

KAUA‘I PLANNING COMMISSION
OPEN SESSION MEETING

AGENDA
June 28, 2022

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair DeGracia at 9:01 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Ms. Donna Apisa
Mr. Gerald Ako
Mr. Francis DeGracia
Ms. Lori Otsuka

Excused or Absent

Ms. Helen Cox

The following staff members were present: Planning Department – Deputy Director Jodi Higuchi Sayegusa, Staff Planner Myles Hironaka, Dale Cua, Kenny Estes, Shelea Blackstad and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – County Deputy Attorney Laura Barzilai, Office of Boards and Commissions – Support Clerk Arleen Kuwamura and Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair DeGracia: Called the meeting to order at 9:01 a.m.

ROLL CALL

Deputy Director Jodi Higuchi Sayegusa: Commissioner Ako?

Commissioner Ako: Here.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Commissioner Apisa: Here

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Commissioner Otsuka: Here.

Ms. Higuchi Sayegusa: And Chair DeGracia?

Chair DeGracia: Here.

Ms. Higuchi Sayegusa: And Chair Cox is absent today. You do have a quorum.

Chair DeGracia: Thank you.

Ms. Higuchi Sayegusa: Item C. approval of the agenda.

APPROVAL OF AGENDA

Chair DeGracia: I believe there's a recommendation. May I please get a motion to amend agenda L., to immediately follow item F. 4.?

Ms. Apisa: I move to approve the agenda as amended.

Ms. Otsuka: Second.

Chair DeGracia: It's been moved and seconded. (inaudible) to amend the agenda, to have Item L, immediately follow F. 4. All in favor say aye. Aye. (Unanimous voice vote). Oppose? Hearing none. Motion passes 4:0.

MINUTES of the meeting(s) of the Planning Commission

Ms. Higuchi Sayegusa: Item D. minutes of the meetings of the planning commission. We have 2 minutes. First, we have November 9, 2021, minutes.

Ms. Otsuka: Are we doing it single?

Ms. Higuchi Sayegusa: We can do both of them together if there are no amendments or alterations.

Chair DeGracia: Any discussion on the minutes if not, I'll take a motion to approve.

Ms. Otsuka: Motion to approve minutes of the Planning Commission meetings, dated November 9, 2021, and December 14, 2021.

Mr. Ako: I'll second.

Chair DeGracia: Motion on the floor is to approve the minutes of November 9, 2021, and December 14, 2021. All in favor say aye. Aye. (Unanimous voice vote). Oppose? Hearing none. Motion passes 4:0.

RECEIPT OF ITEMS FOR THE RECORD

Ms. Higuchi Sayegusa: Item E, Receipt of Items for the Record. Right now, we do not have anything to add to the record.

HEARINGS AND PUBLIC COMMENTS

Ms. Higuchi Sayegusa: Item F, Hearings and Public Comments. This morning testimony will be taken in the following manner. First, we're going to recognize all speakers who have signed up to testify in person and who are physically present at the publicly noticed meeting location, Lihue Civic Center Moikeha Building meeting room 2A, 2B, 4444 Rice St. Lihue, Kaua'i, Hawai'i. Next, we will recognize all attendees who have elected to join the meeting using the Zoom link provided on the agenda. All testifiers will be given 3 minutes per testifier per agenda item. If you're not interested in providing testimony, please indicate so when you are recognized. Please also note that the meeting is viewable through the live stream broadcast at www.kauai.gov/webcast-meeting. Please note though that the live stream broadcast does not allow viewers to provide testimony.

Please refer to the agenda for instructions on how to provide public testimony. This morning we do have one registered speaker, Tara Rojas.

Ms. Rojas: Aloha. So, I'm Tara Rojas. I'm from Hawaii and I have more things to say but... But I just wanted to say in general, so I've been testifying online, and I came here in person just to let you know that we are watching. We are keeping, you know, we wanna hold you accountable. Because you're this body of this committee right here, is making the decisions that are affecting Kaua'i. The desecration, the displacement of k̄naka maoli, and I wanted to share with you what I read in the Kaua'i (inaudible) plan. And I found the 2018 another one previous and, in a nutshell, if you look at right on the first page where it says...

Chair DeGracia: Excuse me, let me interrupt real quick Ms. Rojas.

Ms. Rojas: Yeah. So...

Chair DeGracia: Which agenda item are you...

Ms. Rojas: H.1 and H. 2., yeah. H.1 and H.2. So, I'm commenting on those and it's kinda all tied together. Where if you look at the heg, hegben or hedgeben, I don't know how to pronounce it, the Investments LLC. (inaudible) in Idaho. That's an example. I know they're coming here for an appeal but just to show you that these are outside (inaudible) entities, coming into Kaua'i, coming into Hawaii in general. And they are, pretty much just taking over. So, what's happening right now, you know I watch the last planning meeting where you approve Kukui'ula. Now I want to say this if in the, I'm tying it all together. That the general plans states that it's community generated, you're here for the community. Like the la Hōkūle'a page 1 says, it's created through community. At the other page, it said about the mayor Carvalho, it said, and I'm gonna, hold on, take it off here, where it says, basically, if you look on the general plan, the 568 pages, you know, general plans in 2018. It does say that we are not, it's not for our own selfish and individual interest, it's for the best, the best interest of the community. Now I was online, hundred percent in opposition to approve the Kukui'ula subdivision, from like, February, you know that that, so, the decision was made. Hundred percent to a'ole, no. And none of you listened, you all voted for it. So, what happened? What is it, this living document, about the Kaua'i general plan, that you're not even gonna listen to the community? They been saying, they been saying for one year and a half about Koloa, Kukui'ula all these developments. And if you read your own plan, it does state in the 568 pages plan, it says in there about the watershed the Kahawai. It states about the `aina, it states about the housing. So, all of that if you read it carefully and it's on the other page, I can't, you know, go back to that but, (inaudible) in 3 minutes. But basically, if you read that plan and you really look at all of the decisions that you guys are making from the last meeting, (inaudible), till now. You are not listening to the community. The only person that was for Kukui'ula, that was for that development, was the people developing. And I've looked and went and found and I been researching. The people on the Kaua'i Planning Commission...

Ms. Higuchi Sayegusa: Three minutes.

Ms. Rojas: ...stepped down yeah and are now working for the developer. So, I just wanted to let you know, we are watching and please read your plan, that if it's for Hawaii, for Kaua'i (inaudible), for Kaua'i, community based for the betterment. Where it doesn't say anywhere on there about

luxury housing. And it does state over there, the median price for housing is 700,000, and it talks about the urgency and the need for affordable housing. So how can...

Chair DeGracia: Excuse me, Ms. Rojas. Can you please wrap up your testimony?

Ms. Rojas: ...Okay. So how is Kukui`ula, how is Koloa, how is these outside investments, these companies and all of them coming in? Displacing kānaka maoli. How is that for the betterment of the community? So, please think about the decisions you make, that it's not just a, oh, what you're gonna check the box, we're gonna do everything, da, da, da. Please stop the corruptions, stop the hewa. Please make things pono. This is Kaua`i. This is Hawaii. And Hawaii is only Hawaii because of Hawaiians, kānaka maoli. You are here. Read the 568 Kaua`i general plan and use that as your guidance for any of the decisions you make from today's meeting and on. Mahalo.

Chair DeGracia: Thank you for your testimony.

Ms. Higuchi Sayegusa: Just to clarify, Kukui`ula is not on today's agenda.

Ms. Rojas: But it's all tied in together.

Ms. Higuchi Sayegusa: Yeah.

Ms. Rojas: Within this (inaudible).

Ms. Higuchi Sayegusa: Anyone else in the audience here today that would like to testify on any agenda item at this point? Seeing none, I'm gonna turn it over to Myles to recognize any Zoom caller or Zoom attendees to join the meeting by Zoom.

Staff Planner Myles Hironaka: Morning, Mr. Chair can you hear me?

Chair DeGracia: Yes.

Mr. Hironaka: Yeah, okay. We do have some attendees that have joined us on Zoom. I will start with attendee, Alfred Keaka Hiona Medeiros. I have enabled your audio and video, please click on "join as panelist" then you'll be able to start your video and also unmute yourself. There you go.

Mr. Medeiros: Aloha. Aloha kakahiaka. Alfred Keaka Hiona Medeiros. I'm sure you guys know me already. We going talk about Koloa again. You guys need to stop what's happening. and I don't know if you guys seen the news recently. But there's a certain DPP former GPP employee that recently is being sentenced to jail.

Chair DeGracia: Excuse me sir.

Mr. Medeiros: For her crimes...

Chair DeGracia: Sorry for interrupting but...

Mr. Medeiros: ...of illegal permits permissions. No, you guys going listen to me this time! You guys need to (profanity) listen to the people! That's you guys' problem! Too much talking, not enough listening! I was nice! Now you guys trying to cut me off because it's not pertaining...

Ms. Higuchi Sayegusa: Sorry, we're not going to tolerate this...

Mr. Medeiros: ...to the agenda! It's pertaining to all the agenda!

Ms. Higuchi Sayegusa: Swearing at us.

Mr. Medeiros: Listen to the people! I not going listen to you, you going listen to me! Understand that the people are watching and the corruption gonna stop! You guys can go prison just like her! Understand that! You guys think we playing?! We not playing! We not playing! Take it how you like it! But you going listen to the people! I tired of you guys talking and not listening to the wahine that are there in person! Listen! This pertains to everything that you guys are doing because you guys are corruption! Yes, Department of (inaudible) Planning is letting these things go and their getting busted now! The Feds are getting involved and if you guys don't listen to the people, and do what's right, you guys going join them in prison. I promise that. You guys think I playing? I'm going be calm now and talk to you guys politely in this demeanor because you know what, this is serious. Look at me in my face when I talk to you guys. This is not a game no more. You guys are pushing our kānaka out of our homes. You guys are desecrating our `aina. This is not no joke. You guys think we playing? No, our people are crying, our people are hurting! Yeah, this is not joke! You guys supposed to do what's right for the people of Hawaii and Kaua`i! But you're not! You're failing! So, listen...

Ms. Higuchi Sayegusa: (inaudible).

Mr. Medeiros: ...to me! Do your job right! Do your job right!

Mr. Medeiros: No talk! Listen to the people!

Chair DeGracia: (inaudible) 5-minute recess.

Mr. Medeiros: That's your (profanity) job!

Chair DeGracia: Thank you.

Mr. Medeiros: Public servants! Listen! K! Understand! You can argue with me all you like but (profanity) you (profanity)! I coming fo' see (inaudible)!

Chair DeGracia: Attention everyone, we're gonna have a 5-minute recess and we're gonna reconvene at 9:20. Thank you.

Mr. Medeiros: (profanity)! (inaudible). I going show up in person! Watch me, yeah. I going stop you guys from corruption! I hope you guys understand that! (inaudible). You guys all corruption, all corruption! You guys all should be fired! All of you! Nothing...

The Commission recessed this portion of the meeting at 9:12 a.m.

The Commission reconvened this portion of the meeting at 9:21 a.m.

Called the meeting back to order after recess.

Chair DeGracia: Meeting called back to order. Thank you everyone for that 5-minute recess. Felt that it was necessary to kinda steer this meeting back into order. I'd like to read a couple of things for everyone in participation. Mahalo to public participants who are attending in person or virtually on Zoom. Your presence and participation are valuable to the information during our decision-making process. Please be reminded that in the spirit of aloha, respectful communication and proper decorum are necessary to maintain an orderly meeting. Public statements or marks of aggression, threats of violence, profanity or personal comments about Commissioners or staff may result in the speaker's removal from the meeting. Please note Planning Commission Rule, 1-2-20-(g) Any Person or Persons who willfully disrupt a Meeting or Hearing to prevent and compromise the conduct of the hearing may be removed from the room. Mahalo for your cooperation during this meeting. Also, the public is encouraged to testify and express their views at our meetings. They can submit data, views and arguments in person, remotely or in writings on any agenda item. Hawaii Revised Statutes, Chapter 92, authorize the Planning Commission to establish perimeters to conduct an orderly meeting. Commission Rule, 1-2-21, restricts testimony to the agenda item under consideration. Public testimony time is reserved for those wishing to testify on agenda items. Conducting an orderly meeting ensures that we can discuss everything on our agenda. Many agenda items are time sensitive, and necessary to ensure that the County continues to function. If you wish to testify or express your views on items not on our agenda. There are other ways to communicate this information. You (inaudible) a letter via regular email or email or discuss to the County general social media for help. Thank you for everyone. With that (inaudible).

Ms. Higuchi Sayegusa: Going back to Myles. Are there any other attendees that are joining us by Zoom? Who would wish to testify?

Mr. Hironaka: Yes, Mr. Chair we do have a attendee, Kiara Lorenzo Rodrigues. I will enable your audio and video. You'll need to click "join as panelist" and you can start your video and as well as unmute yourself. You have 3 minutes, go ahead.

Ms. Rodrigues: Aloha mai, can you folks hear me?

Mr. Hironaka: Yes, we can. Go ahead.

Ms. Rodrigues: I just wanna, first of all, just kind of reiterate the last Zoom that Keaka just had, and I just wanna tell you folks that he speaks outta the (inaudible) that he sees, and I know that our people get very vocal, but it's been a very long time. Like, Auntie Tara said, of not listening to us, and it's hard, especially when we sacrifice our time. Like, look, Auntie Tara is there again in person so you guys can hear her because she feels that Zoom is not a good way to speak and that's all I meant. But I just wanna move forward by simply saying this, I don't understand how these huge developments that have looming concerns throughout the community and have hardly any plans put into place, get passed so quickly. We see you folks take, I mean, like what, 3, 4, 5 minutes to just go ahead and pass these things and like Auntie Tara said, it's hours and hours and hours of a 100% testimonies against it. And when it comes to residential homes getting a planning permits to refurbish their homes or

renovate whatever it may be, it takes much, much longer. So, what we're trying to tell you folks is, we need you guys to do your due diligence. We command you folks. This is your job to the public. The public not being any malihini or visitors that come and spend a week. The public is the kānaka maoli, the people who live there, the people who are the caretakers of these lands. We also wanna 100% reiterate the fact that you guys have your due diligence to us as our culture and what these things mean to us. I understand that some of you do not get the depths of what should we speak, and it's hard to tell you folks in three (3) minutes how deep these things go because we would need a year for you guys to understand these spiritual alignments, cause they're real and they're true. Especially to our people. Our health and our well being is a direct example of how we suffer so much and how in these lands, that our people have lived sustainably for the past centuries. We are now a dwindling race. We can look at the kānaka maoli's status of sustainability and progress and moving forward that we don't have to be stuck in the old times, we can move together and be kānakas in the 21st century and be sustainable, cause my people were sustainable before that was even a thing. My people were eco-friendly before that was even a thing. They set the stage and we just need to follow. Mahalo.

Chair DeGracia: Thank you.

Ms. Higuchi Sayegusa: Myles, are there any other testifiers on Zoom?

Mr. Hironaka: Jodi, that's all that we...wait hold on. Yes, that's all we have as far as attendees on Zoom.

Ms. Higuchi Sayegusa: Alright. Thank you very much. I think that...is there anyone else in the audience at this point that is testified. Last call. Okay. We're on Item F.1.

Continued Agency Hearing

Ms. Higuchi Sayegusa: There's none for this meeting.

New Agency Hearing

Ms. Higuchi Sayegusa: No New Agency Hearing.

Continued Public Hearing

Ms. Higuchi Sayegusa: No Continued Public Hearing. We're on to Item F.4.

New Public Hearing

ZA-2022-8: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Sections 8-30.1 of the CZO relating to Additional Rental Units (ARU) and more specifically, qualification requirements involving ARUs = COUNTY OF KAUAI, PLANNING DEPARTMENT.

Ms. Higuchi Sayegusa: We have the designated Planner here that we can turn to. (inaudible) proposal.

Staff Planner Shelea Blackstad: Good Morning.

(Ms. Blackstad read the Director's report into the record. Copy on file at the Planning Department.)

Chair DeGracia: Commissioners any questions? No questions, please.

Ms. Blackstad: Based on the foregoing evaluation and conclusion, it is recommended that Zoning Amendment ZA-2022-8 be approved.

Chair DeGracia: Commissioners, do we have discussions on this item? Concerns?

Ms. Apisa: No, it looked pretty straightforward. I don't have any questions.

Chair DeGracia: I believe this is similar to the one we had (inaudible).

Ms. Blackstad: Yes.

Chair DeGracia: (inaudible) units.

Ms. Higuchi Sayegusa: Yeah, that...there was another proposal that was, that you folks reviewed and approved that similarly eliminated the rule by any requirements or reserved requirements for additional (inaudible) dwelling units, additional dwelling units. So this is very, very similar (inaudible) it was meant to be included in the previous proposal (inaudible) very simple measures to again, take that requirement off the table and to further (inaudible) for a petition of formal rental units and a petition (inaudible).

Chair DeGracia: I'll entertain a motion.

Ms. Apisa: I move that we approve ZA-2022-8: A bill for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the CZO.

Ms. Otsuka: Second.

Chair DeGracia: Okay. Motion was made to approve ZA-2022-8: A bill for ordinance amending Chapter 8, Kaua'i County Code 1987, as related to CZO. Roll call please. Roll call vote please.

Ms. Higuchi Sayegusa: Sure. Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair Cox? I'm sorry. Chair DeGracia?

Chair DeGracia: Aye.

Ms. Higuchi Sayegusa: Motion passes. 4:0.

Ms. Higuchi Sayegusa: I'm sorry, that was also the. I apologize, that was the Public Hearing there's also an action item, related to that item. We might have to, I mean...

Ms. Apisa: We need to go back, and see?

Ms. Higuchi Sayegusa: So sorry.

Ms. Apisa: It's ok.

Ms. Higuchi Sayegusa: If you could recognize and see if there's any testimonies and (inaudible) and also to deal with the hearing. You have to open and close the Public Hearing related to that item. I apologize. Everything was smushed together. So, at this point we do need to (inaudible) just get some clarification with the County Attorney. We did vote on the action item however, there's still the Public Hearing that needed to be dealt with. Is there a requirement to roll back the action item and reopen the, open and close the Public Hearing and then go back to the action item perhaps?

County Deputy Attorney Laura Barzilai: (inaudible)

Ms. Higuchi Sayegusa: Sorry, could you...I'm not sure everyone can hear.

Ms. Barzilai: My mics not working.

Ms. Higuchi Sayegusa: Oh.

Ms. Barzilai: My mics not working right now. I think an appropriate remedy would be to call for any additional testimony closing (inaudible).

Ms. Higuchi Sayegusa: Okay.

Ms. Barzilai: (inaudible)

Ms. Higuchi Sayegusa: Okay.

Chair DeGracia: Any additional public testimony on this agenda item?

Woman in audience: Is this the County Zoning Ordinance?

Ms. Higuchi Sayegusa: This is the proposal for the Additional Rental Units and to remove the (inaudible) reserve requirements. Anyone wishing to testify on that particular item? I'm not seeing anyone wanting to testify.

Ms. Apisa: (inaudible).

Ms. Higuchi Sayegusa: Yeah. Myles is there anyone hand raised? Anyone's hand raised on Zoom? On this particular agenda item.

Mr. Hironaka: Is there anyone attendees that wish to testify on this agenda item please raise your digital hand? Having seen none Mr. Chair, turning it back to you.

Chair DeGracia: Seems like we have somebody in the audience who wish to testify on this particular agenda item.

Ms. Rojas: So, this is the additional rental units. Yes? I don't think this is working.

Ms. Higuchi Sayegusa: Yes, this is particularly the proposal to amend the CZO. To again, to take out the (inaudible) reserve requirements for the additional rental units.

Ms. Rojas: Yeah, so just you know, just like we're (inaudible) additional rental units or nay other decision about making developments, I just wanna add my two cents in, because I feel that I should and I can because nine (9) hours meeting, the last meeting, that was a lot and so, just to remind you all if you are so diligent to read the rules and the regulations for CZOs, for ARUs, for all of these other agenda items that come up. Can you please have and do the due diligence as well for these subdivisions and these housings, cause we talking about housing here, that displace, basically local, kānaka maoli residents. In addition, would looking at what you need to look at to approve an ARU or a CZO or you know, anything else, like the HRM, where it was again, 100% community said no, and you said, oh, you know what, based on these conditions we'll approve it and then somebody asked, what happens if they don't up, you know, follow these conditions, well we'll have another meeting. We'll come back in fifteen (15), fifteen (15) months but then we'll have another meeting. The community said no, they said please no. So, think about what you're doing, the decisions you make, in addition to housing and in addition to the wai, cause one thing I been wanting to say, whether it's a ARU, CZO, subdivision, the Kaua'i general plan says, we can sustainably provide 312 million gallons of water in that 2018 report, 568 pages report and I just want to let you know the Board of Water, Kaua'i Board of Water meeting, in April, they stated, and it's in the minutes, on the bottom it says, and they stated live the last five (5) minutes of the meeting, they, did you all know that three (3) million gallons of water are leaking, and they don't know where it's coming from and they can't find it. That was in April, so that means in May, June, and it's gonna continue on, and because of the way the piping and the water flows, they can't find it. So, I'm gonna state this, because again, I was on that 7, 9-hour meeting and then the next thing the same thing happened in a Hawaii County Council meeting. 7 hours, back-to-back, so 9 hours your all meeting, 7 hours of Hawaii Island meeting, and I know I kinda see like, rolling eyes and everything but we are spending the same amount of time to stand up and to remind you to uphold your kuleana. To read carefully what has been written and created by the community for the community of Kaua'i.

Ms. Higuchi Sayegusa: Three minutes.

Ms. Rojas: Yeah okay, so, please uphold your kuleana and have the same due diligence as you do for any other things for all islands. Mahalo.

Chair DeGracia: Thank you.

Ms. Higuchi Sayegusa: Is there anyone else who wants to testify on this item in the Public Hearing? Not seeing anyone else.

Ms. Apisa: So, we go back-to-back (inaudible)? I make a motion to close the hearing on ZA-2022-8.

Ms. Otsuka: Second.

Chair DeGracia: Motion has been made and seconded. Motion on the floor is to close Public Hearing for ZA-2022-8. All in favor say aye. Aye (Unanimous voice vote). Oppose? Hearing none motion passes 4:0.

Ms. Apisa: Would it be appropriate to make a motion to ratify (inaudible) vote on this subject ZA-2022-8 after the Public Hearing?

Ms. Barzilai: (inaudible)

Ms. Apisa: I would like to make a motion to ratify (inaudible) vote on ZA-2022-8. Now that the Public Hearing has been closed.

Mr. Ako: I'll second.

Chair DeGracia: Motion has been made and seconded. Motion on the floor is to ratify the previous decision made for item ZA-2022-8. Can we get a roll call vote please?

Ms. Higuchi Sayegusa: Sure. Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair DeGracia?

Chair DeGracia: Aye.

Ms. Higuchi Sayegusa: Motion passes 4:0.

Ms. Higuchi Sayegusa: We're on item, let's see.

CONSENT CALENDAR

Ms. Higuchi Sayegusa: Nothing on the Consent Calendar.

GENERAL BUSINESS MATTERS

Ms. Higuchi Sayegusa: Item H, General Business, 1. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision related to the Denial of a 2022 renewal packet BY HEBGEN INVESTMENTS LLC for TVRNCU #4275 due to a failure to timely renew in 2022, Tax Map Key (4)45003001, Kapa'a, Kaua'i, received on May 23, 2022 via email for referral to Board and Commission as Contested case File No. CC-2022-4.

Ms. Higuchi Sayegusa: So, for this item there is a lodged appeal of the declined Director's action which denied a 2022 renewal of a TVRNCU. Our recommendation is to refer the matter to Boards and Commissions Office for the (inaudible) of the contested case and to, i.e., to handle the evidentiary portion of the hearing and then issue, in front of a hearings officer to issue or report (inaudible) back to you folks for your decision making. So, that's our recommendation. You also do have the option of holding the contested case yourself but of course, that would also require you folks to act as the judges (inaudible) it could be needing special meetings for contested cases. So, you do have two (2) options. But then again, our recommendation is to refer it to a hearings officer that's hired by the Boards and Commissions office.

Ms. Otsuka: Is it this time that I make my motion?

Ms. Higuchi Sayegusa: Yes.

Chair DeGracia: Anybody here from the (inaudible) to make any comments? Anybody online?

Mr. Hironaka: Mr. Chair, there's no one online for this matter.

Chair DeGracia: Thank you. Commissioners, any discussion? Or questions for the department? I guess we're fully aware of our choices here, whether we take it upon ourselves to hear all the evidence and/or we refer it to Boards and Commissions, and they will assign a hearings officer to take all the evidence and then bring us back a report.

Ms. Apisa: I make a motion that we refer this matter on HEBGEN INVESTMENTS LLC TVRNCU #4275 to the Boards and Commissions to assign a hearings officer to come back and provide a recommendation to this Planning Commission.

Ms. Otsuka: Second.

Chair DeGracia: Motion has been made and seconded. Motion is to refer this (inaudible) to Boards and Commissions and have them assign a hearings officer. Can we get a roll call, a roll call vote please?

Ms. Higuchi Sayegusa: Yep, sure can. Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Chair DeGracia?

Chair DeGracia: Aye.

Ms. Higuchi Sayegusa: Motion passes 4:0.

Ms. Higuchi Sayegusa: Item H.2. Amendment to Class IV Zoning Permit Z-IV-2000-27 and Use Permit U-2000-22 relating to an addition to the Kauai Police Department facility, involving a parcel identified as 3990 Kaana Street in Lihue, Tax Map Key: (4) 3-6-002:018 = COUNTY OF KAUA'I.

Staff Planner Dale Cua: Dale Cua on behalf of the Planning Commission.

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

Chair DeGracia: Thank you. Can we hear from the applicant (inaudible)?

Assistant Police Chief Kalani Kaye: Morning Vice Chair DeGracia, fellow Commission members. Kalani Kaye with the Kaua'i Police Department. I'm here representing Kaua'i Police Department on this. So, just some background information and the reason for the request to amend. We've been dealing with parking challenges at the Kaua'i Police Department for many years now. Specifically, as it relates to our secured parking area, where we park our (inaudible) and also the evidence vehicles. What happens is, you know we, as part of our investigations we recover and required to hold vehicles for a period of time, and it ends up taking up space on what we are already limited on. So, a few years ago, we identified this lift system as a possible solution to our parking situation. And being able to consolidate the vehicles in a smaller footprint (inaudible) vertical. That's why we're here to make this request in front the commission. Can you hear me now? Sorry. Should I begin?

Chair DeGracia: Okay.

Mr. Kaye: So, yeah, so that's why we're here in front the commission today, so, any questions for me?

Chair DeGracia: Commissioners any questions?

Ms. Apisa: I'm familiar with this system at a affordable housing project on Oahu.

Mr. Kaye: Okay.

Mr. Ako: I know I (inaudible), I'm not familiar with this at all.

Ms. Apisa: I could.

Mr. Ako: Yeah, no. I mean, but so the specificity here is just to house evidence cars? Or is it parking for, ample parking for employees? (inaudible).

Mr. Kaye: No, it won't be used for employee parking. It'll be used for evidence vehicles that are more long term.

Mr. Ako: Yeah, okay.

Mr. Kaye: And it'll be located in the, one of our secured parking areas on site.

Ms. Apisa: Sounds like an elevator for vehicles.

Mr. Kaye: That's exactly, yes.

Mr. Ako: (inaudible).

Mr. Kaye: So, multiple level. It's like a stepper I wanna say, system.

Chair DeGracia: Commissioners any further questions either for the department or the applicant?

Ms. Apisa: I think it's creative and a good thing.

Chair DeGracia: Nothing further, no discussion, no comments? Alright, Commissioners, if no further discussion or questions. Recommendation.

Mr. Cua: Before I move onto the recommendation, would you like to (inaudible).

Chair DeGracia: (inaudible).

Mr. Cua: Okay, I'll be moving on to the (inaudible) information. Based on the foregoing findings and evaluation it was concluded that (inaudible) development and facilities (inaudible) is reasonable and (inaudible). Proposed development would be in the best interest of the public's health, safety, and welfare too. The project is consistent with a designation of the site as a County public facility (inaudible). The proposed development is compatible with surrounding commercial industrial properties of the Lihue Bus right there. (inaudible) the project (inaudible) standards within the general commercial district and special treatment public district section of the property (inaudible). This (inaudible) is to be best (inaudible) practices to ensure that the operation does not (inaudible) that will affect the health, safety and (inaudible) in the surrounding areas (inaudible). Moving on to the recommendation. Based on the foregoing (inaudible), it is recommended that both amendments, to Use Permit U-2000-22 and Class IV Zoning Permit Z-IV-2000-27 shall be approved. Applicant is furthered by all applicable conditions of the approval of the subject permits as indicated in the Planning Commissions (inaudible) dated March 10, 2000, shall (inaudible).

Chair DeGracia: Thank you Dale. I see a hand in the audience. Ms. Rojas, do you have a comment or question?

Ms. Rojas: I just had a quick question. You know, just regarding that as I was listening to this (inaudible). I was just wondering, you know like, if I'm able to ask if, like you know, how much it will cost? And who will be paying for it?

Ms. Higuchi Sayegusa: (inaudible). Is that your testimony (inaudible)?

Ms. Rojas: Yeah.

Ms. Higuchi Sayegusa: Okay. How much of the applicants (inaudible) time (inaudible) questions? Otherwise, we can get back to Ms. Rojas separately, if that's okay. It is a county proposal, so, it is a county project. I'm not sure the exact cost on it but again, this is sort of the zoning measure to make, to lay the foundation to allow the project to proceed. To kinda get the land use proposals in place prior to the project actually getting contracted, procured, and contracted and (inaudible). So, it would have through procurement, which will likely have a cost component to value low cost as a priority. So, that's probably the best you could do right now. Again, this is a matter to handle the zoning of groundwork to clear the way to allow this project to happen. Hope that answers your question.

Ms. Rojas: (inaudible).

Chair DeGracia: Commissioners? Defer motion. I'd like to get a motion.

Ms. Apisa: I make a motion to approve amendment the Class IV Zoning Permit Z-IV-2000-27 and Use Permit U-2000-22 relating to an addition to the Kaua'i Police Department facility.

Ms. Otsuka: Second.

Chair DeGracia: Motion has been made and seconded. Motion is to approve amendment Class IV Zoning Permit Z-IV-2000-27 and Use Permit U-2000-22. Roll call vote please.

Ms. Higuchi Sayegusa: Commissioner Ako?

Mr. Ako: Aye.

Ms. Higuchi Sayegusa: Commissioner Apisa?

Ms. Apisa: Aye.

Ms. Higuchi Sayegusa: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Higuchi Sayegusa: And Vice Chair DeGracia?

Chair DeGracia: Aye.

Ms. Higuchi Sayegusa: Motion passes 4:0.

COMMUNICATION

Ms. Higuchi Sayegusa: With that. No items under I, J, K today.

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS (For Action)

None.

EXECUTIVE SESSION

Ms. Higuchi Sayegusa: There's an item M. Executive Session. There was no need to go into Executive Session. Our commissioners did have the option to make that motion.

ANNOUNCEMENTS

Ms. Higuchi Sayegusa: Item N. Announcements. Coming up in, our next meeting will be July 12, 2022. We do have a couple zoning measures that will be proposed or zoning amendments. Other wise it should be relatively light going forward in July. Any other questions/comments? I think we could be ready for (inaudible) adjournment.

Chair DeGracia: Could I get a motion to adjourn?

Ms. Otsuka: Move to adjourn.

Mr. Ako: I'll second.

Chair DeGracia: Motion has been made and seconded. Motion is to adjourn this meeting. All in favor say, aye. Aye. (Unanimous voice vote). Oppose? Motion passes 4:0. Thank you everyone.

Chair DeGracia adjourned the meeting at 9:57 a.m.

Respectfully submitted by:

Lisa Oyama

Lisa Oyama,
Commission Support Clerk

Approved as circulated 08/23/2022 Meeting.

Approved as amended. See minutes of _____ meeting.

