

KAUA'I PLANNING COMMISSION
REGULAR MEETING
March 11, 2025

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Francis DeGracia at 9:02 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako
Ms. Helen Cox
Mr. Francis DeGracia
Mr. Jerry Ornellas
Ms. Glenda Nogami Streufert
Ms. Lori Otsuka

Excused or Absent

The following staff members were present: Planning Department - Director Ka'aina Hull; Staff Planner Dale Cua, Alisha Summers, Shelea Koga; Planning Secretary Shanlee Jimenez; 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: Time is 9 o'clock. I'd like to call the Planning Commission meeting to order for March 11, 2025. Roll call please.

Planning Director Ka'aina Hull: Morning Chair.

Chair DeGracia: Please, Mr. Clerk.

ROLL CALL

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

Commissioner Gerald Ako: Here.

Mr. Hull: Commissioner Streufert?

Commissioner Glenda Nogami Streufert: 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: Motion passes, Mr. Chair. 6:0.

Chair DeGracia: Thank you.

APPROVAL OF AGENDA

Mr. Hull: Next, we have the Approval of Agenda. Given the subject matter of the agenda and that we have a large amount of members of the public here seeking testimony on the farmers and artisan market bill, the department would recommend amending the agenda, so Item 4.H.1 be moved to the top of the agenda directly after Continued Agency Hearing and proceeding New Agency Hearing.

Chair DeGracia: Okay.

Mr. Ornellas: Move to amend the agenda.

Ms. Cox: Second.

Chair DeGracia: Okay, Commissioners, motion on the floor is to amend the agenda as stated by the clerk. We'll take a voice vote on this. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 6:0.

MINUTES OF THE MEETING(S) OF THE PLANNING COMMISSION

Mr. Hull: Next, we have minutes of the for the Planning Commission, December 10, 2024.

Ms. Streufert: I move to accept the minutes of the Planning Commission (inaudible).

Ms. Otsuka: Second.

Ms. Streufert: I move to approve. I'm sorry.

Chair DeGracia: Okay, Commissioners, motion has been made to approve the minutes for December 10, 2024. We'll take a voice vote on this. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 6:0.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: Next, we have Receipt of Items for the Record. Nothing was listed as far as we're being received prior to the agenda being published. However, a number of testimonies did come in subsequent to the agenda being testified. The department (inaudible) provide a supplemental number two, to report for the Farmers Artisan Market Bill. So, if you want to take a 10 or 15 minute recess to receive.

Chair DeGracia: 15 minutes, please, Mr. Clerk.

Mr. Hull: We'll be in recess for 15 minutes for the Commission to read the testimony that came in after the publication of the agenda. So, we'll come back at 9:20.

The Commission went into recess at 9:04 a.m.

The Commission reconvened from recess at 9:17 a.m.

Chair DeGracia: I'd like to call the meeting back to order. Meeting is reconvened. We understand there was an issue with the webcast streaming. I'd like to repeat that the meeting commenced at 9:02 a.m. All Commissioners are present. The agenda was amended and approved to move Item 4.i., the first item of business for today. Mister Clerk, could you please read the first item?

New Public Hearing

Mr. Hull: First item for the agenda is

COUNTY ZONING AMENDMENT (ZA-2025-7) A bill (2942) for an ordinance amending Chapter 8, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance (CZO). The purpose of this Ordinance is to permit farmers and artisans markets within State and County park areas and to introduce new definitions in Section 8-1.5 of the CZO to recognize this type of activity = KAUAI COUNTY COUNCIL.

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.
3. Supplement to Director's Report.

Mr. Hull: And we have so far 13 individual signed up to testify. For those that are testifying on this agenda item, as well as any other agenda item, if you can approach the microphone, state your name for the record, and then you have three minutes for testimony. So, I'll start the list now. First, we have signed up, Carl Imperato.

Mr. Carl Imperato: Okay. Aloha, Planning Commissioners. My name is Carl Imperato and I'm speaking on behalf of the Hanalei, Wainiha and a Community Association. I want to begin by pointing out that neither the spirit nor the letter of the CZO contemplates allowing scores of

vendors to sell products in Kaua'i's parks and neighborhoods. Those markets are completely unlike any of the other retail uses that are addressed in the CZO, and for the most part, they're incompatible with the character of our neighborhoods and parks. So, if we're going to allow them, approvals should acquire public hearings, community input and deep consideration of each market's noise, traffic, parking, sanitation and community disruption impacts, we should not enable undue commercialization of our neighborhoods or parks. Unfortunately, the zoning amendment as written proposes to allow weekly multi day markets with no public hearings and almost no standards or requirements to protect the impacted neighborhoods and parks. So, we recommend three major changes to the proposed zoning amendment, first, if commercial uses of our parks and neighborhoods are to be allowed, approval should not be of routine ministerial matter, it should be of approval based on an exception basis and public hearings. Therefore, use permits should be required for all markets that would impact neighborhoods and parks. The use permit process would enable neighborhood concerns to be expressed, considered and addressed and provide some assurance that the approved markets would meet the standards of compatibility with non-detriment to the Community. Second, the use permit approval should be conditioned on support of the residents of the impacted neighborhood and on meeting standards to minimize the market impacts on the impacted neighborhood or park. The permitting process should evaluate all impacts and include restrictions and requirements as needed on the size and the hours of the market, noise and amplified music, bathrooms and waste, traffic and parking and neighborhood disruption. It would be disastrous to leave it up to either Parks and Recreation or the owners of quasi-public land to decide these standards, restrictions and requirements because neither of them have the incentives or responsibility to protect the public interest. Finally, markets that would impact neighborhoods and parks should never be allowed to operate for more than one day a week. We shouldn't contemplate the approval of markets that would operate more than one day a week, so the zoning amendment should be changed to delete the definitions of artisans market (inaudible), farmers market (inaudible), and change the definitions of artisans market (inaudible), farmers market (inaudible) to be redefined to no more than one day a week. I thank you very much for the opportunity to present these concerns and I wanted to let you know, of course, that our Community Association Board hopes to work constructively with the Planning Department to ensure that the final product adequately protects our neighborhoods and parks. Thank you.

Mr. Ako: Thank you.

Chair DeGracia: Thank you.

Mr. Hull: Next, we have signed up Billy Carter.

Mr. Billy Carter: Good morning, Commissioners. My name is Billy Carter. I'm here representing businesses designated as culinary food artisans as well as micro businesses. Businesses such as mine, Kaua'i Gourmet Nuts, other businesses like Outpost Coffee. Midnight Bear Bakery, we're businesses that have grown out of farmers markets. I started my business solely at farmers markets and over a year of attending those, I was able to grow to multiple markets and then finally open brick and mortars. We appreciate being included on this bill. Some people have said, larger micro businesses like my own shouldn't have a place at the farmers markets because we have brick and mortars. However, there's three main points that I want to make to advocate for my style of business. One, is that we employ locals and so this allows us to, you know, pay

people who maybe don't want to work in an inside environment, you know thrive in these outdoor sales. We also, we act as anchor businesses for the market, so much like a larger shopping center that gets larger businesses to bring in customers. We act as these type of businesses not only to bring customers to the market, but to bring crowds of customers to certain zones within the market so that the smaller and startup businesses, the mom and pops, the kupuna run businesses can draw off our crowds and make money on, you know, off of our customers as well. Finally, the last point is that, we shouldn't, as growing businesses, be punished for growing by saying now you're not allowed at the farmers markets, as businesses grow, you don't cast off what made you grow, you build upon that. And so, I appreciate the consideration for micro businesses as well as the culinary food artisans people come to eat. Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up is Michael Young.

Mr. Michael Young: I did the best with my handwriting. Sorry. Aloha. My name is Michael Young. My wife and I own Holoholo Collective. We manufacture a combination of souvenirs and home décor, manufacturing meaning we make, but it sounds fancy when you say it like that. I'd like to say thank you for taking this bill on. Big mahalo to the staff as well for all their work involved in this to really clarify and codify the regulations for markets, artisan markets and farmers markets. You know, really all we're asking for is a level playing field so that all the markets on the island know the rules and can abide by them, you know, let's hold everybody the same standard. These rules layout essentially the terms that we can all understand so the Kaua'i made and Kaua'i manufactured, Kaua'i touched goods are what are sold, right, whether it be stuff like myself where we're carving mostly wood products, people making soap, people manufacturing food products, you know, manufacturing is manufacturing, it's a fancy word, but it means we're manipulating product here on island to pay our bills, you know, right now I'm losing significant income every week. The majority of my income when I made the decision to go into business for myself comes from the market that's been shut down. You know these rules that we're talking about are going to allow my ohana and I to pay our bills, are going to allow us to pay our staff and pay taxes that flow back to the county and everybody around us. We take great pride in what we do, both what we do as a business and just how we operate, you know, we are in a large field that has a good amount of people that will come through in one day. So, my keiki sweep the grounds, they're looking for rubbish and picking that up. I've fixed the bathroom door multiple times where we're located because it, you know, sometimes it takes time for people to get stuff, but Ace is right down the road. I got a screwdriver, I can make sure the door locks so that my son isn't uncomfortable using the bathroom and my daughter's not uncomfortable. You know, and I'm not, I don't normally talk about this because I'm not out there, like, oh, look at me, I've fixed a lot, right, but it's just emblematic of who we are as a group of people trying to make a living on this island, trying to make sure that we can take care of our ohana and the people around us, you know, it's all very important. So again, I would like to thank you for taking this on. I strongly support the bill as written and again appreciate your time and the staff for everything you do. Mahalo.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next up, we have Natalie Nishioka.

Ms. Natalie Nishioka: Aloha kākou. My name is Natalie Nishioka and I am the owner of Natalie Earth, where I offer landscape photography and Kaua'i made (inaudible). I am proud to be one of the many vendors at the Princeville farmers and artisan market and I appreciate this opportunity to speak today in support of this proposed bill. Markets like the Princeville market play a vital role in weaving the rich tapestry of our community. They are more than just a shopping venue, they are our lively spaces where creativity flourishes and the spirit of aloha thrives. Every Saturday I would set up my booth beneath the majestic Hanalei and Nāmolekama mountains. Surrounded by familiar faces, shared laughter and warm smiles, and embodied the heart and soul of Kaua'i's small business community. Being a part of this is truly irreplaceable. Since the markets closure earlier this year, I have struggled to find alternative venues on the North Shore that are welcome to vendors like myself, especially with other businesses offering similar products. As a result, I've worked multiple times harder to compensate for the 75% loss of my income due to the market shutdown. Finding new sources of income has proven to be a significant challenge. This bill would greatly support artisans and farmers to get back to work in coping with rising rents and increasing costs of living in Kaua'i. Residents depend on farmers and artists and market for fresh, healthy produce and unique artisanal goods that are an important source of feeding the community and uplifts our spirit with supporting locally made products. The bill will help maintain the cultural vibrancy and sense of unity that makes Kaua'i so special. Visitors that come to our island seek authentic experiences, and the farmers and artisan market connect them with our diverse traditions, cultures and the heart of our community. These markets showcase a rich area of culinary delights and quality handmade creations making Kaua'i memorable and welcoming. I urge you to protect this vital part of our community. Together we can ensure that markets across Kaua'i not only survive, but thrive, nurturing the connections that binds us as ohana and mahalo nui loa for your time and support. Aloha.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have Kaimi Hermosura.

Mr. Kaimi Hermosura: Aloha mai kākou. My name is Kaimi Hermosura. I'd just like to start off saying mahalo for having me. I'm native Hawaiian, I'm kānaka. I ask you guys to support this market. You know, born and raised; my family comes from this island with thousands of years. There's just a few of us out there. It's getting harder and harder to survive. Honestly, this market was a big part of our lives. I'm here as a representative of my family, the ohana Council, Konohiki Council, and every time there's something good, just like we're getting shut down, every time there's something happening and something happy on the island of Kaua'i, you go to the other islands, get a lot of things happening and they're always talking about Kaua'i, why is Kaua'i like, what's going on. And you know, for the visitors especially, you know, they coming and they're seeing, and they're being involved in the learning, and they're being in a safe zone. Off the road, having a beautiful experience where we can actually interact and share, you know. Ask you guys to support the market, not only for the livelihood of my family, but all our friends and families as well representing their ohana and striving, a lot of us have infant children and little kids, we have elderly that we're taking care of, and it's a big ohana community effort. A lot of times, you know, yeah, we get complaints and stuff like that, but sometimes when we get these complaints, these are people who are just new to our island and they're new, you know to

these communities and a lot of times our ohana, and people that we don't have a voice. So, I'm here, like sharing with you guys that it's really important to keep this going and you know and make it happen for the people. On top of that, I'd just like we thank you for your time and really consider keeping our farmers market going for all of us to experience and share. Mahalo. Aloha.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up Brad Smith.

Mr. Brad Smith: Good morning. My name is Bradley Smith. I've been farming on Kaua'i for 25 years. I've been doing farmers markets since 2007. So, when the light was shone upon this particular market, and it being, you know, not allowed, and then that exposed all the farmers markets to not being, not having the proper, just not being allowed to operate in the county, it was a big blow to a lot of us farmers. My particular business, I have a small farm, my wife and I started it. We started at the markets and, you know, it was me, it was both of us in the fields and then she would, you know, get out of the field and she'd go run the markets, and we used to do as many as five a week. So, it's a integral part to our farm and it's a huge part of our income. It's, you know, on a, if you know it's a weekly outlet for us to sell our produce. And so, if I'm not, you know, a lot of times I ship, I ship to O'ahu, I have lots of accounts, but if I don't have a big crop, I can't fulfill big orders, but I can always go market. I can sell 50 pounds, I can sell 60 pounds, whatever, so it's, if you want to ag and you want farmers, you have to have farmers markets, there's just, there's no way around it, so many of us farmers count on it and it's this small window of time, each market, you know, they're three or four hours and it's great for the farmer because you can work all morning or you can work afternoon, you can go do market and you can go back to work or it's just (inaudible), it's not a whole day, it's not days, it's just this tight little window and this is really beneficial for us and people come in that window and you sell, you sell, you sell and you go back home and you just do, you know, go back to the farm and do what you need to do. It's also really important for us as farmers because we get top dollar for our produce as opposed to, you know, every other account I have is wholesale, so I get half. So, the farmers markets is the only, my only market where I get full price for my, you know, for what I grow. And yeah, I just think that if you know if the farmers markets kind of come under fire, there's, there's not going to, there's not going to be...ag is going to disappear. There might be a couple big farms, but there's gonna be no small farms, no small farmers. And, you know, if anyone wants to eat local food, you have to support your farmers and I appreciate everyone coming out, I appreciate this bill being brought forward and all the light shown on this and making everything legitimate because it's important for agriculture to survive in this county, so mahalo.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up Desirea Hirani.

Ms. Desirea Hirani: Aloha, I'm Desirea Hirani. I'm first of all, thank you for having us here. I represent my business, which is Bloom and Prosper Vintage. I carry vintage Hawaiian pieces from around the world to bring them back to Hawai'i and I also make my own apparel using vintage Hawaiian textiles. I am also the coordinator of the Princeville farmers and artists market and I'm representing our ohana behind me. We have really become a tight knit market with an

energy that I've never experienced before. We support one another and everything that is brought into our market is vetted and made here on the island of Kaua'i. I'm very proud to see some of our vendors who have grown from market into brick and mortar spaces, for some of us, that's the dream. And for some of us that's not. And for me, I'm a mother who works at home because this allows me to do that, to be present with my four year old son, to raise my son instead of having to go to a 9 to 5 traditional job. So, it's markets like this where you're supporting mothers, families, ohanas, as you see, farmers. At three hours a week, three hours a week, and it's sad that some people think of that as an inconvenience to their lifestyle. I don't see aloha in that, on top of which, there's a lot of talk that there's already established markets, and that's accurate. They're established, they're very well run, established markets, but we have many, many, many entrepreneurs here on the island and throughout the state, and we all need a home. And when we find a place that works for us, our lifestyle, our schedule, we should be supported because we contribute to our economy, we are contributors to this island. We pay taxes, every vendor is insured, we have employees, and we're recycling our monies within each other. Our culinary artists are using farmers goods, it just goes on and on. in my home I have Natalie 's photography, we have an artist who created this t-shirt, we have a graphic designer who printed them here. Everything in these markets is aloha and today in a world where everyone is divided, everyone is doing their own thing, on their phone. It's a three-hour time where the community and people connect. You come and actually see your neighbors, your friends, people in the community. You actually see art and feel the culture of Hawai'i. And the visitors that come here, they get a true experience and a one to one with a local person. That's...you can't paste money on that. But again, if you want to think outside of aloha and you want to think monopoly, you want to think, oh, we're here first.

Mr. Hull: Three minutes, Mr. Chair.

Ms. Hirani: We need to think for each other.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up is Mark Marshall. Mark Marshall?

Mr. Mark Marshall: For the unfortunate folks in the room who don't know me, my name is Mark Marshall, and I'm a retired county employee. I was a Civil Defense Administrator for 12, 13 years here. And during that period of time, I bought eight acres up Kipapa Road and turned it into an avocado orchard. The name of my farm is Red Dirt Wigglers, which is an earthworm. And I would sell my avocados at Vidinha Stadium on Fridays because the market was right after my work time and I was, my office was in the basement of the new police building. And so, it was real convenience to me just to go out and have my fruit in the back of my truck and then go sell out of the tailgate. Thanks to my wife who just helped me to my seat as I had a stroke last April, it's left me somewhat debilitated. I was able to sell 2,600 pounds of Sharwil avocados at that market. Then I realized that I was fair and growing, but lousy at marketing, so (inaudible) Marshall, my wife, helps me tremendously and actually talked me into coming and ask for support to have this market open that you folks here discussing today because they really are great things. They do a lot of things to support and lift up the farmers, and if you farm, you know how difficult it can be and then it gives quality product to those that come and buy from the markets. And so, I've only had good experiences with the farmers markets. It's something that I

think that the island needs and deserves. I lived in Hilo, Hawai'i for 40 years before I moved to Kaua'i in (inaudible). Worked for the county there as a Aquatics Administrator, I ran the swimming pools and the beach lifeguards.

Mr. Hull: Three minutes, Mr. Chair.

Mr. Marshall: Huh?

Mr. Hull: That's three minutes, Mark.

Mr. Marshall: Okay. Did you want to say something to them? They said I have three minutes left.

Unknown Male: Three minutes is done now.

Mr. Marshall: Okay.

Unknown Woman: Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Marshall: Thanks for listening to me.

Mr. Hull: Next, we have signed up is Rumpai Marshall.

Ms. Rumpai Marshall: Hi my name is Rampai Marshall. So, I did have a business in the island for 27 seven years. Back then I start from a gift item, like jewelry, Ni'ihau shell original from Hawai'i Island, Hawaiian Ni'ihau shell is the lei what I make and the people, family from Ni'ihau supporting. So, along with 27 years, the land is about 20 years, 18 years. I've started farming at Anahola so, is back then this business kept slow a little bit, so I just say, oh, we have something to do, it's support the other way of the work. So, we start working at Anahola Farm. It's about a 30-acre. So, we go a different farmer market, actually is really nice and supporting with visitor and the local and we go here. So, anyway, it's in after 2011 the business is down, down, down, and we just keep working hard on that. Go to a different farmers market and make a long story short, then we have actually every farmer, the whole island, I did, I go every market on the island then we have a landslide of Hanalei in that time. So, we really love at the Hanalei farmer market also we still there. So anyway when we have a landslide, we have no place to go for more than a year. So, we have opportunity for the Princeville farmer market to holding for us on that time. So, it's been about up to four weeks. It's just about we started, it's just be landslide, it's almost the same time. So, when we started and we have a good feedback from a local, it's convenient the people around and I know people working Monday through Friday and it's easy to get up there just only two, three hours every Saturday and we are keep clean and the park it just we have a people work for parking and I just want to be here to please add for a supporting. Is everybody, each family a local here they all work hard. That only we can depend on to pay bill after the Covid-19, we try work so hard and I'm sure everybody have the same reason to keep the market open. We just only ask for a two, three hour a week on Saturday and...

Mr. Hull: Three minutes, Mr. Chair.

Ms. Marshall: ...we keep a promise and everybody know about us and they very happy and I'm sure we'd love to have it back. Yeah, it's (inaudible) a lot. Two years I never work, but now when we have a market going a little bit, so, I have to take care of my husband is 24/7. So, please just support what you can and we all appreciate that. We are the best.

Mr. Hull: Thank you for your testimony.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Sorry, I can't quite make out the first name, but last name Garcia.

Ms. Taylor Garcia: Aloha, everybody. My name is Taylor Garcia. I am here representing Keālia Organics. I make soap. Yeah, so I started my soap company at home and I was able to enter farmers markets to, you know have like that in person selling opportunity and it was really kind of like a game changer being able to enter this type of selling environment where, you know, it's like a community event where like with other vendors doing the same thing, we're all small businesses just trying to share our art with visitors and other members of the community. You know, it's really a beautiful experience being in that environment and being able to work with other makers and farmers and get to know other aspects of our island and the people who have their own businesses here. And it's not just our farmers market, you know, it's all of the markets on the island that are currently being, not all of them, but a lot of them are being like at risk right now. And I do understand the balance of being able to appease the residents of that area and making sure that whatever we're doing isn't being detrimental to the community, but it also is something that like it shouldn't be taken away from us because we don't always have the opportunity to rent a storefront, like a lot of other businesses can. We, it's really expensive out here, and that's why we're doing this, you know, that's why we're in the grass every weekend selling our products and yeah, I just, I think it's a really special thing and I hope that there can be some sort of like agreement and understanding between both sides, the side that doesn't really think that these markets should continue in the way that they have, and then our side where we think that, you know, this is our livelihood, this is what pays our bills, this is what we can support our families with and yeah, I just, I hope that we can find a really happy medium and that people can support us and that we can do what we can do to make it a better environment for those who are living in that area and hopefully it works out. Mahalos.

Mr. Hull: Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Can't quite make out the last name, but Rosalie. I can't make out the last name.

Unknown Woman: Kaohelauii.

Mr. Hull: Lauui. Sorry, it's a little illegible, but (inaudible).

Ms. Rosalie Kaohelauii: (Inaudible) I don't look Hawaiian. Hi. Thanks for having us here today. My name is Rosalie Kaohelauii. I moved to this island in 1968 and one of my first jobs, I worked at Barbecue Inn and I was a waitress. And I was feeling very unsatisfied with my job. First of all, I was a really bad waitress. I would always forget. So, anyway, I just, so when I quit,

I said I'm going to explore my creativity. I had two young daughters, they said, well what are you going to do, Rose when you quit? And I said, well, I'm just going to figure something out. So, I ended up doing my first craft fair at the museum on Rice Street here, the Kaua'i Museum, and I sold out. And I was like, wow, that is a great feeling to be able to make something and have somebody buy it, you know, it's like, wow, it made me feel good about myself. And over the years, I supported three children on craft fairs. I went to craft fairs, I did hotels, I started at the Marriott and went to the Hyatt, you know, and the craft fairs were great. They were usually like once a month and I could go and make way more money there than in the hotel, you know, and it did it, it worked. I supported three kids with it. After Covid, well I was still, well I had at one point, I had to kind of slow down because of the physical thing, and so I just was doing the hotels, a couple of hotels and the craft fairs were too much work for me, so then after Covid I wanted to continue doing something because I wasn't at the hotels for those months and this was an outdoor market and that that's what's really good about the market too is that it's outdoors. You don't really so much about, you know, catching something from the people, you know, you just keep sanitized and, you know, you have the fresh air and it's such a lovely market. The people are so pleased to be there. And I talk to them, we share stories, it does a lot for my, for my psyche and I'm 81 years old now and I'm not really able to go to anything more than this and now I have my daughter-in-law going with me and I've hired her for that and she helps, which is great and it's just a wonderful time for everybody not to mention it does get a little hot sometimes. I'm like, I'm like, uh, you know, but it's worth it for me. My Social Security is not enough really to support...

Mr. Hull: Three minutes, Mr. Chair.

Ms. Kaohelauiii: Am I time up?

Mr. Hull: Three minutes, ma'am.

Ms. Kaohelauiii: Oh okay. Thank you.

Chair DeGracia: Thank you for your testimony.

Ms. Kaohelauiii: I hope that we can find a balance. Thank you.

Mr. Hull: Next, we're signed up is Bryan Allen.

Mr. Bryan Allen: Aloha Chair and members of the Planning Commission. My name is Bryan Allen. I'm the General Manager of the Princeville at Hanalei Community Association, and I appreciate the opportunity to provide comments on Bill 2942. PHCA, Princeville at Hanalei Community Association recognizes the importance of finding a balanced approach to the regulation of commercial activities within parks and quasi-public facilities. As this bill moves through its legislative process, we acknowledge the significant role that markets and community events play in supporting local vendors, fostering economic opportunities and enriching the cultural and social fabric of Kaua'i. At the same time, we also recognize that these activities must be thoughtfully managed to address concerns from the communities in which they take place. Issues such as parking, traffic congestion and long-term sustainability must be considered alongside the benefits these markets and events provide. As a Community Association, PHCA is actively engaging with our members to understand their perspectives on this issue while also

working collaboratively with stakeholders to explore ways to mitigate potential impact. And we appreciate the Commission's thoughtful review of this bill and the opportunity for public discussion, and we look forward to ongoing dialogue and resolution that best serves the interests of both the Community and the businesses that rely on these activities. Mahalo for your time and consideration.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up is Maka'ala Ka'aumoana.

Ms. Maka'ala Ka'aumoana: Good morning. I am Maka'ala Ka'aumoana and I'm not testifying about the Princeville market, but I am testifying on this bill, 2942. As director of the Hanalei watershed hui, who I coordinate, the Hanalei Makai Watch program for the State of Hawai'i and our community. This program provides a community partnership with state and county agencies to support education, outreach and enforcement of state and county rules in our coastal areas. I appreciate the time the Planning Departments spent to suggest amendments to this bill, but there is more work to be done before this ordinance can be fairly and appropriately applied in our communities. To begin, I see no review of this proposed legislation by state parks, and yet these activities are proposed within our state parks. That is an omission in process in my view. Most of my concerns relate to actual problems we've had in Hanalei. In recent years we experienced several events in our Hanalei parks that disturbed the neighbors and neighborhood. There was no consultation nor communication with the community regarding these events prior to their approval by the Kaua'i Department of Parks and Rec. We have requested a process for developing policies and rules to address this issue with no progress to date. The use of lights at night is disturbing. The use of amplified sound is disturbing, the construction of event facilities is intrusive. The disregard of our county signed ordinance is offensive. I personally communicated with our parks folks about these events and the results were completely haphazard and results in causing community chaos. The county will be exposed to litigation of rules and policies that are not just inconsistent. Currently, they are neither. Who will communicate with our neighborhoods regarding proposed events that will disturb us? We know that the current rules, nor those proposed in this bill related to sourcing products do not designate regulators, and we know the vendors frequent Costco for their products, we see them. Who is responsible, who regulates, who will regulate the commercial fishing licenses? Was a nice ad by the way, to put fish in it, thank you. But who's going to regulate the fishing licenses for the marine product sales? Who will check for allowable size limits and marine products and determine the product was sourced and illegal location? Who will align the products with specific source location rules? I'm thinking of Hā'ena CBSFA. Obviously, I'm thinking of Napali and Hā'ena, but there may be other places that have specific rules for marine resource take. Do the managers of the farmers markets know them? Does our Parks Department? I'm happy to share our experience and suggestions with planning and parks on how to improve the use of our public places appropriately and respectfully. This ordinance does neither. Mahalo.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up is Sakda Meechol. Apologize if I mispronounced that.

Mr. Sakda Meephol: Good morning. My name is Sakda Meephol. I move, come to Hawai'i, 2004, September 4. When I move here, I work in farming in the Kilauea on Moloa'a and after that 2011, I start my own farm, but at the Grove Farm property in Kōloa, Kōloa side because I have (inaudible) for (inaudible) my family come to my...to Kaua'i. My family moved here, 2022 and we start my old farm and we don't know how to talk English too much. We don't know how to find market. Only I'm looking. I apply to county farmers market that time. I go Hanalei, I go Kapa'a, I go Kōloa, and when Covid-19 the farmers market in county all close. I really worry because I don't know how, how I can sell the my produce, how I can support my kid, because at that time my daughter go to college in Washington. I really worry. That time Grove Farm call me because he tell, Sakda, you want market? Yes, I want market because we don't know how to sell because that's all we really sad we are and I think every farmer, but when they start in Puhi, I really happy because that market really good. For me, Puhi number one, good sale. Second, Po'ipū, Kukui'ula, and the third in the Līhu'e. Really crucial, because now really hard for me to because I have two, two kids and both go to college. If no more farmer market, what can I do because how we can support my kid because my kid the first (inaudible) for college, we no more school. When I moved here, my experience only farming. Yeah, please. Okay. Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: This is all we have signed up to speak. Is there any other members of the public that didn't sign up, but would like to testify? If so, you can approach the microphone. Again, if you could state your name and you have three minutes for testimony, please.

Dr. Flora Freeauf: Hi, my name is Doctor Flora Freeauf and I'm a Chinese medical doctor on the North Shore. I've had a farmers market booth there for about two years, little more. It's been a really big part of my family 's life and I make Chinese medicine products. Grow a lot of the herbs, process them, wild crafts and other ones like things you wouldn't think of like albizzia bark and albizzia flower. And yeah, we're really just hoping that we can get the market back because it's a big part of the community and even a way where people come to ask for advice on orthopedic conditions and what is, you know, what is this thing that often it would take a really long time to get in to see a dermatologist, and I don't necessarily tell them what to do, but often giving them an alternative of something they can try first really saves them in a pinch. So, thank you for your time.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Is there anyone else who would like to...

Mr. Yoshito L'Hote: My name is Yoshito L'Hote. I'll be testifying on my behalf. I also feel that the bill is being rushed a little bit. I understand the need for facilitating all those businesses and this is an important function that the markets present. But making sure that the public has an opportunity to chime in is very important, and I cannot emphasize that enough. So, thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Is there anyone else that would like to testify who hasn't previously signed up? Seeing none, the department would recommend closing the public hearing at this time.

Ms. Cox: I move we close the Agency Hearing.

Ms. Streufert: Second.

Ms. Cox: Public Hearing, sorry.

Ms. Streufert: Second.

Chair DeGracia: Commissioners, motion on the floor is to close the Agency Hearing on this. Is there any discussion? If not, we'll take a voice vote on this. All in favor, say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 6:0. And before moving forward with the agenda, I'd like to take a quick five-minute recess.

Mr. Hull: For those of you (inaudible) here for this bill, it moves directly into the General Business Matters, at which time the Commission will discuss and deliberate the proposed (inaudible) your testimony.

The Commission went into recess at 10:05 a.m.
The Commission reconvened from recess at 10:15 a.m.

Chair DeGracia: I'd like to call the meeting back to order.

Mr. Hull: Okay, moving into the General Business section of the agenda or should I say, New Business section of agenda item for the same bill that was...the Public Hearing was just held on. I'll turn it over to Alisha. She is the staff planner assigned to the department's analysis of the draft bill. Alisha.

Staff Planner Alisha Summers: Good morning. Hello? Good morning, Planning Commission Chair and Commissioners.

Ms. Summers 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).

Ms. Summers: Before I read the recommendations, are there any questions?

Chair DeGracia: Commissioners, any questions?

Ms. Streufert: I have a couple of questions for you. I like the bill. I like the idea that there are now regulations that are island-wide that everybody can understand. And I'm very supportive of small businesses and the, in agriculture. But I have a couple questions on the, how this (inaudible) or what kinds of protections there are for like, Hawaiian artifacts or Hawaiian heiau areas because they could be part of what was called quasi, now it's community, I think.

Ms. Summers: Community use facility.

Ms. Streufert: Right. Community use properties. Is there any consideration for any protection so that these sacred areas can be protected, and they are not subject to craft fairs that may or, you

know...I think having hula things out there might be appropriate but having people who are selling things which are not associated with Hawaiian culture and may not be appropriate in the areas like that. Is there anything that would protect those Hawaiian sacred areas?

Mr. Hull: For the...like say the county facilities as well as the state facilities, the parks directors for those respective facilities will have to go through that process with say, if we're talking about a cultural site with SHPD and the potential for even like say, a Ka Pa'akai Analysis for what's being determined as community use facilities, the Parks Director and Planning Director would have to make a determination right now as proposed, that's commiserative to a county park facility. There's nothing specific in the draft bill, but we could look at language to address that effect to ensure that other respective agencies, including but not limited to say, the State Historic Preservation Division are folded within the analysis of appropriateness of a community facility determination.

Ms. Streufert: I would like to open up opportunities for people for small businesses to be able to sell their business at markets and stuff. At the same time, I would like to be able to protect some of our cultural heritage that are so sacred to a lot of people, especially the Hawaiian community. So, that would be my concern. I don't have that would be worded, but if there would be some way that we could support the markets and at the same time protect cultural...

Mr. Hull: We can come up with a draft proposal for you to fold the historic preservation division into the process. Explicitly. Like right now it's implicit, but that'll be an explicit provision.

Ms. Streufert: And the other, there's only one other thing that I'd be a little concerned about is that, thinking of if I were to have a business and if I were to be at a market twice a week, I would probably want to have something that's a semi-permanent structure so that I would not have to keep moving back and forth or even a permanent structure. This bill does not look at whether those are allowed or not allowed, but because it would only be by the definition of a farmers market and artisan market twice a week at the maximum, that means five days out of the week, plus whatever time that's not for the market, is really open to the public. So, to have these structures there may not be conducive to the public using it. Is there some way that we can ensure that the public can use it unimpeded at the same time that we can support the markets?

Mr. Hull: That's a valid point. Additional language could be folded within the definition of the...because right now there's listed four categories, essentially Artisan Market I, Artisan Market II, Farmers Market I, Farmers Market II, we could fold within those definitions of provision that permanent structural improvements associated with the respective market are prohibited, essentially.

Ms. Streufert: Those are my only two concerns with the bill is, as amended.

Chair DeGracia: Commissioners, any further questions for the department?

Ms. Otsuka: I have a random question; it's for personal curiosity. The farmer's market was shut down due to a zoning complaint. I'm interested to know if when the county takes action, does the complaint have to be verified local residents?

Mr. Hull: No. So, just to give and to give some context to, I think the vast majority of people here, I think, at least people attending, are aware of how this bill came to fruition, but to just give some context for the overall Commission, farmers markets, artisan markets, what have you, exist in many areas around Kaua'i. In some...in a market there's a retail component associated with any of these markets, whether they're for artisan products, agricultural products, food products, what have you. For the agricultural district, a farm or a property owner are allowed to have a 1,000-square foot space to sell their agricultural products. And then you can also sell agriculture products or artisan products or food products outright, in say the commercial district and even in the resort district. So, there are some farmers markets occurring today in the commercial district where retail sales are already permissible. So, those are occurring without any, you know conflict with the zoning ordinance. But then you have other areas of land that are within the residential zoning district or the open zoning district that these parks have evolved in, and technically, under the code, retail sales is not allowing these districts. Any of these landowners could potentially apply for a use permits in a respective residential zoning district or open zoning district to allow for the market at the specific site. So, to go back and somewhat initiation of the bill, I'm sorry, it's also just from a zoning enforcement standpoint, right, and I've said this a few times in these meetings is, from the zoning enforcement standpoint we have one team of enforcement officers that are assigned to illegal vacation rentals and they are actively monitoring the World Wide Web and various uses, so they're out there looking and hunting for illegal vacation rentals. Outside of the illegal vacation rental industry, every other zoning violation, we don't have a team, a crew of master quantities of resources. So, those folks that are just looking at kind of outside of illegal vacation rentals just standard zoning violations, they are complaint-based. So, a complaint needs to be generated in order for them to initiate an investigation, and if it is found that an operation or a structure is occurring without the appropriate zoning permits then the violation notice is issued. So, a complaint was made against the Princeville market operation. And ultimately that initiated the investigation and because technically it was operating without a use permit, the violation notice was issued. So, that's kind of the background of how the Princeville market got into this. Now, of course, with some of the policymakers both inside this administration as well as over across the street at the County Council, you know having that conversation with the Planning Department, well are there other markets operating, right now, currently that don't have the appropriate use permits, and our answer is, yes, there are. And a desire from at least the County Council side that introduced it, or at least the council members introduced it. And I can say definitely even from our side, from the administration side, a desire to look at a possibility of an island wide ordinance that would bring these uses into conformance as an outright permissible use in some of these public spaces. So, that's how that evolved into this draft ordinance you folks are reviewing. But to go back to the original question, Commissioner Otsuka, there is no requirement that a complaint be made by a local resident. I can say we; I don't know of any complaints that we've gotten off island. I can research, but generally speaking, they are residents in some form or fashion of the County of Kaua'i.

Ms. Otsuka: Can it become a complaint anonymously?

Mr. Hull: No. For, you know, I'm not against the idea of taking in anonymous complaints. It's just that, you know speaking candidly from an operational standpoint, oftentimes our enforcement officers are used in a number of civic personal disagreements that one neighbor may have with another and if their in violation of the code, we have to enforce upon it, but attempts to

use our department's resources in a lot of personal conflicts ensues, if it's an anonymous (inaudible). So, we do not take anonymous complaints. The complaints when generated, the investigation on file is confidential while we're going through the investigation. So, the name of complainant is not open to the public because that name is part of the investigation file. But once we complete an investigation and the case is closed, that entire file, including the complaint that was made, is part of the public record.

Ms. Otsuka: Thank you.

Chair DeGracia: Commissioners, further questions for the department? Ka'aina, this is open discussion, yeah?

Mr. Hull: Yes, it is open discussion. So, any questions, comments.

Mr. Ornellas: Mr. Chair, I have a comment. I am supporting the measure, and you know for us, it may not be much, but for these folks who make their living at these markets, it's a very serious matter. And I would move not to defer this any further. I mean the benefits outweigh the downside. Of course there'll be disruptions in our communities there's no question about that. Traffic and so on, but, you know, I'm old enough to have seen this initial markets started during the Yukimura administration and those days farms were 20 to 50 acres in size. Dealing with wholesalers as all of my fellow farmers here know, is really rough, you know, so, having direct access to the market and cutting out that middleman is crucial. It's the only way to survive. Between 2017 and 2022, that five-year period, we lost 10% of our farmers, and that's USDA stats in Hawai'i and anecdotally, I know that that trend has continued and many of my colleagues now no longer farm. It dovetails with tourism, it serves as an incubator, as you've heard today, many people started very small and today they have thriving businesses. The immigrant community, I mean I remember, and so does Commissioner Cox, we ran a wonderful market at the...or allowed a wonderful market to be run at the college, very successful. I mean, I remember these people barely being able to speak English. And you heard Mr. Meephol today, I mean, he's got two kids in college man, you know. So, yes, I'm in full support and my recommendation is, we move forward on this.

Chair DeGracia: Thank you, Commissioner Ornellas. Commissioners, floor is open for discussion.

Mr. Ako: Mr. Chair, if I can...

Chair DeGracia: Or further questions.

Mr. Ako: No, Yeah, I don't think I have a question, but I guess I'll share my comments also. And I think it falls a lot in line with what Commissioner Ornellas has been saying here. Because, you know, for me, I work in labor and I understand the fact that people work, there are people that work paycheck to paycheck, and that comes out to about sometimes over 40% of our community that's out there. And even like, today when we looking at our community as it is, people are being laid off, people are getting the threats of being laid off. And for me, the thought of when I first saw this on TV, to be very honest, I'm like, wow, you know, what's going on because this is

kind of unheard of to me and yet the first thing that goes through my mind is people are, need to pay their bills and not everybody has enough savings to be able to say that, you know what, that's okay we can wait another six months, we can wait another year. In my mind, people got to pay the bill and we don't need to live in this world where there's stress that when...are we going to make the decision between medicine and rent and whatever the decisions are. So, for me, it's a matter of, this bill might not cover everything, it might not cover all the rules and I think that's something that we can always come back later, but I think we need to get people back to work. They got to be working. But the other thing I wanted to say too is that, I don't think we should ever forget where we came from. Yeah, I mean, we're talking about those that just trying to put a business together to get things going and get started and then from there, you know, a lot of us have made that move and maybe got to that brick and mortar place where the dream might be, yeah, but if this is the start, I don't think we should never forget where we came from and we should allow this to move forward. So, I will be supporting this measure here.

Ms. Streufert: Mr. Hull, is there any way that an amendment to this can be or a something in here can be put in about protecting cultural sites so that we don't have to defer this, because I don't want to defer this either. I worked picking pineapples, so I understand how this works and I understand some of the struggles, but we can't just toss everything to the wind just for that. And I don't think we are, but there's also, I think there's also legitimate concerns from the community about protecting cultural places and making it appropriate. Is there some way that something can be written up where that could be an addendum to this without having to defer this any further?

Ms. Barzilai: We have time for that.

Mr. Hull: Yeah, the...Commissioner, we have draft language to that effect, I don't know if you folks want to take a five minute recess to review, and if it's to your liking, you'd like to rework it, you can propose, amendments to it, but you could introduce that draft language, say, when we get back from the five minute recess.

Ms. Streufert: Thank you. I would like to do that, just to consider what you've got prepared.

Ms. Otsuka: Well, one question regarding the community association letter, my concern...I haven't been to the Princeville farmer's market in years, so I cannot visualize the location. I'm kind of concerned about the parking. Is there ample parking for the vendors and shoppers on those days?

Mr. Hull: Planning and parking. Parking is, you know to a certain degree, planning departments across the nation have parking standards, right, for commercial uses, industrial uses, so on and so forth. When you take a... a survey of all the parking ordinances out there, it is one clear thing about parking requirements is they are arbitrary. Some planning departments have them over here, one per every 200 square feet, some have them over here, one for every thousand. Some have it like one for every three employees or one for every two employees. They are so scattered across the board. And I'll be remiss, one of the biggest critics of the way parking standards are applied was a professor named Donald Shoup, who recently passed away, his book was called The High Cost of Free Parking, having said that, there's clearly a need and a nexus for parking requirements to come with a proposal of this sort. How much parking is necessary, quite

honestly, is going to be dependent on how popular the market is. You have some markets that are not very popular at all. So, having a limited amount of parking stalls is absolutely adequate. You have some that are insanely popular, and so how we navigate that space or thread it remains to be seen, I think, you know, Mr. Imparato's comments in his letter from the association are definitely valid. Where you'd want to go with that as far as, right now I think we are one per thousand square feet if you want to adjust it so it's lower or adjust it so it's higher, we're open to that and that a lot of these places can accommodate more than what's being proposed in the draft bill. So, I think we're definitely open to it. Having said that, I am a bit hesitant giving, knowing the nature of the arbitrariness of how parking standards can be, I'm hesitant to give you another number, but we would be open to any number of proposed and I don't think we'd necessarily object being that it's being done through a public process.

Ms. Summers: If I can add something as well. So, as you guys know, after reading the bill, you know, it has the one parking space for every 1,000 square feet of market area but also in the definitions, they do have, you know the County of Kaua'i Directors of Parks and Recreation and the Planning Director to look at these community use facilities and I think in determining and taking a look at these facilities, it's also important to think about like where are bus stops located near these community use facilities and does it make it more feasible that if there's a bus stop nearby, it being an appropriate location so that people can take the bus and walk. That can be considered as well.

Mr. Hull: Having said that, I'd also like to, so, Commissioner Otsuka, I understand we're going to do a, we're looking at doing a five-minute recess to look at potential proposals for Commissioner Streufert's concern. I think we can discuss too, if you want to look at a draft amendment for reducing or increasing that square footage for a parking requirement. Let me just pull out there, are there any other questions or concerns that other commissioners may have that may warrant an additional amendment?

Mr. Ornellas: Yeah, something I forgot to include in my earlier comments, and I think Commissioner Streufert touched on this, and that is the need for a permanent marketplace in each of our districts on Kaua'i. I've been to some really nice ones in California. And where you can pull up, and you don't have to set up your tent, which is a huge hassle to deal with the wind and the rain, no electricity, no pavement in the area. So, I think ultimately the answer is going to be, and this is something that the Baptiste administration that I worked with Mayor Baptiste briefly on, and that is the permanent marketplace for our vendors. Just for the record, I want that included.

Ms. Streufert: I think my concern is not necessarily only for the Princeville market because, but this is island wide and that's why I'm concerned about the historic and cultural areas and there are lots of people who want to sell and we've got lots of very good products, but you just have to know that it's sometimes appropriate or not inappropriate for a place when you don't want to sell certain kinds of things at a Hawaiian heiau or close to Hawaiian heiau. That kind of thing. So, it's not about the Princeville market. Although I didn't really know that there was an issue, that kind of an issue at the Princeville market that this started it. Thank you.

Mr. Ako: Mr. Chair, if I can just add, nothing more to, I mean what Ka'aina's going to be doing, but I just wanted to, who was that, Mr. Imparato, I think that was his name, I just wanted to... I guess thank you for coming up today because I know it took a lot of courage. You're sitting in a room over here probably all by yourself that was, you know, not in support of this but I hope that you understand the fact that by bringing this forward, this is part of a public process, yeah, you may not get everything that you needed in here, but you have made a difference, I think, by creating rules for the entire island that has come forth here. So, because it's not only this Princeville, but we looking at something that's going to affect the entire island, I just wanted to recognize the courage that you have for stepping forward and to thank you for bringing this forward to us here.

Mr. Hull: Are there any other potential draft amendments? Because from what I'm hearing is the commission would like to, as much as possible, act today, and so, we can work, we do have the work done on the draft amendment already, I believe, and we can circulate it for your review. But is there any other potential proposals you folks would be looking at? Seeing none, Chair, I'll ask for a five-minute recess.

Chair DeGracia: Okay, on that, we'll take a five-minute recess.

The Commission went into recess at 10:42 a.m.
The Commission reconvened from recess at 10:51 a.m.

Chair DeGracia: Thank you for your patience. I'd like to call the meeting back to order.

Mr. Hull: So, hearing Commissioner Streufert's concerns, Alisha was able to come up with some draft proposed amendments. All the, Artisan Market I, Artisan Market II, Farmers Market I, Farmers Market II, could be proposed to be amended, where by no permanent structural improvements are to be allowed in association with the subject market, so that could be inserted as seen in the draft amendment and then on the last page of community use facility, in addition to the existing criteria for it to be one acre size, that public access be provided and serving the purpose for public benefits, including but not limited to the civic recreational, cultural, social activities, an additional criteria could be proposed that states, the County of Kaua'i, Director of Parks and Recreation and Planning Director determines to be equal to and commensurate with the County of Kaua'i park facility. To make this determination, the director shall, when necessary to determine the appropriateness of a community use facility, consult with other respective government agencies, including but not limited to the Department of Health, the Department of Land and Natural Resources, the State Historic Resource Division, the Department of Transportation, and the Public Works Department.

Chair DeGracia: Commissioners, any discussion?

Ms. Streufert: I'd like the amendment to ensure that there's appropriateness of things that and where it's going to be because the fact is that once this thing is written, it's not about the people who are here right now, it's about today and tomorrow. And so, we want to protect, we want to allow people to do things today because you have very legitimate concerns and we'd like to support that, but it's also to protect some of our resources for the future. So, since this is island wide and this is not about the Princeville market it's about island wide, I think I like the idea that

there are some shared responsibility for identifying what's appropriate.

Chair DeGracia: Commissioners, any further comments?

Ms. Streufert: I move to accept the...

Mr. Ornellas: Second.

Ms. Streufert: I move to accept Zoning Amendment, ZA-2025-7 with the amendments.

Mr. Ornellas: Second.

Chair DeGracia: Commissioners, motion on the floor is to accept this zoning amendment.

Ms. Barzilai: Parson me, Chair. I prefer to use the word approve.

Chair DeGracia: Approve. Okay, Commissioners motion on the floor is to approve Zoning Amendment ZA-2025-7 as amended. Any further discussion before we go to a vote?

Mr. Hull: Sorry, just for clarification to make sure the record's straight. The department had a number of recommendations in their supplemental reports. So, that would take action with those amendments. I guess for clarification, is the motion on the floor with the proposed department amendments and the proposed amendments just read onto the record?

Unknown Commissioner: Yes.

Chair DeGracia: Okay. Commissioners, just to restate, motion on the floor is to approve Zoning Amendment ZA-2025-7 with amendments made on the floor and also the department's recommendations in their supplements. Any further discussion before we move to a vote? Comments? If not, could we get a roll call vote, Mr. Clerk?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: 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. For those in the audience, just to be clear with what happened today is the Planning Commission is an advisory body to the County Council for legislative proposals. So, what just happened is the vote was taken to recommend approval with amendments to the County Council. So, from here, it'll be forward to County Council for them to initiate their public hearing process. And, did you want to take a two-minute recess to let people...

Ms. Cox: (Inaudible).

Chair DeGracia: Okay, we'll take a short recess.

The Commission went into recess at 10:56 a.m.
The Commission reconvened from recess at 11:05 a.m.

Chair DeGracia: I'd like to call the meeting back to order.

HEARINGS AND PUBLIC COMMENT

Continued Agency Hearing (None)

New Agency Hearing

Mr. Hull: Thank you, Chair. Next, we have on the agenda, New Agency Hearing.

CLASS IV ZONING PERMIT (Z-IV-2025-9), USE PERMIT (U-2025-6), and SPECIAL PERMIT (SP-2025-3) to operate a composting facility involving a portion of Lot 149-A- 3 of the Kapaa Homesteads - 2nd Series, on a parcel situated along the eastern side of Pu'uopae Road, approximately 900 feet south of the Kalama Road/Pu'uopae Road intersection, further identified 628 Pu'uopae Road, Tax Map Key: (4) 4-4-002:093 (Por.), and affecting a 1-acre portion of a larger parcel = COMPOST KAUAI LLC.[Director's Report Received, 2/25/2025].

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.
3. Transmittal of Public Testimony to Planning Commission.

Mr. Hull: We have three individuals signed up to testify. First individual, Dirk Soma.

Mr. Dirk Soma: Hello, good morning, Dirk Soma. Thank you, Director Hull, Commissioners,

good to see you. I would love you folks to support this permit for Compost Kauai to continue the great operation that they're doing. I've had a chance to know these young people for over four years, when Jesse was a student at Kaua'i Community College and through their operations. They're visionaries. They are providing a solution for us as an island community also as an island state, when we talk about sustainable economies, zero waste economies, and circular economies, they are the ones providing that last mile that closes the loop in regards to food waste, waste that we produce every single day. And they are providing that. With the research they've done, the bootstrapping that they've done to get this operation off the ground, highly commendable. I've had a chance to visit their operations. There is no smell that they give off. There is little to no noise that they give off and they are providing us with a solution. It is young entrepreneurs like this who care about our communities that need to be supported. So again, I hope that you would approve their permit going forward. Mahalo. Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up, Ruta Jordans.

Ms. Ruta Jordans: Good morning. I'm Ruta Jordans with Zero Waste Kaua'i. And the reason I wanted to come today was that, Zero Waste Kaua'i is very concerned about two things, one is right now, I'm sure you all are aware of the landfill and that we have to get more stuff going elsewhere, diverting away from the landfill. And the other reason is the future of Kaua'i, right now in terms of the landfill, if we, 25% of what is in the landfill, according to the loss characterization is organics. Organics includes food waste. And I'm sure you can just see it yourself, 25%, if we got 25% out of the landfill, it would last so much longer. So, we need more places composting. About the future of Kaua'i. We're a small island out here in the middle of the Pacific. You all probably know that and it's a very tenuous situation in terms of, I read that about 90% of the food that is sold at stores here comes from elsewhere. If we had more composting places on Kaua'i our food would be more nutritious because you can't just give them fertilizer. If you give them compost, the compost holds water and it gives a lot more nutrition than just plain old fertilizers. Fertilizers you might know come from oil, whereas compost comes from food. It's good stuff. And what they're doing on at Compost Kauai is setting up giving people the opportunity to put their food waste in a good place instead of in the trash. At Zero Waste Kauai we are striving to get regional composting throughout the island. And if they get this permit, we will have two places on Kaua'i now that are allowed to compost food waste. So, I'm very much in support of that, and I hope you okay it. Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up, Yoshito L'Hote.

Mr. L'Hote: Hello again, Chair and members. I am Yoshito L'Hote. I'm actually the Sergeant of Arms now for the Kilauea Neighborhood Association. And these folks need a presentation so I'll read the letter basically, that, aloha, County and Planning Commission, we're in favor of strong support to approve the Class IV Zoning Permit. It lists the benefits of the environmental impact agricultural support alignment with state goals and community engagement and pest controls. I think we sent the letter and you guys can have any details on that. If it's okay, I'm also going to testify on my behalf as the CEO for 'Āina Ho'okupu O Kīlauea. We are in the process of also

building a composting project and we're going to compost what we have on site. So, we don't require a permit. However, we are doing it to the Board of Health standard. And we will eventually get the permit and we will be going through the same process so I appreciate you making this a reality for these folks. Hopefully, if you guys can approve the permit and I feel like our role as designing this pilot project with the Kilauea Ag Center is to provide the composting and the food diversion, the food waste diversion to put it back on the land that we farm. And we've just started planting in the areas that we've been composting for the last year and a half, two years, with the wood chips and we quadrupled the crop yield. So, it's really encouraging the quality of the food is excellent as was said earlier. And I really ask for your support for this application, Mahalo.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Last, we have signed up, Jack Lundgren.

Mr. Jack Lundgren: Good morning, commissioners. My name is Jack Lundgren, L-U-N-D-G-R-E-N. I'm all for composting, and recycling materials. My question is I've only heard about this in the last day. I wonder if there's going to be big equipment involved. I know at the Kapa'a landfill they have big tractors moving the compost around when it's processed. And this is a quiet residential area. We have two small bridges in the area that have been updated recently, plus the bridge on Highway 581, Kamalu Road, but is there going to be a big impact with sound and sound heavy equipment? And another question I have is about mitigation of rodents, if there's going to be a lot of food waste being recycle, is there plans for, are there plans for controlling vermin? And the last thing I was curious about, is there going to be any burning involved? If there is there's an environmental impact, but other than that, I'm all for having a composting facility. I live within about quarter mile, half a mile of this area and I'm just kind of concerned about those things that I mentioned. Otherwise, I'm all for composting. And, you know, good place for me to take my banana leaves and stuff like that. So, thanks for the opportunity to testify, appreciate it. Aloha.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: We don't have anyone else signed up to testify on this agenda item, but is there anyone in the public that would like to testify on this agenda item? Are you the applicant?

Unknown Female from audience: Yes.

Mr. Hull: Okay, you're going to have some time after this.

Unknown Female from audience: Thank you.

Mr. Hull: Anyone else want to testify as a member of the public? Seeing none, the department would recommend closing the Agency Hearing.

Ms. Cox: I move we close the Agency Hearing.

Ms. Streufert: Second.

Chair DeGracia: Commissioners, motion on the floor is to close the Agency Hearing on this agenda item. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 6:0.

Mr. Hull: And we're moving right into the General Business aspect for the report and discussion. I'll turn it over to Dale for the departments analysis and recommendation.

Staff Planner Dale Cua: Good morning, Chair and members of the commission. At this time, I'll briefly go through the Directors Report to highlight several sections of the Directors Report.

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. Commissioners, any questions for the department?

Mr. Ornellas: Yes, I have a question regarding the Department of Health, I didn't see comments from the Department of Health.

Mr. Cua: Yeah, the department is still awaiting their comments.

Mr. Ornellas: Okay, so this project will require permits from the Department of Health, is that correct?

Mr. Cua: Correct.

Mr. Ornellas: Thank you.

Ms. Streufert: Will the Department of Health also determine whether it's over...or maybe it's the Department of Water, whether it's over an aquifer? I'm just concerned about leaking or leakage...

Mr. Cua: Sure.

Ms. Streufert: ...into the aquifer which may be part of the water supply for that area. I don't know enough about...

Mr. Cua: Yeah, if...if the department, if there was a concern regarding a water aquifer it would likely be brought to the departments attention from the Department of Water.

Ms. Streufert: Department of Water.

Mr. Cua: Yeah.

Ms. Streufert: Thank you.

Mr. Hull: And just for the record and for other commissioners. We spoke about this with other applications. Department of Water and Department of Health sometimes will provide comments to these discretionary permits. As the (inaudible) of the commission, I generally advise the body to take the comments into consideration, but not to necessarily hold it as a hard and fast condition of approval when you have a building permit that's going to be associated with the application. In this case, you will have a building permit associated with the application in which the Department of Health, the Water Department, Fire Department, the other commenting agencies now have a specific signatory line to the building permit process whereby that's when we generally feel it's appropriate for them to implement the full requirements of their regulatory framework. In the past, the commission has been like, oh, Department of Health has said this, Water Department said this, and the body made it as a condition of approval, only to have the Department of Health and or Water Department amend their requirements and work it out with the applicant, say if there is a conflict and us having to explain to the applicant, sorry, you also have to go back to the commission to vet out these comments that were established a condition of approval. So, in this, I have to say, definitely take it, what the applicant may have to say with that, but ultimately, they will have to go through a full-blown Department of Health regulatory review.

Chair DeGracia: Commissioners, any further questions for the department? If not, I'd like to invite the applicant up. Good morning. I was wondering if you guys could, you guys have anything to share with the commission before we move forward with questions.

Unknown Male: Yes, absolutely. Aloha. Good morning. Thank you so much for allowing us this time. I wanted to speak quickly to why we're doing what we're doing and the vision involved. We launched this initiative because the County Council as well as the community have identified that there's a landfill crisis occurring. So, there's a need for diversion efforts. Sometimes the public sector can't always step in and provide those services and the private sector can and so, we kind of created an operational model that was able to provide an essential service. That service is twofold. It's waste diversion and extending the life of the landfill and creating local recycling, local jobs, and it's also supporting local agriculture as well. The finished byproduct is a soil amendment that could be distributed to farmers and gardeners and the agricultural community to bolster the local food system. Not only do we... not only is the vision to divert food waste and create a soil amendment but it is also to advocate for solid waste management so we don't just think about and focus on composting but we participated in County Council meetings. We have the opportunity to host educational workshops to build community and to build knowledge around these topics and to develop a more holistic solid waste management model. Over the years of developing this pilot and working this out we've gotten to work in partnership with OED, Office of Economic Development, the Solid Waste Division, Yoshi and 'Āina Ho'okupu O Kīlauea, as well as many other nonprofit and organizations and public organizations. In addition to diverting residential food waste, we also hope to divert food waste from events and provide food waste diversion to the best of our ability and that kind of lends to community engagement. And again, just going back to this vision, we're not trying to be a large industrial facility. In Moloa'a there are 20-acre, I believe there's somewhere between 20 to 50 acre green waste, industrial green waste facilities, two of them next to each other with a million dollars' worth of equipment and huge tractors and loud noise and lots of dust. That's not necessarily what Compost Kauai is trying to be. We're trying to be a small, decentralized

community scale composting operation that acts as a model to be replicated around the island. We've been working with the Solid Waste Division to develop what would composting infrastructure in a composting system look like for the island. And it would be a collaboration between these smaller decentralized community operations, community scale operations and large industrial operations that can kind of take the bulk of the food waste from whether it's hotels or restaurants. So, there were some concerns about large equipment, that was my attempt to address that. There's currently equipment on site that is not large, a mini excavator, a compact track loader. An example is there's been a nearby residential property has been chipping, has been clearing and chipping for the last like month and a half and running a wood chipper almost seven days a week and it (inaudible) many 100% fold in noise generation than what our operation would be. The model that we've developed is to, and I apologize for hogging the mic because my business partners could speak with all of this as well. We strive to follow federal EPA guidelines. We've worked with a consultant to submit our application for a co-composting permit to the State Department of Health. We follow all of their guidelines for monitoring temperatures to reduce pathogens, reporting soil testing, so sending in the finished compost into labs to know what's in it, make sure that there's no pathogens in it, so on and so forth. In regards to rodent control, we've established best practices and anything from trapping and just site design in general can mitigate the presence of rodents in the area as well as how piles are covered and all of the practices. There would be no burning, no burning at all, zero, it would be, everything would be composted in a windrow format. In regards to the leakage into the aquifer, the Department of Health has regulations around what's called leachate or the juices coming out of compost piles and we're constructing leachate catchment systems so that all any stormwater runoff and any juice runoff coming out of these compost piles would be captured in tanks, pumped back on the piles and so just following best practices to do so. I think I'll take a pause there.

Ms. Rebecca Majors: I just want to finish up that last point about the leakage or the leachate. The Department of Health does require an impermeable surface underneath compost piles, which has been quite a barrier for small facilities to come online, which is what's been prohibiting composting in the State of Hawai'i. There have been some bills that have gone to the ledge to try to amend or alter those requirements. While I feel like they're very important, it has been a barrier and so, at this point, we are adhering to that because that is the requirement and we just want to be advocates to show that it is possible and we hope that in the future there can be some adjustments made so we can expand more of these operations. My name is Rebecca Majors. I just wanted to add to the credibility of our operation. I've been working on composting projects for the last eight years of my life. I went to KCC. I worked closely with Helen Cox. I worked closely with other mentors at KCC to implement composting operations on campus. I was in the middle of a composting operation to learn more about composting bioplastics when the pandemic hit. I was still able to show up and finish my composting process there to learn more about how these bioplastics degrade in our environment. As more restaurants and operations are starting to use these bioplastic materials on islands. It's sort of ironic to tell these places to spend more money on these materials when there's actually no place for them to go. They still go to our landfill and still add to the mass and the volume there. So, we need to find solutions to divert these materials that a lot of folks and, you know, ordinances might be put in place where people have to transition to these materials, but there's really nowhere for them to go. So, we have to attack from both ends, if you will, having consumer and have it change as well as creating the infrastructure. After KCC and implementing composting projects there, I went on to UH Hilo

where I continued to work on composting projects. I was on student council and I pushed for budgets as well as creating a composting operation at an institutional level. After a brief meeting with the Board of Regents, it became very concerning to me that the institution did not want to change and I wanted students to continue to operate these composting projects, even though these students leave every four years. That was very concerning to me because as a student who was learning about how important vital composting is and how important agriculture is, local agriculture, the institution was not following the direction or the education I was receiving. And so, after graduating from UH Hilo, I felt like it was essentially my calling to continue beyond just a cute school project. I felt like it was very important for me to go out into our community and do what I was taught and what I had learned. So, I want to emphasize again and reiterate about the decentralized composting facility model. After much of my research and conferences and speaking with many folks nationally, a centralized system where there's one large scale industrial composting facility does not seem ideal, especially on a rural island like ours. We should all be taking care of our waste. Each region, each ahupua'a should be taking care of their waste rather than dumping it on one community on the west side in Kekaha. So, we want to advocate for these smaller community scale composting facilities, one in Kilauea perhaps at the Kilauea Ag Center, perhaps one on the east side, perhaps a couple on the east side, so that way we can mitigate if there were to be any smells or if one of these facilities has to go down for whatever reason, we should have lots of options and alternatives. And the west side community definitely needs to have some of these operations come online. So, we really hope that as we paved the way, you guys will be open and receptive and really support any other community composters who apply for a permit and allow us to do agricultural practices on agricultural land. Thank you.

Chair DeGracia: Thank you very much. Commissioners, questions for the applicant?

Ms. Otsuka: I have a question. It says the food scraps are collected residential three times a week. As a resident, how does it work? Do the residents contact you? Or...where do I start?

Unknown Male: Yeah, so absolutely. So, the operational model is that a five-gallon bucket with a secured lid is given to a resident who signs up for the service. Their information gets put into a database so that communication can be established. It's not just like hamajang, you know, give everybody a bucket kind of thing. So, signing up for a subscription service and then they deposit their food scraps into this five-gallon bucket with a lid. We've tested different types of lids to ensure that no smell comes out, no bugs go in, and then that bucket is collected weekly from residents, either curbside, so our driver driving to their house on the east side or there's also the opportunity for drop-off models where residents can bring their bucket to a central location that is secure, locked that they have the ability to unlock. They can deposit their bucket, collect a clean one and trying to make it as convenient and accessible to local residents as possible.

Ms. Otsuka: Thank you.

Unknown Male: Yeah.

Ms. Streufert: Just a question about bioplastics. I thought I read somewhere in here that you're not going to be doing bioplastics. How does bioplastics degrade? What does that mean actually that they're compostable?

Ms. Majors: Yeah, there's nationally, there's more information coming out, but there's actually no regulation on labeling something compostable or biodegradable. And that's a national issue. And so, with our application to the Department of Health, we actually are not going to be receiving or taking in bioplastics. So, I don't want to confuse you that we are receiving them. I just wanted to bring up that topic that many folks are transitioning to those materials and eventually we will have to figure out what to do with those. There are issues of chemicals being in those bioplastics, some of them being mislabeled, especially if you buy them off of Amazon and they don't have the certifications to meet the standards. I have been in contact with an international, the community or the Compost Research and Education Foundation which is a nonprofit, I believe, located in Canada. I've been in communication with them to do some field testing because a lot of these bioplastic materials are tested in labs where they have the perfect conditions. And so, I've been working with the foundation to work on field testing trials so we can see how they break down in industrial scale as well as community scale operations. So, that way when the regulations do come in place, those materials can start to be received by smaller operations and there can just be more accurate and informed information that's coming out about these materials. So, a lot of it is there's a lot of unknowns and that's what I've been studying and working on for the last eight years because I don't want to tell folks to use these materials if they are, you know, going to contaminate our soil and water. So, we don't receive those though because the Department of Health is still trying to learn more as well. And the testing for those chemicals can run about \$300 to \$500 a sample to see.

Ms. Streufert: So technically, it's really not compostable on Kaua'i.

Unknown Male: So...

Ms. Majors: There are certified products that are. It's just hard to discern between the ones that are actually compostable and the ones that are not. So, at this point, the Department of Health has advised us to not receive any.

Unknown Male: And I just wanted to add to that just for you to keep in the back of your mind as this issue might emerge in the future. Is with these bioplastics, we can get them to disappear. They can go into a compost pile and you won't see them again, but the constituents, the components that make up them are up, might remain in the soil. And that's what's unknown is what effect that might have on the soil. Is it up taken by plants? There might be PFAS and other all kinds of interesting chemicals and so that's why Rebecca's efforts, she's been diligent, participating in these international studies to try to understand what happens when you throw a bunch of bioplastics into a compost pile. That data is still emerging now.

Ms. Streufert: Thank you. I appreciate the fact that you're doing so much research because this is something that we need to tap, not just for Kaua'i, but for the world. I didn't realize. I thought I was doing something good by buying all these compostable things.

Ms. Majors: You are. You are.

Unknown Male: It's a step in the right direction.

Mr. Ako: Mr. Chair.

Chair DeGracia: Commissioner Ako.

Mr. Ako: You know what I find really interesting? Is the fact that, I don't see it anymore, but as we were growing up this is the same thing that was happening, right. That truck would come by and would pick up all of your, I guess your old food or whatever, right. It was called, for us it was called the Buta Kaukau Man that would come, and to see that you're doing this, the same thing that was happening way back then. But I guess my question is, what has been the response from your neighbors? The fact that you would be doing this compost project at your place.

Unknown Male: That's a great question, and I'll just be speaking to the first point that you made, is like there was wisdom in the old ways and there was simple logistical efficiencies too and with waste and whatnot including like the milkman and all that stuff and it's interesting that we find ourselves going back to some of those. Many of our neighbors are supportive. I have personal relationships with the people that, I live on that site and many of the people I've lived around are very supportive.

Mr. Ako: And those that are not supported, what would they not support?

Unknown Male: I think there's only one voice that I've heard that's been unsupported. They submitted a letter to the commission or to the directors, whoever it might be. I don't think, my understanding, my guess is that they're worried that it would affect their home value. That having a composting facility in the neighborhood would somehow detriment their home value. They didn't cite any reasons for why it would be an issue, again, the amount of traffic coming in is minimal. The equipment that is operating is minimal. There's essentially zero odors of all the things.

Mr. Ako: Thank you.

Ms. Cox: I don't have a question. I just want to come back. In one of my other lives, I'm the Director of Kaua'i Climate Action Coalition. And so, we've been following very closely both the solid waste issue as well as soil health. And so, I just want to applaud this project for moving us forward in ways that help in both of those areas.

Chair DeGracia: Commissioner?

Mr. Ornellas: Yeah, for someone who has done a lot of composting in my time being a farmer, the carbon to nitrogen ratio when you do food stuffs, your carbon ratio has to be very high. What is your green waste stream, where's that coming from?

Unknown Male: Is that okay? You want me to...

Ms. Major: So, in our application, to reduce noise or heavy equipment use, we do want to receive green waste from local arborists and tree trimmers. In doing this, we also want to reduce the risk of spreading invasive species such as CRB. So, when we are in contact with these arborists and tree trimmers, we ask them where they got the material from, which is why we are also sourcing in the Wailua, Kapa'a area, only close by, we're not getting it from Hā'ena or down in Līhu'e. We also requested in our application the opportunity to chip on site if necessary. There are trees on site and material that could be chipped to be added to the carbon to nitrogen ratio to increase

that. So mostly though we are relying on tree trimmers to bring the material over and it makes it easier for them because they don't have to drive down from Wailua or the Kapa'a Homesteads all the way to Moloa'a so it makes it a little bit easier and reduces traffic for them to have to go on the main road. You guys want to add anything?

Mr. Nicolai Barca: Aloha. I'm Nicolai Barca. I'm the third leg of the stool here of founders. Yeah, to answer the question. We use wood chips as our carbon source and preferably softwood species such as, like weedy species such Albizia or African tulips, so yeah, the softer wood breaks down better, yeah. Like Rebecca said, we get it from local tree trimmers. It's just a byproduct from trimming trees, so we try to get a hold of them to drop it up.

Mr. Ornellas: So, one of the real problems we've had is, I don't want to gross anybody out before lunch, has been getting rid of slaughterhouse waste. It's been a real problem. And are you guys contemplating handling that kind of material?

Unknown Male: We have it in our State Department of Health application. We'd be open to it. We just have to, you know, we don't want to, we want to make sure that we can handle the materials, the volume, and do it correctly.

Mr. Ornellas: There's a slaughterhouse adjacent to that property.

Ms. Majors: Yeah. I do want to also let the commission know, in our application to the state, we are looking at a phased-in method or approach. Phase 1 would be using windrows and eventually our Phase 2 would be an in-vessel system. So, as we grow and learn our system and our processes better, we want to upgrade our technology, which would actually reduce the use of heavy machinery because it would be an in-vessel system that would be enclosed, which would reduce smells, runoff, it basically checks all of the boxes in one system and would have an automated auger on the inside that would only have to run periodically a couple times a day. So, rather than using a skid serum machine to move the piles, it would just all happen inside the machine. So, we are hoping that we can pave the way by, with this technology, and I know other sites are looking at this technology as well. It is just quite expensive. So, we are going to probably phase into that eventually and when, if we were to get carcasses and things like that, those would be enclosed. So, we hope that that would help any smell or odors.

Unknown Male: And yeah, composting is a nationwide even worldwide strategy for getting rid of animal byproducts. And we've experimented with that and it's pretty interesting. Our piles are anywhere from 140 to 160 degrees. And so, like, the animal, we put animals in there and within a week they look like you're pulling a pig out of an imu and, we, of course, we turned our piles so it just gets obliterated and within two weeks, you can't even tell there was ever even an animal in there and there was no negative smell or anything. So, yeah, worked quite well.

Mr. Ornellas: Thank you.

Chair DeGracia: Commissioner, any further questions? I have a quick question. I believe you guys briefly mentioned invasive species and mitigation of. Could you maybe speak to the possibility of preventing that rhinoceros beetle from spreading around?

Unknown Male: Absolutely. So, we work closely with Kaua'i Invasive Species Committee, KISC, as well as CTAHR, College Tropical Agriculture and Human Resources to attend their workshops, plan on them doing a site visit. As of right now, what we've identified is the rate at which we would move materials through the site is faster, the time period is shorter than the CRB lifecycle. So, the beetle would not have an opportunity to nest and lay eggs and birth. So, that was in addition, that was a relief to identify that. And in addition to that, we have purchased gill nets, which is currently best practices. So, covering our carbon feedstock piles with gill nets which prevent the beetles from coming out really.

Mr. Barca: Or going in.

Ms. Majors: Or going in.

Unknown Male: Going in or coming out if they were in there. And then all other, any active piles, inactive compost piles, any finished product piles, everything is covered with heavy duty tarp. So, nothing is left open to the air.

Chair DeGracia: Thank you for that. Commissioners, any further questions? Okay. If no questions for the department or the applicant. Seeking a motion.

Ms. Streufert: We want the recommendations.

Ms. Otsuka: The recommendations.

Ms. Cox: We want to hear the...

Chair DeGracia: I'm sorry. Directors...

Mr. Cua: The department has a total of 10 conditions with it's recommendation, which is to approve. If you have any questions in regards to those condition, but they're all contained in the Directors Report. Yes, Commissioner Otsuka?

Ms. Otsuka: Dale, if you don't mind Condition No. 10, can I please modify, to include the word revise, add, delete or revise.

Mr. Cua: Sure.

Ms. Otsuka: Thank you.

Mr. Cua: So, Condition 10 would be amended to read, the Planning Commission reserves the right to add, delete or revise conditions of approval in order to address or mitigate unforeseen impacts of this project may create or revoke the permits for proper procedure should conditions of approval be violated by adverse impacts be created that cannot be properly addressed.

Chair DeGracia: Okay. Commissioners seeking a motion.

Ms. Cox: I move we approve Class IV Zoning Permit, Z-IV-2025-9, Use Permit, U-2025-6, Special Permit, SP-2025-3, as recommended by the department with the addition, the change on Condition 10.

Ms. Otsuka: Second.

Chair DeGracia: Commissioners, motion on the floor is to approve Class IV Zoning Permit, Z-IV-2025-9, Use Permit, U-2025-6, Special Permit, SP-2025-3, with departments recommendations and amendment to Condition No. 10. Any discussion before we go to a vote? Hearing none, could we get a roll call vote, Mr. Clerk?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: 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: Thank you.

Ms. Majors: Thank you.

Unknown Male: Thank you so much.

Ms. Otsuka: Thank you.

Ms. Streufert: Congratulations. Good luck.

Continued Public Hearing (None)

New Public Hearing

Mr. Hull: Moving into the next agenda item. We have a New Public Hearing for;

GENERAL PLAN AMENDMENT (GPA-2025-2) for a General Plan Future Land Use Map Amendment from "Agriculture" to "Plantation Camp" for a parcel located immediately adjacent to Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated along the makai side of Halewili Road, in Wahiawa, Tax Map Key: (4) 2-2- 001:001 and affecting an area approximately 14.9 acres = COUNTY OF KAUAI, PLANNING DEPARTMENT.

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.

Mr. Hull: We don't have anybody signed up to testify on this agenda item. Are there any members of the public, not the applicant, but the public that would like to testify on this agenda item? Seeing none, the department would recommend closing the Public Hearing.

Ms. Cox: I move we close the Public Hearing.

Ms. Otsuka/Mr. Ornellas: Second.

Ms. Otsuka: Oh, go ahead.

Chair DeGracia: Commissioners, motion on the floor is to close the Public Hearing on this agenda item. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Oppose. Hearing none, motion carries. 6:0.

Mr. Hull: We have next.

STATE LAND USE DISTRICT BOUNDARY AMENDMENT (A-2025-2) for a State Land Use District Boundary Amendment from the Agricultural District to the Urban District for a parcel located immediately adjacent to Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated along the makai side of Halewili Road, in Wahiawa, Tax Map Key: (4) 2-2-001:001 and affecting an area approximately 14.9 acres = COUNTY OF KAUAI, PLANNING DEPARTMENT.

1. Director's Report pertaining to this matter.

Mr. Hull: For the same parcel as listed on the agenda. The department doesn't have anybody signed up to testify on this agenda item. Any members of the public want to testify on this agenda item? Seeing none, the department would recommend closing the Public Hearing.

Ms. Cox: I move we close the Public Hearing.

Mr. Hull: Sorry.

Ms. Streufert: Second.

Mr. Hull: We don't do this a lot.

Chair DeGracia: Commissioners, motion on the floor is to close the Public Hearing on this agenda item. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Oppose. Hearing none, motion carries. 6:0.

Mr. Hull: Next, we have up.

COUNTY ZONING AMENDMENT (ZA-2025-3) A bill for an ordinance amending Zoning Map ZM-200 (Hanapepe) to rezone approximately 14.9 acres from the Agriculture District. (A) to the Residential District (R-1) involving a parcel located immediately adjacent to the Kaua'i Coffee Visitor Center and the Numila Sugar Mill, situated on the makai side of Halewili Road in Wahiawa, further identified as Tax Map Key (TMK): (4) 2-2-001:001 = COUNTY OF KAUAI, PLANNING DEPARTMENT.

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.
3. Transmittal of Public Testimony to Planning Commission.

Mr. Hull: For the same parcel as listed on the agenda. No one has signed up to testify. Would any member of the public like to testify on this agenda item? Seeing none, the department would recommend closing the Public Hearing.

Ms. Cox: I move we close the Public Hearing.

Ms. Streufert: Second.

Chair DeGracia: Commissioners, motion on the floor is to close the Public Hearing for this agenda item. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Oppose. Hearing none, motion carries. 6:0.

Mr. Hull: Next, we have.

COUNTY ZONING AMENDMENT (ZA-2025-4) A bill for an ordinance amending Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements to establish a Special Planning Area "P", which shall be referred to as the "Numila Plantation Camp Walkable Mixed Use District", and be designated as "SPA-P" as shown on Zoning Maps ZM-N-100 (Numila) involving a portion of a property further identified as Tax Map Key 2-2-001:001. The proposal also amends the West Kaua'i Regional Map to reflect land use designation updates from "Agriculture" to "Plantation Camp" within the SPA-P boundaries = COUNTY OF KAUAI, PLANNING DEPARTMENT.

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission

Mr. Hull: On the same parcel as previously listed on the agenda. No one has signed up to testify. Would any member of the public like to testify on this agenda item? Seeing none, the department would recommend closing the Public Hearing.

Ms. Cox: I move that we close the Public Hearing.

Ms. Otsuka: Second.

Chair DeGracia: Commissioners, motion on the floor is to close the Public Hearing on this agenda item. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Oppose. Hearing none, motion carries. 6:0.

Mr. Hull: I got four more of these puppies. With the Commissions discretions, we're going to do all the Public Hearings and then essentially treat Numila separate and then Ka'awanui Camp 6 separate. Okay, bear with me.

GENERAL PLAN AMENDMENT (GPA-2025-3) for a General Plan Future Land Use Map Amendment from "Agriculture" to "Plantation Camp," affecting a portion of approximately 14.9 acres of land situated about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli and further identified as Tax Map Key (TMK): (4) 1-7-006:006 = COUNTY OF KAUAI, PLANNING DEPARTMENT.

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.

Mr. Hull: We have no one signed up to testify on this agenda item. Any member of the public would like to testify on this agenda item? Seeing none, the department would recommend closing the Public Hearing.

Ms. Cox: I move we close the Public Hearing.

Mr. Ornellas: Second.

Chair DeGracia: Commissioners, motion on the floor is to close the Public Hearing on this agenda item. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Oppose. Hearing none, motion carries. 6:0.

Mr. Hull: Next agenda item is.

STATE LAND USE DISTRICT BOUNDARY AMENDMENT (A-2025-3) for a State Land Use District Boundary Amendment from the Agricultural District to the Urban District affecting a portion of approximately 14.9 acres of land situated about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli and further identified as Tax Map Key (TMK): (4) 1-7-006:006 = COUNTY OF KAUAI, PLANNING DEPARTMENT.

1. Director's Report pertaining to this matter.

2. Transmittal of Agency Comments to Planning Commission.
3. Transmittal of Public Testimony to Planning Commission

Mr. Hull: On the same referenced parcel as listed on the agenda. We have no one signed up to testify. Would any member of the public like to testify on this agenda item? Seeing none, the department would recommend closing the Public Hearing.

Ms. Cox: I move we close the Public Hearing.

Ms. Streufert: Second.

Chair DeGracia: Commissioners, motion on the floor is to close the Public Hearing on this agenda item. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Oppose. Hearing none, motion carries. 6:0.

Mr. Hull: Next, we have.

COUNTY ZONING AMENDMENT (ZA-2025-5) A bill for an ordinance amending Zoning Map ZM-200 (Hanapepe) to rezone approximately 14.9 acres from the Agriculture District (A) to the Residential District (R-1) involving a parcel is located about one-half mile mauka and northeast of the Pakala United States Postal Service building in Makaweli, and further identified as Tax Map Key (TMK): (4) 1-7-006:006 = COUNTY OF KAUAI, PLANNING DEPARTMENT.

1. Director's Report pertaining to this matter.
2. Transmittal of Public Testimony to Planning Commission.

Mr. Hull: For the same previously listed on the agenda. No one has signed up to testify. Would anybody in the public like to testify on this agenda item? Seeing none, the department would recommend closing the Public Hearing.

Ms. Cox: I move we close the Public Hearing.

Ms. Otsuka: Second.

Chair DeGracia: Commissioners, motion on the floor is to close the Public Hearing on this agenda item. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Oppose. Hearing none, motion carries. 6:0.

Mr. Hull: Lastly.

COUNTY ZONING AMENDMENT (ZA-2025-6) A bill for an ordinance amending Chapter 10, Article 3, Kauai County Code 1987, as amended, relating to the West Kauai Community Plan. The proposal amends Section 10-3 of the Kauai County Code relating to text and mapping requirements within to establish a Special Planning Area "Q", which shall be referred to as the "Ka'awanui Plantation Camp Walkable Mixed Use District", and be designated as "SPA-Q" as shown on Zoning Maps ZM-KC-100 (Ka'awanui Camp) involving a portion of a property further identified as tax map key 1-7-006:006.

The proposal also amends the Makaweli Town Plan Map to reflect land use designation updates from "Agriculture" to "Plantation Camp" within the SPA-Q boundaries =
COUNTY OF KAUAI, PLANNING DEPARTMENT.

1. Director's Report pertaining to this matter.
2. Transmittal of Agency Comments to Planning Commission.

Mr. Hull: The previously referenced parcel as listed on the agenda. We have no one signed up to testify. Would any member of the public like to testify on this agenda item? Seeing none, the department would recommend closing the Public Hearing.

Ms. Cox: I move we close the Public Hearing.

Ms. Streufert: Second.

Chair DeGracia: Commissioners, motion on the floor is close Public Hearing on this agenda item. We'll take a voice vote. All those in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 6:0.

Mr. Hull: So, moving into the General Business section, four of these zoning amendments are associated with the Numila Plantation Camp and four of these zoning amendments are associated with the Ka'awanui Plantation Camp. I'll turn it over to Shelea Koga, who's one of our lead Planners on this project. She'll do kind of just an introduction to the plantation camp form based code in general, and then she'll segway into the Numila Camp specific proposal for form based codes. I think it'd be appropriate to potentially take action if the commission, which ever way the commission wants to take action for those particular amendments, and then after that we would segway into the specific proposal for Ka'awanui Camp and action on those four separate amendments. And I can say, maybe up front, and I apologize for this, but the department is the applicant in these proposed changes. Generally the landowner would be the applicant in zoning amendments. The department of the past five years has recognized certain parcels that could use zoning amendments are, you know, are strong candidates for potential zoning amendments and particularly interplay with the need to increase our inventory to address the housing crisis. So, in those scenarios the department has proposed to take the lead. We did this for the Līhu'e mill site a few years ago. We also recently did it with the commission for the Habitat for Humanities site in Ele'ele, and we've done a few plantation camps before and this is another set. Having said that, we're able to shave considerable cost, headache, and time from the landowner having to do this. It would take an additional two years of study if the private landowner did this. Having said that, we recognize we made an error on one of these proposals, not on the proposals you have, but in that there should have been another proposed zoning amendment for Ka'awanui. When we caught that error that we had not provided for that zoning amendment, it was too late to republish for this agenda, and so that's going on the April agenda. So, that was a long way of saying, we kind of messed up, but we're still saving the applicants a lot of time or the landowners a lot of time. We're going to ultimately be asking for a deferral on all eight of these agenda items to the April meeting when the final and last zoning amendment is going to be on that agenda. Which is what we're recommending, and we'd ask for your forgiveness in that, but if the commission still wants to take action, it completely is at your discretion.

Mr. Ako: And you have to read the eight all over again?

Mr. Hull: I don't know. I'm going to talk with Laura to see if the attorney's office would allow us to condense them possibly on the future agenda, but we can discuss that after. I don't wanna hold you guys up too much. I'm going to turn this over to Shelea to give her presentation.

Staff Planner Shelea Koga: All right. I'll try to keep this brief for you folks, but informative. So, to begin, I'm going to talk about the different layers of zoning we have and then what a farm-based code is, and then to end, I'm going to explain what amendments are being proposed today for one, the Numila site at Tax Map Key 2-2-001:001, and then the Ka'awanui site, TMK 1-7-006:006. Okay, so with zoning, we have multiple layers, and so to begin at like kind of a long range layer, we have the General Plan. So, the General Plan which you know is a long-term policy document that sets the county's vision for Kaua'i and establish strategies for achieving that vision. The strategies are expressed in terms of policy and implementing actions. Now the General Plan is meant to be more of a direction setting policy document and is not intended to be regulatory. But instead it is intended to be a guide for future amendments to land regulations and to be considered in reviewing specific zoning amendments and development applications. So, underneath of the General Plan, we have what comes the community plan. And the community plan is informed by the General Plan, but it is more a local lies policy document that guides future growth and development of a specific neighborhood, town, or district within a large jurisdiction, ensuring that future development aligns with the unique character and needs of the area. So, an example of this is the West Kaua'i Community Plan, which encompasses the Ele'ele to Kekaha area, and so these community plans, when they're created, they work with the community to get their input, and it serves as a framework for zoning decisions. So, that's more of like a mid-range level. Now, after the community plan we have, below it is the regulatory plans. So, these plans can be like county zoning ordinances, special planning areas like the Līhu'e town core, the Kapa'a area, Kōloa, Waimea, and the subdivision code. Now, these are regulatory plans that implement the regulations such as setbacks, height restrictions, lock covers, lot coverage and density, and so that's what most people will see when they're applying for a building permit. And then we also have the state land use district, which is in line with like the county zoning, and so they have four jurisdictions where there's specific regulations to those. All right, so, that's kind of all of the layers of planning. And then specifically, the form base code is, like I said, a regulatory plan and it's more short range. So, that's where we cover height restrictions, setbacks, lot coverage, densities, and really what makes the form-based code special is that instead of taking just regulations and placing it on the whole island, the form-based code is a zoning regulation that focuses on the physical design and appearance of the buildings and public spaces rather than just land use. And so, part of the form-based code, we had to do an intensive inventory process and exercise to identify unique or historical characteristics that define the respective towns and villages. So, for instance, with these plantation camps, we literally went out to the areas of Numila and Ka'awanui, and our team, there was maybe like, 10 to 15 of us from the Planning Department who went out there. We measured the exact building dimensions, we measured the frontage types, we measured the heights, what types of pitches, and all those things come together to encompass the form and character of that specific place. So, the form base code in Numila will be different from what we see for the form-based code in Ka'awanui because it really encompasses that special character that's unique to that place. So, that's kind of how we started the form-based code for these areas. And so previous form-based codes that we have did, that you folks may have seen as part of your term in the commission or

just may have heard about is, we have the South Kaua'i form-based code, which encompasses Kalāheo, and Kōloa area. We have the West Kaua'i form-base code that does portions of Ele'ele, Hanapēpē, Waimea, Kekaha, and then most recently we did the plantation camp form-based code back in 2022 with you folks that covered the areas of Kaumakani Avenue and Kaumakani Village. And those unique characteristics was tailored specifically to those towns. So, now moving into the Numila area. So, we're going to go here first and in order to get the form-based code to be implemented, there is multiple levels of zoning that we seen that needs to be changed in order for everything to be aligned and for us to implement it. So, for Numila on TMK 2-2-001:001, we have to do a General Plan amendment which is taking it from agriculture and we're going to put it into plantation camp, and then for the next zoning amendment to amend the West Kaua'i Community Plan, we're amending it from agriculture to also plantation camp. And a part of that, we have to implement and amend Special Planning Area "P", which creates a new special planning area just around the Numila Plantation Camp Walkable Mixed District. So, I don't know if you folks can see on the NEAT board, but on the top right corner, it's yellow highlighted section. So, those are where the amendments will be taking place. And then a part of it, we're doing another county zoning amendment to amend the agriculture district into residential R1 because even though we put the form-base code on top of the properties, there still needs to be a county zoning underlay so that the form-based code should it not, say a certain thing, can revert back to CZO standards in terms of maybe like subdivision or if the code is just silent in itself. So, they need that underlying county zoning. And, then the state land use district only the bottom portion, if you see the picture over there, the bottom portion in yellow, that's where we're switching from agriculture to urban and that's going to be approximately 14.9 acres that's being switched. So, that kind of summarizes Numila and if you guys have any questions on the Numila area or what zoning amendments or anything, I'm happy to answer those.

Ms. Streufert: Can I ask a question about the lower portion there that you just talked about?

Ms. Koga: Yes.

Ms. Streufert: Is that now in agriculture or is that just (inaudible) land or...

Ms. Koga: It's now in agriculture, but I would say we have maps from back in the day that shows a portion of that area was actually used for plantation camp, so there was a village at one time in that area for a portion of it.

Ms. Streufert: Is that Wahiawa?

Mr. Hull: No, I don't believe so.

Ms. Koga: No.

Mr. Hull: Wahiawa is a different camp.

Ms. Streufert: Thank you.

Chair DeGracia: Commissioners, any further questions?

Ms. Otsuka: Are there families still residing there?

Mr. Hull: Not at...not at Numila. We have a representative from the landowner as well, if you have a question of what's going on specific with the land.

Mr. Ornellas: So, would areas that were former plantation camps, like, Keālia Camp for instance, would this be applicable? Could they rebuild the camp that once existed?

Mr. Hull: So, you have to go in spatially onto a map and create the zoning, the Plantation Camp Zoning District, over. So, essentially what we're doing here is, some of it is to go over the existing Numila Camp and say, what was there, you can now rebuild. That 14.99 acres at the bottom where there was a previous camp, is the department saying, not only should this camp be allowed to rebuild, it should be allowed to evolve into additional uses, reflecting what happened in the past. So, that's what's being proposed specifically here for Numila. If Keālia Camp wanted to go through that exercise, it could, and it would be a little bit more complicated than what we did here in Numila, and in Ka'awanui because we have the buildings themselves still there. So, we're able to go and take these measurements and create a code out of the existing built environment. That's not to say that we couldn't go to a site like Keālia and go through historical data and documents to do a forensic analysis to try and create the standards that was indicative of Keālia Camp to create the Keālia Camp itself. And that is definitely an opportunity, I think we can discuss with that landowner. The thing is, what's it somewhat limiting is...the counties are only allowed to do up to 14.99999 acres before it gets bumped up to the Land Use Commission process. I'd signal to these landowners that, you know, we're able to do the 14.99 acres here and we would be the lead, but (inaudible) Planning Commission at the County Council. But once you get into the Land Use Commission level, which requires a contested case hearing of all matters, it becomes a much more legal process that we wouldn't be able to do that. We wouldn't be able to do that lift internally. So, if we went to Keālia, for us to do it internally, we could do that lift, possibly with 15 acres or just a little under 15 acres, but to make it larger, it would have to be, there would be a lot of attorneys involved, quite honestly.

Mr. Ornellas: Keālia would be different. That was a self-contained community, and they had a large store, post office, movie theater, large park, it was...you know, yeah, so I'm just curious.

Mr. Hull: There's a bill moving through the legislature that says, if the counties decides to want to go to as much as 100 acres, whether or not that gets adopted for housing purposes. That could create a potential for going, say up to a 100 acres. I can say that if these bills are adopted, so the department has been working for the past five years in different formats within Plantation Camps. One, to allow them to continue and then two, to allow them to evolve. At least the existing ones we have right now. When we're done with these projects for the existing camps, I had every bit of intention of taking the team and moving on to do forensic analyses of camps that existed on Kaua'i previously to see if we can get building types and interfaces with the public thoroughfares in those camps, as well as looking statewide at the camps on other islands just to see which way that these camps interface with their streets and how they're (inaudible) environment involved and may exist today, so that we could create a plantation camp form-based code subdivision process, if you will. For other landowners that maybe had previous camps or for landowners, large landowners that don't have necessarily camps space but want to use the format. If you look in, like, I use Kaumakani Villages as an example of just something that is a format that we could use to address land use and housing inventory, in that by design and by location, and I will say also, very much to the credit of the landowner, that's local housing. The

landowner keeps prices relatively low below the market and then it's kudos to the landowner on that. But beyond that, just by its location and by its design, if you saw that product anywhere else, you know, off the coastline or what have you, then that would be local housing by design and by geography. And the community fabric in Kaumakani is absolutely wonderful. The kupuna and keiki own those streets to a certain degree. The cars are secondary to some of the pedestrians quite frequently. But if you look in our code right now today, the land use pattern in the camps is illegal. You cannot propose to have a substandard 20-foot-wide road, a 3,000 square foot lot with a 1,200 square foot house. We prohibit that in our code right now. You got 40 foot wide roads, 6,000 to 10,000 square foot minimum lots, so we can't even do that. So, there is an intention of the department when this process is hopefully adopted at council that we move into a broader proposal and policy pitch to allow subdivision camps styles of development in other areas. Sorry, that was long-winded, but...

Mr. Ornellas: Thank you.

Chair DeGracia: Commissioners, any further questions?

Ms. Streufert: I would like to...just to clarify, this is intended, I know that this is form-based, it's what the houses are going to look like, but this whole area of plantation camps, it's not to be, it's not a VDA and it is not transient vacation rentals. Is that correct?

Ms. Koga: Correct. It's not in the VDA.

Ms. Streufert: And it is potentially affordable housing, is that the intent?

Mr. Hull: You can see with...how do I say this...it'll be a...it'll be...it's our position that given the geography and the building types, it's going to be local by design. I think you can see, you know, the landowner is free to rent at their own rates. You have most of the plantation camps that exist today under, say, G&R, right, they're within their own dynamics or structures, they're renting them all at affordable rates. This landowner for Numila Camp will have to go through those processes and is going to have to meet potentially the affordable housing ordinance requirements. They may go well beyond just that, though in addressing their own operations, housing, (inaudible). But the Housing Director hasn't put this application process on notice that it can and will still be subject to affordable housing requirements under their ordinance.

Mr. Ornellas: Some of the units are presently used as workforce housing for the coffee company.

Mr. Hull: Correct.

Chair DeGracia: Commissioners, no further questions? If not, we're going through the department's recommendation at this point or...

Mr. Hull: Um...Shelea kind of just presented on it briefly for Numila. If you guys have questions for the landowner or ultimately, you folks have the packet for Numila and so we're just deferring to that. Is there specific questions more on that code? But I can ultimately, we're requesting a deferral.

Mr. Ornellas: Well, since they've come all this way...

Ms. Cox: Yeah, I think we should hear from them.

Chair DeGracia: If we could get the...I'd like to invite the applicant. Or actually landowner.

Mr. Shawn Smith: Good morning, Shawn Smith with BBCP. Trinette Kauai with BBCP. Before we start, I need to give a tremendous amount of love to Ka'aina and his team. She just briefly said, oh, we went out on a team and did this. They were out there for weeks in the Hanapēpē sun and marching through the grass this big, so...great job. What can I help you guys out with?

Chair DeGracia: Commissioners, any questions for the applicant? Or if there's anything the applicant would like to share commissioners before we get into questions.

Mr. Smith: Just that the vision of getting workforce housing available is tremendous to all of our employees. So, we're excited about looking into this.

Ms. Cox: So, that's your primary reason for...

Mr. Smith: Absolutely.

Ms. Streufert: And what's your timeline for getting this done?

Mr. Smith: Well, we'd love to see the entitlement happen. And then, of course, we have a lot of steps after that, we've got to see if what we're able to do, materials, cost, construction. So, we have a lot ahead of us to do as well. This was the first step. And naturally from here, it's for us to step back and go, okay, now what do we do with this? What's the best plan for this property? For the workforce component of it, so that's our plan right now. So, we're just baby steps. We know there's a lot here. And we still have to go to County Council; we recognize that too. So, we have a lot of steps ahead of us, but excited that we're at least here at this desk today because it's been about a year process as well.

Ms. Streufert: So, you're intending to do this relatively quickly?

Mr. Smith: I would love to. I would love to. Yeah, as fast as possible. I mean, if I could have it done tomorrow, we would.

Ms. Streufert: Okay, we'll help you.

Mr. Smith: Yeah, good, perfect. That's a great answer.

Mr. Hull: I will add something. I think there's a bit of a question about subdivisions, so the way that this is structured, as much as it's looking at these previously urban uses and will continue to be in the future urban uses, the subdivision standards are actually the same as the agricultural subdivision standards. So, it's still going to be subject to the one-time restriction, which doesn't stop subdivision from happening, but is a considerable barrier for subdivisions happening here in the future. And speaking with both, Shawn and his team as well as, Howard and his team for the (inaudible), they have no intention of subdividing, but there's a clear guardrail in saying you can subdivide it, but only once, it won't go through this multiple subdivision and potential speculative aspects that can come with subdivisions. Again, the sites themselves are in areas

where you wouldn't see much of the speculative market aim its spotlight on, but even if it did, this one-time subdivision, somewhat is a guardrail on that.

Mr. Ornellas: This would be considered a subdivision.

Mr. Hull: The application right now? No. It's straight just a zoning change.

Ms. Streufert: And the department is asking for a deferral.

Mr. Hull: Yeah, there is that one issue that is concerning, the error we made. They are also, and I've talked to the landowners about this. There are also ongoing discussions with the Fire Department and these proposed improvements or zoning amendments in context with a wildlife urban interface and if there's any additional measures we may want to consider placing on an upzone concerning Wildfire mitigation, one of these camps came very close to burning down in its entirety in the recent past and there may be some fire break requirements or potential some material prohibitions, we're working through that. I talked to both of the reps and they're acknowledging that they'd be open to that.

Mr. Smith: Yep. Ka'aina's teams been great. We have that and fire mitigation, certain materials to use. Everything that we're, we all were on board with.

Mr. Ako: If I can just share my story again. You know, being an alien to Kaua'i, yeah, I remember when I first came here. My wife took me on a tour of the island here and one of the places was Numila because that's where her grandma was from and that's where they lived there. And my first thought was, you know what, this is a place that we should somehow figure out how to memorialize this place and I get to that point because when I was growing up on, not growing up on Maui, but my mother is from Maui and as we were going up there, I always wanted to go see where mom grew up at, and there's just barren land that's there and there's nothing there and mom would say, yeah, we used to live in there but there's nothing, so, it really excites me when I see something like this happening, yeah. Although it took some time, but you know, I guess the faith that I had in you guys is that, you know, hey, thanks for doing this, man.

Mr. Smith: I appreciate it and same. We're also too, it didn't come up but, we will be leaving some original structures there too. To really bring it back to exactly what it was the best we can. Now we have new materials for the 99% of it. But we will have, to Ka'aina's recommendation that we keep several structures there. I think is important and keeps vibe what it's supposed to be and we're excited to follow that.

Mr. Ako: Awesome.

Chair DeGracia: Commissioners, further questions for the department or landowner? If not, I'll seek a motion.

Ms. Streufert: I move to accept the department's recommendation to defer to Zoning Amendment, ZA-2025-3, 2025-2, and 2025-4, to the next Planning Commission meeting.

Ms. Barzilai: There's one more.

Ms. Koga: There's on the screen too, if you can see it.

Ms. Streufert: I see, okay. Zoning Amendment 2025-3, Zoning Amendment 2025-4, General Plan Amendment GPA 2025-2, and State Land Use Amendment A-2025-2.

Ms. Cox: Second.

Chair DeGracia: Commissioners, motion on the floor is to defer these agenda items. Any discussion before we take a vote? If not, can we get a roll call vote, Mr. Clerk?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: 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.

Mr. Smith: See you guys next month.

Mr. Hull: And with that, I'll turn it back over to Shelea for the other four proposed amendments concerning Ka'awanui Camp.

Ms. Koga: All right. So, for Ka'awanui, we are basically doing the exact same thing as Numila. So, we have a General Plan Amendment, GPA 2025-3, that's taking it from agriculture and putting it into plantation camp. We have a Zoning Amendment, ZA-2025-6, that's taking the West Kaua'i Community Plans Map and changing it from agriculture to plantation camp.

Mr. Hull: Sorry Shelea, if you can...I just got a text. If you can return the screen so that it's streaming the commission itself as well. Do you have any further presentation for Ka'awanui with the PowerPoint?

Ms. Koga: No, I don't need it.

Mr. Hull: Okay.

Ms. Koga: Okay. And then, so for the West Kaua'i Community Plan from agriculture to plantation camp, and then we are adding Special Planning Area "Q", which shall also be known as the Ka'awanui Plantation Camp Walkable Mixed Use District. We have another Zoning Amendment, ZA-2025-5, which is taking the county zoning and changing it to R1, which would be underneath the form-based code itself. And then a State Land Use District, A-2025-3 amendment, from agriculture to open for that new area. So, as Ka'aina mentioned, there was a component that we did forget to initially include, and so this proposal is for the 14.9 acres adjacent to the existing plantation camp in Ka'awanui and in April, you folks will hear where we're changing also the existing camp and putting that into the plantation camp zoning. So, that will all be coming together in April and we can go further into explanation during that time. But other than that, it's going to be the exact same thing that we explained for Numila that's coming before Ka'awanui. Just using the form and character of the Ka'awanui Plantation Camp in order to create the form-based code around that camp.

Chair DeGracia: Thank you. Commissioners, do you have any questions up to this point for the department? We have the landowners here?

Mr. Hull: We do.

Chair DeGracia: Commissioners, would you like to invite? I'd like to make the landowners up. Or representative. Thank you for being here. Anything you'd like to add before you take questions?

Mr. Howard Green: No, thank you. Aloha, Chair and Commissioners and staff. I'm Howard Green, Vice President at Gay and Robinson.

Ms. Dana Curnan: Hi, Dana Curnan, Business or Project Analyst.

Ms. Erin Wada: Hi, good afternoon. My name is Erin Wada, I'm Director of Real Estate for Gay and Robinson.

Mr. Green: Yeah, we're happy to answer any questions or talk to you about the process we've been going through or anything you like.

Chair DeGracia: Commissioners, questions?

Ms. Streufert: What's your vision for this when it's complete?

Commission Support Clerk Lisa Oyama: Commissioner Streufert.

Ms. Streufert: Could you go a little bit into what your vision is for this project?

Mr. Green: Yeah. Thank you. Basically, preserving the camp. And I've always used this, you know, we've been stuck in the mud all of our camps, but we've solve some of those problems. This was the last camp that we...well, maybe not the last one, but we need to address this because we can't invest in infrastructure. We have looming cesspool compliance issues coming up, you know roads and utilities and it's there's no...there's no vehicle to properly invest in these communities and continuity currently has 40 occupied houses. So, we want to keep those people in those houses But this will allow us to economically continue upgrades to this property so that we can keep those families in it in perpetuity and hopefully build that community up again from what it once was. It did have, you know, it was self-contained at one time and had a company store and a church and a pool hall and all these activities that traditional plantation camps had. But all that has really gone to the wayside, so this will help preserve that camp and perpetuate it.

Ms. Streufert: Thank you.

Ms. Otsuka: So, do you, are you considering rebuilding a general store in that area? Or it'll just be homes?

Mr. Green: Just homes, you know, we may rebuild, say, a general store for community activity type of thing. But, you know, we probably won't run out a company store again. It's too easy for people to go to Costco. So, but yes, like in Pakala Camp, you know, we still have the...the Kukobu Store, which still stands and you know, we'll probably refurbish that hopefully, and turn that into some sort of community asset. The existing store at Camp 6 is probably going to be torn down because it's that far gone.

Ms. Otsuka: Oh so, is it still standing?

Mr. Green: It is. But it's...

Ms. Otsuka: Okay, because when I was a young child I accompanied my father delivering product to that store. Long term memory. Did it have a lot of stairs?

Mr. Green: Yes.

Ms. Otsuka: Oh, my gosh.

Mr. Green: It's steep.

Ms. Otsuka: I remember being a little child looking up at all those stairs. Okay. Thank you.

Mr. Ako: If I can add, Chair. So, you know, I know we've been doing this with Kaumakani as well as Numila, but these are by the roadside, yeah, right off the road. This Ka'awanui is up the way, yeah, so is the plan to expand that to have more housing in there too or just to preserve this place here?

Mr. Green: Well, when we come in next month, you know, we're looking at preserving the existing 40 homes, but allowing some expansion so we can get economies to scale. Primarily, it's

utilities, water, wastewater, stuff like that, you know. So, if we have that in place, it's easier to build more homes. It's a little more costly to refurbish just these existing homes with all the required infrastructure.

Mr. Ako: And is there a plan about what happens around that community?

Mr. Green: It's going to remain in agriculture.

Mr. Ako: Agriculture.

Mr. Green: Yeah. And, you know, it's primarily, the makeup now is a few outsiders, but it's primarily, mostly people that work on the property and a lot of native Hawaiians from Ni'ihau as well.

Chair DeGracia: Commissioners, any further questions for the department or the landlord?

Ms. Wada: Sorry, I just wanted to just, you know, just echo the prior landowner's sentiment that we just really wanted to say thank you to Ka'aina and his team. You know, I think a lot of behind-the-scenes work is not highlighted. So, we just wanted to say thank you very much. And I know Shelea, she got eaten alive by mosquitos, and we were spraying her. But I think it's just very encouraging, you know, that we have the county support, you know, and being able to really try to, you know, I guess highlight our housing crisis so, you know thank you guys very much for all your time and effort and really supporting Gay and Robinson. So, thank you very much.

Chair DeGracia: Thank you, commissioners...

Mr. Hull: I'll just add to...for the couple of quick questions that came from Commissioner Otsuka. The landowner is required to, but within the draft code that we have, it allows that store to be returned and established and have that commercial venture in there. And I think it's a ratio of one store per every...

Ms. Koga: per 50.

Mr. Hull: ...50 homes. So, they have the potential should they want to pursue it, but I think the (inaudible) point, like, (inaudible) they're not sure if it would be even competitive, given the other stores around the island. But that ability is being preserved for them as well.

Ms. Otsuka: Thank you.

Chair DeGracia: Commissioner, anything further? If not, I believe, I'll seek a motion.

Ms. Streufert: I would like to do is this, but I really don't know what the numbers are. Sorry....I move to follow the departments recommendation to defer Zoning Amendment, ZA-2025-5, ZA-2025-6, General Plan Amendment, GPA-2025-3, and State Land Use Amendment, A-2025-3, until the April meeting.

Ms. Cox: Second.

Chair DeGracia: Commissioners, motion on the floor is to defer the mentioned agenda items. Any discussion before we go to a vote? If not, could we get a roll call vote, Mr. Clerk?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: 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: Thank you. See you...

Ms. Curnan: Next month.

CONSENT CALENDAR

Director's Report for Project(s) Scheduled for Agency Hearing (None)

Class III Zoning Permits (None)

Mr. Hull: Next. The Consent Calendar was approved and accepted. General Business Matters, H.1.

GENERAL BUSINESS MATTERS

1. Presentation on the General Plan Progress Report and Six-Year Capital Improvement Plan.

Mr. Hull: The department asks for a deferral to April 8 as well. Our long-range planner who was all set and drafted this wonderful report for you folks, she's out sick today. So, if we can move it to the April 8 meeting, that would be much appreciated.

Chair DeGracia: Commissioners seeking motion to defer.

Ms. Cox: I move we defer the Agenda Item H.1. to the next meeting.

Ms. Streufert: Second.

Chair DeGracia: Commissioners, motion on the floor is to defer this agenda item to the next meeting. We'll take a roll call vote.

Mr. Hull: Roll call. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: 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. 6:0.

COMMUNICATIONS (None)

COMMITTEE REPORTS (None)

UNFINISHED BUSINESS (For Action)

Mr. Hull: And moving on...sorry Donna, to Item K. Unfinished Business.

CLASS IV ZONING PERMIT (Z-IV-2025-4) & USE PERMIT (U-2025-2) to allow conversion of an existing warehouse building into a private laundromat operation on a parcel situated on the southern side of Aalona Street in Kilauea, situated approximately 350 feet south of the Aalona Street/Oka Street intersection, further identified as 4321 Aalona Street, Tax Map Key: (4) 5-2- 014:005, and containing a total area of 12,034 square feet = **DONNA M. APISA LIVING TRUST**. [Director's Report Received, 12/24/2024. Hearing closed, deferred, 1/14/2025].

a. Supplement to Director's Report.

Mr. Hull: We don't have anybody signed up to testify. Is there any member of the public that would like to testify on this agenda item? Seeing if none, we can move directly into our Director's Supplemental Report. I asked for a deferral at the last meeting. There was considerable discussion at the last meeting. I had asked for a deferral because there was some discussion around, what are the decibel standards for noise with the Department of Health, and so we were able to research that and they'll present what, (inaudible) his findings for that and how that leads into a proposed additional condition being recommended.

Mr. Cua: So, given that information, I've included in the supplemental report all the different standards and references to compatible and comparable sound levels. So, given all of that information that the department has presented, we have come to the conclusion that an acceptable operation sound level would be anywhere between 55 to 60 dba and based on damage, the department is recommending an additional condition, Condition No. 11 into the departments recommendation. So, in the initial departments Directors Report there were a total of 10 conditions. With this supplemental report, there's a Condition No. 11 being proposed, and for your reference I'll just go read it. Condition No. 11 reads, the operation of this facility shall be in compliance with the maximum permissible sound level requirements contained in Section 11-46-4 of the Hawaii Administrative Rules. The Planning Director reserves the right to impose stricter sound mitigating requirements if the operation adversely impacts the adjacent residential properties by exceeding the acceptable sound threshold. And that's the department's recommendation.

Chair DeGracia: Thank you, Dale. Commissioners, any questions for the department? If not, at this time I'd like to invite the applicant up.

Mr. Jonathan Chun: Good afternoon. Jonathan Chun on behalf of the applicant, and off to my right is Donna Apisa, Trustee of the Donna Apisa Trust. We have gotten a copy of the supplementary report. We reviewed it and we have no objections to that, and we believe it's a good report. We believe the decibel levels outlined in the Department of Health standards are all are valid and achievable.

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

Ms. Streufert: It's not in the conditions that or the...in the recommendations for approval or disapproval, but one of the comments that has come in is that you're hours of operation are from 7 to 3, and everyone else's in that area, Honsador, for example, is 7:30 to 3:30, I don't think we can stipulate when you have your hours of operation, but they're concerned about the noise and

they thought that if you went from 7:30 to 3, I got right here, the private laundry follows suit and operates Monday through Saturday, 7:30 to 3:30 would go a long way to mitigate my concerns about noise, it's just for your consideration.

Ms. Donna Apisa: Okay, thank you. Donna Apisa for the record. Yeah, first of all, I wanted to add that the building, it's an existing building and will be fully enclosed with, I mean, obviously there'll be windows, but they will be closed. It's going to be all air conditioned. And we have the same washing machine in Po'ipū and we have it in a room behind our office and we don't hear it, so I'm not concerned about any noise or disruption of the neighborhood. I mean, we're considerate of the neighborhood and I just am very confident that there will not be an issue.

Ms. Streufert: Just wanted to bring that to your attention.

Ms. Apisa: Yes, thank you.

Ms. Streufert: That was one of the comments that was there.

Ms. Apisa: Right, and sometimes, too, they might come and they'll probably be sorting laundry and doing things before they even necessarily get the machine running. And it'll be one of those like Mitsubishi or one of those quiet modern AC units. So, I'm confident that noise will not be an issue.

Mr. Chun: If I may, Commissioner Streufert, a half an hour really is not going to make a really big difference, usually I'm not there, but usually the machines will actually be stopped way before that because after that they gotta fold and separate the laundry. So, they're not going to be operating the machines up into 3:30 because after the machines are done they gotta do the folding and the sorting, and that's quiet. There's no machines in there. So, the 3:30, between 3 o'clock and 3:30, there shouldn't be any machines really operating anyway.

Ms. Streufert: I think it was just a total number of hours, and I believe it was more the morning hours rather than the afternoon.

Ms. Apisa: Yeah. And I will add, actually there's only going to be one commercial washer and one commercial dryer and then a small one. It says in there two, but we're actually downsizing. We don't have all that much space and so it will only have one commercial washer, not two and one commercial dryer.

Mr. Chun: If there's any other questions, we can answer any questions the commissioners wants.

Ms. Apisa: And actually, two employees that will be working there actually live in the neighborhood. They'll probably walk to work, and you know, it does support jobs and that for the community.

Chair DeGracia: Commissioners, any further questions for applicant, and or department? Any discussion? If not, I'll seek a motion.

Ms. Otsuka: Motion to approve Class IV Zoning Permit, Z-IV-2025-4 and Use Permit, U-2025-2, applicant Donna M. Apisa Trust.

Ms. Streufert: Second.

Chair DeGracia: Commissioners, motion on the floor is to approve Class IV Zoning Permit, Z-IV-2025-4 and Use Permit, U-2025-2. Commissioners, any further discussion before we go to a vote?

Ms. Cox: Do we need to mention that there's the new added condition? Just to be clear.

Ms. Barzilai: As amended, with condition amended.

Mr. Hull: Yeah.

Ms. Cox: Amended, something like that.

Ms. Otsuka: As amended.

Chair DeGracia: As recommended by the Director's Report with Condition 11.

Ms. Cox: Yeah.

Chair DeGracia: Okay, if no further discussion. Could we get a roll call vote, Mr. Clerk?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: 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.

Ms. Apisa: Thank you very much. Thank you all.

Mr. Chun: Thank you.

EXECUTIVE SESSION (None)

Mr. Hull: With that we have no additional items on the agenda, with the exception of Announcements.

ANNOUNCEMENTS

Topics for Future Meetings

Mr. Hull: The following regularly schedule meeting for Planning Commission is anticipated to be at 9 a.m. on April 8, 2025. The Planning Commission anticipates this meeting to be held in person here at Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai. Right now, I can also let you folks know that it's not, set in stone, but right now the way the applications are teeing up to go before the commission, we may not have a meeting in May. There will certainly be a meeting in June though. But, it looks like we may not have a meeting in May. If we get something in, we'll of course let you know, but as of right now, we don't have any agenda items teed up for May.

Mr. Ako: One for April.

Mr. Hull: One for April, on April 8th. With that, we have no further announcements.

Chair DeGracia: Commissioners, I'll seek a motion to adjourn.

Ms. Otsuka: Motion to adjourn.

Ms. Cox: Second.

Chair DeGracia: Motion on the floor is to adjourn this meeting. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. Thank you very much. 6:0.

Chair DeGracia adjourned the meeting at 12:47 p.m.

Respectfully submitted by:

Lisa Oyama

Lisa Oyama,
Commission Support Clerk

(X) Approved as circulated (June 10, 2025, meeting).

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