the caller list now. Area code [REDACTED], would you like to testify on any of the agenda items at this time? Again, area code [REDACTED] would you like to testify on any of the agenda items at this time?

Ms. Laura Coleman: Yes. I would like to testify in support of the Waipouli project.

Mr. Hull: Okay. Please state your name and you have three minutes for testimony.

Ms. Coleman: Very briefly, hi. This is Laura Coleman. I am a Board member for Habitat for Humanity and strongly support the hearing and approval for the Waipouli project because I think it is well known we on Kauai limited and insufficient amount of low income housing, especially for families. And I think that having a project in Kapaa, will be very valuable to so many families obviously more than we can serve but, it seems like a great project, and I strongly support it. Thank you.

Mr. Hull: Thank you, for your testimony. Again, for those of you who have called in please mute your phone until you are ready to testify. Moving on to the next number, area code [REDACTED] [REDACTED] Would you like to testify on any agenda item at this time?

Woman: No. Thank you.

Mr. Hull: Thank you. Area code [REDACTED], would you like to testify on any agenda item at this time?

Mr. Stewart: Yes, this is Stewart (inaudible). I am an owner of a unit in Kauai Kailani.

Mr. Hull: Please share your testimony; you have three minutes for your testimony.

Mr. Stewart: I would like to I guess offer no support for the Habitat for Humanity project. I have concerns about parking and congestion within the area. I yield my time.

Mr. Hull: Thank you for your testimony. Area code [REDACTED], would you like to testify on any agenda item at this time? Again, Area code [REDACTED], would you like to testify on any agenda item at this time?

Ms. Carolyn Pagent: This is Carolyn (inaudible) Pagent. Can you hear me?

Mr. Hull: Yes, please speak you have three minutes to share your testify.

Ms. Carolyn Pagent: Yes. I would like to testify in favor of Bill 2822. I live in Princeville and I do not want to see camping take place on the golf course space. And I think all of the open spaces on Kauai is very precious and we should protect that, and this is one way we can try to make that happen. Thank you.

Mr. Hull: Thank you for your testimony. Area code [REDACTED]. Would you like to testify on any agenda item at this time?

Mr. Jay Borstein: Yes, my name is Jay Borstein, Jay Borstein, Kauai, Kailani. I would like to testify on Agenda Item 2.a Special Management Area Use Permit SMA (U)-2021-8. I sent in a written testimony, I would like to back that up a little bit. Just to elaborate, I believe it is a very good project that Huma..Hum...sorry, Habitat for Humanity does however; I believe that the placement is in the wrong area. That is one area and I believe the density is way too dense for that many units on that small plot of land providing no green belts no accept, accept off site. Which will obviously move people in the near directions. I'd like to reiterate that there is a whole lot more studies I believe that need to be taken place because we don't know stuff like, "Has there been a traffic study?" "How is the sewer and the water issue with that many units and tight variance?" Also, there are some concerns too we have about 90% of the surface area is going to be covered with hard surfaces or maybe more tied in there with all the buildings and roads that they are going to needed with no green spaces. So I am concerned, has there been an environmental assessment done? Run-off is obviously a concern. So anyway, those are the concerns I have and I would like to support a lot more studies before the project takes place. Thank you.

Mr. Hull: Thank you for your testimony. Area code [REDACTED], would you like to testify on any agenda item or any agenda item. Again, area code [REDACTED], would you like to testify on any agenda item at this time.

Mr. Gary Weber: Yes, hi, this is Gary Weber. I serve as the Board President for the Kauai Kailani Association of Unit owners. Chair Apisa and Members of the Commission, thank you for this opportunity today. Obviously, it is well attended, and I appreciate you hearing each of us today. That is very good. I would really like to speak as a volunteer member of our Board of Directors. We have identified several serious concerns and questions we provided those in written testimony you have in your packets. I am not going to re-read that today; instead, I trust you will read it if you have not been able to yet. I know you had copious amounts of testimony so I know you have a lot to get through. Please read the letter from our Association Board on behalf of fifty-seven (57) unit owners. I will keep the reminder of my comments very brief and to the point. You are going to hear and will hear, read and I hope you will read several forms

many, many who have specific serious concerns and questions about this proposed development. The developer was from the best we can find was given extensive time to put their best argument forward to you. We believe that they knew of this proposal and begun specific planning on the proposed development as early as March 2020, more than four hundred fifty (450) days ago. Kauai County has had time to review with the developers (inaudible). You as the Planning Commission had some time to review their materials, their reasons for proposing this development. By contrast, we have had less than thirty (30) days, to review the developer proposal, to gather meaningful thought and feedback from our 57-unit owners, neighbors also and to find detailed information that was made available, it was not in there. The more detailed information that we found that was not in the packet submitted with the Notice of Hearing that we received on June 16. Today, we ask that you as a Commission will get the same consideration to those who are representing perhaps opposing views to this development, certainly serious questions to the proposed development, and likely, and sound reasoning why this proposed development should not go forward in the location proposed. We respectfully ask that you give this important issue the additional time needed for fair review, and I would say more careful consideration. And we do want to thank you for your hard work on behalf of all owners here on the island, all citizens here on the island. And I yield my time. Thank you.

Mr. Hull: Thank you for your testimony. Area code [REDACTED], would you like to testify on any agenda item at this time. Again, Area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none. Area code [REDACTED], would you like to testify on any agenda item at this time. Again, Area code [REDACTED], would you like to testify on any agenda item at this time.

Mr. Weber: Kaaina, Kaaina, this is Gary Weber again, I think I have been called twice.

Mr. Hull: Okay.

Mr. Weber: I could speak a second time, but I think you want to keep it moving so I will yield.

Mr. Hull: Okay. Thanks Gary. Next, we have area code 6 [REDACTED]. Would you like to testify on any agenda item at this time?

Mr. Raymond Ashmond: Yes, this is Raymond Ashmond. I am a Kauai Kailani unit owner of unit Number 319. In fact, my front door of my unit directly overlooks the subject property for Agenda Item 2.a. I would just say I have already submitted written testimony that is probably in your packet. I submitted that before the deadline on July 9. And I would just want to state my agreement with written testimony that our Board has already submitted about the subject development. That is all I want to add. Thank you.

Mr. Hull: Thank you for your testimony, sir. Area code [REDACTED], would you like to testify on any agenda item at this time?

Mr. Lynal Moore: This is Lynal Moore. I continue this call as a personal private capacity as a homeowner in Princeville. Listening to the community comments and hearing comments about (inaudible) 2822, no comments at this time. (Inaudible) for participation only.

Mr. Hull: Thank you, for your testimony. Area code [REDACTED]. Would you like to testify on any agenda item at this time? Again, area code [REDACTED] Would you like to testify on

any agenda item at this time? Hearing none. Area code [REDACTED]. Would you like to testify on any agenda item at this time?

Ms. Jana Redeck: Yes, I would. This is Jana Redeck. I am a homeowner in Kauai Kailani, unit #213. I have submitted written testimony that I hope is in your possession as I submitted it prior to the deadline. I just wanted to say that I am in full agreement with our homeowner association's written testimony that they have submitted to you. Thank you.

Mr. Hull: Thank you. Area code [REDACTED]. Would you like to testify on any agenda item at this time? Again, area code 707—

Ms. Janet Rametsy: Yes.

Mr. Hull: Go on.

Ms. Rametsy: I believe that is I, [REDACTED].

Mr. Hull: Yes.

Ms. Rametsy: My name is (inaudible). Thank you, thank you so much for holding...giving us an opportunity to speak. My name is Janet Rametsy. I am a homeowner in Princeville in the Sunset Drive community and served on the Board of Directors of the Sunset Drive Community Association. I am urging a word of support for Bill 2822, the importance for protecting the open space in Kauai is so essential to protect and maintain the beauty of the island that we all love so dearly. I just wanted to give a little personal anecdote of my last ten days here with some guest that were visiting. We were acting...we were the classic tourist trying get into a restaurant, trying to buy food with empty shelves in the grocery stores, and while we were able to pivot and make some other changes, we saw one family after another with hungry kids and the look of terror in the parents eyes was palpable. That they did not know how they were going to feed their kids because everything is so impacted. My purpose for urging passage of Bill 2822, is the infrastructure that exist on the island simple cannot accommodate additional impact of tourist visitors. And to protect the open space for the quality of life and for the beauty that we are all treasuring so much. I urge you to support the bill. I also very respectfully if for reasons it is very important and essential that if you can't make a vote of support in this meeting, that you declare a moratorium, issue a moratorium on any applicable permits relevant permits so that you as the leaders of our island, have a chance to further study the issue. I thank you so much for giving us this opportunity.

Mr. Hull: Thank you for your testimony. Area code [REDACTED]. Would you like to testify on any agenda item at this time?

Mr. Kenneth Minor: Yes. Hi, my name is Kenneth Minor and I, also live in the Sunset Drive community in Princeville. I concur with the last caller and we are certainly in support of Bill 2822. We would think, this island needs to be not another Maui or another Oahu. We need to protect our open space and the declarant the Starwood's people who are trying to build fifty (50), glamping sites on the Makai Golf course holes one, two, and three. This is in the middle of a neighborhood, in the middle of the neighborhood. Glamping is not made for the middle of neighborhoods. We need to keep our open space and keep the beauty that we have there as we were promised and is the reason why we bought our homes there, for the peace, the beauty,

serenity. And this is what we all paid for and this is a total misuse of the word “ancillary” which is something that was in the Declaration of 1972, which none of us received by-the-way or very few of us, I was not one. And they are using this word “ancillary” as a use for this golf...section of the golf course and the word is a total misuse of that word, it’s a total misuse it is something that is such a stretch. So we hope you would support this as the last caller said that if you cannot resolve this at this meeting please issue a moratorium to further study this. Thank you very much.

Mr. Hull: Thank you for your testimony. Area code [REDACTED]. Would you like to testify on any agenda item at this time?

Mr. Glen Heb: I would, can you hear me okay?

Mr. Hull: definitely, please state your name and you got three minutes, sir.

Mr. Heb: My name is Glen Heb, and I live less than a mile from the property in Waipouli near the Habitat Project and I would just like to reinforce (inaudible), testimony. I would like to reinforce the notation that we desperately need workforce housing here and creating housing and in that particular area, it might seem a little, I don’t know difficult in terms of vacationers or people in the destination zone. That area is zone for high-density housing and we need a place for our local folks can walk to work and use the bike path and get around town create less traffic in my view. In terms of the potential for those people to live in work in the neighborhood where they are so we just desperately need to create low cost affordable, permanently affordable housing for people. And it is a difficult place, a difficult place that we are all in, we need five thousand units for our island right now. Where are we going to get them and what are we going to do? And Habitat really is the best solution that we have in my view to take that issue on. So it’s so difficult to find spaces to utilize and be able to connect to the local sewage system and the water system that is already in place there and serving that area. So I really encourage the Commission and I really appreciate you work and taking all these ideas and mixing them together and coming up with how you see the best (inaudible) for our island. Thank you for what you do and I appreciate your time today. Thank you.

Mr. Hull: Thank you for your testimony. Area code [REDACTED], would you like to testify on any agenda item at this time?

Mr. Dwight Savolka: Yes I do. My name is Dwight Savolka.

Mr. Hull: Please state your testimony you have three minutes for testimony.

Mr. Savolka: Thank you. I am an owner in Kauai Kailani unit 104 and I have done an extensive review of all 138 pages, of the SMA Permit assessment submittal. Before I talk about that though, I just want to give you just a brief background on who I am. Not only am I a property owner which is key, I am a professional engineer and I have been since 1991. I have a certification in erosion and sediment control; I am a licensed real-estate broker and have been for the last fifteen years, which is our primary income and my supporting education is B.S in civil engineering (inaudible) State as well as a Master’s Degree from University of Colorado, in financial management. Having reviewed this document every single page, there are way too many omissions in the submittal to move forward with this project. It is very disturbing to me that the developer chose to move forward without any involvement of Kauai Kailani or anyone

else to work out something favorable here. Instead, they did all this basically in the dark of night and as Gary Weber pointed out, they have had not just a running head start, they have had a complete head start, 480 days in order to prepare, strategize, and plan. And yet they say they want to communicate with the spirit of aloha. I could not agree more but that is absolutely not what's happened here. My background suggest that this is a disaster when it comes to traffic flow, it's a disaster when it comes to storm water runoff, and pollution on the existing site as (inaudible), hello? Someone is talking over me.

[Woman speaking in the background]

Mr. Hull: Sorry, Dwight. Hold on for one second. For the members of the public again, for the consideration of everybody else here, please mute your phones until you are ready to testify. And if you have already testified, you may have not re-muted your phones again, please mute your phones so that the testifier can be heard.

Mr. Savolka: Thank you, (inaudible) I may have—

Mr. Hull: Hold on one second, Dwight. Hold on one second.

Mr. Savolka: Thank you. I have looked through this and there are and especially given the amount of lead-time that the developer had to put somethings together and work with Kailani, perhaps. They chose not to, this is a visitor-designated area and yet were are going to plop an owner/occupied property right in the middle of it with no consideration for amenities for residences of that property. There is no management of storm water; there should be a tension basin and filtration system because they are going too basically, 100% (inaudible) this area. Run-off will change dramatically. The existing the property, we all know Kuhio Highway is a nightmare and crossing that bike path. I think that it is a wrong terminology, it is a sidewalk. A bike path is separate from a street and this is simply a sidewalk along the side. The additional traffic that is going to be generated from this development is going to go poorly and there will be accidents and probably injuries from people doing this. I am not here to say that the work that the developer does is not good. They have done from what I could find three projects here on Kauai, all of which are in residential areas, and many two of them I believe are right next to schools and areas of which—

Man: Okay, you had your three minutes. Shut the fuck up!

Mr. Hull: Oh!

Mr. Savolka: I am sorry.

Mr. Hull: Excuse me. We are going to mute everybody and please be respectful. This is an official Planning Commission Meeting. Dwight.

Mr. Savolka: Thank you. I have submitted a twelve page (inaudible) going through the SMA Permit and the detail on that I know you guys have that. I have also drawn a map that shows the other projects that have been performed. This is the right project in the wrong location. I encourage you to read through the (inaudible) my professional expertise. I am not here to denigrate the developer in anyway, for their mission its well understood (inaudible) good. Thank you.

Mr. Hull: Thank you for your testimony. Folks, I am going to be muting everybody because we are still getting considerable feedback. So in order to speak now, when you are called upon, you have to push "star 62" on your phone. Again, all phones are going to be muted at this point and when you are called upon, when your phone number is called upon, you will have to press "star 62" to unmute your phone. Thank you. Moving on to the next member of the public area code [REDACTED], would you like to testify on any agenda item at this time? And you have to press "star 62" if you would like to speak. Area code [REDACTED], would you like to testify on any agenda item at this time? And you have to press "star 62" if you would like to speak. Hearing none. Area code [REDACTED], would you like to testify on any agenda item at this time?

Mr. Larry Graff: Yes, I would, can you hear me?

Mr. Hull: Yes. Please state your name and you have three minutes for testimony. Thank you.

Mr. Graff: My name is Larry Graff. I am the Executive Director of Permanently Living Affordable Kauai. I have submitted written testimony and I just want to emphasis that and add to it. We believe that this is an excellent project being developed for several reasons. The first one is that the recent revisions in the County Code has emphasized the County's Policy of encouraging development in the town core area. This project is located in the town core of Kapaa, near services, shops, markets, employment opportunities mitigating traffic impacts by encouraging walk to work. Habitat has many residences on the waiting list and in fact, many of those residences are Hawaiians. People who qualify for Hawaiian Home Lands are unable to achieve that dream and many Hawaiians die on that list and any opportunities that Habitat creates will create opportunities for our residents. We are also in a rental-housing crisis, and a lot of these families are currently renting will be moving in and freeing up and providing more supply for rentals on the list. The project will create an aesthetically pleasing residential transition area between Kuhio Highway and the more density developed condominiums in that immediate area. In fact, I have often heard that we want less visitor serving residential areas. This is the first time I ever heard we should not build single-family residential development in those areas. I think we need more single-family houses and potential less visiting serving services. Kauai Habitat Humanity is able to sell these homes for under \$250,000. There is nowhere on this island that our residents, our locals, our families are going to be able to buy a home for that; the average prices are over a million dollars. The SMA appears to be thorough and complete. It is zoned correctly, there is adequate parking, it has access to sewer and water. The site...and I will also like to add there is now affordable housing developer who works anywhere including on this island that does work in the dark of night. The site is zoned to allow seventeen (17) units by right; there is no additional discretion approvals. And one more comment, the amenities for the people who are not owning their houses now and are struggling to pay rent. The biggest amenity is owning house and that's what Habitat provides. In summation, we still need to support the approval of the SMA permit application and we hope that you consider our testimony. Thank you very much.

Mr. Hull: Thank you for your testimony. Area code [REDACTED], would you like to testify on any agenda item at this time? Again, you have to push "Star 62" to speak. Area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none. Area code [REDACTED], would you like to testify on any agenda item at this time? Again, area code [REDACTED], would you like to testify on any agenda item at this time?

Ms. Ashley Conner: Hi. My name is Ashely Conner and I was the number before this [REDACTED]

Mr. Hull: Please go ahead, Ma'am.

Ms. Conner: Thank you. Like, I stated my name is Ashley Conner. I am a current homeowner with Habitat for Humanity. In 2019, out in Ele'ele, it was a dream come true and as mentioned earlier, homes on Kauai are over a million dollars and the chance of our local people becoming homeowners is becoming more and slimmer every day. You know, it is an amazing program and we clearly have an issue on island with homes. Hawaii is facing one of the worst homeless epidemics in the country and the highest rate per capita in the nation. And you know, driving around Kauai it is apparent that we have a crisis and no solution in sight. And this would give seventeen (17) a family a home, a safe place to sleep, and it changes our lives as you know. I am 100% for Habitat they are more than capable completing this project. I have stated a written report to you and I strongly agree with Habitat for Humanity and I hope it would move forward and to see this project start. I am also a current Board Member of Kauai Habitat and there is not enough properties for our families, and it is our hard working people that keep this island functioning. The issues that I have heard today, such as drainage, traffic, it's all a problem already we need to move forward. We need to give our families a safe place to live, an affordable place to live otherwise, there is just going to be more homeless people living on our streets. And like I said, it changes lives, it changes their complete direction, it gives them something to live for, it changes everything. So please consider allowing Habitat for Humanity to move forward for our people. That is all.

Mr. Hull: Thank you for you testimony. Going back area code [REDACTED] would you like to testify on any agenda item at this time? Again, area code [REDACTED] ...sorry. [REDACTED] would you like to testify on any agenda item at this time? Hearing none. Area code [REDACTED], would you like to testify on any agenda item at this time? Again, you have to push "star 62" to unmute your phone. Area code [REDACTED], would you like to testify on any agenda item at this time?

Mr. Jim Edmonds: Yes, I would like to testify.

Mr. Hull: Your name and you have three minutes to give your testimony.

Mr. Jim Edmonds: This is Jim Edmonds, a resident of Hawaii for fifty years, principal broker of Emerald Properties in Kilauea for thirty-three years. I am the current president of Permanently Affordable Living, PAL Kauai, which is a 501c3 non-profit affordable housing developer. And I am testifying strongly in favor of this project for Habitat. It is somewhat a little bit frightening to hear people argue against an affordable housing project because they think it is going to be too dense when they live in the area I think it is about 164 condos that surround this little 17-unit project. Which is zoned for R-20, it is zoned for 17 units and by right will be using County sewer and water and there will be two parking stalls under each unit. You know, I do not want to sound judgmental but so far, all the people who complained about it had not had 808 numbers. So perhaps they do not know...we are facing a tragedy a housing tragedy. Local people have been driven off this island as we speak, and we really have to do something about this. We have the most crowded bedrooms in America on this island. And this is an opportunity to have 17 homes for 17 families nice three bedroom homes right on the bus line right on the bike path and

from what we can tell they will be able to walk up to 5000 jobs. I just want bring a little perspective on it. Just today, I looked up just to see what was happening in the real estate marked right now, there are ten houses in the Kapaa area under a million dollars. Ten houses under a million dollars. There on none, there are zero houses under five-hundred-thousand dollars in the Kapaa area. And these houses Habitat will probably...they are selling right now four-bedroom homes in Ele'ele for two-hundred and thirty-two-thousand dollars. Of course they have got over three thousand families on their waiting list, that ought to give you a little bit of a frame of reference. And that is not including the thousands of families that are on the County's waiting list for affordable housing. So this really a tragedy. Now when I say there are only...what did I say there is 44 houses on Kauai under one point five million dollars. (Inaudible) of those have sold in a year and a half, to give you a frame of reference to how many houses are needed. On August the 6, the governor has removed the eviction moratorium based on statistics we are estimating up to five hundred families could be evicted very soon after August the 6. That will add to our problems dramatically. Just trying to figure out how to rent something on Kauai is almost impossible for a three-bedroom home like these, the rents are in the three to four thousand dollar range right now. I have no idea how these local people can do that working for Foodland or any places that are paying between ten and fifteen dollars an hour. This is an urgent situation this project is desperately needed. Please do everything you can to move it forward. Thank you.

Mr. Hull: Thank you for your testimony. Area code [REDACTED], would you like to testify on any agenda item at this time?

Ms. Louisa Kavaka: Can you hear me?

Mr. Hull: Yes, we can. Please go ahead and state your name and your testimony, please.

Ms. Kavaka: This is Louisa Kavaka from Kauai Kailani, unit 320. I strongly oppose to this project. To the project 2.a, because I am concern about the ingress and egress congestion and safety concerns from our little road, Wana Road, that it is already congested with all the condominiums around it. I cannot imagine how it would be adding more congestion and traffic to this small road consider also that it is a bike path cross by. It brings concern to me about the heavy traffic from the construction people who will be coming and the visitors who will be coming into this development. I agree that it is a wonderful project for people to support and help them but it is the wrong location. It can be done somewhere else where it is less congested. As you know Kapaa Road and Kuhio Highway, it's congested. I cannot imagine adding at least many cars; we are talking about two parking spaces per unit. I also want to add that the crisis of owning a home is not only happening in Kauai, it is in the mainland as well. So the price of a house in California starts at eight-hundred dollars, eight-hundred-thousand dollars. So Kauai is not the only state that is coming and suffering from this crisis, it's all over mainland. So I want to emphasis that the location is not the correct one. I agree with the Humanity for People to have their homes, but this is the wrong location. It's a small place to bring more congestion already so I am concern about safety and I do not support. Thank you.

Mr. Hull: Thank you for your testimony. Area code [REDACTED], would you like to testify on any agenda item at this time? Again—

Mr. Kamala Salibi: Yes, can you hear me?

Mr. Hull: Yeah, go ahead and state your name.

Mr. Kamala Salibi: Can you hear me?

Mr. Hull: Yes, we can, sir. Please state your name and you have three minutes for testimony.

Mr. Kamala Salibi: My name is Kamala Salibi and I did submit a written testimony for the following matter that is not up yet. But I have been listening to the testimonies of support pros and cons for the bill 2822. And like to me I really strongly support the bill because for me I raised my boys here on this island and it is very difficult for them to find a place to live and so left alone pay rent. I would say everybody that work and support Habitat for Humanity that is great as long as they do not add, "not in my neighborhood." And basically, that is all I want to say. I did not call in to testify on this particular matter. I do have a written testimony for another development coming up on the agenda. Thank you very much.

Mr. Hull: Thank you for your testimony. Area code [REDACTED], would you like to testify on any agenda item at this time? Again, area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none. Area code 8 [REDACTED], would you like to testify on any agenda item at this time?

Ms. Leona Ona Sa McDermott: Aloha, can you hear me?

Mr. Hull: Yes, we can hear you. Please state your name and we have three minutes for testimony.

Ms. McDermott: Okay, I got to pull over. Okay. Aloha. My name is Leona Ona Sa McDermott and I am an Habitat homeowner. My home was built in 2013, in Anahola, Hawaiian Homelands. I recently served as the Board President, Vice President, and Secretary for Kauai Habitat for Humanity and now currently serving as the Board Director of this great organization. The Kapaa project at Waipouli is 17 affordable homes. This is only 17 families that would benefit from this project and not enough to suffice for the rest of the 3000 plus on our waiting list. But it is better than nothing. To make this enlightening for all of you today to digest. I was on a waitlist for Hawaiian Homelands for 29 years, 29 years waiting for land, and then sacrificing year after year to figure out how much I need to even build a home. But because of Kauai Habitat for Humanity, my hope became a reality, that is way I joined the Board of Directors because I wanted to help our Kauai local families at least achieve homeownership. The most rewarding experience of being a Board of Director is handing them their keys to their new home. It is the greatest feeling ever, because I was one of them receiving a key. These families that would have the hope of homeownership are local families living in their parents' home, they are stuck in a back bedroom with their kids, they are living in makeshift garage extensions and sleeping on livening room floors. I know because I see them because when I go Big Save and Safeway shop some share that they are working on their credit and finances and is on our list in hopes to have a home. You know, I can go on and on but the bottom line is this is our locals who live here in our community. If we do not support the need for them to have afford homes to live in then we are not doing our kuleana for our community. Did you ever think about whose going take care of us when we all age out? Who going look after us in the community? Not the people the people who move here from the mainland. It's going to be our local family. I firmly believe that if we do not move on making these affordable homes for them

to happen to continue for them to live here, we are going to end up with nothing. Bottom line, we are going to end up with nothing. So do the right thing make this happen. Okay, traffic yes, you are going to get opposition because of traffic and so what its only 17 units. It is not people moving here to live in these units, its families that are already living here dealing with the same traffic we all got to deal with every day. Instead of turning left, they are going to turn right. Instead of driving over to Safeway, Starbuck, or McDonalds they probably going to walk over to these places, okay? Big deal. So do not make traffic an issue of preventing affordable homes for our local families. If that is the case, than limit the cars that are coming into our harbors. And for the people who said construction workers, may I remind you homeowners, that they are the ones building your homes. They are the ones who are putting in the sweat equity in and hours to build their homes to live there. So Kauai Habitat for Humanity has a solid foundation of building homes for our Kauai families. We are not asking for any changes to current zoning or exemptions we want to make this happen for these 17 families. We rely on our self-help methods, community partnerships, volunteer labor, and with all this intertwined, we can provide homes with a price range of \$250.000 to \$330.000. You are not going to find that on any real estate website, I can tell you that you that right now. But what you will find is family that is strengthen—

Mr. Hull: Three minutes, please.

Ms. McDermott: Stronger marriages, and children's education enriched, why? Because they have a decent place to live in. So you guys, make this Waipouli project happen. Mahalo.

Mr. Hull: Thank you for your testimony. Next number area code [REDACTED], would you like to testify on any agenda item at this time? Again—

Ms. Lorraine Mull: Can you hear me?

Mr. Hull: Yes, we can hear you. Please state your name and you have three minutes for your testimony.

Ms. Lorraine Mull: Hi. Yes, yes, I would. My name is Lorraine Mull. I am a resident of the north shore. I have lived here for 30 years and calling to express my support for bill 2822 that will protect our open space, which is probable the most paramount and important issue that affects our island and is the essence of what makes Kauai, Kauai. I think the intent of County Council on this bill is very clear, and I would like to note that the Kauai General Plan does not have any new resorts on the north shore for the term of the existing General Plan. That no new resorts would be slated would be slated until 2028. I think everybody on the phone this morning probably equally are aware of the impacts of the over tourism we are experiencing right now. I completely understand the benefits to our economy of tourism and of our infrastructure and especially up here on the north shore or roads have been so severely impacted for the last three years. We are at an incredible tipping point as to how much more we can take, I understand that Princeville is in the VDA but the resorts are in the resort-designated area. And any attempt to expand the resort on to open space is just a Trojan horse for resort development and I hope that it is recognized as such. Any precedence in allowing commercial development campgrounds on open space under these situations would be impactful for the rest of the island and I think it would open the door for all sorts of trouble that will be hard to undo once it's done. I agree with the folks earlier who suggested a moratorium on any new applications that would be covered by

the pending legislation until it is resolved. Conversely, I looked at both Bills, the Council version and the Planning Department version and it appears that there is agreement on a lot of a...both versions there is space where the Planning Committee, Planning Department and the Council agree. I would suggest a possible bifurcation of the bill to pass the parts that Council and Planning agree upon might be a temporary solution. I see that the Planning Department has recommended a tentative approval and deferral. Deferral is problematic for any applications that are waiting in the wings to be submitted. I am sure everybody is aware of the glamping issue and this is without getting into the issues that would be appropriate in front of the Planning Commission one use, this is very inappropriate use of open space right now. So let us recognize things for what they are, resort expansion should be considered as resort expansion and not as camping, and be very aware of the precedence this could set. Thank you very much for your time. I would like to say something about the affordable housing issue of which it is a painful situation for this island and nationwide. Habitat is one of the most extraordinary organizations anywhere and especially here on this island and I want to give a shout out to everyone who works for them, they do great work. Thank you so much for your time, I appreciate it.

Mr. Hull: Thank you for your testimony, Madame. Madame, could you state your name again for the record we had some issues picking it up when you originally stated it.

Ms. Mull: Sure. My name is Lorraine Mull, M-u-l-l. Thank you.

Mr. Hull: Thank you for your testimony, Madame. Area code [REDACTED], would you like to testify on any agenda item at this time?

Male: Hello.

Mr. Hull: Hello, go ahead state your name.

Male: No comment.

Mr. Hull: Okay. Thank you. Area code [REDACTED], would you like to testify on any agenda item at this time? Again, Area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none. Area code [REDACTED], would you like to testify on any agenda item at this time? Again, you have to push "star 62" to unmute your phone. Again, Area code [REDACTED], would you like to testify on any agenda item at this time?

Ms. Felicia Cowden: Can you hear me?

Mr. Hull: Yes, we can. State your name and –

Ms. Cowden: Okay. This is Councilmember Felicia Cowden. I have put in two written testimonies. One is in support of the Habitat for Humanity property that has been well spoken to. Another is the House Bill 2822, which is regarding developed campgrounds. As an individual Councilmember, I support the portion of removing developed campgrounds from open space and understand there is a sense of urgency in this consideration of possible approval. Open space currently is at high risk of exploitation and meant to be in fact, open. We have heard about the Princeville and Makai Golf course; it hasn't been said that it also functions in a retention basin centered in a neighborhood in a highly rainy area. It hardly makes sense to put you know, campsites in a low point in a flood zone. My request is that you please separate the

change on Ag. Zone and leave the Use permit required as is. Resort exploitation is not at urgent risk as transient vacation rentals are already being prohibited. As a Councilmember in partnership with a Council Colleague, we are currently working on two village frameworks to support farm workers and culturally based Ag communities, both of which support productive agricultural use of the land consistent with the recent General Plan Update, and semi-permanent living space for our low income population and general demographics. We are in a housing crisis on this island right now, we are in need of a solution and this can be one more tool in our toolbox for helping housing and bring our farms up to better code. The current use permit requirement for what is now called developed campgrounds on Ag zoned properties will ensure farms and pilot projects or agricultural Huuhonua villages will continue to need public vetting to be approved. Mahalo for your work everyone, again, I respectfully ask you to consider to removing the change for Ag. Zone property so direct consideration can be made for the more urgent removal of developed camping in open zones this could be separated, the Ag piece is going to be coming in soon by myself and another Council member. Mahalo.

Mr. Hull: Thank you for your testimony. Moving on to area code [REDACTED], would you like to testify on any agenda item at this time? Councilmember Cowden? I think your phone is unmuted. Again, Area code [REDACTED], would you like to testify on any agenda item at this time you need to push "star 62" to unmute your phone. Again, Area code [REDACTED], would you like to testify on any agenda item? Hearing none. Area code [REDACTED], would you like to testify on any agenda item at this time? Again, Area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none. Area code 8 [REDACTED], would you like to testify on any agenda item at this time? If you would like to speak, remember to push "star 62" to unmute your phone. Area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none. Area code 8 [REDACTED] would you like to testify on any agenda item at this time. Again, area code [REDACTED] would you like to testify on any agenda item at this time. Hearing none. Area code [REDACTED] would you like to testify on any agenda item at this time. Again, folks, if you would like to speak you have to push "star 62" on your phone to unmute your phone. Again, area code [REDACTED] would you like to testify on any agenda item at this time. Area code [REDACTED] would you like to testify on any agenda item at this time. Again, area code 808-826-1474 would you like to testify on any agenda item at this time.

Ms. Mary Patterson: Aloha. This is Mary Patterson. Can you hear me?

Mr. Hull: Yes, we can.

Ms. Patterson: Oh good. I am sorry, I did do "pound 62" but for some reason I had the other phone muted. I am the previous number the [REDACTED], and my name is Mary Patterson, and I lived and worked on Kauai for the past 34 years. I have submitted written testimony already on Bill 2822. But would also like to offer verbal support for the Habitat for Humanity project. I think it's a very valuable project and it does sounds like it is a zoned place for this kind of housing, which is very, very, sorely need. I want to thank Council excuse me, Councilmember's Mason and Luke for the opportunity to restrict developed campground on open and residential areas where this type of development is totally unsuitable. But I do agree with Councilwoman Felicia, that right now the agricultural zoning should be separated from this bill. And let's not forget that the only reason that this is an option today for development is because the CZO changed the potential density from none to some on open zoning in particular, this would not

even have come up had that not have happened. So I really urge the Planning Department to pass this bill even with some valid contingency or at the very least to defer plans that are currently being presented until an outcome can be reached as a couple of other folks have suggested. As we know, unbridled development threatens Kauai in many ways, and really, the only development that we should be considering at this time is low-income housing such as the Habitat project and Agri-business. The infrastructure is unable to cope with existing loads as many people have mentioned. The environmental impacts are numerous and the very essence of Kauai's attraction is being threatened along with the quality of life is being threatened for both residence and visitors. I mean look what is happening on Maui, let's not wait and until it is too late. Let us do what we can right now to stop this unbridled development on open land, which was designed to be open in perpetuity. So I really appreciate the opportunity to voice my opinion today at this public hearing and I appreciate all the things that the Commissioners are doing and that is my testimony. Thank you very much.

Mr. Hull: Thank you for your testimony. Going back—

Mr. Greg Crowe: Yeah, this is Greg Crowe, I got skipped over too because I couldn't get my on mute off. This is Greg Crowe for [REDACTED].

Mr. Hull: Okay, Mr. Crowe go ahead and state your testimony please.

Mr. Crowe: Thank you. I also submitted a written testimony in support of the Habitat Waipouli Project. And I'd like just to add that a couple of comments from hearing some of the other testimony earlier today, as some of you may remember me that I had a lot of active participation in the General Plan Update process and I particularly focused on the affordable housing crisis and its potential solutions. We all agree that there's a desperate need for affordable housing and that housing has to go somewhere. But unfortunately, far too many people take the NIMBY attitude of not in my backyard, which ultimately becomes an effect another acronym BANANA, build absolutely nothing anywhere near anybody. That's a big part of why we have the problem on Kauai right now with unaffordable housing and even just unavailable at any price, particularly for our workforce and local residents. They're leaving the island as an earlier testifier mentioned. We need those people here on this island to maintain our economy. They're the people that do the work and services, both the high end and the low end. There's a lot of people that have already moved in here to the people living in high density developments and they're now saying don't, don't come in. So in general slang use BANANAs means unbelievable ridiculous crazy. In reality to say that's exactly the definition for new housing development that is preferred in the Kauai County General Plan, which as you all know, recently went through a detailed update process for more than a year. There was extensive community input, including special hearings in front of this Planning Commission and the county council and tons of public input. That General Plan update was by far the best that Kauai has ever done and deservedly won a national prize. In short, this Habitat project is in the right place and desperately needed. It complies and deeply fulfills the goals of the General Plan update. So please approve it. Thank you for your attention and your, your work on all these complicated problems. Aloha.

Mr. Hull: Thank you for your testimony. Moving on to area code [REDACTED], would you like to testify on any agenda at this time? And to unmute your phone, you have to push "star 62".

Area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none. Area code [REDACTED], would you like to testify on any agenda item? Again, area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none. Area code [REDACTED], would you like to testify on any agenda item at this time? Again, you have to push "star 62" to unmute your phone. Area code [REDACTED], would you like to testify on any agenda item.

Mr. Tom Mull: Hi, thank you. Am I allowed to speak now? I finally got the muting off.

Mr. Hull: Go, go ahead, sir. Please state your name and you have three minutes for your testimony.

Mr. Mall: Yeah, I will be quick. My, my name is Tom Mull. My phone number is [REDACTED]. I want to make a brief statement in support of Bill 2822. The County passed this bill, 7-0, to protect the open space from development in certain designated areas. That bill is now before the Commission. If they pass it now, the bill would apply to Starwood, who was seeking to develop open space in Princeville. Whether the bill would prohibit their project or wouldn't be decided in a normal way with a full hearing. That's fair, both sides get a chance to present their evidence. That way we have a winner and a loser, but after a hearing, which - which involves a due process where both sides will get to present their case. One side will be successful, one side will not. That's fair enough. But if the bill is deferred, it will allow Starwood to formally apply for a permit to allow development of protected open space before the bill is passed. They have said that they would get grandfathered in and that the bill would not even apply to them on this technicality. That way, they would win without a hearing. There would be no due process, no opportunity for both sides to present evidence and witnesses. We think that that is a due process constitutionally guaranteed right. I do not pretend to know whether it will eventually apply or not. Let us have a hearing. Let both sides argue their position. Let the facts decide this, not on a technicality, but after both sides present their evidence. This is so important that it should be done with full opportunity for a contested hearing and both sides to present their, uh, positions. How would you accomplish this and, and get the deferral that you, that you say you need and I believe that you do? The only way that I can think of to do that is with a moratorium. It would be, we would seek a moratorium as they have on Maui and other places across the country in situations like this. And while pending and future applications for a permit, until the bill, in whatever form it eventually takes is passed. Granting a moratorium will solve the problem of a challenge for lack of due process. We just want an opportunity to present our side on whether Bill 2822 applies to Starwood in this particular situation. Uh, thank you very much. I also wanted to say something about the Habitat for Humanity application, I'm completely for that. They have every right in the world to seek this and to get it. We have a real problem, and this is extremely important and should be addressed immediately as well. Thank you very much.

Mr. Hull: Thank you for your testimony. Going back to area code [REDACTED], would you like to testify on any agenda item? And again, for everybody that still hasn't spoken, it's star 62 on your phone. Now area code 8 [REDACTED], would you like to testify on any agenda item at this time? Hearing none, area code [REDACTED], would you like to testify on any agenda item at this time? Again, area code 8 [REDACTED], would you like to testify on any agenda item at this time? Hearing none, area code [REDACTED], would you like to testify on any agenda item at

this time? Again, area code [REDACTED] would you like to testify on any agenda item at this time?

Mr. Raymond Jakovis: Good day. Can you hear me?

Mr. Hull: Yes, we can. Please state your name. You have three minutes for testimony.

Mr. Jakovis: Oh perfect. Uh, my name is Raymond Jakovis, Linda and I own Kauai Kailani 112. There I fully support the, the mission of Humanity or Habitat for Humanity. I think they do great work. I think, uh, this project is uh, you know, very needed uh, for one. Uh, there's a shorting - a shortage of housing on the island. Um, but my, the immediate impact I see on our, on our complex is the parking issue. Right now, we, uh, do not have enough spaces for all the units there, our - our place is an old timeshare (inaudible) that was converted.

Mr. Hull: Excuse me, Raymond, I am sorry. There was a technical glitch and you got muted. You're going to have to press star 62 to get back into the meeting. Raymond?

Mr. Jakovis: Yeah. Can you hear me now?

Mr. Hull: Sorry about that. And if you'd like to restart or continue your testimony, either one, we apologize for that error.

Mr. Jakovis: Uh yeah, I don't know where, where I got cut off, but I do support, uh, what the Habitat for Humanity is doing for, for the community, for, for, uh, the country, for what they do all over the globe. Um, yeah, I think it's a great mission and I think it's a great opportunity to, for someone to own a home which is life changing. Um - I don't, I'd like to have this, permit put on hold until, until we get, you know, further, um information, more information on this project. Uh, I think, I speak for a lot of the owners at Kauai Kailani that, that we were a little bit blindsided by this and, and we feel like it's being shoved down our throats without, and we really can't approve, uh, a program, uh, like this without, without uh, more information, you know. But uh, the immediate impact on our complex would be parking. Uh, we do not have enough parking spaces for the units we have now, I think we're about 10 short and the overflow which I think is on Wana Road under the ironwood trees. Uh, that's, that is our only option uh, for, for residents and guests to park. So this has - this has been an issue for some time that, that needs to be resolved at some - at some point in the future. Um, so that's - that's the point I wanted to get across is, is the, uh, the immediate impact it's going to have on our - on our complex, on our community and our friends and guests. Um, so I yield the rest of my time. Thank - thank you for, uh, hearing us today.

Mr. Hull: Thank you for your testimony. Going back to area code [REDACTED], would you like to testify on any agenda item at this time? Again, you have to push star 62 to unmute your phones. Again, area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none, I mean again, folks, you have to push star 62 to unmute your phones, area code [REDACTED], would you like to testify on any agenda item at this time? Again, area code [REDACTED], would you like to testify on any agenda item at this time?

Mr. Andrew Smith: Hello?

Mr. Hull: Oh yeah. Go, go ahead. Please state your name. And you have three minutes for testimony.

Mr. Smith: Yeah, hi. We got cut off earlier. This is Andrew and Jessica Smith and my phone numbers is [REDACTED].

Mr. Hull: Okay. Please go ahead and state your testimony.

Mr. Smith: Yeah, we're, we're makai of the, the Kauai Habitat for Humanity Project and we're really concerned about just a little bit too much development, you know, in such a concentrated area.

Ms. Smith: Yes, we come home about (inaudible).

Mr. Hull: Ma'am, you are going to have to please - we can take separate testimony at a time. We can't hear anything being stated right now.

Ms. Smith: Okay, go ahead, continue, Andrew.

Mr. Smith: Yes, so we are just concerned about, just not enough parking, just overflow and we're - we're concerned.

Mr. Hull: Okay, is that your testimony, sir?

Ms. Smith: (Inaudible), and its peaceful here (inaudible).

Mr. Smith: Yeah. That is pretty much it.

Mr. Hull: Well, well thank you for your testimony. Is Jessica, did she want to testify separately?

Mr. Smith: I think she does.

Mr. Hull: Okay. Just state your full name and speak into the phone. We are not hearing you very well. If you can please state, your full name and you have three minutes for testimony.

Ms. Smith: Okay. Hi, I am Jessica Schmidt and I own a home here at Kalani condos, we've lived here for a year and uh, I feel like it's, you know, it's a great concept. I feel like it's not the right location. I feel, uh - I am concerned about the parking of, um, the - the (inaudible) parking unit (unintelligible) to our quiet space back here. This - this is our - this is our protected neighborhood, and we are really thankful to be here. We just feel like it may not be the right spot for this project. We love the idea that, um, it's very needed, but just maybe not the right location that we feel strongly for. That is it. Thanks.

Mr. Hull: Thank you for your testimony. Next number and remember folks, it's star 62 to unmute your phone. Uh, area code [REDACTED], would like to testify on any agenda item at this time. Again, area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none. Area code [REDACTED], would you like to testify on any agenda item at this time?

Mr. Daniel Ersoy: Yes, I would like to testify on Item 4.a, Bill 2822.

Mr. Hull: Please state your name, go ahead.

Mr. Ersoy: My name is Daniel Ersoy, and aloha Commissioners, thank you for the opportunity to testify. I live full time on Kauai with my wife and three children. They have gone through the schools here and, and we just love the island, and I can't even put it into words. Uh, we would like to enthusiastically support Bill 2822 and believe that commercial developed, again, commercial developed campgrounds should not be allowed on open or residential zone land. It is just common sense. Kauai is such a beautiful, special land. The island, the people and the culture, there is nothing like it on the planet. I have been to over 30 countries. I am a Gulf War veteran. I served in the US Navy for a decade, I have had the opportunity to visit almost every, uh, Hawaiian Island, and they're all amazing in their own right. But I can say that, without any reservation, that the Garden Island is just - it's tied to - one of the locals here, one of the Kupuna told me it is the island that's touched by God. And I believe that mostly due to the open spaces preserved by the wise Kauai County government over decades, decades. Every single resident, visitor that we've encountered on this island, and I mean this sincerely, and we've made this home, they have made a specific comment on how special Kauai is, basically magical due to the less developed nature and especially open spaces. And - and I can say a week ago, we had close friends from the mainland, they've only been to Maui, and they visited Maui first and then it was their first time to Kauai. And they just couldn't stop talking. And they said they don't know what happened to Maui, but it's so dense. There is closed spaces and they could not believe what Kauai was. This is like stepping back 50 years. And they said they've never seen anything like it. Open spaces is what sets this island apart forever. And if Kauai's County keeps the open spaces under their wings of protection and it will continue, we are so hopeful that you will once again act as a firewall to help preserve this remarkable island. There is nothing like Kauai on this planet. As you and your predecessors have done for so many years, you have really protected the island and once developed, it - you just cannot go backwards because it's one of those things, once it's developed, you can't pull back. In summation, we very respectfully and humbly request that you vote to pass Bill 2822 and thank you again for the opportunity to testify.

Mr. Hull: Thank you for your testimony. We are going to numbers, again, remember folks, star 62 to unmute your phones if you would like to testify, area code [REDACTED], would you like to testify on any agenda item at this time? Again, area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none, area code [REDACTED], would you like to testify on any agenda item at this time?

Woman: No comment.

Mr. Hull: Thank you. Area code, 85, oh sorry.

Woman: Thank you. Sorry, uh, no, no comment at this time. Thank you.

Mr. Hull: Okay, thank you. Area code [REDACTED], would you like to testify on any agenda item at this time? Again, area code [REDACTED].

Mr. Rosenthal: Aloha, yes, I would like to yes, I would like to participate.

Mr. Hull: State your name and you have three minutes for testimony.

Mr. Ken Rosenthal: Uh, yeah, this is Ken Rosenthal, uh, testifying on behalf Bill 2822, longtime resident of Princeville and a board member of the Kauai North Shore Community Foundation. We appreciate very much the ability to express testimony both written and oral form in support of this bill, because I strongly believe that commercial developed campgrounds should not be allowed in open agricultural or residential zoned land and shouldn't be allowed only, or should only be allowed, I should say, on land zoned for commercial or resort use. Open space, as a lot of people talked about, is just a key component of our magical and beautiful island. Our principle for our open space is defined in the County's CZO. Bill 2822 happens to fill one of the holes in the CZO. Developed camping is in reality resort expansion into the open space. Note the entire 308 golf course is at risk due to the way that CZO was written, defining open space with the dedication. Remember, Princeville is a Master Plan Community needing separation and buffering between the dense development, homes, condominiums, timeshares, and resorts and also, furthermore, the open space is a key component for the infrastructure of Princeville for utilities and drainage. The role of our government is to protect our environment, our communities and our quality of life. These issues we are facing in Princeville are just the start of what many people have talked about that could happen all throughout the island. So I respectfully request that you vote to approve Bill 2822 to maintain these assets rather than defer that decision, which would - would cause a real challenge because a deferral would allow existing applications to get kind of under the wire so to speak, which is not the intention of the bill. So I support in, of the bill immediately and not deferring it would accomplish what the writers of this bill really wanted to do. I truly appreciate what you guys do, uh, and all the support that you do for our island. Mahalo.

Mr. Hull: Thank you for your testimony. Moving on, and again, uh, please press star 62 if you would like to testify. Area code uh, [REDACTED], would you like to testify on any agenda item at this time. Again, area code [REDACTED], would you like to testify on any agenda item at this time? Hello?

Mr. Rory Enright: Hello?

Mr. Hull: Yeah. Would - would you like to testify on any agenda item at this time?

Mr. Enright: Yes, I would like to testify on Bill 2822.

Mr. Hull: Please speak.

Mr. Enright: Good evening, everyone. My name is Rory Enright. I - I would like to provide my support for Bill 2822 and thank the Planning Commission for its consideration of this very important legislation. My name is Rory Enright. I have been a resident in Kauai for the past 18 years. Uh, I have also served as Princeville general manager from 2010 to 2019. Like many of the residents of Kauai, the principal residents, have largely taken the open space within the community for granted. The open space is integral to Princeville's Master Plan. Now, the existence of this open space is being threatened. I am sure all of you have heard enough about the expansion of the resort into the three holes with the golf course, what is commonly being called glamping. So I'm not going to take the time reiterating the concerns about this proposal. What is generally less understood is that all 300 acres of the Makai (inaudible) golf courses and the homes surrounding the course are at risk due to the way the comprehensive zoning ordinance currently defines the use of open space in the absence of the permanent open space category. In the Master Plan Community, like Princeville, the golf courses in Green Belt provide the required open space for separation and buffering between the dense - density of the hotels, condos and timeshares and the homes. And in addition, it's a key component for our infrastructure, utilities and drainage. These focuses on the CZO are a Kauai wide problem. What's happening at Princeville can and will happen in other places on the island if we don't take action. Think of Princeville as the proverbial canary in the mineshaft. Leaving open space districts with the potential for future development within already completed community's presents an open invitation to developers. Bill 2822 fills one of these holes, be clear that developed camping or glamping is resort expansion into our open space. I ask that you give your full and immediate support for Bill 2822 and encourage the County Council to pursue additional legislation to block all threats to the island's open space. Residents of our community rely on you to help protect the integrity, beauty and livability of our communities. Thank you very much for the opportunity to speak and for your efforts in protecting our islands. Mahalo.

Mr. Hull: Thank you for your testimony. Moving on to our last caller on the list, [REDACTED] would you like to testify on any agenda item. You have to press star 62 to unmute your phone. Again, area code [REDACTED]

Mr. Kenneth Ramage: Yeah, hi. Can you hear me?

Mr. Hull: Yep. Please state your name.

Mr. Ramage: This is Ken Ramage, I am a lifelong resident, Unit 214 and I just want to say that I have supported Habitat for Humanity and other areas in the world; you know I mean, the United States especially. And I do know that they do a good job of helping low-income housing. I just think with the limited information provided by the, uh, likes of Habitat for Humanity and the ingress and egress problems along Wana Road, we - the road - the - the main road goes all the way by their in - right in front of Safeway, it goes down to one lane. And it just would bring much more traffic in there and create a big problem. And I think they should reconsider this location and to try to find another location that would better suit, uh the - uh - uh, the residents of this building in this project, and the surrounding property owners. Um, I just do not think it's the right place at the right time and they need to have, uh, more evidence or interest put into this motion. And so I just - I just don't support it for that reason. And uh, I've - I've been on Hawaii for years and I know that they have a - a housing issue that's been, you know, like, but I, you

know, this guy said he had 8 or a lot of 808 people. But I'm just saying that it was a very important issue, but I don't think it's the right location. Thank you.

Mr. Hull: Thank you for your testimony. Okay, folks, for all those that have called in, we have reached the list of our numbers that we are tracking. But at this time, I just want to also make ability for anybody who has not testified on an agenda item, would you like to, at this time, speak on any agenda item? If so, just please press star 62 on your phone to unmute your phone and state your name.

Ms. Kathy Henderson: Hi, hi, my name is Kathy Henderson and uh, I'm a - I'm a Kauai Kailani owner, Unit 304. I have lived there for the past six years and uh, I think that this, um, idea is just, it's a great idea, but it's a very bad location. We already have problems with parking in Kauai Kailani. I can go there and, um, I - I don't have any parking. There just is no parking. And so, with these additional 17 units, I can't imagine what the parking status will be. It's - it's a good idea, but it's - it's a bad location. So I would hope that, um, the KBC will - will reject the proposal and or at least delay it and give more attention to the questions and the concerns of the neighbors. And, uh, and I love the island and I appreciate everything that the board does. So thank you for listening to me. Mahalo.

Mr. Hull: Thank you for your testimony. Is there anyone else who has called in, but has not testified on an agenda item that would like to testify at this time? If so, please press star 62 on your phone to unmute your phone and state your name.

Ms. Bridgit Hammerquist: Can you hear me?

Mr. Hull: We can. Now please state your name and you have three minutes for testimony.

Ms. Hammerquist: My name is Bridget Hammerquist. I live in Koloa and I am interested in two items on your agenda today. Item 2.a, I would or 2, I would just offer anytime, housing over parking. And I feel for the people in Kailani that they have a parking issue, and it sounds like poor planning on the part of their development. However, the lots that are adjacent, that are going to provide 17 homes for Habitat for Humanity qualified buyers is much more valuable and much more needed. I think the point made earlier that I would just second is that they are people that are in the community already, their cars are in the community already. This will not add to traffic, those cars are here also the risk to the units as one of the developers on the phone explained today. So, the parking will be taken care of as part of that 17-unit. The second thing I would like to speak to is Bill 2822. I serve as President of Friends of Maha'ulepu, a large organization that's very devoted to the environment of Kauai and its preservation. And I think pouring concrete slab and putting them in an area that now serves as detention for rainfall is not only antithetical or contrary to the concept of open space, but it also risks more saturation of hillside with the potential for slides in the North Shore and should be seriously, um, stopped. Open space means open. And when was the last time anybody slept on a golf course at night? It's just a ridiculous plan and it is an effort to expand resorts when resort expansion is specifically prohibited. It is an expansion coming in the front of a Trojan horse and Bill 2822 needs to pass now. The agricultural provision is a restatement of current Hawaii State Law when speaking of Ag zones. And I don't think Bill 2822 should be held up. I think it would be more

problematic for the people of the island if it is not passed as it is currently drafted. Thank you for your consideration. I appreciate the time to make this contribution and I really appreciate all the service of each of the members of our Planning Commission. It's a hard job. And thank you for helping to take care of Kauai for all of us. Mahalo.

Mr. Hull: Thank you for your testimony. Again, is there anyone else who is called in to the Planning Commission meeting that would like to testify that hasn't previously testified? If so, please press star 62 to unmute your phone and state your name. Again, just calling if anybody has called into this meeting and has not previously testified that would like to testify on any agenda item, please state your name.

Ms. Carol Andrews: My name is Carol Andrews. I am a Princeville resident for over 30 years. And I am on this call-in support of Bill 2822. We purchased our home over 30 years ago, raising our children because we liked all of the open spaces and that lifestyle. I agree with everything that I heard from the people testifying in support of Bill 2822 and just wanted to add that as well. It would change the whole estate built on the open spaces. It would change the entire dynamics of this North Shore for people who do not even live in Princeville and enjoy coming to the North Shore. I feel it would be very detrimental to the island. And please pass that bill.

Mr. Hull: Thank you for your - um, again, has anybody has called in that has not previously testified who would like to testify in any agenda item, please press star 62 to unmute your phone and state your name. Again, if anybody would like to testify on any agenda item who has not previously testified, uh, please unmute your phone by pressing star 62 and state your name. Okay. Last call.

Mr. Donald Koch: Can you hear me?

Mr. Hull: Go ahead. Please state your name.

Mr. Koch: I live in the Kauai Kailani as a permanent resident.

Mr. Hull: Sir? Sir?

Mr. Koch: I have submitted a written testimony and it's been pretty well covered by others. I would like to ask, is there admission that you had given up on extending the bypath southward in spite of problems that I know you are running into? Because a high-density area would certainly bring it into that project and parking will be a problem because just because the garage is built at a unit does not mean that their cars will be parked in the garage. Thank you so very kindly. Good-bye.

Mr. Hull: Could you please state your name, sir?

Mr. Koch: This is Donald Koch, K-O-C-H.

Mr. Hull: Thank you for your testimony.

Mr. Koch: In the Kauai Kalani.

Mr. Hull: Thank you, sir. Again, calling for anybody who has called into this meeting that would like to testify on any agenda item that has not previously testified, please press star 62 to unmute your phone and state your name. Okay. Last call for anybody that would like to testify who's not previously testified. If so, please unmute your phone by pressing star 62 and state your name. Okay. With that, Madam Chair, that would end the Agenda Item F written public comment. I will also state and I should have clarified, um, previously that - hold on. That the - there was a supplemental agenda that you folks received is posted in which there were 42 pieces of community - or testimony - written testimony submitted for Kauai Habitat for Humanity and one supplement to the Director's Report as well as there were an additional 141 letters submitted concerning the County Council Bill for open space and agriculturally developed campgrounds as well as a supplemental Director's Report. And there were two letters for Kauai Lagoons, uh, Subdivision LLC - Subdivision 1, LLC. But those were submitted to the Commission and were also posted on the web. At this time, Madam Chair, it is 11 o'clock. Did you possibly want to entertain a 15-minute break for yourself and the other commissioners?

Chair Apisa: Yes. Thank you. I was going to suggest that. Let us take a 15-minute break. That sounds good.

Mr. Hull: So, we will return—

Chair Apisa: We will be back—

Mr. Hull: We will be returning at 11:15. And then for the members of the public that have called in, you're more than welcome to stay on the line to listen into the meeting, but the meeting is also on the webcast web viewing on the County Kauai website. That is just at www.kauai.gov if you would rather view the meeting through there. But thank you, and we'll all see you at 11:15.

The Commission recessed this portion of the meeting at 10:58 a.m.

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

Chair Apisa: Call the meeting back to order after the recess.

(Inaudible) recess. And could we do a roll call, please?

Mr. Hull: Definitely. Roll call. Commissioner Chiba? Commissioner Chiba?

Mr. Chiba: This is Chiba. I am here.

Chair Apisa: Are back. To please, reminder to unmute your phone so we can take a roll call please.

Mr. Hull: Chiba's present. Commissioner Cox?

Ms. Cox: Here.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Here.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Here.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Here.

Mr. Hull: Commissioner Ako?

Mr. Ako: Here.

Mr. Hull: Chair Apisa?

Chair Apisa: Here.

Mr. Hull: You have a quorum, Madam Chair. 7 present.

Continued Agency Hearing

Mr. Hull: We have no Continued Agency Hearing.

New Agency Hearing

SPECIAL MANAGEMENT AREA USE PERMIT SMA(U))-2021-8) for the development of an affordable housing project involving the construction of seventeen (17) housing units containing 8 duplexes and a single-family residence, and associated site improvements involving 2 parcels in Waipouli, located along the makai side of Kuhio Highway in the vicinity of property identified as 4-870 Kuhio highway, further know as Tax Map Key: 4-3-009:051& 071, and containing a total area of 36,861 square feet= *Kauai Habitat for Humanity*. [Director's Report received, June 22, 2021.]

Mr. Hull: The next Agenda Item is the New Agency Hearing. This is now specifically on Special Management Area Use Permit SMAU2021-8 for the development of an affordable housing project involving the construction of 17 housing units containing eight duplexes and single-family residence, and associated site improvements involving two parcels in Waipouli, and located along the Makai side of Kuhio Highway in the vicinity of property identified as 4-870 Kuhio Highway, better known as Tax Map Keys: 4-3-009:051 and 071, and containing a total area of 36,861 square feet. The applicant is Kauai Habitat for Humanity.

This is the New Agency Hearing. So again, we are going to make a call for anybody who has not previously testified on the Kauai Habitat for Humanity application but would still like to testify

at this time, if you could please unmute your phone by pressing star 62 and state your name. Again, for anybody that has called into the meeting that has not previously testified for the Kauai Habitat for Humanity application but would like to testify on the application, please unmute your phone by pressing star 62 and stating your name. Hearing none. Madam Chair, with the testimony previously received, as well as the communication submitted, the Department would recommend closing the agency hearing at this time.

Chair Apisa: Do we have a motion to close the agency hearing?

Ms. Cox: I move we close the agency hearing.

Ms. Nogami Streufert: I second.

Chair Apisa: We have a - we have a motion on the floor. Do we - all in favor?

Ms. Cox: Aye.

Mr. DeGracia: Aye.

Ms. Nogami Streufert: Aye.

Ms. Otsuka: Aye.

Mr. Chiba: Aye.

Mr. Ako: Here.

Chair Apisa: Any opposed? Hearing none, the agency hearing is closed. Motion carried. 7:0.

Mr. Hull: Okay. Now, moving specifically into the Agenda Item, I'll turn it over to Romio Idica, who is our staff planner assigned for this application read the Director's report.

Staff Planner Romio Idica: Hello, everybody. Good morning, Madam Chair. And good morning, Commissioners. For your consideration, Special Management Area Use Permit SMA(U)-2021-8 for the construction of eight two-story multi-family buildings consisting of 12 three-bedroom units and five two-bedroom units, and one of these five two-bedroom units, um, is a single-family dwelling for a total of 17 units. This proposal is on two different parcels, each identified as Tax Map Key No. 4-3-009:071 lots 21 and 22, which is 17,283 square feet and Tax Map Key 4-3-009:051 lots 29 and 30 which is 19,578 square feet. The combined space of both parcels is 36,861.

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

Mr. Idica: Applicant is Kauai Habitat for Humanity Incorporated. The proposal - proposed development is located off Kuhio Highway at the intersection of Wana Road across the street from Kauai Shopping Village and Kauai Choy Village. An existing residence is located on Parcel 71. The applicant is seeking to sell parts of the residence that can be salvaged to anyone interested in purchasing it or have the residence taken down. And any usable parts will be sent to the Hanapepe Habitat Restore or reuse stores in the area. Access for this parcel will be strictly through Wana Road though egress or ingress will be off Kuhio Highway. The proposed three-bedroom units has a downstairs master bedroom, bathroom, lounging area and a two-car garage. The upstairs has two bedrooms, kitchen, living, bathroom and a lanai. The total living area is 1,052 square feet. The proposed two-bedroom unit has a downstairs and one master bedroom, bathroom, lounging area, and a two-car garage. Upstairs has another master bedroom suite along with a kitchen, dining, living, and then lanai. Total living area is 952 square feet. The single-family dwelling shares a similar layout to the two-bedroom units. As noted within the Director's Reports, these respective square footage sizes excludes the garage, stairways and lanai. The applicant intends to provide these units as affordable housing, 13 of the 17 units will be sold at 80% below the Kauai County area medium income. The remaining four units will be sold below 115% of the Kauai County's AMI. This pretty much concludes my brief summary. Before I read the Planning Department's recommendation, I would like at this time to open up if there are any questions for the applicant or myself. Thank you.

Ms. Nogami Streufert: Donna, you are muted.

Chair Apisa: Thank you very much for that. Thank you, Romeo. Any questions for the planner? Hearing none, is the applicant present?

Ms. Pimentel: Yes. This is Melanie Pimentel here, current Executive Director and along with Stephen Spears, past Executive Director and current Project Manager.

Chair Apisa: Do you have anything to add to the report? Anything you would like to tell the Commissioners.

Ms. Pimentel: Yes. I will, kind of, at the - there were noted some concerns on the coverage area on previous testimonies. Our proposed project is covering 54% of the total area.

Mr. Spears: Where it is permitted to be 90%.

Ms. Pimentel: And then to clarify, according to an evidence by the Planning Director's Report, the proposed site is not in the visitor destination area. We are well within the R-20 zoning regulations certainly according and appropriate to the recently updated, uh, General Plan Update. And other than that, uh, not project specific, just certainly trying to point out again the huge need across our island for housing. Our Kapa'a area alone is about 570 people that have put their names on our mailing list interested to buy with Habitat. Within 10 miles, another thousand plus within 10 miles of the proposed site interested to buy with Habitat. So, certainly a need. And while our previous projects have happened to be located right near schools, with affordable housing, the priorities really are with not necessarily school locations but communities of opportunity with certainly the Waipouli area as proposed presents that huge community of

opportunity for our local workforce within access - walkable access certainly to some 5,000 and more jobs in the area.

Chair Apisa: Thank you.

Mr. Spears: I could say just to address some of the concerns that, it appears most of the concerns have come from Kailani and I actually read over the report and there were a couple of things that visitor's director, visitor's destination area is not owned. Also, when it comes to the ironwood trees, there were concerned about the view plan and we are actually leaving as many of those as possible but there will be required to remove some because there's code as far as how far they can be from sewer lines to go through on water lines. And also, what they call to plain around driveways. So, I think we addressed most of these cases but, so, yeah. So, we believe that, you know, as the Planning Report pointed out that this is the exact type of development that was requested by the General Plan. So it's - we're asking for no exemptions, no special exemptions, and we have followed all the protocol for timing and all the research. Timing, I know there was concerns for people that are not necessarily familiar with planning and developing on Kauai but it takes a long time. So, there was no agenda taking a long time to develop the project. It's a matter of getting permission. So, there's a lot of construction into the (inaudible) and everything, so.

Mr. Doug Haigh: Good morning, Commissioners. This is Doug Haigh; I believe I was invited to this meeting as part of Habitat I have been on the board for many years. I am currently the President of the Board. And as a disclaimer, I am the Chief of the Building Division and the Kauai Intern Flood Manager. This is a super project and I just want to give a big Mahalo to Dr. Fujii, for his generosity and patience to help us go through this project. I worked with him when we were doing the bike path in the area and he was always very community-minded and helpful. And a big Mahalo to Melanie and Steve, our staff at Habitat are so excellent in bringing these projects together and in considering everything and moving forward in a responsible manner. I did hear some of the complaints and I was surprised that I was surprised to hear from the neighbors. But, you know, that's what we expect. The drainage issues, we have one of the premier civil engineers with, drainage experience as our civil engineer, Esaki Engineering, and they will be working with the County of Kauai Engineering Division making sure that all the drainage issues are addressed appropriately and clearly building division issues will be addressed appropriately too. So, I just want to say thank you so much for considering this project and I am personally looking forward to it because this is one that's close to home that I can go down and volunteer and swing my hammer. Thank you.

Chair Apisa: Thank you very much too all three of you. Commissioners, any questions for the applicant.

Ms. Nogami-Streufert: Yes, if I could. This is Glenda Nogami-Streufert. I have heard the concerns of the residents around the area and it appears as though they do not have all the documents that we on the Commission may have. One of the issues that has come up frequently in, of the written as well as the oral testimony is the lack of planning - or not lack of planning, I am sorry. Lack of parking. But the documents that we have indicate that each unit will have a garage with two parking spaces in it. Could you address that? And if that is inaccurate, would

you correct that? If that is accurate, would you affirm that? Because that may take away some of the concerns that the residents have about parking and the availability of it for the residents. Thank you.

Ms. Pimentel: Yes. Thanks, Commissioner. It is accurate that there will be two allotted spaces beneath each unit in the garage.

Mr. Spears: On the plans, the original plans submitted, it did show a two-car garage, but it did not in any verbiage specifically say there were two parking spaces. So, I think, uh, probably it was missed when there was a review of the original documents by - that was out on the website.

Ms. Nogami-Streufert: And you are having sewer, you are going to be attached to a County sewer systems, that is part of, that's (inaudible).

Mr. Spears: Yes. As a matter of fact, there is a what they call a lateral a stub out that was already into the property. We will not even have to go into the county road. So, the sewer was already there waiting for us. The water meters are approved and, of course, the zoning is appropriate for the area.

Ms. Nogami-Streufert: That was just to clarify for the people who may not have gotten the information. Thank you. I do think that Habitat for Humanity (inaudible) so we're going to hear both sides but I want to make sure that I repeat this, the neighborhood is aware of some of the kinds of details that they may not have known prior to this and so I wanted to get that information. So, thank you very much.

Chair Apisa: Glenda, I am not sure, your speaker has been in and out. I think we could hear you but it was in and out a couple times.

Ms. Nogami-Streufert: That is probably for the better. Thank you. But if you haven't heard anything that I'm saying and if you need more information on what I was saying, I will be more than happy to do that. But essentially, all I was doing was to ask the Habitat for Humanity to clarify some of the - some of the issues or to clarify their perspective of what the neighbors are seeing as some of the issues. Because we did get information on a lot of this but it may not have gotten out to the public, but I wanted to make sure that their concerns have been met or at least are met. So, thank you very much for the information. And ready to go.

Chair Apisa: Thank you. I do have a question, is there any additional guest parking or just onsite parking beyond the garage?

Mr. Spears: Yeah, currently there no additional guest parking, but we actually have come up with a design or actually make the buildings a little bit skinnier so there'll be less lot coverage. And it's very possible that there could be possibly two guest parking spaces put in if we reduce the size of the units a little bit, which is currently on there, the plot plan does not reflect, um, a little bit smaller unit size. Romio you did quote the proper square footage but actually that the plot plan originally is a 24-foot-wide building and actually the buildings are now 22-foot wide for the three-bedroom and 21-foot wide for the two. So, it's very possible we could add an

additional one or two guest parking spaces. Right where the key of the road comes in, so it'd be like driving straight in, between the buildings could be spread out farther if that is - I'm sure that would be acceptable to the Planning Department. But that - after the concerns about that, I looked at the planning today and thought it has possible that we could add those if appropriate since that's such a concern.

Chair Apisa: Thank you. Commissioners, any other questions for the applicant?

Ms. Cox: Yes, I have a question but I do not know if it is really even just for the applicant. But, we did get supplemental information from Ruby Patt recommending that the habitable buildings be raised because of sea level rise. I am just wondering, first of all, if Habitat got that information and secondly, the County's response to that.

Mr. Idica: On this particular site it is, has a potential for impact for high-wave annual run-up but it's located about south - southwest of the property and the development itself is not in the sea rise - sea level rise exposure area. But in order to again, mitigate this potential impacts, we are asking for the consideration of the applicant to maybe raise it up a little bit more than what is the recommend to building code.

Ms. Cox: Thank you. And Habitat, were you aware?

Mr. Spears: I was not, we originally made the buildings two-story so that we can have one, parking underneath and two, to actually have it elevated. And we do have one room. Uh, basically there's some building down below but that could be raised up to where there's going to be area. But basically, as it was stated, the three and a half years, even the high wave really does not, connect to the buildings. Even the sea level rise, it's not really an issue.

Ms. Cox: Yeah. I understand. I am cautious only because every time new recommendations or new information comes in, we seem to be speeding up the process with sea level rise and high waves. And so, that's why it's worth talking about and probably worth trying to do what we can when we build new buildings to mitigate that.

Mr. Spears: Yes. Yes.

Mr. Hull: Yeah. And Commissioner Cox and to the applicant unit. So, just to highlight on Romio's statements, right, when we made a thorough assessment in the beginning of the application when we received it. That way we determined indeed it's out of projected sea level rise impact areas which we felt was appropriate and then therefore good. With sea grab was just kind of raising up in their comments to the application is just - even given that they're outside of it just - and just because of its proximity to the coastline saying that the applicant should consider looking at possibly raising that one portion of the structure that is on grade. And without any further data, it's hard for us to recommend to the Commission to mandate a raising up because then what is it? Is it one foot, is it two feet, is it four feet? But in our recommendation to you folks, we do feel it's appropriate for the applicant to strongly consider outside of this application to going further to raise that one structure a bit higher. But that's just as far as we're willing to go given the data that we have.

Ms. Cox: Thank you.

Ms. Pimentel: Stephen can address more on this issue, if that's all right.

Mr. Spears: Given that, we had actually looked at that and decided even back in the beginning that we have looked at ways to raise up the bottom floor possibly. We have looked at the engineering of it so far. We have not - that is not part of the plan that was submitted but that would be something that, we are way from the height limit, I believe. We are 24 feet and I thought I read somewhere it's almost 40 feet in that area. To me, that's a very high rise. And so, we could raise one or two feet which is very possible because we've looked to the long-term benefit of the families so we're not there to build and leave and cash in. We are not the cash-in model. We're the ones looking for 80 years from now what's it's like (inaudible) that's already been - we're investigating that further. Yes.

Ms. Pimentel: Thanks, Stephen.

Mr. Spears: Yes.

Ms. Nogami-Streufert: There is one more concern that I have and it came from the Fire Department. And, when you're looking at the margin bases, would you please be sure that access for emergency vehicles, because as we start putting more spaces for guest parking then you may decrease the amount of space for maneuvering of the emergency vehicles. We know that tight space like this, you might want to be aware that those kind of things have been happening.

Mr. Spears: Yes. I think it was the same. I do not believe that they recognized that there was parking underneath the buildings because there, the best are, on the plans that were submitted, there is no place for parking that would impede the Fire Departments. No, there's no—

Ms. Nogami-Streufert: Right.

Mr. Spears: ...in the plan, there's no plan for people to park there where it would impede it.

Ms. Nogami Streufert: And I think that was part of the problem, the neighbors, they did not see where the parking was (inaudible).

Mr. Spears: Yes. That was, it was not clear, it was clearly stated in one place but it was not verbally, you know, summarized, it was not verbally summarized the number of parking spaces. It was in the Planning Report but not in our original report. Yes.

Ms. Cox: I have one other, that's it, I don't want to confuse it because I don't think this is Habitat's responsibility at all. But we heard a lot of concern about the egress and ingress on Wana Road. So, this is really more for the Planning Department. And I know even you don't have that, you know, I was just wondering, are there any, is there anything that the, concerns that the neighbors have about that, the congestion? Is there anything we should be saying to them that

helps mitigate this? And, again, I don't think this is Habitat's kuliana at all. But it came up again and again and again so—

Mr. Hull: In fact, Ms. Cox, the application, we generally rely on either our County Engineers or, in certain scenarios, the Department of Transportation engineers to assess the need for improvements, to assess the need for a traffic impact analysis report, and so, the application was referred to both the County Engineering Agency as well as the State Department of Transportation. And both did not feel that for either the impacts to that local road or to the impacts to the State Highways that a TIAR was necessary or further improvements were necessary.

Ms. Cox: Okay. And, again, I would say that this is not, I don't think it's the 17 units that are the problem. The problem is there already is congestion, we all know that, and it is interesting that I mean, I totally agree that the impact of Habitat should not be considered here. However, the congestion that the neighbors are reporting not on the small road but on Kauai highway is real. So, I want to acknowledge that.

Mr. Hull: Yeah. And obviously, I think, you know, our review of it as well as the Department of Transportation as well as public parks with their no comment on that particular issue. You know, it was our determination that in complete agreement in Commissioner Cox, there is significant traffic congestion on that highway. The amount of vehicular traffic that this particular project is going to create is negligible small on them, minimal at that. So, looking at that as a reason to deny the application, the Department did not agree.

Ms. Cox: And I totally agree. And I also think that the placement of this is absolutely right because of the ability to bike, walk, you know, get to places for jobs and for groceries and for things like that. So, I agree, it's going to have minimal impact. And those, as pointed out by a number of the people who testified, these folks already live in the community. Their cars are already there. They might not be right in that neighborhood but they are there already so we are not talking about adding things.

Chair Apisa: Thank you very much. Are there any further questions?

Mr. Ako: I have a question, Chair Apisa, if I can ask.

Chair Apisa: Please. Yes, please.

Mr. Ako: Oh, wait no, sorry. Yeah. You know, first of all, I think I'd like to just congratulate you guys for the respect that the community has for you folks because I don't think anybody really is doubting the worth of the project itself and the worth of the work that you have done in the past. And I think, yeah, I think some of the questions that come up has to do with I think one communicating, they didn't feel they had the right information, and they didn't feel like they had the information on time, that density was an issue out there, too. And I think it's clear, they wouldn't get impacted by, I guess, the question is how much, I think they're impacted by and then worth of housing that's out there. But I think - my question is, how did you communicate this with the, I guess, the residents of the Kailani - Kauai Kailani estate and, I don't know,

whether there's room for talks - more talks starting with them to kind of ease some of the concerns that they have. Yeah. I think that will be my question to, I don't know, the applicant.

Mr. Spears: So, I guess, in the process with the SMA, we followed - there is certain rules as far as timing, as far as sending stuff out. As a matter of fact, I think we sent out items 10 days before they're required, so we did not stall and put it out at the last minute. But the thing with this process is that we are not asking for any exemptions, the land is already zoned. It's the appropriate land use. And so, I think, often, there - if we have all these other circumstances, if we were trying to build in an area that was not zoned asking for exemptions, then I think the time periods are longer. But I don't really know because we just met all of the needs. As a matter of fact, we exceeded them. So we followed the procedures. There's nothing - there was nothing special to look at here other than the SMA process and we - and we followed that. You got something to add to that, Doug.

Mr. Ako: I was just wondering whether you saw that any other possibility that, you know, of the concerns that they have could be mitigated.

Mr. Haigh: This is Doug Haigh. And I'll speak for my experience of working with the partner associations, with projects, even non-controversial projects like bike paths. And those organizations are a challenge because it's a diverse group of people making up the organization. And there's - typically, I find there's different points of view within those organizations. And so, you talk with one, you come to agreement, and then, things change. And I don't think there's really an opportunity for Habitat to convince them. And I don't see further intimate discussion with the condominium would address their issues. You know, they would much rather have millionaires moving into that property than working class Kauai people. And the traffic issues, you know, that's always a Kapa'a issue. Our density compared to their density, you know, it's kind of funny that they are using that as an argument when they're so much more dense. They are having problems with the beach in front of them because of actions they have taken. So, I'm sorry, I'm being defensive, but I just don't see that there's really an opportunity to have them come on board and give public support for the project.

Mr. Ako: Okay. Thank you.

Chair Apisa: Are there any further comments or questions? Commissioners? Okay. I think we are ready for the conclusion or recommendation from our planner.

Mr. Idica: Thank you. Based on the foregoing Evaluation and Conclusion, it is hereby recommended Special Management Area use permit SMA (U)-2021-8 to be approved with the Conditions of approval stated within the director's report. Thank you.

Chair Apisa: Any final questions or comments from the commissioners or are we ready to make a vote.

Mr. Hull: I'll also add just for clarification, that the Department's Recommendation includes a supplemental amended or I should say updated additional Conditions of approval concerning notification of tenants of possible hazards in the area and consideration to the elevation.

Mr. Idica: Thank you, Kaaina.

Chair Apisa: I move to approve the Special Management Area use permit SMA (U)-2021-8 as amended with amended conditions.

Ms. Cox: I second that motion.

Chair Apisa: Thank you. We have a motion on the floor. Do we have all in favor in support of this Use Permit?

Mr. Hull: Madam Chair, you might want to ask for any last discussion points.

Chair Apisa: Yes, Thank you. Are there any last discussion points that anyone would like to make? There usually are none, but I know it's a step I shouldn't commit. Thank you. Okay. Hearing none, are we ready for the vote? I would like to take a roll call.

Mr. Hull: We will roll call, Madam Chair. For motion to approve as recommended, Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami Streufert: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion passes, Madam Chair. 7:0.

Continued Public Hearing

Proposed Amendment to the “Interpretive Administrative Zoning Rules and Regulations (2014) of the Kauai Planning Commission,” Relating to Chapters 8, 9, and 10 of the Kauai County Code (1987), Relating to Development Standards for Guest Houses = Kauai Planning Department. [Director’s Report received, hearing continued 3/9/2021, hearing continued 4/13/2021.]

Mr. Hull: Moving on to the next agenda item, we have Agenda Item three, Continued Public Hearing for proposed amendment to the interpretative administrative zoning rules and regulations 2014 of the Kauai Planning Commission related to Chapters 8, 9, and 10 of the Kauai County code relating to development standards for guest houses. County Kauai Planning Department is the applicant. This is essentially the draft rule of the Department spun up somewhat in response to the recent or previous amendment to the guest house allowing kitchens in the guest houses now and some, you know, let’s say, areas of ambiguity that the Department has to function under to assess the 500 square foot maximum requirement for guest houses. Like I said, we did - with the small business - we asked for a deferral several months ago with the ticket to the Small Business Regulatory Review Board.

Ultimately, it’s determined that this proposed draft rule - these proposed draft rules would not have any impact on small businesses. And so, we thought that - sorry, Commissioners, we thought we’d be ready for action today but it’s - with some administrative issues going on concerning how guest houses are attached to single family dwellings without having that option, there have been some issues recently brought to light about how we calculate the 500 square feet if there is an interior connection to an existing single-family dwelling. And so, I’m going to actually ask for another two-month deferral ultimately for this item to be moved to the September 14th Planning Commission agenda. We are here for any questions, concerns, input but ultimately, we are asking for a deferral on that.

Chair Apisa: Thank you. Would we still hear - is there a planner? I mean, we can hear further, about it or we just go right with deferral?

Mr. Hull: I kind of pinpoint on this particular project at this - at this point in time. So, you know, that was kind of my summary and synopsis of it. But if you guys have questions for me, I’m here for any questions or concerns.

Chair Apisa: I guess, I would start it off with a question. Most guest houses that I’m - I should say all guest houses that I’m familiar with are detached single buildings. So, apparently, there are some that are attached, is that correct?

Mr. Hull: So, I’ll say that’s some of the stuff that’s coming up at our internal discussions is that as a matter of course, the Department has, from an implementation standpoint, require all guest houses to be detached from the primary dwelling. And some challenges that we’ve met in the recent past of applicants wanting to actually attach them to a single-family dwelling. There’s actually no written rules or laws stating that they have to be detached. So, there’s practice that the Department has held for so - for close to, you know, 50 some odd years now is now being

challenged to a certain degree and there's nothing actually to say that it should or shouldn't be attached. And then, quite honestly, while there is some implementation gray areas of allowing it to be attached, I'll say philosophically and tentatively the Department is - or at least I am, supportive of allowing it to be attached if it's able to, say, reduce cost, right? Much of the guest house approach in the kitchens and the ability to use guest house for tenants is to address the housing crisis going on in Kauai right now. And it may not be, you know, as much to say a water meter or septic system but having shared wall construction can reduce cost. And so, we're open to that. We are trying to figure out how we can actually implement it and provide clear rules in the draft rules to have builders or property owners follow. But that's kind of where we are now, Madam Chair.

Chair Apisa: Thank you. Question, would that then be considered a duplex?

Mr. Hull: In - as a philosophical question, whether or not a guest house with a kitchen constitutes a dwelling unit, in form and function it definitely does - for legal density issues it doesn't. So, you know (inaudible) but I'm not sure if we will officially label it a duplex.

Chair Apisa: Okay. Thank you. Any other questions from the Commissioners? Comments? Hearing none, would someone like to make a motion on this matter?

Mr. Hull: Sorry Madam Chair, just realizing that I kind of jumped right into there. If you would, you know, provide me just one minute to call for any public testimony being that this is still technically a public hearing.

Chair Apisa: Yes, good point. Thank you.

Mr. Hull: Thank you. Sorry. For members of the public that have called in, and nobody previously testified on the guest rules but if any member of the public has called in to testify on the draft interpretative administrative rules concerning guest houses and you'd like to testify now, please press star 62 to unmute your phone and state your name. Last call, if anybody, again, would like to testify on the administrative rules for guesthouses will please press star 62 to unmute your phone and state your name. Hearing none, Madam Chair, the Department will recommend deferring the public hearing to September 14, 2021.

Chair Apisa: Commissioners. Any last questions or comments? Hearing none, would someone like to make a motion?

Ms. Otsuka: I'd like to make a motion for applicant County of Kauai Planning Department regarding guest houses, I make a motion to allow a two-month deferral and move this to September 14, 2021 meeting.

Ms. Cox: I second that motion.

Chair Apisa: We have a first and a second. Any questions or comments on the motion? Okay. The motion is to defer County Chapters 8, 9, and 10, the County Code 1987 relating to development status for guesthouses to our September 14, 2021 meeting. All in favor?

Ms. Cox: Aye.

Mr. Ako: Aye.

Chair Apisa: Roll call - maybe a (inaudible), Kaaina.

Mr. Hull: Definitely. Well—

Ms. Nogami Streufert: Before we - can I - is this to continue the public hearing or is this consideration of the (inaudible)?

Mr. Hull: Thank you, Commissioner Streufert. So, for zoning permit entitlements where you have use permits or SMA permits, the agency hearing, and the consideration of the actual item are two separate agenda items. Where you have a quasi-judicial situation like you do have now with either draft administrative rules or zoning amendments, the public hearing and the actual policy itself are one and the same agenda item. So, the motion to defer the public hearing also defers the, um - sorry - also defers the overall consideration of it - and Jodi is whispering in my ear - it's quasi legislative when you're looking at the policies and quasi-judicial when you're looking at the permits.

Ms. Nogami-Streufert: Okay. Thank you.

Chair Apisa: Are there any other questions or comments before we go to vote?

Ms. Nogami-Streufert: Nothing.

Chair Apisa: Roll call, please, Kaaina.

Mr. Hull: Oh, sorry. Roll call. Motion to defer, Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami Streufert: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion to defer passes, Madam Chair. 7:0.

Chair Apisa: Thank you.

New Public Hearing

ZA-2021-2: A bill (2822) for an ordinance amending Chapter 8, Kauai County code 1987, as amended, relating to Transient Accommodations. The proposal amends various articles of the Comprehensive Zoning Ordinance (CZO) relating to transient accommodations = Kauai County Council.

Mr. Hull: Moving on to the next agenda item, zoning amendment 2021-2 for an ordinance amending Chapter 8, County of Kauai code 1987, as amended relating to Transient Accommodations. The proposal amends various articles of the comprehensive zoning ordinance related to transient accommodations and the applicant is the Kauai County Council. Before I turn it over to Marisa being that this is also a public hearing technically, for those members of the public that have called in, if you have not previously testified on this zoning amendment but would like to testify on the zoning amendment concerning transient accommodation, please unmute your phone by pressing star 62 and state your name. Again, if anybody that has called in as a member of the public that has not previously testified on the zoning amendment for transient accommodations and the chapter eight Kauai County Code and you'd like to testify at this time, please unmute your phone by pressing star 62 and state your name. With that, I'll turn the rest of the presentation over to Marisa Valenciano who's our planner assigned to this particular item. Thanks, Marisa.

Staff Planner Marisa Valenciano: Good afternoon, Madam Chair and members of the Commission. I will go ahead and present a summarized version of my Director's Report.

Ms. Valenciano read the Project Description and Use, Additional Findings, and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Ms. Valenciano: The action before you is consideration of an ordinance to amend Chapter 8 of the Kauai County Code 1987 as amended relating to transient accommodations. The applicant is the Kauai County Council, and a zoning amendment is triggered for changing the text in the

existing code. To the description of the amendment, the proposed legislation amends portions of the Kauai County Code by addressing the following. First, it updates the definitions of undeveloped campgrounds and developed campgrounds to further distinguish the difference between the two uses. Second, it amends the use table to prohibit the use of developed campgrounds in the open zoning district and the agriculture zoning district. Third, it amends the use table to outright permits, develop campgrounds in the resort zoning district and the general commercial zoning district. And finally, it adds new language to clarify that developed campgrounds are prohibited in the open agriculture and resident zoning districts.

It should be noted that the proposed legislation attached as Exhibit A of the Director's Report represents the Planning Department's version of the original draft that was submitted by the County Council. In the Director's Report, there is a table that shows the comparison between the existing comprehensive zoning ordinance and the proposed changes in the Council and the Department's draft bill. The only major difference between the Department and the Council version is that the Department version does not amend Section E-17 related to time sharing and transient vacation rentals as this section will be addressed in a future draft bill. Under amendment justification, the primary function of the draft bill is to prohibit developed campgrounds in the open and agricultural zoning districts, restricting transient accommodation uses in these areas will further preserve open spaces and scenic corridors, which contribute to our island's natural beauty.

The secondary function of the draft bill is to allow developed campgrounds in the resort and general commercial zoning districts where transient accommodation uses are appropriate and outright permitted uses. In evaluating the proposed amendment, the following aspects should be taken into consideration. The proposed request is to be evaluated pursuant to Section 8-3.4D of the Kauai County Code. In considering an amendment, the Planning Commission shall consider the purposes of the existing and the proposed changes to the zoning ordinates. A change in the zoning map or text shall not be made unless the change will further the public necessity and convenience and the general welfare. The proposed legislation before you will promote the public necessity and convenience and the general welfare by managing growth and preserving growth areas.

In terms of the general plan, the proposed bill is in alignment with the following goals and policies of the (inaudible) upon which emphasize the protection and preservation of Kauai's natural beauty. In the May Director's Report I outline that the proposed legislation meets the goal - number one of unique and beautiful place, policy number one manage growth to preserve rural character, policy 8 of protecting Kauai scenic beauty, and policy 11 helping agricultural lands be productive. As set forth in the general plan, the protection of open space and scenic view corridors is what makes Kauai a unique and beautiful place to live and to visit. Therefore, growth must be managed to preserve our rural character. Although developed campgrounds are currently allowed in the open and agriculture zoning districts, such uses are no longer appropriate in these areas and better directed in urban areas such as in the resort and the commercial general zoning districts.

This proposed bill will allow developed campgrounds to be consistent with transient accommodations, which are uses that are allowed within the resort and commercial general zoning districts. As mentioned earlier, in contrast to the County Council draft bill, the

Department's draft bill focuses only on the campground aspects and does not address the transient vacation rental sections, which require further assessment and analysis. The administration intends to work with the County Council on possible further vacation rental modifications in the future. So this concludes my summary of the Director's Report and before we go into questions, I would like to turn it over the Planning Director to provide more contexts on the Planning Department's recommendation.

Mr. Hull: Thanks, Marisa. Yeah, so I think before the deliberations occur or if you have further questions, I'd also like to just frame this discussion a bit with some context. I think, you know, the policy before you vote is an island-wide policy that is looking at whether or not transient accommodations particularly as they are proposed in the campground fashion, be permissible or prohibited on either, the agricultural and open zoning districts. The elephant in the room, of course, and was spoken to somewhat definitely during the public testimonies, this is being introduced in the shadow of a proposal in Princeville to have a developed campground on - within the open zoning district. Albeit, the open zoning district within the visitor destination are but the open zoning district.

And so, our analysis, our assessment is done on an island-wide approach. We're not doing it as, you know, as it pertains specifically to a particular application that may come before you folks at a future date. I can say this that if there is - we ultimately are asking for deferral because, one, the original proposal had also to do with vacation rentals. Not just campground but vacation rentals in the open and agricultural district. And we are recommending amendment toward that because we think it's appropriate that if the primary thrust of this bill is developed campgrounds, we should not be addressing transient vacation rentals in the open or ag districts at this time. Not that it should be at later time, it's just there are vacation rentals in the open zoning district - visitor destination area (2A).

And so, we also use this bill to prohibit those types of uses. Quite honestly, this bill is going to get stuck here for some time because we're going to have to figure out how you implement a non-confirming new certificate program for the open VDA district much in the way that the average certificate program currently are occurring. And that does take a lot of resources, time, and commitment. I mentioned this to the introducers of this bill and they seem to have no objection because they did convey that their primary thoughts is concerning developed campgrounds. So that's one of the main reasons we're asking for a deferral is, one, to thoroughly vet and further vet this vacation rental industry issue. But then secondly to, I think, Councilmember Cowden did speak particularly about ag and, you know, the ability to have certain farm uses occur.

The Department will be looking at and adjusting that potential capacity as well because right now it's recommending that the developed campground will be removed from the agriculture district in addition to the open district. So we're just weighing how the ag can possibly be addressed in this proposal. I'm not sure if it can. I can honestly tell you folks that on average the Department gets four, five, developed campground applications or proposals, I should say, a year. And virtually, every single one of them, we have told, you can apply for these. The Department will not be supporting you unless you can demonstrate a strong nexus between your transient accommodation and agricultural cultivation and production. Virtually, every single one

has walked in the door has not been able to do it and has decided to decline on actually applying knowing that we'd be recommending denial on it. I can say - I'm not sure what the total input of this is, whether it was the application being proposed in Princeville, whether it was this bill, whether it's just glamping, coming into the site zeitgeist of the tourism industry. I'm not sure. But over the past six months, we are receiving roughly four to five applications for glamping type proposals in the agricultural district.

Right now, it is a storm of applications that are coming in. Virtually, all of them were giving the same - excuse me, were giving the same review and stating you can apply to get all your documents in order. But ultimately the Department will be recommending denial because these are all in the agriculture district and unless you can demonstrate a strong nexus between your transient accommodations of ag production, we're not going to recommend it. So there have been coming in, a fair amount but then walking out. So, I do feel that there is a sense of urgency of having some action taken. But ultimately, we do need time to assess, work with both the transient accommodation industry, perhaps farmers, further review internally, work with our attorneys to really get the best bill that approaches no matter what policy concerning transient accommodations and/or campgrounds in the open zoning district and possibly agriculture district.

And so, I'd like to last say before asking you guys for a discussion is there were - was a number of testimonies stating the Commission needs to act on this now to close the loophole if you will or the ability for the Princeville application to come in and, kind of, end it here to just preemptively shut that - shut that application down. I can say the Department has received a tentative application for that operation. It was ultimately not accepted because it was deemed incomplete and needed additional documentation. I can say the application that we received would only take a few more weeks really to update and get before the Planning Department where we would have to accept it. And, you know, whether you guys took action to send this up to Council today or you allowed us to have a little more time to work on it, it's still going to take a minimum of two months of the Council to get reviewed before they can take action on it. So, for all intents and purposes, more than likely the Princeville glamping application, so to speak, glamping application that has been in the media for some time now, more than likely is going to get in before the Council is ever able to take action and prevent any allocation of that sort.

So, I would strongly encourage the Commission not to treat this as a gun to your head to need to take action now. I think we definitely need additional time to further vet and further review the proposal on the table, but then maybe if you folks do feel that you do want to send this up to Council and it is - it is all meeting your level of appropriateness that, of course, we completely defer to that. But I just want to frame that the - regardless of this action by commission happening today or in two months, the application for the Princeville site is more than likely going to get submitted well ahead of time, or at least before Council's able to take action. So I'll leave you folks with those but, of course, Marisa and I here are absolutely here to take questions, concerns, issues, because we avail ourselves to that.

Chair Apisa: Thank you. Questions or comments from the Commissioners?

Ms. Cox: One of the things we heard from a testimony - maybe because they knew of this issue, I don't know, was asking for a moratorium. Could you speak to that option?

Mr. Hull: Well, a moratorium has recently been proposed at Maui County on resort development. It's not something that the Department has fully assessed or analyzed. There are definitely some Constitutional issues, the last version of a moratorium that Kauai passed was about - accommodations and the courts ultimately overturned that. So, I can't speak specifically on moratorium, but if there is any interest or discussion along amongst - because that's something you definitely have to pull Laura into and then, yes.

Chair Apisa: Are there any further questions or comments?

Mr. Ako: I have a question, Kaaina. Do you know if there is a moratorium that is being discussed or should be implemented, is that a Commission decision or is that a Departmental decision?

Mr. Hull: It definitely, Commissioner Ako, it definitely could not be implemented unilaterally by the Department or by the administration. There will have to be some type of legislative action by the County Council or the electorate. Whether or not it could be initiated at the Planning Commission, being that the Planning Commission oversees development rights, I think there is a possibility of that but I would have to defer to Laura on that - on that aspect.

Mr. Ako: Got it. Thank you.

Ms. Laura Barzilai: Excuse me, Chair. It's Laura, County Attorney's Office. One of the issues here is that the Commission is not inherently imbued with the authority to enact a moratorium and could make a proposal that could come up to Council. But as Director Hull was saying, there are constitutional issues related to this particular matter, particularly since there is a pending application for the Department for the facility in Princeville and the moratorium is targeted and specifically asked to be addressed to the facility in Princeville. If, in fact, Commissioners wanted to pursue this in executive session, perhaps the Chair would like to entertain a motion on that after you ask additional questions and flush out more issues.

Chair Apisa: Thank you.

Mr. Hull: Thanks. And then - and let me just - as Laura pointed that out. Just want to clarify too, sometimes I can get ahead of myself and just for clarification sake, if what the bill you folks are reviewing right now is ultimately adopted, prohibiting developed campgrounds in the open zoning district is adopted then indeed - we couldn't - the Planning Department Planning Commission would never entertain a proposal for that. But if an applicant submits, say an application for a developed campground, and currently they're allowed to occur via use permit in the open zoning district, and the very next day the Council adopts a prohibition, that application is vested and then there was like - some of the members of the public made a statement, is vested under the old system and will have to be reviewed by the Planning Commission. The - and sorry if I did not explain that in totality earlier. It would vest the right for them to be reviewed under the existing system that allows them via use of permit, but that's why I was just, kind of, trying

to point out is it's going to take at least at a minimum two months for Council to take action on it. And in that timeframe, more than likely, I think we can anticipate an application - a complete application being submitted to the Department and therefore having to be processed by the Planning Commission.

Ms. Nogami-Streufert: And if I understand that correctly, regardless of what - whether the Commission approves this or not, if an application comes in because we can't - within the next two months or whatever timeframe, even if we were to approve this now, it wouldn't have any effect anyway because it still has to go through a Council, correct?

Mr. Hull: Correct. If - if the application - if the application and like I was saying, from the applications we have seen tentatively, they are going to get it in.

Ms. Nogami-Streufert: But if we then approve this and it does not stand up to any kind of review then we end up with a situation where we have many contested cases.

Mr. Hull: Well, my biggest concern, quite honestly - well, yes, Commissioner Streufert, it is - there can be a lot of conflict later on. My biggest concern is there is a lot of moving parts in this bill. If we send it up right now to the County Council and we get queries on various aspects of it and we don't have the final answer for it today, but we have an answer that some Council members don't agree with up in Council and they want to make amendments, what then happens is the County Attorney's Office has to review whether or not those amendments are substantial in nature. And if they deem them substantial in nature, they send it back to the Planning Commission further delaying and deferring the process.

Ms. Nogami-Streufert: It seems to me that if we have a deferral of two months then the Planning Department may have enough time to develop this more fully, so that it will withstand any kind of review. Is that correct?

Mr. Hull: I would agree with that sentiment. It still has to go and be reviewed by the Council but I think it will stand any - I think right now there's a strong possibility that one (inaudible) if we were to send it up today that the Department would have some, you know, objections later on. I cannot say what they are right now but will have some objections later on that could necessitate Council resending it back to Commission to re-review.

Ms. Cox: So basically, I'm just trying to understand the timing, so if the idea would have been to not just prohibit this particular glamping proposal but any developed campground proposal without the due process. I mean, if it was just prohibited, this - that would have had to be asked for several months ago in order to have time to go through us and then through Council and hopefully not come back to us. Is that correct?

Mr. Hull: In a way, Commissioner Cox, you know, the Department has always want - not always but in scenarios like this, this is not a lone case scenario where Council proposes a bill that addresses a particular controversial issue. But in the process of that policy being vetted, at the Planning Commission and up at Council, a whole bunch of applications come in and, in fact, because - part and parcel because the bill has been - a bill has been proposed to prohibit a

particular use, a bunch of applications start flooding in to try and get in under the old system. This is very emblematic of what happened with the vacation rental bill when the prohibition went into place. Hundreds or thousands went into the Planning Department when we looked at the homestay operations or bed-and-breakfasts when it was introduced to the Council to prohibit bed-and-breakfasts. Another rush of applicants came in and they were all vested for the most part before the bill could actually get enacted. So, this is very what - somewhat similar to that in the prohibition on glamping or should I say developed campgrounds in the ag and open district has stymied to a certain degree, a lot of applications coming in. In this scenario because almost all of them are in the agriculture district, we are able to say, we're not going to recommend approval because of this nexus. And so, so far almost all of them have said, I'm not going down that path, with the exception at least that we're aware of - of the Princeville application that we understand the application is still working on it and then to a certain degree we haven't signaled to them that there are agriculture nexus because it's not in the agriculture district.

Mr. Ako: Kaaina, can you help me understand - I'm kind of getting lost now. What does it mean to tentatively approve and defer pending further analysis? And is there a timeframe in terms of when we defer to or that's dependent upon your research?

Mr. Hull: So, yeah, sorry, Commissioner Ako, perhaps using that the word tentative might a little bit confusing being that there is tentative action in subdivision. All I'm saying is that with our review of this zoning amendment, this policy, if you will, philosophically we're in agreement with things that have arisen, possible lawsuits with vacation rentals in the open district particularly concerns in the agriculture district and how campgrounds may or may not be used. While we are philosophically in agreement with the way that the bill has been proposed, we'd just like additional time to fully iron out our final recommendation to you folks. And then where in land use entitlements like permits which Jodi will remind me are quasi-judicial actions by the Planning Commission, those do have hard and fast timelines because the applicant has their due process rights. They have the right to have somewhat of a judicious and somewhat expedient review by the policy or by the Planning Commission - you folks. While as a quasi-legislative action where it's just essentially a policy change, a law change, there is no specific timeline. The Department does not want to drag this on because like I said we're holding the door on a lot of applications we don't feel are appropriate so we would like some type of action, but would like a little bit additional time to further vet out some of the issues.

Chair Apisa: Kaaina, how much time do you think you need?

Mr. Hull: The Department is asking for a deferral until September 14. I mean, and you know, I think - I'll leave at that. I think there may be some Commissioners who may want to take action and this is just our recommendation if some of the Commissioners or the Commissioners as a whole feels, nope, you guys are in agreement, you guys are fine with our tentative recommendation and want to send it up to Council today that is a - that is a viable option for you folks.

Ms. Cox: But Kaaina, you're saying that even if we did that, it won't get through Council in time to stop this and other - any other - I mean, you've got - you said there are a lots of other

people asking about this and maybe working on proposals for developed campgrounds. So it still doesn't stop any developed campground proposals coming in under the wire, right?

Mr. Hull: In theory, it could stop those that are still trying to find land and trying to, you know, establish a use agreement with landowners or what have you. In theory, it could stop those. And you know, not to speak completely bluntly, Commissioner Cox, I can't look in the crystal ball and give you a guarantee. (Inaudible) stop the principal application from coming in and forcing their hand because it's too quick of a time for them to get something in. I'm just saying, in my own expertise, with the application that was submitted that we did reject because we found it incomplete, it's not going to take that much work, at least in our review of it, to get it at the level that is complete. And we don't feel it would take two months, they have the ability to submit that. And that's all I'm saying, is in my own professional expertise and having seen their draft, I don't think it would, but I can't guarantee that either.

Mr. DeGracia: I have a quick question. If you could refresh my memory as far as when a complete application gets submitted, how long do we have until - to make a decision on it?

Mr. Hull: You have... once it's had its first agency hearing, you have 60 days to take action on that application. Unless the applicant waives the timeline for additional information to be provided or unless there is intervention which, in an intervention contested case situation, those hearings and that process can take anywhere from a year and a half to four or five years quite honestly.

Mr. DeGracia: Thank you.

Chair Apisa: Are there any further questions or comments? Hearing none, is anyone prepared to make some type of a motion?

Ms. Nogami-Streufert: Okay, I'll try it. I move to defer consideration of an ordinance amended in Chapter 8 Kauai County Code 1987, relating to transient accommodations to the September Planning Commission meeting.

Ms. Otsuka: I second.

Chair Apisa: Are there any further discussion on this matter? Hearing none, I believe we are ready for a vote. And Kaaina, again, please roll call.

Mr. Hull: Yes, Madam Chair. Motion to defer to September 14, 2021. Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Nay.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami Streufert: Aye.

Mr. Hull: Commissioner Otsuka?

Mr. Otsuka: Aye.

Mr. Hull: Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: The motion passes, Madam Chair. 6:1.

Moving on, let me just ask the Chair and Commissioners. The temperature check. Did you guys want to - it's 12:30 right now. There are two agenda items. One for a zoning amendment for Kauai Lagoons and one for a SMA permit extension. Did you guys want to take a 15-minute break, a lunch break, power through it? I just want to check with you folks and your patience; we really appreciate the time you guys give. So, whatever your discretion or pleasure may be.

Chair Apisa: Well, my suggestion would be a 15-minute break. What would be the Commission's pleasure?

Mr. Otsuka: Fifteen-minute break works for me.

Mr. DeGracia: Same here.

Chair Apisa: (Inaudible) back in at 12:45, Kaaina?

Mr. Hull: 12:45, Madam Chair.

Chair Apisa: We will resume at 12:45.

Mr. Hull: Thank you. See you soon, folks.

The Commission recessed this portion of the meeting at 12:29 p.m.

The Commission reconvened this portion of the meeting at 12:46 p.m.

Mr. Hull: It looks like Chair it is 12:46 pm, you want me to do roll call?

Chair Apisa: Yes, please.

Mr. Hull: Commissioner Chiba.

Mr. Chiba: Here.

Mr. Hull: Commissioner Cox.

Ms. Cox: Here.

Mr. Hull: Commissioner DeGracia.

Mr. DeGracia: Here.

Mr. Hull: Commissioner Streufert.

Ms. Nogami Streufert: Here.

Mr. Hull: Commissioner Otsuka.

Ms. Otsuka: Here.

Mr. Hull: Commissioner Ako.

Mr. Ako: Here.

Mr. Hull: Chair Apisa.

Chair Apisa: Here. And if needed I can call the meeting back to order.

Mr. Hull: So noted Madame Chair. Motion passes, Madame Chair. 7:0.

New Public Hearing

ZA-2021-3: Petition to Amend District Boundaries by Amending Zoning Ordinance No. PM-2009-394, As Amend, to reclassify approximately 16.8 acres of land, classified of approximately 14.2 acres of land currently situated within the County Zoning Residential District (R-2) into Residential District (R-4), and approximately 2.6 acres currently situated within the County Zoning Resort District (RR-10) into the Residential District (R-2). Parcel Location: at Kalapaki, Lihue, Kauai, Hawaii, further identified as Tax Map Keys (TMKs): (4) 3-5-001:027 (por.), 168 (por.) and 177 (por.), and 3-5-004:100 to 109 = *Tower Kauai Lagoons Sub 1, LLC; 2014 Kauai Lagoons Golf LLC; Tower Kauai Lagoons Land, LLC; Tower Kauai Lagoons Sub 7.*

1. Cultural Impact Evaluation of Two Portions, Totaling Approximately 400 Acres, of the Kauai Lagoons Resort Property, Kalapaki Ahupuaa, Lihue District, Kauai Island, TMK: (4)3-5-001:6, 27 por., 165, 168, & 173.
2. Director's Report pertaining to this matter.

Mr. Hull: Moving on to Agenda Item 4.b., New Public Hearing for Zoning Amendment for ZA-2021-3: Petition to Amend District Boundaries by Amending Zoning Ordinance No. PM-2009-394, As Amend, to reclassify approximately 16.8 acres of land, classified of approximately 14.2 acres of land currently situated within the County Zoning Residential District (R-2) into Residential District (R-4), and approximately 2.6 acres currently situated within the County Zoning Resort District (RR-10) into the Residential District (R-2). Parcel Location: at Kalapaki, Lihue, Kauai, Hawaii, further identified as Tax Map Keys (TMKs): (4) 3-5-001:027 (por.), 168 (por.) and 177 (por.), and 3-5-004:100 to 109 = *Tower Kauai Lagoons Sub 1, LLC; 2014 Kauai Lagoons Golf LLC; Tower Kauai Lagoons Land, LLC; Tower Kauai Lagoons Sub 7.*

Before I turn it over to Jodi who is our planner for this project, I would just like to ask if there are any members of the public that have called in and have not testified on this agenda item that would like to testify on the Kauai Lagoons Zoning Amendment. If so, please unmute your phone by pressing star 62 and state your name. Again, last call, if anybody from the public that has called in that has not testified on this agenda item or would like to testify on the Kauai Lagoons Zoning Amendment. Please unmute your phones by pressing star 62 and state your name. Hearing none. I will turn this over to for Jodi's Report on this quasi-legislative action.

Deputy Planning Director Jodi Higuchi Sayegusa: Thank you. I will just if you may give a brief overview of the project and then I will pause after that for the rest of the Report. So this petition involves a proposal to amend the County Zoning for three (3) parcels within the overall resort property, which is also known as the Kauai Lagoons Resort Development. Two (2) parcels identified as division one (1) and one (1.a) totally approximately 14.2 acres. They are both currently in the County Residential R-2 district and are now proposed for the Residential R-4 district. The remaining parcel is referred to as Lot-C that is about 2.6 acres. Lot-C is currently in the County Resort RR-10 district and is now proposed to down zoned to the Residential R-2 district.

Ms. Higuchi Sayegusa read the Project Description and Use, Additional Findings, and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Ms. Higuchi Sayegusa: The subdivision one (1) and one (1.a) area will be developed into forty-two (42) single-family residential units. No dwelling units are planned for Lot-C 10-C. All three (3) parcels within the visitor destination area the proposal is subject to all twenty-five (25) Conditions that were previously imposed by Ordinance No. PM-2006-383 as amended by PM-2009-394, including the overall density cap of 775 dwelling units that governs the resort property. The proposed forty-two (42) single-family residential units will not cause the density to be surpassed, the density cap to be surpassed and no additional dwelling units nor guest cottages will be permitted and compliance previously incorporated conditions 24.b of the Ordinance. In addition, the reassignment of density will allocate the (inaudible) to areas orally

designated for development based on previous permit approvals and entitlements and thereby preserve on undeveloped open spaced areas throughout the resort.

I would like to not that in addition to the Directors Report, which submitted a Draft Ordinance and the 2005 Cultural Impact Assessment submitted along with the packets. A Supplemental No. 1 Director's Report provided with an updated Draft Ordinance and an updated Cultural Impact Assessment pertaining to this petition area. I am going to pause now for any questions from myself and to allow the applicant an opportunity to speak on the proposal.

Chair Apisa: Is the Applicant present?

Mr. Michael Belles: Good afternoon Madame Chair Apisa, this is Mike Belles for the record speaking on behalf of the applicant. Can you hear me all right?

Chair Apisa: Yes, thank you Mike. Aloha.

Mr. Belles: As you can see for our team Hokuala, there are three of us sitting in this conference room here in one of the construction trailers on site. Sitting across from me is Rebecca Candilasa, she is Senior Planner with Wilson Okamoto and Associates, and she is one principally responsible for putting together the rather hefty application that we have in front of us a very thorough application. Better her than me, and doing it, I really appreciate that. And sitting behind me to my right is Mr. Gary Syracuse he is the Director of construction of Hokuala Resorts. so he has the long cooperate memory and history of this development not dating back to 1960 when Kauai Surf was first built here and begun operations but he has been here for easily a decade and is very intimately familiar with all that has happened in time. Before I turn it over to Rebecca to provide a brief overview and supplement to what has already been report by Ms. Higuchi in her very thorough and complete Director's Report and Supplement. I do want add a collective thanks to the Planning Director Mr. Hull, Deputy Planning Director Ms. Higuchi, as well as the staff. Because prior to filing, we did have the opportunity to have a pre-filing consultation with them and at that time. They gave us many good ideas of how to modify our obligation and things to consider in finalizing the application that would be more responsive to concerns that have been of issue to the Planning Commission in similar applications that you have been looking at in recent past that we might not otherwise have been aware. So thanks to them for what's best in our report, we have them to thank for it and the problem parts I will take responsibility for that. So thank you all for help, support, and consideration as always.

The other issue is that we are looking at a project that is almost sixty years old, and when we look at how it begun, in the beginning and I am using biblical terms. You had Kauai Surf in 1960; in 1987, you had the (inaudible) Westin Project with the lagoons, and staircases that went down the second ten story tower that accommodated the original Kauai Surf Hotel, where I remember many of our youth coming from schools to ride up and down an escalator because it was a first of its kind on Kauai. So it was groundbreaking in many ways in terms of being a resort here on Kauai. Then we have Kauai Marriott taking over in 1995, and most recently with Hokuala (inaudible) Towers, (inaudible) Timbers its gone by many names but most generally known as the Kauai Lagoons Project, which is roughly 560 acres of resort property.

And of that, what we are talking about today, is 16.8 acres and the reason that is important is because two (2) of the parcels as Ms. Higuchi has already reported, they are zoned residential R-2 and we are looking to up zone them to R-4. It is kind of a tradeoff to maintain a balance we are proposing down zoning on the RR-10 parcel, which would allow 52 units and we are dropping it down to the maximum it could be developed at as a residential property that would be five (5) units, as Ms. Higuchi reported. There is no intention of developing that property now. Which does not mean it may be the case in the future where they may not look at the property but it would clearly be a residential type of density not a resort type of density.

The other thing, I'd like to thank the Planning Department for is suggesting that we provide for you and this was included in first Supplement today, the Entitlements Overview of Chronology of Events, because it helps summarize for all of you going back to 2002, what has happened on this property because a lot has happened and turned (inaudible). Federal Plan Amendments, Zoning Amendments, Zoning Permits, SMA Permits, and the like. I was originally involved in the 2005 permits that really established most of the designations we see on the property today. So I do have some historical background and association with the property in addition to Mr. Siracusa. But what I would like to ask is if the Commission would indulge us as to allow for Rebecca to give her overview on her report and then at the conclusion of that if there are any questions, it could basically be a free for all with anything with any one of the three of us in responding to any questions the Commission may have. If there are no questions for me, I will simply turn it over to Rebecca for an overview above and beyond what Ms. Higuchi presented in her Director's Report and Supplemental Report. Thank you.

Chair Apisa: Thank you very much Mike. Any Commissioners have any questions so far. I think we are ready to hear from Rebecca and then we may have questions. It was a very good historical overview. Thank you.

Mr. Belles: I am very old and very historic so pretty much, what few cell I have left I can recall.

Ms. Rebecca Cadilasa: Thank you Mike, thank you Chair, thank you of course, Commissioners for your time today and for the opportunity to speak. As Mike had mentioned I will be going over the application and the action before you today. What we did have before you is a petition for a Zoning Amendment to re-classify the zoning designation of approximately 16.8 acres located within the resort area. So these 16.8 acres is comprised of the 14.2 acres currently designated as residential district R-2. Also, 2.6 acres I think there is a slight correction, and I am not sure if it was in Kaaina's intro or Ms. Higuchi's intro but it's actually 2.6 acres located within the RR-10 resort district that we are also looking to reclassify and that would be down to a residential district R-2.

So located within the currently zoned R-2 district are the proposed sites for subdivision No. 1 and subdivision 1.a, which were previously approved for 19 single-family residences under prior land use approvals and entitlement for Hokuala Resort. What we are now proposing is to amend the zoning district boundaries of the R-2 residential district to an R-4 residential district that will allow an additional twenty-three (23) additional dwelling units to be developed at subdivision 1 and subdivision 1.a or (inaudible). I would like to emphasize respectfully that these twenty-three (23) dwelling units are units that have been re-assigned from other approved

developments within the Hokualea Resort that are made available because other previous developments or planning developments are expected to be developed at lower densities. And more importantly, the re-assignment of this density will have no effect on the currently approved density cap of 772 dwelling or hotel units. Therefore, no increase in the overall will be required...is being proposed with this action.

As mentioned, there is also a proposal to re-classify 2.6 acres currently within RR-10 resort district under this action this area, I will refer to as Lot-10.c, would be down zoned to a R-2 residential district and although no units or proposed to be developed at Lot-10.c at this time. The down zoning would allow under this...would allow density under the CZO...sorry, let me start over. With the down zone, the density under the CZO would drop from fifty-two (52) down to five (5). And so, it is quite a significant decrease, and the intent is to ensure that there is an appropriate balance of development within the resort and ensuring that is maintained. The design and construction of subdivisions 1 and subdivision 1.a, would be undertaken with compliance with the comprehensive zoning ordinance as well as the Conditions of approvals and also pursuant to the design guidelines that are included as "Exhibit K" in our application. There are no significant impacts on the availability or the adequacies of public service and facilities anticipated and that is simply because we are looking at a reassignment of density as opposed to additional density. We are looking at just to relocate from one area of the resort to this area of the resort, is basically what we are doing.

The impacts of development overall, for the master plan has been accounted for in existing technical studies and the applicant continues to coordinate with the appropriate agencies regarding any updates and improvements that maybe required of the resort. And with that I will pass it over to Mike. Do you have any closing statements?

Mr. Belles: No. That would do it. That is the conclusion of our presentation, and we don't want to exhaust you beyond what you already been through this morning four (4) hours straight with very few breaks. Again, the three of us are available to use our collective background of experiences of knowledge to respond to any questions that any of you may have.

Chair Apisa: Thank you. I open it up to the Commissioners for any questions or comments.

Ms. Nogami Streufert: Yes, I have a couple of questions here. You are proposing 42 new units in subdivision 1 and 1.a, and you are taking that out of...if I look at your chart on table 1, from the hotel villas, you are decreasing it eighteen (18), you are increasing (inaudible) Ninini Point has had to go down twelve (12), Boutique Hotel is going to go down twenty-eight (28). It appears you are spreading more into the open area as opposed to having a more condensed density like the Boutique Hotel or Hotel Villas is that correct.

Ms. Cadilasa: I would say that the areas proposed to accommodate this additional density where already approved for development and we are not proposing an increase in the size of those particular developments. So in that sense we are not expanding into open areas.

Mr. Belles: Well I may be able to expand a little bit. We are basically, retaining within the boundaries of the existing to sub divided parcels one of which one already has final subdivision

approval. We would be changing them from on-half acre parcels what is allowed right now to one-quarter acre parcels, and I think you have seen as one exhibit in your application, an conceptual site plan overall development of the property. But the intent is not to expand beyond the existing residential zoned property, it is just increasing the density from R-2 to R-4.

Ms. Nogami Streufert: Okay, so I am looking at map on...from the Director's Report and (inaudible), map 3 ZA-2009-(inaudible).

Ms. Cadilasa: Map 3. A, is that correct?

Ms. Nogami Streufert: Mine has map 3, existing and proposed zoning it is for 2009, revised September 2, 2009. Do you see that? I am sorry; this is a little tough to do this over Zoom.

Mr. Belles: It is, I mean this is labor intensive in terms of level of documentation and the number of exhibits, so no need to apologize it's just the nature of this application and again, trying to capture the history of it as much as possible so it is intelligible, but at the same token it is a little complicated.

Ms. Nogami Streufert: Well on this (inaudible) subdivision five (5) and six (6).

Ms. Cadilasa: I think you might be referring to—

Mr. Belles: Are you referring to the advocacy? I am sorry, Commissioner, or are you referring to the supplement that was prepared by the Planning Director's Office.

Ms. Nogami Streufert: I am looking at the Director's Report and the proposed ordinance, the proposed ordinance.

Ms. Higuchi Sayegusa: All right, I think it is within Exhibit "A" in the proposed bill. There are two maps in between the ordinance (inaudible) text and the (inaudible) and bounds attachment A. So those are the zoning amendments ZA-2021-3, revised map three (3)—

Mr. Belles: (Inaudible)

Ms. Higuchi Sayegusa: (Inaudible) map for the ZA-2009-10 map.

Mr. Belles: (Inaudible) I see what you are pointing to now and those simply reflect what maps were attached to the 2009 Ordinances.

Ms. Cadilasa: Correct.

Ms. Nogami Streufert: But then my question is what happened to subdivision 5 and subdivision 6?

Ms. Cadilasa: Those received approval to be zoned as R-2.

Ms. Nogami Streufert: Correct.

Ms. Cadilasa: They are zoning ordinance PM-2009-394.

Ms. Nogami Streufert: Correct. But the questions what happened? Is that still going to be built out? Because that went to (inaudible) R-2. My concern is with open space right now so.

Mr. Belles: I will turn it over to Mr. Siracusa and he can respond to that.

Mr. Gary Siracusa: Yes, Commissioner, you are correct these zoning. They went to R-2 a number of years ago, and that was under the previous developer and they were never developed. (Inaudible)—

Ms. Nogami Streufert: Is there...I am sorry, go ahead.

Mr. Siracusa: It was part of the contribution of the 138 acres to the County on the eastside of the Airport back in the day. There was an additional twenty-two (22) units of density the developer received, and they identified those areas at the time. Then, subsequent to that, they looked at other areas that they preferred to develop and again, never proceeded with them to complete them as subdivisions and submit them for appropriate actions. So they are sitting there as remnant R-2 pieces parcels a couple of them out there called the North 40, and another one which is the existing 7th hole at the golf course, or active golf course.

Ms. Nogami Streufert: (Inaudible).

Mr. Siracusa: Sorry?

Ms. Nogami Streufert: Are there any plans for those two?

Mr. Siracusa: No, we do not have any plans for those two. And they are not reflected on that current table that you were referencing table 1, that is included in our application.

Ms. Nogami Streufert: Right and that is why I was wondering how that matched with your application vs what it was that was actually done—

Mr. Siracusa: Good question. I can understand the confusion out of looking at the various actions over all the years going back to the Kauai Lagoons days.

Mr. Belles: And typically, what happens is that, periodically, my client will sit down with Planning Department staff and with Wilson Okamoto Associates and they will go over the Land Use Plans and make adjustments to the table that Rebecca referred to earlier. And we will make sure that we never exceed the 772 caps on totally number of units on this project, because that is the most critical cap and objective of this project is never to exceed that. And the only reason it went from 750 to 772 is the developers were given an additional 22 units credit the 138 acres that basically runs parallel to the Airport along the shoreline that was all dedicated from the then landowner to the County of Kauai to be used for recreational purposes and whatever other

purposes the County deems appropriate.

Ms. Nogami-Streufert: Okay, all right. That clarifies a lot of the numbers. I start going into the numbers and then they do not quite match so I am looking for how does that all work together. So thank you, for the clarification. I do not want take up all of the time but I do have a couple of questions about the 2009 approval that you got and under that, under H-4 of that 2009 ordinance “showers, restrooms, picnic areas, et cetera, were to have been constructed within 2 years enactment, enactment of 2009.” So has those been completed?

Mr. Siracusa: Yeah, I am having a little difficult time understanding you, Commissioner. Maybe on our end it is the reception.

Mr. Belles: I got what she said. One of the Conditions in 2009 permit did reference to restrooms that would be open within two (2) years of the approval of the ordinance. And that was where the Fashion landing was located, which was boutique retail operation located next to the old “Sharkey’s” for those of you who can remember that, and what subsequently became—

Mr. Siracusa: Well, they were constructed and completed at that time. And Mike, Sharkey’s became the “Whalers Brewery” at one time point, the retail center was approx. 30,000 sq. ft. out there, it’s been shuttered since the previous developers and when we came on board late 2014, early 2015 we also analyzed it’s and has remained shuttered. There are plans to refurnish, refurbish, and renovate the Fashion landing when appropriate with our density and our buildout here. Specific to those restrooms, there were and are existing restrooms underneath that restaurant area however, they too have been shuttered the since previous developer days. Primarily and continuing now to current days, because of genuine public and community resort here safety concerns and vandalism to those. Unfortunately, a lot of vandalism and other illicit happenings out there. In lieu of that, we have continued to pay for temporary toilets on the backside above the existing retail area out there the shuttered area. And the other two facilities, were completely constructed permanent facilities free standing facilities along the Oceanside. One approximately at Running Waters and the other closer to the Timbers development down by the...it might not be a good reference point, but the 15th hole green. Those are complete with shower facilities, toilets, and recreational facilities attached to them.

Ms. Nogami-Streufert: And those are available to the public?

Mr. Siracusa: Oh, absolutely, and used very frequently by the public, yes.

Mr. Belles: And there is dedicated parking to accommodate the both sides of the project.

Mr. Siracusa: Good point, there is dedicated shoreline access parking.

Ms. Nogami-Streufert: Okay. There is also something about an aviation (inaudible, that was supposed to have been (inaudible).

Mr. Siracusa: The Aviation and Avigation easement depending on where it is variations, we will just reference both is basically an agreement that is longstanding and continues with the Airport

which essentially we are acknowledging that we are adjacent an airport and that there is noise generated by the airport with our operations.

Mr. Belles: From a legal standpoint, it is basically, a landowner acknowledging that the airport is a nuisance but that they were there first, so anyone buying or residing on property here must live with their activity and be a good neighbor.

Mr. Siracusa: And acknowledged in all of our documents, sales documents, as well.

Mr. Belles: Correct.

Ms. Nogami-Streufert: That is what was part of the concern because I was concern that the County might be held liable if in fact or could be sued by people or by residents if noise level went up because plane designs changed or whatever else. I wanted to ensure we had it in the documents for the Country.

Mr. Siracusa: And sure, there is also documentation that relieves the County of any liability as far as the resort on that.

Ms. Nogami-Streufert: There is an anticipated full buildout by 2022, is that correct?

Mr. Siracusa: There is the foundations that would need to be complete by 2022. The development is yes, is ongoing we are currently in for permits 210 key hotel, as well as a design on another 72 unit condo project, and for permits on townhomes as well down at Ninini Point. And we are obligated to have our foundations complete in accordance with the Conditions of approval by late 2022, correct.

Mr. Belles: (Inaudible) is that we will satisfy that Condition in terms of minimally having foundations in and some cases structures under completion for the project.

Ms. Nogami Streufert: Okay, all right. Thank you.

Mr. Belles: You are welcome.

Mr. Siracusa: Welcome.

Chair Apisa: Thank you, Glenda, very detailed and good questions. Is there any other Commissioners that have questions or comments?

Ms. Cox: In the supplemental report, one of the considerations that was brought up was the fact that was how well used the roadways by bikes and walkers. I know the property in general used very much by the public for recreation, for walking, and biking, and so forth. And I know there was a request for perhaps considering having a bike path or a walking path separate from lane of traffic. Did you have a chance to consider that?

Mr. Siracusa: I have a couple of considerations on that, Commissioner. Figure 9, in the

application packet is our current plan for roadway and public access through the resort and is essentially a reflection of the shared use path plan. Doug Haigh and I have been in conversation coincidentally looking to establish the easements reflective of their current plan in the area, and get that in to some type of a format here over the next two to three months of our understanding of an easement definition. In addition to what is shown on that plan (inaudible) pedestrian component, part of again, is shared use path will have bicycle attachment to it as part of the development? And additionally, what is not reflected on that but (inaudible) package, we have eight to ten miles of additional pathway in the resort that is (inaudible) that is used for some different charity events and is substantial amount of uses as well. So there are bike paths here, the roads are developed to County standards in terms of all the internal roadways here. And again, we don't have any restricted areas here within our entire resort compound. So you will see bikers on the road, you will see them on our path systems already (inaudible) future improvements as well because the share use is developed.

Mr. Belles: And I have come to learn over time, since they have been my client for a number of decades now. If you come on to the property anytime, especially, morning, noon, and around dusk period, you will see a number of people walking about, biking about, and families. And if you just...people I recognize whether there residents that really use the property. And I can say without being self-servient to the client they are very inclusive in terms of allowing people on the property, not having security gates, or having security agent of the company coming up to residents or anybody on property saying, "Who are you?" "What are you doing here?" People are really allowed to traverse the property, have free access to the shoreline areas, and as Mr. Siracusa said. If you look at figure 9, on the application, it does show a very healthy and vibrant public access program or the entire project site that's utilized by the community and by residents of this project as well.

Ms. Cox: And having used it, I agree. I commend you on the trails that we have. I was just concerned with the one letter that suggested there was one part of the road that does not have a separate bike path or or sidewalk or something and that a lot of people walk along that. So that was my concern. But yes, you have a great trail system for and open to the public.

Mr. Belles: I appreciate that, and the truth is that as the project build out over time, there will be continue to be close contact with Department of Public Works, assuming Mr. Haigh is not retired and Mr. Siracusa is not retired, and there will be continuing or their successors dialog about how best to treat pedestrian. So it is done in a safe fashion as you've enjoyed and hopefully we can continue to enjoy the property.

Ms. Cox: Thank you.

Chair Apisa: Just a comment. That is wonderful; I know a lot of people who use that so it is a very nice thing to have so, thank you.

Mr. Belles: Thank you very much for that, Chair.

Mr. Siracusa: Thank you very much.

Chair Apisa: Any question or comments from the, Commissioners? Hearing none. I guess we go back to the planner for final comments.

Ms. Higuchi Sayegusa: Sure. At this time again, I will give a brief overview and detailing points highlighted from our Director's Report. Basically, that the Planning Department finds that the proposal is consistent with the Lihue Community Plan, the 2018 General Plan, and will further the public necessity convenience and the general welfare under the Standards of the Kauai County Code 8.3-4(d). This proposal is consistent with the policies and goals that are related in the Lihue Community Plan, namely the proposal is consistent with the vision of Kalapaki, as an attractive walkable place with good connectivity to and from Lihue. And for development not to greatly intensified but to enhance Nawiliwili, as a draw. The development is within the Lihue Community Plans Urban Edge Boundary that sought to limit urban sprawl and encouraged concentrated and compact growth in these (inaudible) areas. Also, the proposal supports recognition of Lihue and its role supporting tourism and Kauai's visitor industry.

LCP noted that Lihue has the third largest VDA, Visitor Destination Area in terms of acreage. The proposal will allow the resort to build out units that are in the VDA that is foreseen and accounted for in much of the studies based on the LCP. Turning to the 2018 General Plan aside prioritizing the vision and policies set in the Lihue Community Plan, the GP acknowledged that they visitor industry is the mainstay of Kauai's economy yet, also acknowledged the need to manage tourism, growth, and its associated impacts. To discourage strains on public facilities, infrastructures, and public services. Therefore, the 2018 GP encouraged that new resort growth and infrastructure to focus in the visitor destination area.

Accordingly, the permitting and code changes associated with the GP Policy is regarding economy and tourism included several recommendations including one, to revitalize and expand existing visitor destinations areas which included Lihue. Three, do not expand visitor destination areas beyond the resort-designated areas. Four, was to allow existing resort entitlements to build out and allow a non-entitled resort designated areas in this General Plan. So it is in full State and County resort related approvals by the year 2027. So this proposal will allow Kauai Lagoons Resort Development to build out units that are within the density cap and were foreseen and accounted for in the studies based on the 2018 General Plan. In addition, the project will revitalize VDA by building out their entitlements why not expanding this VDA area.

Turning to Traditional Customary Native Hawaiian Practices. Community members did express some concerns over protecting access for gathering, fishing, and access to cultural sites along the shoreline. And to continue to allow kamaina to traverse the shoreline. As noted earlier in the discussions earlier with the developer, access rights will be minimally or if not unaffected by this petition because access throughout the resort will remain through its network of roadway and public accesses. Under Kauai County Code 83.4, Public necessity convenience and the general welfare served by this zoning amendment. Again, the project supports LCP and 2018GP policies and goals to preserve Kauai's rural character by concentrating growth within the urban edge boundary. It supports the Visitor Industry by allowing this resort to build out as already anticipated and entitled units under this 772-density cap and within the visitor destination area. Finally, the arrangement of density for residential development will further preserve open space areas within the resort area. So based on this evaluation, it is recommended that the Zoning

amendment ZA-2021-3 to be approved.

Chair Apisa: Thank you, Jodi. Is there any questions or comments from any Commissioners? Hearing none. Commissioners, is there anyone like to make a motion?

Mr. DeGracia: I move to approve Zoning Amendment ZA-2021-3 to Amend District Boundaries by Amending Zoning Ordinance PM-2009-394, Amended, to reclassify approximately 16.8 acres of land, classified of approximately 14.2 acres of land currently situated within the County Zoning Residential District (R-2)—

Chair Apisa: Excuse me, Francis, your speaker is off it is very difficult to here.

Mr. DeGracia: Yes, okay. Let me shorten it here. I move to approve Zoning Amendment ZA-2013-3, to Amend District Boundaries by Amending Zoning Ordinance No. PM-2009-394—

Chair Apisa: I could not hear. You are fading again. You were very clear but then you leaned back or something. Thank you.

Mr. DeGracia: Okay. I move to approve Zoning Amendment ZA- 2013-3, to Amend District Boundaries by Amending Zoning Ordinance No. PM-2009-394.

Chair Apisa: Thank you very much. Sorry I had to have you repeat it so many times.

Ms. Nogami Streufert: Seconded.

Chair Apisa: All right. We have a motion on the floor. Any further discussion on it? Roll call please, Kaaina.

Mr. Hull: Roll call. Motion to approve, Madame Chair. Roll call. Commissioner Chiba. Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox.

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia.

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Streufert.

Ms. Nogami Streufert: Aye.

Mr. Hull: Commissioner Otsuka.

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Ako.

Mr. Ako: Aye.

Mr. Hull: Chair Apisa.

Chair Apisa: Aye.

Mr. Hull: Motion passes, Madame Chair. 7:0.

New Public Hearing

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

CONSENT CALENDAR

Status Reports

Director's Report(s) for Project(s) Scheduled for Agency Hearing.

GENERAL BUSINESS MATTERS

Amendment to Special Management Area Use Permit SMA(U)-2019-5 for a tow-year time extension to construct the residence on real property located at Waipouli, Kapa'a, Island and County of Kauai, State of Hawaii, identified as Tax Map Key No: (4)4-5-002-002, and containing an area of 17,720 square feet = *Brad Allen Burns and Elizabeth Ann Burns (Joseph M. Horak Living Trust)*.

Mr. Hull: Moving on and kind of rounding out the calendar agenda here, we have one last main agenda item—

Ms. Nogami Streufert: Congratulations.

Mr. Hull: General Business item I.1 Amendment, the Special Management Area Use permit SMA (U) 2019-5 for a two-year time extension to construct the residents on real property located at the Waipouli Island in Kauai - County of Kauai state of Hawaii identified as Tax Map Key 4-5-002:002 and containing the area of 17,720 square feet. The applicant is Brad Allen Burns and Elizabeth Allen Burns. I'll send it over to the Romio for the brief synopsis of this proposal.

Staff Planner Romeo Idica: Good afternoon, Madam Chair and Commissioners. For your consideration, Special Management Area Use Permit SMA (U)-2019-5 for the (inaudible) extension to construct the residence originally approved back in June 25, 2019, applicant Brad and Elizabeth Burns.

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

Mr. Idica: That pretty much concludes my brief summary, and I will open it up for questions from the commissioners or to myself or the applicant.

Chair Apisa: Are there any questions of the planner? Then I would ask is the applicant present?

Ms. Laurel Loo: Yes, can you hear me, Madam Chair?

Chair Apisa: Yes.

Ms. Laurel Loo: This is Laurel Loo for the applicants who are also on the phone; we just wanted to be available in case any of the Commissioners had any questions.

Chair Apisa: Thank you. I open it up to Commissioners, questions and comments.

Ms. Nogami-Streufert: Can I ask the planner a question. Is this - is this dwelling within the VDA?

Mr. Idica: No, it is not.

Ms. Nogami-Streufert: It is not. Then the original Conditions for building, because this is just an extension of the original conditions, correct?

Mr. Idica: That is correct. This is an extension of the original permit.

Ms. Nogami-Streufert: At this point we'd put in a clause or we'd put in a Condition or, that says that - this, even if it's not in a VDA, that there's usually a Condition in there about this cannot be used for that purposes? Is that something to add there (inaudible) used for that purpose?

Mr. Idica: Yes, definitely, definitely. If there is no objections to the applicant, yes, definitely.

Ms. Nogami-Streufert: What VDA (inaudible) something like, it's already not in the VDA but it's just to make it absolutely clear, sorry, maybe my speaker is going in and out for sure.

Ms. Laurel Loo: It's already a Condition of the original approval, number three (3), the proposed residence shall not be utilized for any transient accommodation purposes. Because it's not in the VDA, yes, we would not be not using it for any transient purposes.

Ms. Nogami-Streufert: Okay.

Chair Apisa: Are there comments or questions? Well, hearing none, is there a motion? Oh, wait, we have to go back to the planner, sorry.

Mr. Idica: Thank you, Madam Chair. Based on the foregoing Evaluation and Conclusion, it is hereby recommended the Planning Commission approve the plan extension for special management area use for the SMA (U) 2019-5 to be approved with the following amendment to Condition No. 8 which reads, “Unless otherwise stated in the permit, once a permit is issued, the applicant must make substantial progress as determined by the director regarding the development or activity by June 25th, 2023 or the permit shall be deemed lapsed and no longer in effect.” Thank you.

Chair Apisa: Thank you. Based on that, are there any further questions or comments from the Commissioners? Now hearing none, do we have anyone to propose a motion?

Ms. Otsuka: I propose a motion regarding Brad Allen Burns and Elizabeth Allen Burns, and in promotion to employ the amendment to Special Management Area use permit SMZ 2019-5 for a two-year time extension to construct the residence on real property located at Waipouli Island of Kauai, state of Hawaii including an update on the location needs.

Ms. Nogami-Streufert: Second.

Chair Apisa: I’m sorry, who was that, seconded?

Ms. Nogami-Streufert: Glenda.

Chair Apisa: Glenda, okay, thank you, Glenda. Any discussion on this motion on the floor?

Mr. Hull: Real quick on clarification to amend the actual description of the application to the SMA (U) 2019-5, SMZ is a typo, but just a clarification for the record.

Chair Apisa: So, the Z becomes an A?

Mr. Hull: Correct.

Chair Apisa: Yes, yes, yes, correct, SMA (U) 2019-5. Any further questions or comments on the motion on the floor, any discussion? Hearing none, Kaaina, can we take a roll call on the vote please?

Mr. Hull: Yes, Madam Chair. Motion to approve the extension. Roll call. Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: The motion passes, Madam Chair. 7:0.

COMMUNICATIONS (For Action)

Mr. Hull: Moving right along, we have no Communications for Actions.

COMMITTEE REPORTS

Subdivision

Mr. Hull: Moving on to Committee Reports, we have the subdivision community report. I will turn it over to Subdivision Community Chair DeGracia.

Chair Apisa: At this point - excuse me just one moment, Commissioner DeGracia. I am going to recuse myself since I am involved with the Kulana Subdivision. I would turn this over to our vice-chair.

Chair Apisa recused herself from the meeting at 1:40 p.m.

Vice Chair Cox: Go ahead, Francis.

Mr. DeGracia: Okay. Thank you. Present for the Subcommittee Commission meeting was myself and Commissioner Chiba. There were four items on the agenda. There was an approval for tentative subdivision map approval for subdivision application number S-2021-4. There was tentative subdivision extension request for subdivision application number S-2002-25, which was approved. Also subdivision application number 20-2017-6 was also approved. And there was also a final subdivision map approval for subdivision application number S-2020-11, which was also approved.

Vice Chair Cox: Thank you, Francis. Any questions for Francis? In that case, can we have a motion?

Mr. Chiba: Yes and no. I move to accept the report of the Subdivision Committee meeting, July 30, 2021.

Vice Chair Cox: Thank you, Mel. Is there a second?

Ms. Otsuka: I second. I second.

Vice Chair Cox: Thank you, Lori. We have a motion and second. Any further discussion? If not can we do a rollcall?

Mr. Hull: Yes, Madam Chair. Rollcall and motion to accept and approve the Subdivision Committee's reports. Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami Streufert: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Ako?

Comm. Ako: Aye.

Mr. Hull: Chair Apisa is recused. Chair Cox?

Vice Chair Cox: Aye.

Mr. Hull: The motion passes, Madam Chair. 6:0.

UNFINISHED BUSINESS (For Action)

Mr. Hull: Moving on, there is no Unfinished Business.

NEW BUSINESS

Mr. Hull: We have no New Business as we handled the New Business; we took the action on New Business.

For Action- See Agenda F for Project Descriptions

ANNOUNCEMENTS

Topics for Future Meetings

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter on August 10, 2021. The Planning Commission anticipates meeting via teleconference but will announce its intended meeting method via agenda electronically posted at least six days prior to the meeting date.

Chair Apisa returned to the meeting at 1:43 p.m.

Mr. Hull: And with that, ladies and gentlemen of the Commission, that ends up our agenda items for today. I really want to thank your patience and indulgence in going through what was a rather short Commission visit but a fairly long - or a short agenda but a fairly long Committee meeting. I have reached out - as far as upcoming meeting topics, we've got a handful for August, quite honestly, not many, we've got the Lihue Mill zoning amendment that is looking at amending the Lihue Mill area to be included in the Rice Street Planning District. We also have a briefing by the Office of Planning concerning the Coastal Zone Management Program. And it's relatively short with this August agenda, at least so far. I can say and I have spoken with a few of you folks. I will be calling some other Commissioners this week concerning the possibility of us returning to in-person meetings coming this August 10th - upcoming August 10th meeting. It's not entirely set in stone, but discussions are definitely on their way with both the Board and Commissions Office and the County Council, so I will keep you guys - I'll give you each individually, a call if I haven't called you folks already. And with that, that's kind of what we've got and September is definitely gearing up to be a longer meeting, quite honestly, folks. I mean, we do have the Princeville bill coming back to us. We have the guesthouse draft industry rules coming back to us. We will also be getting a briefing on Coco Palms from the landowners as well. So there are some things of note on the horizon. If there's any items that you as individual Commissioners would like to see briefings on or discussions, now would be the time or you can definitely call the department to have a discussion on site as well.

ADJOURNMENT

Chair Apisa: Thank you very much. I appreciate your assistance. And, Commissioners, any final comments, if not, I would entertain a motion to adjourn.

Ms. Cox: I move we adjourn.

Ms. Otsuka: I second.

Chair Apisa: All right, hearing - we can just, I think, take up a voice - vote on that. All in favor?

Mr. Chiba: Aye.

Ms. Cox: Aye.

Ms. Otsuka: Aye.

Chair Apisa: Everybody with us? That did not sound like six votes.

Ms. Otsuka: Aye.

Ms. Nogami Streufert: Aye.

Mr. DeGracia: Aye.

Mr. Ako: Aye.

Chair Apisa: Anyone opposed? I do not think anyone is opposed. Motion carried 7:0. The meeting is adjourned. Thank you.

Chair Apisa: adjourned the meeting at 1:45 p.m.

Respectfully submitted by:

Arleen L. Kuwamura
Arleen Kuwamura,
Commission Support Clerk

(X) Approved as circulated 12/14/2021 Meeting.

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