

KAUA'I PLANNING COMMISSION
REGULAR MEETING
June 10, 2025
DRAFT

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Francis DeGracia at 9:04 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako
Mr. Francis DeGracia
Mr. Jerry Ornellas
Ms. Lori Otsuka

Excused or Absent

Ms. Helen Cox
Ms. Glenda Nogami Streufert

The following staff members were present: Planning Department - Director Ka'aina Hull; Staff Planner Dale Cua, Romio Idica, Chloe Matsuda, Marisa Valenciano; Staff Services Supervisor Leila Kim; 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: Good morning, everyone. Time is 9:04. I'd like to call the Planning Commission meeting for Tuesday, June 10, 2025. Could we get a roll call, Mr. Clerk?

ROLL CALL

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

Commissioner Gerald Ako: Here.

Mr. Hull: Commissioner Cox is excused. Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Commissioner Otsuka?

Commissioner Lori Otsuka: Here.

Mr. Hull: Commissioner Streufert is also excused. Chair DeGracia?

Chair DeGracia: Here.

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

Chair DeGracia: Thank you.

APPROVAL OF AGENDA

Mr. Hull: Next for approval agenda, the department would have two recommended changes, I suspect given amount of testimony that came in, the vast majority of the audience is here for the Cassiday Ranch Tours application, which is actually just a Director's Report. The department would recommend moving Director's Reports to directly follow Receipt of Items for the Record, and also to amend the agenda so that New Business directly proceeds Agency Hearing, so that those that have Agency Hearings can have their business specifically discussed in tandem.

Chair DeGracia: Commissioners, seeking a motion.

Ms. Otsuka: So moved.

Mr. Ornellas: Second.

Chair DeGracia: Okay. Commissioners, motion on the floor is to amend the agenda as suggested by the clerk. Could we get, we'll do a roll call vote. All in favor say aye. Aye. (unanimous voice vote). Opposed. Hearing none, motion carries. 4:0.

MINUTES OF THE MEETING(S) OF THE PLANNING COMMISSION

Mr. Hull: Next, we have minutes for the meeting of January 14, 2025, March 11, 2025, and April 8, 2025.

Ms. Otsuka: Can I say something on the minutes?

Mr. Hull: Oh, absolutely.

Ms. Otsuka: I'm not, I'm not sure if this is deemed appropriate for record keeping, but on the Planning Commission regular meeting it states January, it's a draft, January 14th 2024...

Mr. Hull: We'll make sure that's edited.

Ms. Otsuka: Yeah.

Mr. Hull: It should state 2025.

Ms. Otsuka: And, on the same meeting on page 5, about midway down after the nominations, it says, "Mr. Ako, thank you and after that okay." I'm not sure if it's supposed to be Chair DeGracia.

So, I don't know if...how important it is to, for the record to adjust this or if it's not a big deal to just let it go, because right now it's saying like, Mr. Ako said it, but I think it's Chair DeGracia.

Mr. Hull: DeGracia that made the statement?

Ms. Otsuka: Yeah.

Mr. Hull: We can pull the January 14 minutes off to double check, if you guys want to, if you guys have no objections to taking it off the agenda or deferring that item and then, did you have anything on the March 11th or April minutes?

Ms. Otsuka: No.

Mr. Hull: Yeah, I'll ask for a deferral.

Ms. Otsuka: So, that's the only way to defer?

Mr. Hull: Yeah. It's fine. No, it's a good catch Commissioner. So, I guess to take it in separate actions, the department would request deferral of the January 14, 2025 meeting.

Deputy County Attorney Laura Barzilai: You need a motion, Chair.

Chair DeGracia: Yeah. Commissioners, seeking a motion to defer the January 14th minutes.

Mr. Ako: So moved to defer the January 14, 2025, minutes. Need one motion or two motions?

Mr. Hull: One for now and we can move to the second.

Mr. Ako: Okay.

Ms. Otsuka: Second.

Chair DeGracia: Okay. Commissioners, motion on the floor is to defer the January 14, 2025, minutes for review. We'll take a voice vote on this one. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 4:0.

Mr. Hull: Next, the department...

Chair DeGracia: Commissioners, seeking a motion for...

Ms. Otsuka: Approval.

Chair DeGracia: ...the remaining minutes.

Ms. Otsuka: Motion to approve the minutes of the Planning Commission meetings dated March 11, 2025, and April 8, 2025.

Mr. Ako: Second.

Chair DeGracia: Commissioners, motion on the floor is to approve March 11, 2025, and April 8, 2025, minutes. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 4:0.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Hull: Next, we have Receipt of Items for the Record. Nothing on the agenda, however, a number of testimony was received after posting of the agenda, which the Commission is now in receipt of, so for the audience we're going to take about a 10-minute recess for the Commission to review the testimony that was submitted after the agenda was posted. Recognizing that I made an announcement a little earlier, recognizing that there's probably a fair amount of people in the audience here on the Keala Ranch application, just for clarification, that is the transmittal of the application and the Director's Report to the Planning Commission. We have to transmit the application and the Director's Report, departments initial report, two weeks before the actual hearing, so there is no hearing today for Keala Ranch. It is on the agenda, so if anybody wants to testify on that agenda item, we absolutely can take testimony, however, just to be clear, there will be no discussion by the Commission on that application today, that's reserved for June 24th, but again if you want to testify we'll be taking testimony as soon as we come back from the break. So, with that I think we're taking a 10-minute recess.

Chair DeGracia: Okay. 10-minute recess.

The Commission went into recess at 9:10 a.m.
The Commission reconvened from recess at 9:17 a.m.

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

Mr. Hull: Next, we're moving into, so the Commission pulled the Director's Reports off of the Consent Calendar, so we'll move directly into the first one.

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

CLASS IV ZONING PERMIT (Z-IV-2025-12), USE PERMIT (U-2025-8), and SPECIAL PERMIT (SP-2025-5) to conduct agricultural tours and special events, construct a pavilion, and operate an agricultural retail shop on a parcel situated at the terminus of Kapuna Road in Waipake, situated along the mauka side of Kuhio Highway approximately ¾-mile of the Kapuna Road/Kuhio Highway intersection, further identified as Tax Map Key: (4) 5-1-002:010, Unit 5, affecting an area approximately 22.982 acres of a larger parcel = CAROL CASSIDAY ORR (KEALA RANCH TOURS).

1. Director's Report pertaining to this matter.

Mr. Hull: Again, this is just the receipt of the Director's Report and application. We have so far, three members of the public signed up to testify. As you're called members of the public, (inaudible), if you can state your name for the record and then you have three minutes for testimony. So, first on the list we have is Kristen Zimmerman.

Ms. Kristen Zimmerman: Stand up.

Mr. Hull: Yes. Oh, you can sit.

Ms. Zimmerman: My name is Kristen Zimmerman, and I'm at 4690 Kapuna Road. I just want to say that I stand by my testimony that was emailed in. My husband would usually come and talk but he said his mom 's memorial on the mainland, and he couldn't get back until tomorrow, so I just want to say that, I want to make sure that all of our testimony from the neighborhood got in. Thank you.

Mr. Hull: Thank you.

Chair DeGracia: Thank you.

Mr. Hull: Next, we have signed up Terry McKee.

Mr. Terry McKee: Aloha Commissioners.

Chair DeGracia: Aloha.

Mr. McKee: I'm sorry about that, I couldn't hear too much back there, but I hear you want to make this very short. I would like to just make sure that my letters and my photographs of the access road to the property were received and our opposition to that because of the safety of that road. That is that is totally a dangerous situation other than that I will make it short and sweet. Thank you.

Chair DeGracia: Before you leave can you just state your name for the record.

Mr. McKee: My name is Terry McKee. I live at 4576 Kapuna Road. My wife and I, Cheryl have lived there for, since January 5th of 2006. We are full time residents on Kapuna Road.

Chair DeGracia: Okay. Thank you very much for your testimony.

Mr. McKee: You're welcome. Thank you.

Mr. Hull: Last, we have signed up is David Carmichael.

Mr. David Carmichael: Aloha, good morning. My name is David Carmichael; I live with my family at 4610 Kapuna Road. I'm a retired police officer, I'm very familiar with the location at question and I did submit a letter, I'm sure you've received that, and so I will also be very brief. Just wanted to reiterate with my familiarity with this location and my experience, as a first responder for over 25 years, please just give due consideration. I'm not going to discuss all the business impacts it's not my area of expertise, but this is not an easy spot for a first responder to access, it's very hilly, it's remote, there's a very steep driveway and there's a lot of dirt and up and down and I think ingress and egress will be very challenging when we need it the most, so please just give that some consideration as you can. Thank you.

Mr. Hull: Thank you for your testimony. We have no additional members of the public to sign up on this agenda item, but is there any members of the public that didn't sign up but would like to testify on this agenda item at this time? If so, you may approach the microphone. Seeing none, again this is just a Director's Report so, really Commissioners this was taken off the Consent Calendar, ultimately we're looking for a receipt of the Director's Report.

Ms. Otsuka: It's a motion.

Mr. Ako: I'll second.

Ms. Otsuka: Wait, I'm sorry I didn't do a motion.

Mr. Ako: Oh, sorry.

Ms. Otsuka: Motion to receive Director's Report, applicant Carol Cassiday Orr.

Mr. Ako: And I'll second.

Chair DeGracia: Okay, Commissioners, motion on the floor is to receive the Director's Report for Class IV Zoning Permit, Z-IV-2025-12, Use Permit, U-2025-8, and Special Use Permit, SP-2025-5. We'll take a voice vote on this one. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 4:0.

Mr. Hull: Next, we have up, Director's Report for;

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2025-6), CLASS IV ZONING PERMIT (Z-IV-2025-13), and USE PERMIT (U-2025-9) to accommodate improvements to the existing Wailua Wastewater Treatment Plant (WWTP) as well as the replacement of an existing force main that affects a portion of the Wailua Municipal Golf Course, located on property situated along the northern side of Nalu Road, approximately 200 feet east of its intersection with Leho Drive, further identified as Tax Map Keys (4) 3-9-006:019, 027, and 3-9-002:004 (Por.), affecting a total area of 2.43 acres = COUNTY OF KAUAI, DEPARTMENT OF PUBLIC WORKS.

1. Director's Report pertaining to this matter.

Mr. Hull: We don't have anyone signed up to testify on this agenda item. Would any member of the public like to testify on this agenda item that hasn't signed up? Seeing none, the department would recommend receiving the Director's Report for this matter.

Ms. Otsuka: Motion to receive Planning Director's Report regarding the Wailua Waste Water Treatment Plant.

Mr. Ornellas: Second.

Chair DeGracia: Okay, Commissioners, motion on the floor is receive the Director's Report for Special Management Area Use Permit SMA(U)- 2025-6, Class IV Zoning Permit (Z-IV-2025-

13), and Use Permit U-2025-9. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 4:0.

COMMITTEE REPORTS

Mr. Hull: Next, back into the regular scheduled agenda is, Committee Reports. I'll turn it over to the Subdivision Committee Chair for the subdivision report.

Mr. Ako: Thank you, Mr. Clerk. The Subdivision Committee met this morning, we had three items on the agenda. There were two requests for extension, one was from Sueoka Expansion Project, and the other was from the Kukui'ula Vistas LLC., and the third we had was to allow access to a CPR property, and all were passed.

Chair DeGracia: Okay, Commissioners any discussion? I'll seek a motion.

Ms. Otsuka: The motion is to accept...approve...motion to approve Subdivision Committee Report.

Chair DeGracia: Okay.

Mr. Ornellas: Second.

Chair DeGracia: Okay, Commissioners, motion on the floor is to accept the Subdivision Committee Report. We'll take a roll call vote, Mr. Clerk.

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

Mr. Ako: 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. 4:0.

Chair DeGracia: Thank you.

HEARINGS AND PUBLIC COMMENT

Continued Agency Hearing (None)

New Agency Hearing

CLASS IV ZONING PERMIT (Z-IV-2025-10), USE PERMIT (U-2025-7) and SPECIAL PERMIT (SP-2025-4) to allow construction of a new office facility, baseyard operation, associated site improvements on a parcel situated on the western side of Lele Road in Hanapepe, located immediately across of the County of Kauai Hanapepe Transfer Station, approximately one-quarter (1/4) mile south of the Lele Road/Kaumualii Highway intersection, Tax Map Key: (4) 1-8-008:020 (Por.) and affecting approximately 10 acres of a larger parcel = STATE OF HAWAII, DEPARTMENT OF LAND & NATURAL RESOURCES.
[Director's Report Received, 3/13/2025, Hearing Postponed, 4/8/2025].

1. Director's Report pertaining to this matter.
2. Supplement to Director's Report.
3. Transmittal of agency comments to Planning Commission.
4. Transmittal of supplemental information to Planning Commission.

Mr. Hull: Sorry, and then, for the again, for those in the audience what just happened is the Commission moved to accept the Director's Report for both the Keala Ranch Tour, as well as the Wastewater Treatment Plant, so again those will be, are scheduled for their public hearing on June 24, 2025, so that's in two weeks, for clarification. Moving back into the agenda item. We have one person signed up to testify on this agenda item, Lisa Crampton. You can approach the microphone, state your name for the record and then you have three minutes for testimony, ma'am.

Ms. Lisa Crampton: Sure, I'll be brief my name is Lisa Crampton, I'm a resident of Kalaheo and I just like to say that I firmly support this initiative because of the concerns for public safety due to wildfires on the west side.

Mr. Hull: Thank you.

Chair DeGracia: Thank you.

Mr. Hull: We don't anybody else signed up to testify on this agenda item. Is there any member of the public that didn't sign up, but would like to testify on this agenda item? Seeing none, the department would recommend closing the Agency Hearing.

Ms. Otsuka: I move to close the New Agency Hearing.

Mr. Ornellas: Second.

Chair DeGracia: Okay, Commissioners, motion on the floor is to close the Agency Hearing for this agenda item. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 4:0.

Mr. Hull: Next, oh sorry. Segueing into the actual agenda item for that application, I'll turn it over to Romio for the Director's Report on this matter.

Staff Planner Romio Idica: Hello. Testing. Aloha, Chair, Commissioners, and community members. Today I'll be summarizing the proposal before you for the West Kauai Field Operations baseyard facility for the Department of Land and Natural Resources.

Mr. Idica 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: Commissioners, any question for the department?

Mr. Ornellas: Yeah, it's kind of a general question, but how much of a buffer zone exist between the salt pans and any type of development?

Mr. Idica: It's about a half a mile away. I mean the distance itself, it's about half a mile.

Mr. Ornellas: And the grade slopes towards the pans or away from...

Mr. Idica: That is correct. The natural topography does slope makai.

Mr. Ornellas: Thank you.

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

Ms. Otsuka: I was concerned about the project being monitored for any possible negative impacts on the salt area, but you answered my questions, so thank you.

Chair DeGracia: Okay, Commissioners further...

Mr. Ornellas: Yeah, one further question regarding fuel storage at the site.

Mr. Idica: Yes, there will be some fuel storage at the site.

Mr. Ornellas: So...

Mr. Idica: I can probably defer to the applicant because it does go in phases, and I am right now, I'm not clear on when those storage tanks will be constructed.

Mr. Ornellas: Because the salt pans, you know, depend on wells for water. Of course there's a concern about seepage.

Mr. Idica: Yes, that is correct.

Mr. Ornellas: Thank you.

Chair DeGracia: Commissioners, if there's no further questions for the department at this time, I'd like to invite the applicant up for any further questions from the Commissioners.

Ms. Sheri Mann: Good morning, Commission. My name is Sheri Mann, I'm the branch manager for the Division of Forestry and Wildlife, so that acronym is DOFAW, so if you have any

questions hopefully, I can answer or we have some other colleagues and professionals here as well.

Ms. Heather Bartlett: Aloha Planning Commission. My name is Heather Bartlett, I'm from SSFM, and I'm just here to support, provide assistance with the application process.

Ms. Otsuka: So, as Commissioner Ornellas mentioned about the gas storage, will it be above ground or underground?

Ms. Bartlett: I don't know the answer to that question.

Ms. Mann: What we have in our baseyard here in Līhu'e is above ground and that would be my preference for a number of reasons, but I'm not exactly sure.

Chair DeGracia: Commissioner Ako?

Mr. Ako: I know when I look at this project here, you know we're dealing with the salt beds, which is something that I think is very, very sacred, yeah, for those that are on Kaua'i, and yet I'm not really sure how the process works in terms of how you get the salt and some of the indirect impacts that may occur should, you know, we decide to build the facility there, yeah. Would you be able to educate me about what the direct, indirect or direct impacts might be of? (Inaudible). Apparently, there's water and there's salt and then there's sea water, but how would the building of the impact have possibly implications on the adverse effect on the salt pond, right, because there is only one salt bed and from what I understand there's only one that uses fresh water on it, so is that an accurate statement?

Ms. Bartlett: Yeah, so in looking at mitigating potential impacts to the salt pans, we looked at drainage concerns particularly given the fact that developing a facility on this property would create impervious surfaces where water runoff could be more of a concern. To mitigate that and we do talk about this in the application, we proposed a list of different best management practices including silt fences to prevent any kind of sediment or pollution from getting into the water. We also have a retention basin to help with ensuring essentially what we are trying to do is ensure that existing water runoff patterns that happens on the property continue to behave in a similar way even with the facility there, so that is one element to that. The other thing that we looked at was air quality, so getting dust or other particulates in the air that could travel towards the salt pans, and we also propose BMP's, sorry Best Management Practices to help mitigate those concerns and that includes, you know watering any active construction areas, dust screening and, you know for all of these things we're here, nobody wants to damage the salt pans, so we're happy to workshop and talk about and have a dialogue about ways we can better protect them. The last thing that we considered was the aquifer and water runoff beneath the ground and for that we looked at the proximity of the parcel to the salt pans and compared it to distances that are recommended by the Department of Health for things like septic tanks and cesspools and to just to try to understand how far a pollutant could possibly go from the source and whether or not it would impact the salt pans, given that the salt pans are about half a mile away from the property, we don't anticipate impacts, but like I said we're here to have a dialogue about that, so hopefully that helps.

Ms. Mann: And maybe I'll just add in the post construction time it is our, we do plan on planting vegetation, native vegetation that's appropriate for the soils and location, to not only sort of disguise or less noticeable of the fence that we intend to have around it, but it also could also serve as a mitigant for dust and things like that.

Mr. Ako: Yeah, I think dust is an issue that comes up which is about half a mile away, which I guess in my mind also comes up the issue about the fuel that you'll be having on the property there. I think if I read correctly you going to have tanks that are above the ground, right, do you know how big those tanks are or how much fuel we will actually be on property?

Ms. Mann: My guess is we'll do something similar to what we have now, so we have 1,000-gallon tank of regular gas and about a 600-gallon tank of diesel. So, it certainly wouldn't be larger than those two but could possibly be smaller.

Mr. Ako: If the dust can travel half a mile that may impact the salt pans. I know it's a high probability that it would not happen that the fuel would lead to but if the fuel did leak, is there a possibility that it would reach the aquifers? Which apparently is a major factor in terms of harvesting the salt. And I don't know if we know that answer or not.

Ms. Bartlett: Well, I think that we are working to remain compliant with every possible regulatory means that we need to make, ensure that these tanks are sound and that they don't leak. I think that's the number one thing that we're trying to do to prevent any kind of issues on that front. We do propose other BMP 's in case there is a accidental release of fuels, which again we hope that never happens and never becomes a necessary thing, that includes high liquid level alarms, pump shut off devices when if the level inside the tank were to get to a predetermined level prematurely, it would shut off the pump automatically, audible for code signal communication between the container gauge and the pumping station, so we tried to do what we can in the application as well to mitigate that.

Ms. Mann: And I'll also add that just our divisions mission is to protect and do everything we can for the environment so if there were to be something that was negative happening on the environment we would absolutely get all over it because that's what we do, we actually follow practices that aren't mandatory, to have the highest level of sanitation and protection for the environment and everything we do, so I think that you can rest assured that we would do above and beyond to make sure that the likelihood of a spill or a leak doesn't happen, but if it did we would have all the necessary tools in place in order to remediate that immediately.

Mr. Hull: I guess to build a bit of Commissioner Ako's statements, and then just for (inaudible) understanding, I think Commissioner Ako might have a bit higher understanding maybe some of how the salt pans work, virtually, I (inaudible) say all salt beds where pa'akai is harvested in the state, I want to say, I might be slightly off in this, but I want to say, are harvested through means of salt water being farmed or harvested and letting it dry out and collecting pa'akai that way. Hanapēpē is unique in that it's not saltwater that's harvested, it's the aquifer and the fresh water that comes up into the wells and interacts with what's essentially is a salt shelf and so that salt shelf interacting with fresh water is a source of salt for the salt beds and then I want to say that that water is double or triple the solidity of the ocean itself and so I think to Commissioner Ako's point is that concern over the aquifer and I think Sheri, absolutely that DOFAW's mission is

partly in part, work to make sure that they're recharging of our islands aquifers is done in a manner that is safe and reliable. I think, you know to Commissioner Ako's point is, if fuel were ever to get into that aquifer, then it has a potential of ending pa'akai harvesting in Hanapēpē, so I think to your point of everything is being done to make sure a leak doesn't happen, but if a leak does happen with Red Hill on everybody's minds, what are those tools and measures that will be deployed to ensure that the aquifer isn't breached with fuel.

Ms. Mann: I would have to lean on our engineering to speak more to that not being a hydrologist myself. I know with our wildfire operations we have a lot of tools some of which are toxic, that can be deployed, we do back prescribed burns using fuels, and a number of other things. We also have a lot of tools in place for spills and things like that so surface area spills I feel like we're very capable of addressing something like that very quickly and another reason why I think it's important to have the tanks above ground is because you can have a visual side, you have odor indicators and things like that if there were to be somehow a leak through all of the subsurface protections underneath that tank. I don't know how deep the aquifer is there and I actually don't have the expertise to speak to what exactly we would do at that point, other than to remove the fuel tanks altogether and not to have fuel available on the in the yard. Yes.

Mr. Scott Harada: Good morning. I'm Scott Harada, I'm the architect for DLNR's, for this project. Speaking particularly of the fuel tanks, how they're stored and how we can incorporate that into design, if we're having a fueling area there's typically a concrete layer that you'd put all around where fuel is being accessed. The first step for actual mitigation is actually going to be how, like what we're already doing, which is holding it in a what they call a convolve, which sits above ground, and typically using agricultural areas and also they use it when they, you don't want to put fuel underground because the sensitivity, but typically you wouldn't, you'd have these above ground, they have all the alarms as stated and to actually prevent any fuel spillage and everything, it goes through an extra thick layer of concrete if we know that there's going to be potential for drips and all this kind of things and it gets mitigated within the concrete. And then the cleanup, you know they have the standard operating practices that they would address spills, so if you go Costco gas, you see the guys walking around with the fuel sprays similar situation, their fuels is underground, so they're at a higher potential risk than this amount of fuel would be. And I think the layers that you will put down would be more than enough to clean up and address, you know unless they had a substantial leak in there, but even with the, with our detection services it would set off alarms and they would be able to shut it down and drain out quickly, like all those things are put in place when you work with those systems and you have somebody who's going to fuel. Their fuel is mostly just to service some of the smaller vehicles in an emergency situation, so they get changed out regularly. Diesel, as she said, you don't want your emergency vehicles to not have the capabilities to fuel up because their things are getting shut down, so these things are changed out regularly, and it will be maintained. It's not like we're fueling the fleets or trucks are coming in, as far as I know, the department has "P" cards that they'll fill up at regular gas stations and that's where the commercial fueling is, so the amount of fuel here is strictly going to be used for the emergency response vehicles and not going to be used as their main source of fueling up, that is my understanding, so as far as mitigation that's kind of how we're approaching it from a design perspective and also operationally from what I understand, how we're going to put that into the design, so yeah, I know it's because of Red Hill, people think about that, but if you're thinking of the gallons that were dropped in one day at red Hill, it's like times the amount that we would not even come, have a storage, you know for our

side of it and the type of fuel is way different, you're talking about like, JP 5, which is Jet Propulsion, that type of stuff, this is gasoline. I'm not saying it's not as harmful and we're not minimizing that fact but it's a different situation that, you know it's very much within the control and trusting of the of the mission of DLNR and what DOFAW, and what they're trying to do, you know, so I think they're very cognizant of fuel spills, more so than a lot of other departments or agencies that would be there, you know or doing construction let's say or something like that, (inaudible) to say that that's bad.

Mr. Ako: Yeah. Thank you, and you know I really appreciate the steps that DLNR are taking and the attitude that you have as you move forward in this project and fortunately or unfortunately I think, you know the Red Hill is still in our minds...

Mr. Harada: Yeah.

Mr. Ako: ...I don't think anybody ever thought that something like that would happen. They must have all these safeguards in place and yet at the same time it happens, yeah. And I think one thing about, I guess fuel leakage and pipes we can just kind of flush it out, yeah...

Mr. Harada: Yeah.

Mr. Ako: ...and eventually you're okay. I would imagine that I don't know, I'm guessing that if the fuel should however for whatever reason get into the aquifer, it's not just a matter of flushing out, yeah, it's kind of like it's there and...it's there and I don't know if you can ever get it, you know, so knowing that, would you know the slope of the topography that, assuming something would happen, the possibility of fuel through gravity flowing towards the aquifer.

Mr. Harada: Actually for...okay, so the, how it works is you have this giant concrete vault on top, right, and that's lined with everything, you have the layers of the concrete that's going to absorb all that kind of stuff as it comes down, so even if it bursts and you're having this big spill, the containment area in there will also have, where we're fueling and stuff, they usually have someplace that will like, a pit or something that will catch and depending on how frequently or what the fuel speed state is, and so they'll usually have, they have all these protection merits, I don't think it's going to be an issue that it would go down into like sloping towards if they, I understand what you're saying but I think it's going to be, you know highly unlikely that you would have that scenario where it would run down, because it would hit, it would have to hit through the neighboring property, the graveyard, I mean it goes through all of these different things, right, and so it's going to be mostly contained in our site in that area. And we'd have measures around it, you know, yeah, I mean I don't think I as far as the hydrology and all that, that's something that we have to have a hydrologist kind of explain thoroughly as to how things travel through the earth to get through where, how it affects the aquifer, but as far as what we're imposing on to the site and how we're, what measures we're putting up to contain it, we're going, we'd would go above and beyond knowing that there's sensitivity to the salt ponds down the road, downstream from us.

Mr. Ako: I'm going to ask, would the department be open to the idea of having a hydrolysis look into the situation? Only, for me, it's only because of the fact that we're dealing with Salt Pond,

how sacred it is and the fact that there's only I guess, one Salt Pond, yeah that uses the aquifer to harvest the salt so...

Mr. Harada: I can't speak for the department because I'm a consultant, but I can defer it to them and I don't, I'm there, I would say that I would think they would be not opposed to it.

Ms. Mann: Yeah, we could do that.

Mr. Harada: No, the department said that they would be able to.

Mr. Ako: Now by doing this we are not killing the project are we? I mean just by the cost of...

Mr. Harada: Well, the other thing to keep in mind is this project has been, the project is going to roll into phases. So, and it's based on funding and I think that was something that we had got asked earlier and so this project is not going to come online with this, it's going to be very incremental and in stages.

Mr. Hull: I'm sorry, at what point is, are the fuel tank set to be (inaudible).

Mr. Harada: The very final phase. You know at the very end, unless, there was, I mean unless it's potential to advance it, but as far as what we have on the board right now it's not going to be until the very, like further down. Right now, initially it's just a plan to do this in preparation infrastructure, (inaudible) the lines up so they can have a base yard so to speak, to house things, to increase the increase the response time and as they get funded, money projects will come online. So, I think there's time to do further studies if necessary to, if that's what, you know needs to get done, like it could be done within a time.

Chair DeGracia: I have one more question concerning containment. Scott.

Mr. Harada: Oh, I'm sorry.

Chair DeGracia: One question concerning containment. So, you describe an area to contain the fuel, whether it be a spill, of the fuel stored on site how much percentage roughly could it contain if there was a breach in those tanks?

Mr. Harada: It mostly would, I mean, you would design that containment area to contain the amount of fuel you have on (inaudible) access, right, I mean if it's so much that, then that's a different topic we're talking about, for this situation, you would do the calculation and what happens if this much amount of fuel spilled, you know whatever it, and then they would create that concrete pad with the drainage areas that have the containment on that. So, it's kind of based off of that. I'm not sure what exactly we had. I don't think we took the design that far yet.

Chair DeGracia: Okay.

Mr. Harada: But we would make the adjustments if we further the design along.

Chair DeGracia: Okay. I'm just curious if, you know not just your daily usage but or daily containment but like in the event of, like say a severe hurricane or storm that would cause excessive damage.

Mr. Harada: Yeah, no, the convaults are, they're highly rated for all that kind of scenarios, it's military grade type equipment that we're using, you know so they're made for impact and ballistics, so you know, which is like shards, things flying and hitting it. It'll probably survive better than the building to be honest.

Chair DeGracia: Okay. Thank you. Commissioners, any further questions, comments before the...

Mr. Ornellas: Yeah. Has the department reached out to the salt makers themselves?

Ms. Bartlett: Well, we did a couple rounds of cultural outreach, one to do with the Section 106 process that we're going through for this project and again for the Ka Pa'akai Analysis, so we did reach out to different Native Hawaiian groups related to or within the area and had some testimony and of course we did get concerns from some people associated, I don't know if they were necessarily the pa'akai, I'd have to look at it, if they were directly associated with that, but we did hear from them. Concerns about potential pollutants to the salt pans and it's something that we've taken into consideration as we've, you know put the project together so...

Mr. Ornellas: One more question. The prevailing winds, do they blow towards the salt ponds?

Ms. Bartlett: That's a good question. I'd have to look into that. There was a environmental assessment that was done in 2021, which may have talked about that, I'd have to go look, so apologies.

Mr. Ornellas: Because in the staff report we heard about, you know mitigation measures during construction and we did hear a little bit about post construction, but of course dust would be a real problem for salt makers and I'm assuming you're going to be stockpiling materials there for repairing roads and so on for trails.

Mr. Harada: Operation (inaudible).

Unknown Woman: No.

Mr. Harada: Not that we're, we're aware of any storage is going to be in a building of materials, so there's not going to be any, there's no, at least in our plans there's nothing that (inaudible) anything outside as far as any kind of materials that could create additional dust measures or anything like that, (inaudible) dust pollutants. Everything we have (inaudible) warehouses and Sheri (inaudible).

Ms. Mann: (Inaudible) let me speak to that.

Mr. Harada: Yeah.

Ms. Mann: Just to clarify this is a base yard for the entire DLNR, so that's multiple divisions. What we're talking about today and these plans are just for Division of Forestry and Wildlife and we're the largest division, and so we'll have our footprint in those 10 acres will be larger than the other divisions, but these designs and all of this is just for us and our main purpose is for emergency response, so wildfire, flood debris, and a much quicker response, so we'll have heavy equipment on this base yard because that's where the majority of the fires are on the island. We will have some staff there, but no, we still have our base yard here, where we have fencing material and aggregate rock and things like that that I don't think that's that, this base yard and in the west is really more for emergency response, although we may have a westside base yard, a part of that base yard for a nursery, so plant growing, but yeah we won't be storing a lot of materials, some but not, that's not our primary purpose.

Mr. Ornellas: Thank you.

Chair DeGracia: Okay. I have a question. There was a couple of recommendations from the Kaua'i Historic Preservation Review Commission, in here I was just wondering, are you guys willing to adopt those recommendations?

Ms. Mann: So, historic, would be (inaudible).

Chair DeGracia: I believe it's signage and landscaping.

Ms. Mann: Oh, yes absolutely, signage that's not a problem at all to discuss the historic archaeological sites that were there and the importance of them absolutely with the vegetation we will definitely do that with it, that's kind of in our wheelhouse, so we'll absolutely adopt those.

Chair DeGracia: Okay, perfect, and then I'll ask the department, are you guys willing to place that as an additional condition?

Mr. Hull: No, so it actually was proposed as a guidance condition, given the applicants response, I think we would recommend changing or removing the phrase "consider", so right now it has Condition 12, pursuant to recommendations by KHPRC, the applicant should consider including a (inaudible) signage regarding World War II, and (inaudible) of the property, and pursuant to recommendations by KHPRC, the applicant should consider including landscaping appropriate to the era before the develop. So, based off of that interaction, the department would just recommend changing the language to...

Ms. Mann: To shall.

Mr. Hull: To shall.

Chair DeGracia: Okay. Thank you.

Ms. Mann: You're welcome.

Mr. Hull: I think back to Commissioner Ako's questions concerning the fuels tanks. I think, you know, depending on where you want to go with that, Commissioner Ako, I think, you can ask the applicant, (inaudible) they assume be willing to provide a hydrological report on potential

impacts of the fuel tanks and or a leak on the aquifer and ask for a deferral of this matter until that hydrology report is done, based off of the statement that they made that it's actually at the end stages. I have also put together a potential condition that would require the report be provided prior to the fuel tank building permits, and that if the hydrology report finds no impacts, that the department would approve the fuel tanks, but if it finds impacts that it be returned back to the Planning Commission for further review of mitigation or prevention measures. I can, so I can read the draft condition if you like, but I'm not sure where you're potentially...

Mr. Ako: Well, first of all I really appreciate the position that you folks are taking, which gives me a lot of confidence in terms of, you know what you are saying. To be very genuine and to be very real on that. Myself, I am in total support of having a base yard out there and I think if it was any other location of the base yard, I think my approach might have been a little bit different, but the fact that there is only one salt pond out there and maybe it's overkill, but I really would like to be very sure or pretty very, very high probability that if something should happen that that one salt pond that we have would not be affected by it, so knowing that I guess I would ask if the department would be willing to do a study, a hydrology study on this issue here and to determine if any there would be any impacts to the salt pond should there be any fuel leakage.

Ms. Mann: Yes, I think we can do the hydrology survey based on those parameters and that question, absolutely. I would just ask that we be allowed to move forward with the other phases of the project that we would like to do, while we're getting that hydrology report and that an understanding that we would not endeavor to build the fuel station and containment system. We wouldn't endeavor that until we got that report, brought it back to this Commission, got your review and approval, but if we could move forward in the other phases pre fuel, we would really appreciate that.

Mr. Ako: Would that be a possibility?

Mr. Hull: Yeah, definitely, (inaudible) to that effect if that's where you want to do it as a motion whether the Commission wants to go as a whole. Do you want me to read it?

Mr. Ako: Yeah, I don't think I'd be able to repeat what you said.

Mr. Hull: If you, Commissioner Ako, are leading a motion to articulate the request that the applicant has, Condition One, could be amended, whereby all the existing language stays in with new language to be added, and it's a bit of a mouthful, but here we go, so Condition One would be, with added language would read; "Prior to building permit approval of the proposed fuel tanks, the applicant shall provide the Planning Department while a hydrologist report, demonstrating that there are no anticipated impacts of the projects fuel tanks and potential spills to a subsurface aquifer. If there are anticipated impacts from the proposed fuel tanks, oh sorry, if there are anticipated impacts, the proposed fuel tanks shall be reviewed by the Planning Commission to determine further mitigation or prevention requirements."

Mr. Harada: (Inaudible).

Ms. Mann: Yes, sir, we're okay with that. Like we said, we don't have all the funding in place at this point and the fuel phases are towards the end, so that gives us time to find that the expertise

we need to do the study, come back to you all, but we at least are moving forward on the parts of the project that we do have funding for.

Chair DeGracia: Any further questions for the department or the applicant at this time, Commissioners?

Mr. Hull: So, Commissioner Ako, be that it's going on your line of questioning, was, is that a sufficient condition?

Mr. Ako: Yes.

Mr. Hull: With that to try to make it somewhat easier, the department would just do that as an amendment to our Director's Report and adopted it as a whole as a recommendation to the Commission.

Mr. Ako: So, with that we can just move forward to approve the application.

Mr. Hull: If Commissioners have no further questions, then a motion can be made to...

Chair DeGracia: Commissioners, no further questions? If not, I'll seek a motion.

Mr. Ako: Okay, let's see regarding the Class IV Zoning Permit, Z-IV-2025-10, Use Permit, U-2025-7, and Special Permit, SP-2025-4, with amendments to Condition #1, I move to approve.

Mr. Hull: I'm sorry, and it'll be amendments to Condition 12 and 13 as well.

Mr. Ako: Oh, I'm sorry. Number 1 too?

Mr. Hull: One, 12 and 13.

Mr. Ako: With amendments to Conditions #1, 12, and 13. I move to approve.

Mr. Ornellas: Second.

Chair DeGracia: Okay. Commissioners, motion on the floor is to approve Class IV Zoning Permit, Z-2025-10, Use Permit, U-2025-7, and Special Permit, SP-2025-4, with amendments to Conditions 1, 12, and 13. We'll take a roll call vote, Mr. Clerk.

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

Mr. Ako: 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. 4:0.

Chair DeGracia: And before moving on to the next agenda item, we'll take a 5-minute recess.

The Commission went into recess at 10:10 a.m.
The Commission reconvened from recess at 10:21 a.m.

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

Mr. Hull: Next, we have Agency Hearing for.

CLASS IV ZONING PERMIT (Z-IV-2025-11) to allow construction of a new self-storage facility and associated site improvements within the Waipouli Town Center in Wailua, further identified as Tax Map Key: (4) 4-3-008:002, and affecting a portion of a larger parcel approximately 4.2668 acres in size = ISLAND SELF STORAGE LLC.

1. Director's Report pertaining to this matter.
2. Transmittal of agency comments to Planning Commission.

Mr. Hull: This is the Agency Hearing, we have currently two individuals signed up to testify. The first one is Ben Fitt. If you could state your name for the record, and you have three minutes for testimony.

Mr. Ben Fitt: Good morning, Commission. My name is Benjamin Fitt. I am one of the business owners in the Waipouli Town Center where the plans are, also a resident of Wailua as well. I just wanted to say in general that we found out about this from our neighbors who are property owners across the street, but as tenants we were not informed or served any kind of notice. I'm not sure if this is the usual way, but I would like to put forward that tenants who have highly invested into their business and property should be notified just as much as a land owner, who is who is a neighbor, (inaudible), so I just want to acknowledge that self-storage is important, I have a self-storage unit in industrial zone, Puhi that I use personally and I understand that like it's important part of our community to be able to have services like that, but where I'm opposing some of the plans here is the scale of the scope of the of this project. I think that converting, like old Foodland, the previous tenant, like we were previous tenants from a previous landlord, the current landlords purchased the property and inherited us as tenants, had tried for years to try and fill that Foodland space with no luck for various reasons, the economy, and the amount of investment in the property need to be done. And so, investing in unused real estate, I think is a valuable, like cause. What I do concern is the extension of building a large 3 story storage unit in the parking lot area. My main concerns for that is that, you know this is a gateway into Kapa'a, this is part of the, like the general, like neighborhood center, general plan of south Kapa'a, is that we have, like a usable like walkable, I mean it's called Waipouli Town Center, you know it has retail and service driven businesses, and I believe in the general plan for south Kapa'a that this is

what the uses, mixed usage of this area is our neighbors are restaurants and retailers, grocery stores, churches, hotels, residences, and to having businesses that fit that mix and be able to add to the community in a balanced way, like I was saying I believe self-storage is a necessity and I feel, like precedent kind of shows that the larger scale self-storage sites are all in industrial zone areas like Puhi and Nawiliwili and places like that, where I think they are better suited for that land and so on its usage. Sorry, I'm just referring to my notes here. Yeah, so my opinion is for the Commission to take that into account in terms of, how do we create a space in south Kapa'a, Wailua, Waipouli area that contributes to the feeling and the space that we want to provide our community and our visitors. We have numerous hotels within minutes walking distance or straight across the road. The newly developed bike path that goes right in front of the property there too so it's not only just the main thoroughfare for cars, but also for walking and riding bikes and exercising...

Chair DeGracia: Sorry to interrupt but could you wrap up? You've had your three minutes.

Mr. Fitt: Okay. Sorry. That's all I have to say. Thank you.

Chair DeGracia: Thank you very much.

Mr. Hull: Next, we have signed up Emily Olson.

Ms. Emily Olson: Hello, can you hear me? Alright, great, thank you. Aloha, my name is Emily Olson and I'm a partner in Collab Café, I'm Ben's business partner, located in the Waipouli Shopping Center that's being discussed here today, and first I want to thank all of you here in the Planning Department for your time and presence and (inaudible) attention is our greatest currency you're giving a lot of it today to a lot of details, so I super appreciate it. We became tenants in the center 3 years ago, originally under Alexander and Baldwin, and I'll be honest it was a very challenging relationship for us. We often felt unseen and unheard as tenants and in contrast since the transition to Island Self Storage LLC., we've had a more human, open, and collaborative relationship with Tom, for that I'm truly grateful. Tom has shared a beautiful vision with us through conversations, a center that would include, not just storage, but affordable housing, even gardens, local restaurants like ours, more seating along the canal, and this edition inspired hope that this could be a place of nourishment and not just storage, but what's being submitted today doesn't reflect that vision. It includes only the self-storage piece, not I'm not sure what happened totally in the gap, but lacking, it's lacking the essential elements our community truly needs and as a small business owner committed to growing our local food ecosystem I have to say that turning a former food space into only storage is a bit disheartening for me, but that said I do see the value in self-storage, it can be highly profitable anchor also that helps subsidized less profitable but essential community elements like food and housing, but not on its own, not without the other pieces. So, today I oppose this plan just as it is, I, not out of the resistance to the growth, but out of love for the community and a deep belief that we can do better than the plan as it is today, that we can build something that truly serves our people in a more balanced way. A place where food, housing storage all can coexist together and if that original vision is still alive I commit to helping as a tenant partner in the in the center to bring that vision to life. So, mahalo nui for listening and that's all.

Mr. Hull: Thank you for your testimony.

Ms. Otsuka: Thank you.

Mr. Hull: We don't have anyone else signed up for this agenda item but is there anybody else in the public that didn't sign up or would like to testify on this agenda, if so, you may approach the microphone. If you could state your name for the record. You have three minutes for testimony.

Ms. Amy Jindra: Hi. My name is Amy Jindra, I am a resident of Kapa'a and I shop at the Waipouli Center, I eat there, I work in Puhi, and so I work directly across from Guardian Storage there and I go home to Kapa'a, and I'm opposed to the expansion of this just because Kapa'a is such a destination place for tourism, it's also where our community eats, and where we get together and we need more spaces to be beautiful and homelike and walkable, and it's also such an impact to the small businesses around. Nobody that I've spoken with in that Town Center knows that it's turning into storage, and I imagine the impact financially for everybody is going to be a shock when it looks like a light industrial, when it was a commercial space for retail and for people to come and shop and eat. My concern is not only for our community but for the businesses that are running there, that are (inaudible) own small scale and what that looks like in the future, whether that's just mainland companies that can only afford to be in Kapa'a because of the lack of traffic and the lack of foot traffic basically so thank you.

Chair DeGracia: Thank you.

Mr. Hull: Is there anyone else in the public that hasn't previously testified and would like to testify on this agenda item? Please state your name for the record, sir.

Mr. Morgan Hannon: Aloha. I am Morgan Hannon, a resident of Kapa'a. I'll just put some numbers to sort of the general statements before. You know this area is defined in the general plan as a neighborhood center, it's supposed to be a mixed-use core, multimodal transport, high density walkability, those are performance measures put to this sort of outcome at this sort of site. The proposal is a large area looking at the south Kapa'a Neighborhood Center area, it is 21% of the land area. Now not knowing exactly the full scale because as stated the vision has shifted quite a lot. It is going to take up 4 to 8% of the businesses that it would reduce the total premises from about 60 to 55, sure that doesn't sound super hot but it's still a large portion. It is 8%, in fact of all of the commercial general zoning in Kapa'a, this lot. The building density within that neighborhood center as it sits is about 3 per acre, in terms of premises, full businesses, depending again on the final proposal, it would be about one, you know this would be one business to 2 to 4 acres so it's a 6th or 12th of what is already failing to meet a walkability density, so it certainly doesn't suit the general plan neighborhood center outcomes. That being said, the GFA in the zoning ordinance is likely going to go well over the 75,000 limit for a single commercial use within that zoning, looking at that, so it's about 34,000 just for the old Foodland, square feet, so if we're looking at 3 times that, it's going to go over 75,000, if we're looking at an extended building, it's well over. It could range up to 225,000 as the final proposal for a single use, which is well outside the ordinance. As a general urban design statement, it is clearly a gateway to Kapa'a, you would basically be coming in via a large self-storage space at McDonald's, which is not a brilliant statement for what is identified as a significant historic town. And then again referring just to the purpose of commercial land as identified within the ordinance, firstly it should not detract from environmental, (inaudible) the environment of the surrounding area and it should be uses, which are normally supplemented by and dependent upon aggregate activities

over central commercial sector. Now I understand looking at all the different storage facilities across the island, it doesn't fit in neatly within any particular zoning and I appreciate that there is a good example in Kōloa, where it is tucked into a commercial general area that is sensitive to the surrounding buildings, the majority sit in light industrial and industrial spaces. I don't know what's happened with the 2 proposals in Līhu'e that also within commercial general, but I would (inaudible) that.

Mr. Hull: Three minutes, Mr. Chair.

Mr. Hannon: It does need to meet these other outcomes set by the general plan.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Is there else in the general public that would like to testify on this agenda item? Seeing none, the department would recommend closing the Agency Hearing.

Ms. Otsuka: I move to close the Agency Hearing.

Mr. Ornellas: Second.

Chair DeGracia: Okay. Commissioners, motion on the floor is close the agency hearing for this agenda item. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 4:0.

Mr. Hull: That would segue directly into the agenda item itself for General Business, so I'll turn it over to...oh, sorry, there's an introduction in order. We have here, Chloe Matsuda, who is one of our new planners. She's not that new, she's been with the team for about a year now but she's making her first appearance before the Planning Commission, so just welcome Chloe to the Commission environment and now I'll turn it over to Chloe for the Director's Report on this matter.

Chair DeGracia: Welcome.

Staff Planner Chloe Matsuda: Aloha, 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).

Chair DeGracia: Commissioners, any questions for Chloe? Commissioner Ornellas?

Mr. Ornellas: I have a question.

Chair DeGracia: Sure.

Mr. Ornellas: Whether you can address it or the Director can, either one of you. Can you explain the difference between general commercial and light industrial?

Mr. Hull: General commercial is generally used for in low to intense levels of commercial operations including but not limited to retail and restaurants. The industrial district is generally reserved for uses that are a bit more noxious and offensive and have potential to have actual impacts. In the industrial district you have proposed uses that will have fumes or loud noises or sometimes unsightly, if you will, proposals, but it's generally the difference between the two, one is reserved for actual impactful types of uses. So, I think the application calls out right, like should these storage facilities be restricted into the industrial districts. Right now, there's nothing the code that does do that.

Mr. Ornellas: Yeah, I have some issues with this project. I'm not necessarily opposed to the project, but it doesn't seem to be a very good fit. You know activity begets activity, so if you've got restaurants and you've got other, you know service-oriented industries, and you've got a large component of that area of being somewhat low use, in their own submittals, they said, after the initial building, it's not going to be that many people frequenting this, this business, so I'm a little bit concerned about the fit. Now in Kapa'a, I'm from the east side and in Kapa'a, you know we have fairly strict guidelines regarding commercial activity, you know especially when it relates to historic buildings and so on. A project like this would never fly in Kapa'a Town itself, I believe, and you know, people often confuse Kapa'a with Waipouli, and they're actually basically separate towns, like you know Minneapolis and St. Paul, on a much smaller basis, right, but once you pass that canal and Waikaea then you are in Waipouli, and growing up in the east side we never referred to that area as Kapa'a itself, so, you know I don't know if as a community we want to extend those protections that we have for Kapa'a Town into that Waipouli corridor.

Mr. Hull: Yeah, Commissioner, I'd say one, as far as whether or not those measures should be extended, (inaudible) is going through that discussion right now with the East Kaua'i Community Plan Update. To your point about, you know whether or not this really is an appropriate fit and I think those marks are well heard, I think all the testimony was received in the Agency Hearing, as well as written testimonial that was submitted prior to the Agency Hearing, (inaudible) there is concern about the overall fit of this type of operation. You know whether or not code should be adjusted to restrict storage facilities to industrial, is definitely one that can be further built upon and may even be further built upon in the East Kaua'i Community Plan Update. What the Commission faces right now is that right now it's outright permissible in the general commercial district, so under the code it is absolutely a permissible use, but it's a property that's over one acre in size, and the code is very specific that any proposal in the commercial district whether it's an outlet permissible use or not, needs to review reviewed by the Planning Commission, at an Agency Hearing format, and you know my read of that is, it's for the specific purposes to look at the design of large scale projects to ensure that they fit within the broader context and community. So, I'm not going to say you can't deny the use, there are ways that that can potentially be done, but for the most part the use is already permitted, but you absolutely, you folks as a Commission of the authority to look at design parameters and go over amendments to the plan itself of how this use is incorporated within the larger commercial Waipouli Town, and so I think even some of the public comments about the fact that, you know, I didn't speak to the fact that in commercial areas and as elucidated in the General Plan, you want to have spaces that activate the street and activate public spaces and provide, I think to your point, Commissioner, to synergy between the businesses, and so I turn it back over to you folks, if you generally have those concerns, public raise those concerns, to have that discussion with the applicant about

potential design possibly amendments or changes that can better incorporate the use with the broader community.

Mr. Ornellas: Thank you.

Chair DeGracia: Commissioners, further questions for the department?

Mr. Ako: I got one, Chair. Do we know how many actual storage facilities we have, and of those that we have, what are their zoning right now? Are they all in commercial or are they industrial or are they...

Mr. Hull: It's a list that we can put together that would grab all of them. I can say off the cuff of the ones I'm aware of, they're either in industrial or commercial zoning districts.

Mr. Ako: Thank you.

Ms. Otsuka: I have a comment. I value the need for self-storage, however the proposed development for me personally is overwhelming in size and like the one that we approved in Līhu'e next to Safeway. I feel the layout being a one story, was doable and yet, I'm not sure if this large scale is due to the fact as far as his income is concerned, being a business, I'm sure, you know the more storage units he has the better the income, I'm not and I'm not sure if a one story would be feasible. And you know in my perfect world he would build a storage facility within the framework of the Foodland space, I don't know if I haven't been there in years, I don't know how small it is, but I just think a 3 story and a additional, a 4 story and additional 3 story is overwhelming. Thank you.

Chair DeGracia: Thanks Lori. If no other questions or comments for the department. I'd like to invite the applicant up for further questioning and comments from the Commission.

Mr. Ian Jung: Good morning, Chair members of the Commission. Ian Jung on behalf of the applicant, Island Self Storage. Thank you for your comments and concerns and we hear the public. This particular project, you know back in the early 80's when the Waipouli Town Complex was created, there was sort of an initial design with Foodland and having a major supermarket type retailer going there and then when Safeway came along, we, you know you hear about Safeway taking over the business from Foodland and then 2000 Foodland, shuttered and A&B had held title to the property and during that course of 5 years, Mr. Lambert and his partners came to look at the property and in an evaluating its use, you know the commercial general district allows for warehouses, which if you look at the definition of self-storage it's noting or pertaining to a warehouse or other facility that rents units to people for storing personal possessions, so it is a fit in terms of its use. One of the issues that I've grappled with with the industrial district, is like the Nawiliwili facilities and industrial that actually triggered a use permit, so if there's sort of some compromise moving forward of how to deal with, you know self-storage type warehouse facilities, and if you folks want to see it in the industrial, I think there's a bigger push to change the code that makes it a little easier for it to go in the...in light industrial, I guess would be the preferred versus a general commercial. But this particular property is an adaptive reuse of the Foodland facility, right so the proposal is twofold, one for the modification of the existing building, the Foodland building where they're going to stay within the required height limits and go up to 35 feet on that particular structure, and the second

component of the project is a new building, which is Building B on Exhibit E.1 and 2. That particular building would still be within the 50 foot height limitation, at 45 feet 5 inches, so yes, it is large, but one of the items we looked at in terms of trying to mitigate that impact is, substantiating and some kind of landscape plan that will help mask the structure and keeping it kind of that green and beige color that will help settle it into the existing buildings surrounding. So, one of the components of the landscape plan shows traveler palms and the traveler palms range between 30 and 40 feet and that will be added to what the existing 7 palm trees, coconut palm trees that are scattered about the property, so that's how we're trying to mitigate the visual impact of the structure. But again, it is in the commercial district than it is allowed by code to get up to 50 feet which it's set at 45 feet. One of the things we weren't clear on, which the Planner, Chloe brought to our attention is the adjacent fire station property is actually in ag, you know we assume that it was commercial because everybody, everything around there is commercial so that's an ag, which then set the issue of the side set back where the building will need to be adjusted to meet that set back requirement. So, the applicant's more than willing to adjust the plan set to accommodate for that. And then lastly the issue of the EV parking that's by code and a requirement so the applicants, you know happy to comply with that particular section. As it relates to the testimony today, you know it's a bit unfortunate we delve into a landlord/tenant type dispute, you know unfortunately the current tenants are a bit behind on their rent with a certain portion of their lease, which was not entered into between Mr. Lambert and the particular tenant, it was with A&B, that they had some provision that they're not happy with, which you know we got an ultimatum of sorts through the weekend that, you know they will come and testify if new lease terms aren't proposed, so we're trying to deal with that delicately. We are at a point where if we can work something out for that section we're happy to listen, but they have a year left on their lease and if it can't work out then the use would be, the use what's proposed for that section of that building would go through under the proposal for Storage A to assume that space for the new self-storage proposal. So, with that I'll turn it over to Tom, who can kind of talk about the operational context of it and then we can open up some questions for you folks.

Mr. Thomas Lambert: Hello. My name is Thomas Lambert. I'm with Island Self Storage. For about 15 years we've been looking for a location in Kapa'a, the east side and North Shore underserved for self-storage, we have customers traveling to Līhu'e from as far as Hā'ena, Kīlauea, Princeville, Kapa'a. Our idea with the Waipouli location was to be closer to the majority of the population on the island. We are sensitive to some of the concerns and we're, you know willing to work with the community and comments from everyone regarding the size of the building in the front. For economic reasons we felt the need to have multi-story self-storage, I don't know Hokulei Self Storage will be able to, I don't know what kind of terms they're going to have for rental rates at that location. The land purchase price was 1.8 million per acre, I don't know if they went into a leasehold situation with Grove Farm, so it's going to be interesting how that plays out at one-story because usually the economics requires nowadays for self-storage to go up and that's it so, you know land that is not terribly expensive. So, we have 45% of our customers come from the east side and North Shore and they travel to Līhu'e, so we thought there was a big market on the east side that we wanted to meet. We are going to phase the buildings. The Foodland is going to be the first effort and then the building in the front was going to be our second phase.

Chair DeGracia: Questions Commissioners?

Mr. Hull: I have one question. Ian, one of the testifiers, brought up what was referenced actually to the big box ordinance. When the big box ordinance was around, was adopted, I don't think either of us was around, but my understanding and intent was one, large scale retailers, but also the massing of structures. Did you do an analysis in the application of the applicability of or lack thereof of the big box ordinance?

Mr. Jung: No, because I think the intent there was retailers, so this isn't necessarily retail where the sale of wares and whatnot is happening from the site itself.

Mr. Hull: I don't know if we did a formal analysis. It's something that's just sitting there, when it was brought up, I know the Hokulei one was just below 75,000 and I generally might make (inaudible) reaction when the testifier brought that up, I was like...it's retail, but not having done an actual analysis I'm not a 100% sure at this point.

Mr. Jung: Sure.

Chair DeGracia: Commissioners, questions for the applicant?

Mr. Ako: You know, Mr. Chair...

Chair DeGracia: Commissioner Ako?

Mr. Ako: ...I don't give any questions right now, but I was wondering whether we could go into Executive Session at this time?

Chair DeGracia: Sure. Are you willing to make a motion?

Mr. Ako: Yep. Let's see.

Ms. Otsuka: Motion to enter Executive Session.

Mr. Ako: Yeah, is that sufficient?

Mr. Hull: No, yeah, I think he's about to.

Mr. Ako: Regarding the Class IV Zoning Permit, Z-IV-2025-11, I move that we go into Executive Session.

Ms. Barzilai: You need a second.

Ms. Otsuka: Second.

Ms. Barzilai: You need a roll call vote please.

Chair DeGracia: Okay. Commissioners, motion on the floor is to go into Executive Session concerning this agenda item. We'll take a roll call vote, Mr. Clerk.

Mr. Hull: Oh, I'm sorry. I was looking at Executive Session language. My apologies. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye. 4:0.

Ms. Barzilai: So, Chair, if you would please read the notice at M.5. Please read M., instructory paragraph and then #5.

EXECUTIVE SESSION

Chair DeGracia: Yeah. Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the County's legal counsel on questions, issues, status, and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters:

CLASS IV ZONING PERMIT (Z-IV-2025-11) to allow construction of a new self-storage facility and associated site improvements within the Waipouli Town Center in Wailua, further identified as Tax Map Key: (4) 4-3-008:002, and affecting a portion of a larger parcel approximately 4.2668 acres in size =
ISLAND SELF STORAGE LLC.

Chair DeGracia: And with that we'll go into Executive Session.

The Commission went into Executive Session at 11:01 a.m.
The Commission reconvened from Executive Session at 11:38 a.m.

Chair DeGracia: I'd like to call this meeting back to order. Oh, okay. So, thank you very much for your patience. We had to meet in our Executive Session for further clarification with counsel. So, at this point, Commissioners, do you have any further questions for the department for the applicant at this time? Hearing none, I'll also entertain any motions Commissioners would like to make.

Mr. Ako: I'm sorry, I think I misinterpreted what you said about (inaudible).

Chair DeGracia: Okay.

Mr. Ako: Let me address it this way. I think there were some concerns about what this development was going to end up looking like, as well as how this may affect the character of the community there. We understand that you're in a general commercial zoning and it's a

permitted use there, but we're wondering, I guess we're not real clear to (inaudible) what the final product is going to look like, the building wise, yeah. Is it going to be four stories up front and how far up front, I think we had a little bit trouble with the elevation, trying to visualize the elevation wise of it. So, we're wondering whether applicant would be willing to enter into some discussions about modifications of...

Mr. Lambert: Yes.

Mr. Ako: ...of the project itself.

Mr. Lambert: Yes, as I mentioned we were sensitive to the concerns about the front building. Is that the main concern the front building or is the back building also, the Foodland building?

Mr. Ako: Well, I think because of the fact that we were not clear to begin with, yeah and it definitely was the front building, yeah.

Mr. Lambert: Yeah. Was the height of the front building or just the building itself concerning?

Mr. Ako: I think both of the buildings height and the setback. Yeah, I think one of the concerns would be the fact that because if it's a community, it's a walking community, you having people walking there and because it would be, in our minds anyway, and we are we're just guessing, you know this big building that's up front that people would look into the area, to the development and think that nothing's going on there and that would stop the traffic flow to pedestrian traffic flow for the businesses in here...

Mr. Lambert: Because of the set back is 95 feet for the front building, so from both directions you'll still be able to see all the commercial tenants of the property, we're not blocking that, but we could, I mean we have, we have details, but we could revise the front building to address the setback, if there's a concern about height, that's why I was asking if it's the height's an issue.

Mr. Ako: Yes.

Mr. Lambert: We could come back and show a design. Maybe we could separate it, maybe we could, you know, just deal with Foodland now and come back for that building.

Mr. Jung: Yeah, it seems from the testimony that the issues primarily with the front building and the idea for this particular project is to kind of look at it in phases and normally what you see before the, you know, the Planning Commission is SMA type permits, Use Permits, where you actually have time constraints to do things, so this one there was no condition for time constraints, so one of the options we were looking at, is we could focus on the Foodland building and then set a condition of sorts to approve the Foodland building and then we look at redesigning of the building up front and bring that back before the Commission in a separate application, it seems from the written testimony that's the concern, although I did look at the written testimony and someone referenced it was going to be 75 feet which is not the case, it's going to be 45 feet. So, that's an option and we're still open to do a landscape plan if that's the case, if we can bifurcate it somehow. I did kind of piece together a application or a condition that could address that if the Commission wants to look at entertaining it.

Mr. Ako: Yeah, I think it would be interesting. Now, I should say...I was just speaking for myself. I think we would be interested in looking at something like that as well as. also at the same time, simultaneously looking at the issue of how it fits in with the general plan and how it fits in with the big box (inaudible).

Mr. Jung: Yeah, I looked at the big box bill and you know I can read it for you it's, it's very clear that it's for the sale and merchandising of material, in this case it's what we're offering as a service, so we're not selling anything or merchandising anything or selling of wares or anything like that, so clearly doesn't apply. There's four prongs of that test and the first prong, Prong A, deal specifically with the selling and merchandising of goods and if we all recall, you know the issue there when the big box bill came in it was primarily for the larger retailers versus these types of warehouse buildings.

Mr. Ako: And take it what you said, but is that something that we would be able to research on our own too?

Ms. Barzilai: You can ask for a legal opinion. I think that I want to look at the intent behind the big box ordinance. I understand the definition of retail and wholesale.

Ms. Otsuka: We need to verbally ask your approval to ask for you to research further for the Commissioners.

Ms. Barzilai: You don't need consent today to defer and separately you can ask for a legal opinion, yes.

Chair DeGracia: Yeah, so, Commissioners, at this point I know that it seems like there's a lot more discussion that wants to happen or needs to happen before we take action even with the, even the suggestion of eliminating Building B and working it in phases, it's probably something that we didn't anticipate discussing on the floor today. Understanding that the deadline is to take action is not till the 26th and we do have a July 24th meeting, would the Commission like to defer this item to further consult with counsel, and also open up further conversation with the applicant?

Mr. Ako: If the deferral was till June 24th, would that afford giving enough time or...

Mr. Lambert: For a redesign of the front building?

Ms. Otsuka: No, (inaudible).

Chair DeGracia: Or at least some opening conversations...

Mr. Lambert: Yeah.

Chair DeGracia: ...to maybe settle some of the concerns that the Commissioners have especially, with the discussion of the elimination of a total building, so instead of crafting, you know conditions on the floor we do have a little bit of time that we can research a little bit further, and that way we can take action, we feel a lot more comfortable with.

Ms. Barzilai: Beyond that we need consent because we are (inaudible).

Mr. Jung: Is there no planned meeting for July? Is that...

Ms. Barzilai: No.

Mr. Jung: Okay. So, there'd either be...I'll be gone June 24th. But I can have Jon Chun come and cover, but it's your call if you want...

Ms. Barzilai: If that works or we can go to August.

Mr. Lambert: A deferral to June 24th is good.

Ms. Otsuka: Thank you.

Chair DeGracia: Commissioners, with that I'll, we'll need a motion.

Ms. Otsuka: Is it a short...

Mr. Ako: Let's see.

Ms. Otsuka: Motion to defer.

Mr. Ako: So, regarding the Class IV Zoning Permit, Z-IV-2025-11, I move for a deferral until June 24th, 2025.

Ms. Otsuka: Second.

Chair DeGracia: Commissioners, motion on the first to defer Class IV Zoning Permit, Z-IV-2025-11 to our June 24, 2025 meeting. Okay. Could we get a roll call, Mr. Clerk?

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

Mr. Ako: 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. 4:0.

Mr. Jung: Okay. Thank you, Commissioners.

Mr. Hull: See you folks in two weeks.

Mr. Ako: Thank you.

Ms. Otsuka: Thank you.

Mr. Hull: It's 12:00 o'clock, Chair. I'll be honest, I don't anticipate the next two items taking longer than 15 minutes until totality, but it's at your discretion whether you want to break for lunch or...

Chair DeGracia: Commissioners feel comfortable pushing through? Okay, we'll push through.

Continued Public Hearing (None)

New Public Hearing (None)

CONSENT CALENDAR (None)

Status Reports (None)

Class III Zoning Permits (None)

Mr. Hull: Okay. Next, we have with your discretion, Chair, I don't see that applicant representing Public Works, but we do have the applicant representing Servco, so just make a slight adjustment to the agenda and call it to the Servco application.

Chair DeGracia: Yes.

GENERAL BUSINESS MATTERS

Request to Modify Site Plan and Amend Condition No. 5 of CLASS IV ZONING PERMIT (Z-IV-2026-20) involving lot consolidation and the construction of an automobile repair/storage building on real property situated at Village West, Puhi, District of Lihue, Island and County of Kauai, State of Hawaii, further identified as Tax Map Keys: 3-3-010:032, 033, 034, 036, 037, 038, 040, and 041 =
SERVCO PACIFIC INC.

- a. Director's Report pertaining to this matter.

Mr. Hull: I don't have anyone signed up to testify. Is there any general member of the public that wants to testify on this agenda item? Seeing none, I'll turn it over to Dale for the Director's Report.

Staff Planner Dale Cua: Good afternoon, Chair and members of the Commission. Before I start I just wanted to make one correction on the permit number that's listed on the agenda it's a typo.

The existing Class IV Zoning Permit number for the project is 2006-20, it was incorrectly listed as 2026-20, so, just wanted to point that out and just make the clarification.

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: Commissioners, any questions for the department? If not, can we get the applicants representative up.

Mr. Jung: Good afternoon. Ian Jung on behalf of the applicant Servco Pacific. So, just for a quick background on this project, it's a bit of condition clean up, and also a new building, four bay service station building. In this case the height will not exceed 25 feet, so for context. You know what, when I think the overall plan was back in 2006/2008 for this property, they were going to consolidate these 8 lots, but then 2 have been sold and one is kind of free standing in between. And we have to work through some funky guidelines for the length/width ratio for the subdivision ordinance in order to consolidate these lots, so eliminating the top 3 lots and consolidating just the bulk of the facility makes the most sense and works more efficiently for code compliance. So, the new building component is on the southwest portion of the property, along an adjacent building that currently exists that is actually an auto destination works, I believe, which is also a vehicle repair shop, so the immediate impact to adjacent neighbors is minimal because the same type of use will be occurring on that side of the proper. So, I do have the architect with me, Peter Uchiyama with UAE Architects, if you have any questions, we're happy to answer any questions on the design, but just know the follow up will be following up with the consolidation action within three years should this be approved.

Chair DeGracia: Okay. Commissioners, any questions? No questions, no further questions for the department as, if not, I'll seek a motion.

Mr. Ornellas: Move to approve Modification of Site Plan and Amendment Condition No. 5 of Class IV Zoning Permit, Z-IV-2006-20.

Mr. Ako: Second.

Chair DeGracia: Okay. Commissioners, motion on the floor is to Modify Site Plan and Amend Condition 5 of Class IV Zoning Permit, Z-IV-2006-20. Any further discussion before we take a roll call 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 Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes. 4:0.

Mr. Jung: Okay. Thank you, Commissioners. Appreciate it.

Chair DeGracia: Thank you.

Mr. Ako: Thank you.

Ms. Otsuka: Thank you.

Mr. Hull: Next, we have returning back to General Business Matters.

Request to Amend Condition No. 8 of SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)- 2023-10), CLASS IV ZONING PERMIT (Z-IV-2023-10), USE PERMIT (U-2023-7) and SHORELINE SETBACK VARIANCE PERMIT (SSV-2023-1) involving the construction of public shared use path extending from Nawiliwili Park to Ahukini Landing and associated improvements involving a new comfort station, drainage ways, protective fencing and paved parking area, for properties located along the makai side of the Lihue Airport, further identified as Tax Map Keys: 3-5-001:004, 005, 008, 009, 085, 092, 102, 128, 158 &160; 3-7-002:001 (por.), and affecting a total area of approx. 9.2 acres = **COUNTY OF KAUAI, DEPARTMENT OF PUBLIC WORKS.**

- a. Director's Report pertaining to this matter.

Mr. Hull: I don't have anyone signed up from the public. Any members of the public want to testify on this agenda item? Seeing none, I'll turn it over to Romio for a very brief summary.

Staff Planner Romio Idica: Aloha, Chair and Commissioners, and community members.

Mr. Idica 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: Commissioners, any questions for the department? If not, I'd like to invite the applicant up for further questions or comments from the Commissioners?

Mr. Wade Lord: Good day, Commissioners. Wade Lord for the record. Applicant is Department of Public Works, County of Kaua'i, and it's a little lonely in here, I'm glad to be here. Happy to answer any questions.

Chair DeGracia: Commissioners any questions/comments?

Mr. Ako: I don't have any questions, but, you know regarding the extension was there a specific date? Other than seven years.

Mr. Idica: There is no date, it's just specifically asking for a seven year extension.

Mr. Ako: Seven years?

Mr. Idica: Yeah. There's no hard stop date.

Mr. Hull: It'd be seven years from right now, so essentially the date would be, close of date, June 10th...2027.

Mr. Idica: Yeah, date of approval.

Mr. Hull: Oh, I'm sorry, 2032. And I'll be candid to, like, seven years we get kind of advise the client to ask the applicant to ask for a very long time. I'm going to be honest, if this was a private developmental or resort development, I would not, the department would not be supportive of a seven-year timeline. Developing the SMA rightfully so, comes with an exponential amount of barriers and requirements, it should require all these things such as iwi kupuna protections, coastal protections, erosion protections, all these things. So, developing in this area is fairly cumbersome and it should be, and I wouldn't generally recommend a seven year timeline, but being that this is a public infrastructure community asset, one of the hurdles that a developer can find is constantly having to request extensions, and have that up in the air as part of their entitlement process, so because this is a community asset, because it's a public facility, that's why the department aired on a longer than normal time, just to give them as much coverage as possible, but if the Commission has issues with seven years and would like to restrict it a bit more, we don't have any objections to that either.

Chair DeGracia: Just a quick question.

Mr. Lord: Yes.

Chair DeGracia: At this time do you foresee utilizing the seven years or do you think you're going to make it with some time left?

Mr. Lord: Well, we hope to make it with a little bit of time left. Well, you know the timeline that we drew out takes us out about five years but there's a couple of unknowns, ordinarily funding being the biggest unknown, it's a Federal Highway project so, you know we are subject to, you know 3rd party review and approval so the funding, and so our hope is that, you know they'll with the current administration and all the sort of volatility going on we just weren't sure, so the extra two years gave us some contingency time if for some reason there were delays or where we had to go find a second source of funding.

Chair DeGracia: Thank you for that. Commissioners, any further questions for the department or applicant? If not, I'll entertain a motion.

Ms. Otsuka: I have a question kind of outside the permit. I was curious. I was appalled that there were 250 derelict cars in the property. Is there any way through the vin number that the county

can track the owner of the car to...so the county doesn't take the brunt of the expense of removing the cars. Does any of the owners have a responsibility to cover the cost?

Mr. Lord: That's a, that's a really good point. I think that, you know people, some people lack responsibility and it ended up falling on the taxpayers and the Department of Public works that clean up others mess. It had been going on for many, many, many years and it became an eyesores (inaudible), so under the leadership with the mayor, who made this priority to clean that area up and we're grateful for that leadership and for that direction and be able to go in and do that work I can't tell you that we would be able to track all that down because the vehicles, I don't know the status of them, you know they may have already been disposed of, you know, but certainly I think that that's, you know there has to be a better way of disposing of vehicles around and just dumping them. A lot of these were stolen and then stripped so...

Ms. Otsuka: Ah. That's interesting. Thank you.

Mr. Lord: Yeah, you're welcome.

Ms. Otsuka: No further comment...

Chair DeGracia: Commissioners, anything further?

Ms. Otsuka: ...or question.

Chair DeGracia: If not, I'll entertain a motion.

Mr. Ako: I move to approve the extension. Move to approve extension of SMA Use Permit, Class IV Zoning Permit, Z-IV-2023-10, Use Permit, U-2023-7, Special Management Area Use Permit, SMA(U)-2023-10, and Shoreline Setback Variance, SSV-2023-1.

Chair DeGracia: Okay, Commissioners, motion on the floor is to approve an extension through amendment of Condition No. 8 of Special Management Area Use Permit, SMA(U)-2023-10, Class IV Zoning Permit, Z-IV-2023-10, Use Permit, U-2023-7, and Shoreline Setback Variance, SSV-2023-1. Commissioners any further discussion before we go to our roll call vote?

Mr. Ako: I'm sorry, Chair, do we need to mention seven years?

Ms. Otsuka: Yeah, do you need from two to seven years? Does it need to be mentioned?

Ms. Barzilai: Extension (inaudible).

Mr. Ako: Okay.

Chair DeGracia: Okay.

Ms. Barzilai: It's covered.

Mr. Ako: It's covered. Okay, I'm good.

Chair DeGracia: Could we get a roll call vote, Mr. Clerk?

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

Mr. Ako: 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. 4:0.

Chair DeGracia: Thank you.

Mr. Lord: Thank you, Commissioners.

COMMUNICATIONS (None)

UNFINISHED BUSINESS (For Action)

Mr. Hull: And with our last agenda item, we started the Subdivision Committee with a deferral request and will end this Commission meeting with the deferral request. Last agenda item being.

CLASS IV ZONING PERMIT (Z-IV-2025-6), USE PERMIT (U-2025-4), and SPECIAL PERMIT (SP-2025-1) to conduct outdoor commercial events, including but not limited to weddings and public/private gatherings, on a parcel situated along the mauka side of Kaumualii Highway in Kalaheo (formerly Olu Pua Gardens site), situated approximately 0.5 mile west of Kalaheo Town, approximately 3,000 feet mauka of the Halewili Road/Kaumuali'i Highway intersection, further identified as Tax Map Key: (4) 2-4-007:016, containing a land area of 12.285 acres = **OLU PUA GARDENS LLC. [Director's Report Received, 12/24/2024; Hearing Closed, Deferred, 1/14/2025].**

- a. Transmittal of supplemental information to Planning Commission.
- b. Transmittal of agency comments to Planning Commission.
- c. Supplement No. 1 to Planning Director's Report.

Mr. Hull: Are there any members of the public that would like to testify on the agenda item? If so, please approach the microphone. Seeing none, I'll turn it over to Marisa for the report on this agenda item.

Staff Planner Marisa Valenciano: Good afternoon, Chair and members of the Commission. So, since the January 14, 2025, Planning Commission meeting the department received agency comments from the State Historic Preservation Division and the County Transportation Agency, and the applicant is requesting an extension of time to be able to meet the requirements of SHPD, in particular SHPD asked for an archaeological literature review and field investigation, a field inspection, so the applicant needs time to prepare that. Initially they requested an extension to the June 24th meeting, however I believe that the applicant is unable to make that meeting and so the department recommends that the Planning Commission defer...approve the applicants request for an extension of time beyond just today's meeting date.

Ms. Otsuka: Not the June 24th?

Ms. Valenciano: Correct. Just leaving it open-ended. Given that there's no July meeting, no July meeting date.

Ms. Otsuka: Does the department see any reason not to extend?

Mr. Hull: No, they're working their way through various issues, whether it's the historic preservation issues, whether it's the department's concern with a lack of agricultural, agricultural plans, they're working their way through that, and so we're open to the deferral.

Chair DeGracia: I'd like to turn it over to the applicant for a quick update and summary.

Mr. Jung: Sure. Good afternoon, again, Commissioners. Ian Jung on behalf of Olu Pua and standing in for Max Graham. So yes, what Ms. Valenciano had indicated, we did get some State Historic Preservation Division comments, and as you know there's been a lot of interest in those comments, so we're working through trying to line up a consultant to do that work. And we have finally received some proposals, so we're working through those and should get that done. I think we'll probably get them done by the August meeting, so I don't know if we could designate the August meeting or is...do you guys have that pinned down yet?

Mr. Hull: There are two August meetings. The first, could you pin down possibly the first August meeting?

Mr. Jung: Sure, that'll work.

Mr. Hull: So, we'd be looking...unless Marisa, you have concerns...we'd be looking at a deferral to August 12th. You have any concerns, Marisa? Yeah, we could defer. We'd update that request to be deferred to August 12.

Mr. Jung: Okay, and the applicant waives the timelines to that extent, to August 12.

Chair DeGracia: Thank you.

Mr. Jung: Sure.

Chair DeGracia: Commissioners, any questions? If not, we'll entertain a motion.

Mr. Ornellas: Move to defer Class IV Zoning Permit, Z-IV-2025-6, Use Permit, U-2025-4, and Special Permit, SP-2025-1 until the August 12th meeting.

Mr. Ako: Second.

Chair DeGracia: Second. Commissioners, motion on the floor is to defer Class IV Zoning Permit, Z-IV-2025-6, Use Permit, U-2025-4, and Special Permit, SP-2025-1 till the August 12th meeting. Any further discussion before we go to a roll call 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 Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair. 4:0.

Mr. Jung: Thank you, Commissioners.

Ms. Otsuka: Thank you.

Chair DeGracia: Thank you.

Mr. Ako: Thank you.

Mr. Ornellas: Thank you.

ANNOUNCEMENTS

Mr. Hull: Thank you, Ian. With that we have no further agenda items. We definitely look like our June 24 meeting will be fairly robust, given some deferrals today as well as, oh sorry, apologies. It looks like the upcoming meeting on June 24th will have a fair amount of applications before some of them deferred today of course some of the Director's Reports that were received and anticipated to have a fair amount of community participation in that meeting given one particular applications attention, again and then we also have our deferred plantation camp as well as wildfire codes on that agenda, so it's a thick one, but then that will segue into July, which there's no anticipated meeting in the month of July. With that we have no further items.

ADJOURNMENT

Chair DeGracia: Commissioners, could I get a motion to adjourn.

Ms. Otsuka: Motion to adjourn.

Mr. Ornellas: 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). Oppose. Hearing none, motion carries. Meeting is adjourned. 4:0.

Chair DeGracia adjourned the meeting at 12:22 p.m.

Respectfully submitted by:

Lisa Oyama

Lisa Oyama,
Commission Support Clerk

() Approved as circulated (date of meeting approved).

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