

KAUA'I PLANNING COMMISSION
REGULAR MEETING
January 09, 2024

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Francis DeGracia at 12:06 p.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako
Ms. Donna Apisa
Ms. Helen Cox
Mr. Francis DeGracia
Mr. Jerry Ornellas
Ms. Lori Otsuka

Excused or Absent

Ms. Glenda Nogami Streufert

The following staff members were present: Planning Department – Director Ka'aina Hull, Deputy Director Jodi Sayegusa, Staff Planner Dale Cua, Romio Idica, Kenny Estes, Planning Staff Duke Nakamatsu; Office of the County Attorney – Deputy County Attorney Laura Barzilai, Office of Boards and Commissions – Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Francis DeGracia: The time is 12:06, I'd like to call to order the Planning Commission meeting for Tuesday, January 9th, 2024. Could we get a roll call please, Mr. Clerk?

ROLL CALL

Planning Director Ka'aina Hull: Roll call, Mr. Chair. Commissioner Ako?

Commissioner Gerald Ako: Here.

Mr. Hull: Commissioner Apisa?

Commissioner Donna Apisa: Here.

Mr. Hull: Commissioner Cox?

Commissioner Helen Cox: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Commissioner Otsuka?

Commissioner Lori Otsuka: Here.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Here.

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

Chair DeGracia: Thank you.

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

Mr. Hull: Next, we have Selection of Chairperson and Vice Chairperson, which is a standard routine at the commencement of the new year. We definitely want to thank Francis for his leadership and guidance over the past 2023. This certainly was I would have to say in my memory of 15/16 years in the Planning Department, arguably one of the most contentious years and helping the community as well as the commission navigate some of those frustrations within, what I think Commissioner Ako said this morning apply within the parameters that you folks have available has been absolutely wonderful to watch Chair, so we really appreciate the time you spent here.

Chair DeGracia: Thank you, Mr. Clerk. With that, commissioner nominations are now in order for the position of Planning Commission Chair, nominations need not be seconded. Are there any nominations?

Ms. Otsuka: Yes. Chair DeGracia, and fellow commissioners. I would like to nominate Commissioner Donna Apisa for the position of Planning Commission Chair.

Chair DeGracia: Okay. Are there any further nominations? If not, may I have a motion to close nominations?

Ms. Otsuka: I move to close the nomination for the position of Planning Commission Chair.

Ms. Cox: I second.

Chair DeGracia: Okay, we'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Any oppose? Motion carries. 6:0. Thank you very much. And I believe nominations are now closed.

Ms. Otsuka: For the Chair.

Chair DeGracia: Okay, Commissioner Apisa has been nominated to fill the position of Planning Commission Chair. Roll call, Mr. Clerk on the nomination of Commissioner Apisa to be elected as Chair of the Kaua'i County Planning Commission.

Mr. Hull: Roll call, Mr. Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair. 6:0.

Chair DeGracia: So, it's unanimous that members of this commission have voted in favor of Commissioner Apisa, and she is duly elected to serve as Planning Commission Chair. Congratulations.

Ms. Otsuka: Congratulations.

Ms. Cox: Congratulations.

Ms. Apisa: Thank you.

Chair DeGracia: With that, I will officially pass the torch.

Chair Apisa: Thank you very much for your confidence in me. Nominations are now in order for the position of Planning Commission Vice Chair. Nominations may not be seconded. Are there any nominations for Commission Vice Chair?

Ms. Otsuka: Yes. I would like to nominate Commissioner Gerald Ako for the position of Planning Commission Vice Chair.

Chair Apisa: I believe we don't need a second. Is there, all in favor? Do we need a roll call for that?

Mr. Hull: It's up to you, it can be a voice vote or a roll call.

Chair Apisa: Oh okay.

Deputy County Attorney Laura Barzilai: Madam Chair, we can close nominations (inaudible) by motion.

Chair Apisa: Okay. Thank you.

Ms. Otsuka: I move to close the nomination for the position of Planning Commission Vice Chair.

Ms. Cox: Second.

Chair Apisa: All in favor of closing the nominations. Aye (unanimous voice vote). 6:0. Thank you. The motion carries, it's unanimous. The nominations are now closed. Gerald Ako has been nominated to fill the position of Planning Commission Vice Chair. Congratulations Gerald.

Ms. Otsuka: Congratulations.

Mr. Ako: I'm not sure whether I should say thank you or not.

Ms. Otsuka: No comment.

Mr. Ako: But thank you.

Chair Apisa: Nominations for...

Ms. Barzilai: We need a roll call now to (inaudible).

Chair Apisa: Okay, we do take it, even though it was unanimous, we need a roll call here to confirm Gerald Ako as our Vice Chair.

Mr. Hull: Roll call, Madam Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion passes, Madam Chair. 6:0.

Chair Apisa: Now congratulations, Gerald Ako. Thank you.

Mr. Ako: Thank you, Donna.

Chair Apisa: Unanimity of members have voted in favor of Gerald Ako, he is duly elected to serve as the County Planning Commission Vice Chair. Congratulations, Mr. Ako.

Mr. Ako: Thank you, Donna.

Chair Apisa: Back to our agenda, we need a motion to approve our agenda.

Ms. Cox: What about subdivision?

Ms. Barzilai: Mr. Clerk, do we need a Subdivision Chair? We need an appointment of a Subdivision Chair.

Chair Apisa: Oh, I'm sorry.

Ms. Barzilai: Thank you, Madam Chair.

Chair Apisa: Sorry, I jumped the gun here twice now. Appointment of our Subdivision Committee Chair. I would like to appoint Commissioner DeGracia as Chair of the Subdivision Committee. Commissioner Ako as the Vice Chair to the Subdivision Committee, and Commissioner Ornellas as the third member of the Subdivision Committee. May I have a motion to approve?

Ms. Cox: I approve.

Chair Apisa: Do we have a second?

Ms. Otsuka: Second.

Chair Apisa: We can take a voice vote on this. All in favor. Aye (unanimous voice vote). Motion carries. 6:0. Thank you very much. We have a Subdivision Committee for 2024.

APPROVAL OF AGENDA

Mr. Hull: Next, we have Approval of the Agenda. The Department has no amendments to the agenda at this time.

Chair Apisa: Motion to approve the agenda.

Mr. Ornellas: So moved.

Ms. Cox: Second.

Chair Apisa: All in favor of voice vote, please.

Mr. Hull: I apologize. I'm sorry. I'm realizing we have applicants in the back. If there's any way we could possibly recommend that the agenda be amended so that the Committee Report K. immediately precedes or is before I. General Business.

Ms. Barzilai: Motion to amend for K. to precede I.

Chair Apisa: Yeah. Motion to amend the agenda for K. to precede I.

Ms. Cox: So moved.

Ms. Otsuka: Second.

Chair Apisa: We have a motion on the floor to amend the agenda. All in favor. Aye (unanimous voice vote). Any opposed? The agenda is amended. 6:0.

Mr. Hull: Just wanted to say, Mr. Hammett, Mr. Hinazumi, you and your team are welcome to stick around for the later presentation.

MINUTES OF THE MEETING(S) OF THE PLANNING COMMISSION

Mr. Hull: We have up next the Minutes for September 12, 2023.

Mr. DeGracia: Motion to approve the minutes for September 12, 2023.

Ms. Cox: Second.

Chair Apisa: All in favor. Aye (unanimous voice vote). Any oppose? Minutes for September 12, 2023, meeting have been approved.

RECEIPT OF ITEMS FOR THE RECORD (None)

HEARINGS AND PUBLIC COMMENT (None)

CONSENT CALENDAR (None)

Mr. Hull: We move into the Subdivision Report or Agenda Item K.1.

COMMITTEE REPORTS

Mr. Ako: Madam Chair, the Kaua'i Planning Commission Subdivision Committee did meet this morning and I believe everybody was there, so I'll bypass the summary of it and we move for approval.

Mr. DeGracia: Motion to approve the Subdivision Committee Report.

Ms. Otsuka: Second.

Chair Apisa: All in favor, voice vote, please. Aye (unanimous voice vote). Any opposed. Motion carries. 6:0. The Subdivision Committee Report has been approved.

GENERAL BUSINESS MATTERS

Presentation on the General Plan Progress Report (2019-2023) by the Long Range Planning Division.

Mr. Hull: Presentation on the General Plan Progress Report by the Long Range Division Chief, Marie Williams. I'll turn it over to Marie from here.

Long Range Division Chief Marie Williams: Good afternoon, Chair Apisa, and members. This is Marie Williams with the Long Range Division, the Planning Department and today we wanted to present to you, an overview of progress made on our General Plan since its comprehensive update in the year, 2018. So, we're looking at the time frame from 2019 to 2023, approximately a 5-year period. And this presentation is focused on, what has been conducted and completed, over that period, particularly in the areas of plans, studies, and the co-changes in zoning amendment. Just to let you know we do intend on providing a follow-up presentation on how we have progressed on the projects and the programs as well, those are other important tools and means of implementing our General Plan. So, alright. So, this is a short presentation. It has a lot of info, but it's intended to provide you a high-level overview of the work that was done over the past 5 years, and so, but first I'll just give a really brief overview of our General Plan framework, and this will be followed by a look at the completed plans and studies and then moving on to progress with the code changes recommended by the General Plan, and then we will conclude with information on the next steps as well. And I probably don't have to give this presentation to all of you. Some of you were involved in the creation of our General Plan in the approval process back in 2018. But, essentially our General Plan is a high-level policy document. It's adopted in Chapter 7 of our county code, and it directs basically all county action and planning, It guides how we grow and how we grow and manage growth, manage those impacts of growth. This policy is shown in text and map form within the General plan and the plan is organized, starting at the highest level with a vision followed by 19 policies. Then, 41 objectives, which are organized by sector and sub-sector, and then within each of those sub-sectors are the actions that are definitely more on the ground and directs what is meant to, what is hoped to be achieved. And what this slide shows here, it shows how within a subsection where the actions are housed, how you can see the connection to what the policies are. If you look at the objective, there are some icons, and each icon represents what the connected policy is. Alright, so let's dive into this first part of this act progress on the General Plan overview. We're going to start with the plans with the various plans and studies that have been completed or are new or ongoing. And there are

total of 18 projects. And again, we don't have time to go into detail with all of these, but this is just meant to provide you an overview and show what that General Plan connection is. And we'll start with, probably our most important plans, those are our community plans. These plans are adopted in Chapter 8, of our county code and we're able to complete the West Kaua'i Community Plan back in 2020 and this definitely was required in our General Plan to implement some of the actions, and on the right-hand column you can see the action that is that basically is implemented through the project and we are also very pleased to announce that we are, we have launched the contract for the East Kaua'i Community and Circulation Plan and a public launch will be, that's in the works right now, so we're looking forward to start that, that project. Okay, and but of course the policies in the General Plan are not only implemented through community plans or town plans but also through the whole slew of plans and other types of projects of the county undertakes not just this department but other departments as well and I'll go over 5, that have been completed in the past 5 years, there's a Waimea 400 conceptual plan, and then the, our Hazard Resiliency Plan update was completed as well, this is a 5-year plan required by FEMA that the county regularly needs to update, and then we also have a vulnerability assessment that Sea Grant lead that was prepared for the West Kaua'i area in, basically in tandem with the West Kaua'i Community Plan, and that was, as you can see on the right, the actions related to how we address climate change there are quite a few calling for assessments like this, so it was nice to get that done and then regarding tourism, we adopted or not adopted was completed, this is the Destination Management Plan Action Plan, the first ever type of tourism plan essentially that really seeks not just to grow the tourism industry but address the, how we can look at, how we can address what some of those impacts might be. And also the fifth project was a coastal access inventory completed by Open Space, and that was a really big concern in our General Plan that we need to inventory what these public access ways are and find ways to protect them. I'll just keep moving along. There are 7 ongoing projects. Some of these are very close to being completed. Number one, our Climate Adaptation and Action Plan, we've been working on it a couple of years now, we will have a final draft ready in the coming months and you can see on the right-hand column that there are a lot of actions concerning this plan, so this project is a very important priority for us to complete. There is also 2 projects related to the Līhu'e Civic Center, a hub site plan and feasibility study that looks at what redevelopment options we have here on this site. These are underway and then there's also a Mobility Hub Plan for the Coconut Marketplace area. This is being led by our Office of Economic Development and, similar to the Līhu'e Civic Center, just looking at ways to support some of the multi-modal transportation goals of our General Plan. That project is underway and then just for the remaining 3, there's a Build Back Better Pre-Disaster Recovery Framework project underway. This project is also being led by UHC grant, and then there are 2 Affordable Housing Master Plans. One for the Kīlauea area, the other implementing the Waimea 400 Conceptual plan being led by the county as well. These are moving forward some of the actions and the affordable housing sector within our General Plan and we're also pleased to announce 3 new projects that all should launch shortly in the coming months. There is a multi-use Path and Bikeways Master Plan for our entire county. I'm really excited to work on that, and if you look at the right-hand column, you can see there are many actions in our General Plan that speak to this, so it's definitely a big need we have to develop this network. And then there's also the Līhu'e mauka road bypass or corridor plan. Many of you might know that the bypass road for the Līhu'e area has been a concept around for over 50 years and this plan is an attempt to really try to move forward on that. As you know construction of a new road, whether it's a county road or a state road takes a very long time, and so this is meant

to kind of put those pieces together and see what can be achieved, whether it would be a county project or a State Department of Transportation project. And finally, a Safety Action Plan, this is a transportation and related plan that would look at how we can make all our roadways safer for all of the users of the road. Okay, and now getting into the final part of this presentation going over what those permitting and code changes are. I'll just say they've had a lot. There have been a lot of, zoning amendments, and particularly changes to our zoning code that have been made over the past 5 years. So, the good news is that where the, wherever our General Plan called for some action to be taken or changes to be made in our zoning code that has been, done. And just, but I will also mention that these code changes don't only take place in Chapter 8, our zoning code, but also there are a couple of other chapters that have been touched as well, and we'll go over those. Okay, so starting with the zoning map changes, these are amendments that only change the zoning map, it didn't really result in a text change. There are a couple more amendments that also involved text amendments and I'll go over those in future slides, but in summary there were 2 concerning Island School and KCC, the university district, seeking to be rezoned to that, and the remaining 2 are connected to the West Kaua'i Community Plan. Some overlays occurred at the Port Allen Airport, and then additional industrial zoning in the area. Okay, and now getting into our code changes, what I attempted to do was organize this by sector, I mean, by chapter, excuse me. So, starting with Chapter 6, this is our finance chapter, things related to finance and real property tax. Let's see, there were 2 amendments, one pertaining to ARU, Additional Rental Unit incentives, and the other pertaining to the Open Space (inaudible). But the second one actually resulted from a charter amendment. Okay, and then we also did some changes within our Chapter 7, in Chapter 7 H., Chapter 7 is our General Plan Ordinance Chapter 7 A., is our housing policy, particularly our affordable housing policy. Number one, we did update our General Plan again after our West Kaua'i Community Plan, and then our housing policy was updated, a comprehensive update after a study was called for, and our General Plan actually strongly supported that, it acknowledged that our previous housing policy perhaps wasn't as effective as it could be. So, it's nice to have that in place. Alright, and now we'll move into the (inaudible) for the changes, the changes occurred in Chapter 8, our zoning code. There are a lot of amendments and again I'm going to fly through them, but I try to organize them by what the topic was, and the Planning Director since he was the author of many of these can feel free to chime if need be, but this first set of code changes really address housing, our General Plan really took a strong stance on supporting infill housing, that means providing more development on existing lots, which often result in a more affordable house or structure, and so a lot of barriers to that were changed, a lot more freedom now we have within our zoning code to build an ARU or an ADU, or even convert a guest house to a home, and so that's what this set of 5 sought to do. There's a whole range, and I'll just move on to multi-family development as well. Multi-family development is kind of the other piece of this affordable housing. Push through the General Plan to move away from just single-family homes. But, definitely increase our inventory of apartments or other types of housing. And there the four here actually free up the ability to build multi-family homes, and definitely, this was heavily supported in our General Plan. Okay, the next set of code changes, these 3, address climate change and the hazards associated with climate change such as sea level rise, erosion along the coastline. Number one established the special treatment coastal edge in the West Kaua'i area through the West Kaua'i Community Plan. Number 2, adopted, you might be more familiar with this since this is a recent change. It adopted the, excuse me, the Sea Level Rise Constraint District, and this is an ordinance that actually won the National Planning Award and Ka'a'ina, our Planning Director will be receiving that award this

year. And then the final co-change addresses, updating our shoreline setback requirements based on the updated coastal erosion study. And I'll just mention our General Plans peaks to using the best available science as much as we can to address sea level rise. And finally, there's an assortment of a couple other changes, also very important. Oh, excuse me for a moment. And these basically established our Plantation Camp District, and also provided some better coordination with our transportation agency and a couple of other pertaining to the agricultural district. And then, diving into Chapter 10, which is where our Development Plans or Community Plans are housed. When we did update our West Kaua'i Community Plan and when we developed the plantation camp zoning district, that also required updates to Chapter 10 seen here. And then finally with Chapter 11, which is for our Environmental Assessment fees are. There are a couple of changes basically to provide relief to those who apply for an ARU or ADU, I'm sorry all of these are for an ARU, providing relief from the Environmental Impact Assessment, the sewer assessment or from building fees, and of course this is a very important way to help encourage more people to build these kind of housing. Alright, then one last change in Chapter 12, which is our building code, pertaining to just clarifying requirements for what a tiny home is. So, that includes the overview of the progress made on our General Plan actions from over the past 5 years, particularly with plans, studies, our code changes, zoning amendments, and we are now working on the next piece of this, which is the capital project, roads, bridges, parks, stuff like that, and, as well as programs, the progress that has been made on the program front. I'll also mention that our General Plan in it's implementation chapter does ask for us to develop an indicator program and we'd like to fold that into this update for you as well. We are actively, exploring ways to provide the platform for these updates, so it's not a report or PDF, but something that could be online, and every time progress is made, there's a real-time update. Excuse me, but that concludes the presentation. Do you have any questions for me?

Chair Apisa: No, very nice, concise and to the point.

Ms. Willimas: Excellent. Great. Thank you so much. Thank you for your time.

Mr. Ako: Good job.

Ms. Otsuka: Thank you for your hard work.

Ms. Barzilai: Chair, I'm suggesting a 10-minute recess at this time.

Chair Apisa: I suggest we take a 10-minute recess. Returning at 12:45.

Commission went into recess at 12:36 p.m.

Commission reconvened at 12:58 p.m.

Chair Apisa: The Planning Commission will reconvene. At this time we will be considering the evaluation of the Director's work performance. The actual evaluation is in executive session pursuant to Sunshine Law. The evaluation uses the county's form for the evaluation of appointees and managers. Is there any testimony on this item? Ms. Ching, would you like to approach, I guess you have approached. Thank you. Would you like to give us your input?

Boards and Commissions Administrator Ellen Ching: Sure. Ellen Ching, Boards and Commissions Administrator. Typically, the Planning Commission does its evaluation and I am

not involved with it and not to say that I would want to be. I am grateful and so self-sufficient. (Inaudible). However, all of the other (inaudible) commissions follow a totally different process. And so, in view of that, one of the things that I asked that (inaudible) attorney was if I would be able to.

Commissions Support Clerk Lisa Oyama: Your mic is not on.

Ms. Ching: Okay. That is the first criminal sin for Boards and Commissions when you don't have your microphone on. Bad. But what I asked the Deputy County Attorney and of course with Ka'aina's permission if I would be able to observe how the Planning Commission does its evaluation, and the reason for that is, with the exception of water, all of the other Boards and Commissions follow a very, very different process on evaluation. They've all decided they do not like the form that HR provides, so they've all created their own form, and as far as the process goes, we send out the forms to the commissioners, they fill out the form, the office collates all of the comments and then a P.I.G. is formed to go over and create a consolidated evaluation report. Once the commission adopts that report, then it's usually the Chair and the Vice Chair that meets with the department head and HR and goes over the evaluation part, so you can see it's a very different process than what you all follow, which is my understanding, which doesn't make it better or worse, it's just very different, and from my perspective, you know, I'm curious as to how you guys do your evaluation process because it might be, you know, terrific and I could talk to the other commissions and say, hey, you may want to consider this. So, it's more from a learning perspective on my part.

Chair Apisa: Well, I will just speak from just having been on this few evaluations, a few years. We've always gone by the form, we go by the book, and we make it work, so, I think our only problem was that there were never enough boxes to give accolades because we've always loved our Planning Director.

Ms. Barzilai: Excuse me, Madam Chair. So, I think the purpose of inviting Ms. Ching is if there are any questions on the form itself, and perhaps a process can be introduced for next year if changes are required but as of today we will be proceeding with this form and pursuant to Sunshine Law, the actual evaluation takes place in executive session with no outside parties present.

Chair Apisa: Yes, I mean, I think most of our commission members have been through the form in the past. I haven't looked at over today, but I mean in general, we've been able to work with the form and that would be my intent today is to just work with the form. Does anyone else have some input on that?

Ms. Cox: I'm fine with working with the form, but I know in the past there actually have been some places where we felt like it didn't make sense.

Chair Apisa: I think we just put N/A for one or two of the boxes.

Ms. Cox: Right, but I'm just wondering if we're being asked to improve the form. I don't know that I wanna do it in the next 30 seconds, but I do think there could be some things that we might want to improve.

Chair Apisa: Well, but I...

Ms. Barzilai: And I would be happy to take input on that and incorporate that into our future process.

Chair Apisa: Yeah, I think that would be for a future where we may give recommendations on improving the form for future, but I think for today if we could just go with the form and continue on as we have and if I recall correctly, we an N/A in any boxes we felt we couldn't answer.

Ms. Cox: Well, and by going through it we'll remember where it was that we had problems.

Chair Apisa: Right, exactly. And then we could make a recommendation for the future.

Ms. Cox: Great!

Chair Apisa: So, I don't have any questions.

Ms. Otsuka: Last year we just discussed it verbally and I think just you took notes, and we submitted just one form.

Chair Apisa: Right. What we did last year is I know there were times when we discussed it and then we each took it home to turn it in and it had to be compiled, but that's rather cumbersome. I know last year we all came to a consensus and we filled out one form and submitted one form and I like that idea.

Ms. Otsuka: Yeah, we all kind of agreed or even if disagreed, you would write both. (Inaudible) agreement, this is what some people disagreed (inaudible).

Chair Apisa: Right, at the end of today we will turn in our form.

Ms. Otsuka: One form representing all of our comments.

Chair Apisa: Comments.

Ms. Otsuka: Yeah.

Ms. Cox: So, I have a question based on what Laura said because I thought, Ellen, I thought you had asked to observe us going through this, which is fine with me, but I thought then you said that we are in executive session and that no one else would be there.

Ms. Barzilai: Pursuant to Sunshine Law, Commissioner.

Ms. Cox: Okay.

Ms. Barzilai: Yes, it's a matter of privacy.

Ms. Cox: So, in other words, Ellen can't observe what we're doing.

Ms. Barzilai: Unfortunately, today, I would not recommend that, Madam Chair.

Ms. Cox: Okay, I just wanted to clarify that.

Ms. Ching: And let me just be clear. It's not, I'm not asking or suggesting that any changes be made in your process or the form for today. I just wanted to let you know that what my interest is and why.

Chair Apisa: And thank you for that, making it usable. Anyone else have any questions or input?

Ms. Barzilai: Are there any questions on the form in general or the categories?

Chair Apisa: Any questions on the form or categories?

Mr. DeGracia: Just a comment. I believe one of the areas that we struggled with previously was I believe like financial management, a thing that we don't necessarily deal with in...

Chair Apisa: The budget.

Mr. DeGracia: ...any budgeting or anything like that. There are items on here that we wouldn't be able to answer and just glancing over it, that was one of the areas I remembered.

Chair Apisa: Thank you, because I didn't recall specifically which area it was, but that is correct. That is where we felt we didn't have the knowledge to give an answer. Any other questions about the form or...

Ms. Otsuka: So, should we put it on the form we turn in, we feel that this does not pertain to the Planning Department?

Ms. Ching: I think how you've handled it in the past, where you just put N/A, I think that would suffice.

Chair Apisa: Okay, I think...are we ready to adjourn to executive session?

Ms. Barzilai: We would need a motion, Madam Chair.

Ms. Cox: I move, we move to executive session.

Ms. Otsuka: Second.

Chair Apisa: We have a motion on the floor to go into executive session. All in favor?

Ms. Barzilai: I'll take a roll call, please, Madam Chair. Commissioner Cox?

Ms. Cox: Aye.

Ms. Barzilai: Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Barzilai: Commissioner Ornellas?

Mr. Ornellas: Aye,

Ms. Barzilai: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Barzilai: Commissioner Ako?

Mr. Ako: Aye.

Ms. Barzilai: Chair Apisa?

Chair Apisa: Aye.

Ms. Barzilai: Unanimous, motion carries. 6:0.

Chair Apisa: We will adjourn into executive session.

EXECUTIVE SESSION

Pursuant to Hawai'i Revised Statutes Section 92-S(a)(2 and 4), the purpose of this executive session is to discuss matters pertaining to the annual evaluation of the Planning Director. This session pertains to the evaluation of the Planning Director's work performance where consideration of matters affecting privacy will be involved. Further, to consult with legal counsel regarding powers, duties, privileges, and/or liabilities of the Planning Commission as it relates to the evaluation of the Planning Director.

Commission went into Executive Session at 1:06 p.m.
Commission reconvened from Executive Session at 2:39 p.m.

Mr. Hull: Thank you, Chair. After coming out of the executive session, as far as general goals that the Planning Department is looking at over the next 12 months, as we've previously discussed at separate times, you know, the first 4 years of the department, there was a fair amount of deregulation of the zoning ordinance that went into play. There were roughly 30, well maybe 30 to 40 some-odd zoning amendments over the past 4 years, primarily aimed at increasing infill development in our urban areas, from ARUs to mixed-use, to reduction of setbacks, county roadway standards, what have you. Those have all been proposed and implemented and we were seeing some activity on those, via ARU development or infill developments. But a lot, as I've kind of previously said, a lot of the problem moving some of these projects forward from an infill standpoint is that the housing crisis itself is an infrastructure crisis and that there's inadequate infrastructure in many parts of the island. So, one of the main goals will be looking at and the discussion we've kind of previously had is, looking at plantation camp zoning and its ability of viability and say the rural districts or areas currently designated as agriculture for the purposes of workforce housing within the paradigm or the form and character that previous plantation camps existed in Kaua'i's past and I'm not saying we're coming out one

way or another, but having that discussion of what lands can be used that are currently vacant and may not be within our urban corridor, is one area where we'll be looking to have that discussion. There are some issues that the General Plan may have with that. And I was definitely part of the General Plan and understand those possible points of conflict, but in a housing crisis we can't leave any stone left unturned, so initiating those discussions is something we'll be looking at. The other areas we're looking at aside from, you know, the plantation camp beyond, the urban deregulation is, it's not as sexy as, you know, vacation rental, or sea level rise policy, but the Planning Department has a backload of paper documents. We have several million pieces of paper that all track and record zoning permits and their associated documents and maps, and those all function as entitlements and legal records for properties. Whether they be large properties or small properties, and that's all on paper. We've begun in the past 8 years, anything that's come in the past 8 years, we've digitized. So, that's roughly 2016 to now, we've been digitizing anything coming in. 2015 to 1972, is in a series of hundreds of boxes. Many of those paper documents have been lost and there is no record of it, whether it was during the hurricane, but it was just during absentmindedness of over the course of 40 years, the digitization of those records is a monumental, but will be paramount in moving us into The 20th century. So, that is one area we will be looking at budgeting, proposing a budget for, as well as having not only consultants, but, existing staff participate in the digitization of our Class I Zoning Permits. And then of course, you know, kind of talked a little bit about the covert operations of a vacation rental investigations in executive session but maintaining a robust and active vacation rental enforcement in which we have an alliance with platforms like Airbnb and VRBO, and Expedia as well as continue to maintain World Wide Web, proactive enforcement. It is gonna be one of our, has been, and will continue to be one of our main priorities. And then just over the course of the year, this past year has been particularly trying for the Planning Commissioners, I think we had this talk earlier this morning about what very real frustrations there are in the community. The divergence between the haves and have-nots and even more particularly, local identity with our culture and our town areas, and how that comes to a head here at this Planning Commission and the fact that there are only so many actual avenues or parameters which this commission can function in the face of the community asking the commission to do so much more, I think, you know, as we lean into 2024 and many of these issues of contention aren't gonna disappear, they're gonna come to a head even more at our commission meetings and trying to try to help the community understand a bit better, it's not going to necessarily appease them but helping them understand, you know what role the Planning Commission can actually take and what are other possible avenues to address some of those very real frustrations the community's feeling right now. And that's in a nutshell. If there's anything in particular else that the commission or commissioners would like us and focus on, we definitely are all ears.

Chair Apisa: Commissioners, any questions or...

Mr. Ornellas: Just a little footnote to the (inaudible). Approaching that counter at planning can be intimidated. I've been on that side of the counter. If the answer is no, then the average person has no recourse. He doesn't have an attorney, right, he's (inaudible), so how do you resort? Is there an appeal?

Mr. Hull: Absolutely.

Mr. Ornellas: Most people just think they're (inaudible) document and walk away and say, well, I'll go home and tell his wife, I can't do it, they said no, but what can the average man in the street do?

Mr. Hull: Well, there's to and I don't mean to sidestep the question, Commissioner. If I don't end up answering the question please pull me back on the track. There's two points of issue here. Approaching the front counter of whether it's the Planning Department, the Building Department, or the Engineering Department, with that permit application in hand, or even a desire to apply for a permit but not knowing where to start, is extremely intimidating for the Joe, regular member of the public. We routinely go through, you know, customer service, training with our staff and understanding that the other side of the counter can be fairly scary for our staff to put themselves in their shoes. I'll, I can look a little bit before, I'll give up a bit of a shout out to our front counter supervisors. A sweet, tiny little woman, hope she's okay with me calling her woman, but Britni Ludington runs that front counter, extremely efficiently and with the highest level of customer care and courteousness. If there's any issues with any of our staff, by all means, I would like to hear about it, Britni would like to hear about it, so from that sense, I hope our, at least our department, our front counter is being as open and available to members of the public with the questions and queries that they get. And that's the first step, is to make sure that the customer feels okay, to ask the questions they need to ask, or guide them into the questions they should be asking to understand what are their rights of their property, and what are they able to do with it. That's something we definitely pride ourselves and wanna make sure it happens. If it doesn't happen, if you experience on our front counter, you know, hostility or feelings of they don't wanna deal with it by all means, and this is to the number of the public that are listening, I do wanna hear about that, cause it is one of our highest points, one of the mayor's highest points coming from a customer service industry. Second to that in understanding what you can or cannot do with the property. If a property owner has gotten, you know, an understanding of what they can and cannot do with the property and what they want to do just isn't legally available to them through the front counter, there are always remedies, like one of the biggest questions, particularly during a housing crisis, as we're in today, is I would like to build another house for my son, or my in law or just for inventory purposes to rent to this distressed market, almost all of our, almost not all, almost all of our urban areas have a density limit and you can only build so many houses per property. So, a common inquiry that happens is can I build another one, and if they've hit the density cap, then it's no, you can't. That doesn't mean they can't apply for a variance to vary around the standards. Now there's a legal nexus for that in which they can, they have to demonstrate possibly, they do have to demonstrate that their properties denied rights to other properties that are of similar nature, so that's one avenue that you could do. Now the variance is, is a formal process where it has to come to the Planning Commission to request approval to say, get that fourth dwelling when they are only allowed to have three. The other opportunity you have when it comes to density is , aside from going through a variance, if you're going to provide affordable housing and even if it's at one or two or three, and there's some type of subsidy being involved, you can apply for what's a Project Development Use Permit to increase that density and as long as the housing agency signs off to say there is some type of county, state, or federal subsidies associated with this you can apply, again that comes to the Planning Commission. There are other avenues in which they can go to the County Council and rezone their property, i.e., upzone it to get more density. So, there are avenues and understanding that some of those avenues are a bit more cumbersome to go through they are but to make sure that the public is aware that there still are avenues, that a simple density (inaudible), there are

still other ways around it, and we'll work to make sure that those that are coming to the front counter are aware of that as well.

Mr. Ornellas: Thank you.

Chair Apisa: Thank you. Anyone else have any questions or comments? Ka'aina, thank you very much for a job well done. We done. We appreciate it. We appreciate you and your whole department. Thank you.

Mr. Hull: Thank you, Chair. Thank you, members of the commission.

Ms. Barzilai: Chair, Ka'aina can step back up so he can finish up the meeting.

Mr. Hull: With that, we have no further agenda items. Our next regularly scheduled Planning Commission meeting will held at 9 a.m. or shortly thereafter on January 23, 2024, which we anticipate being held in person here at the Civic Center, Meeting Room 2A/2B, 4444 Rice Street, Lihu'e, Kaua'i, Hawai'i and the Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date. With that, at your discretion and you guys are ready for adjournment.

Chair Apisa: Can I have a motion to adjourn?

Ms. Otsuka: Motion to adjourn.

Ms. Cox: Second.

Chair Apisa: All in favor. Aye (unanimous voice vote). 6:0. The meeting is adjourned at 2:52 p.m.

Chair Apisa adjourned the meeting at 2:52 p.m.

Respectfully submitted by:

 Lisa Oyama

Lisa Oyama,
Commission Support Clerk

Approved as circulated (March 12, 2024 meeting).

Approved as amended. See minutes of _____ meeting.