

KAUA'I PLANNING COMMISSION  
REGULAR MEETING  
**August 12, 2025**

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Francis DeGracia at 9:08 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

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

Excused or Absent

The following staff members were present: Planning Department - Director Ka'aina Hull; Staff Planner Romio Idica, Kenny Estes, Marisa Valenciano, John Schoffstall; 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. The time is 9:08, I'd like to start the Planning Commission meeting for Tuesday, August 12<sup>th</sup>, 2025. Could we get a roll call, Mr. Clerk.

**ROLL CALL**

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

Commissioner Gerald Ako: Here.

Mr. Hull: Commissioner Cox:

Commissioner Helen Cox: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Commissioner Otsuka?

Commissioner Lori Otsuka: Here.

Mr. Hull: Commissioner Streufert?

Commissioner Glenda Nogami Streufert: Here.

Mr. Hull: Chair DeGracia?

Chair Francis DeGracia: Here.

Mr. Hull: We have a quorum, Mr. Chair. 6:0.

Chair DeGracia: Thank you.

### **APPROVAL OF AGENDA**

Mr. Hull: Next is the Approval of the Agenda. The department has one minor, minor request and that's that, Unfinished Business, Item K.1. be moved to directly proceed the Committee Reports, so it be injected into Item...just before G.

Chair DeGracia: Okay, Commissioners could I get a motion?

Deputy County Attorney Laura Barzilai: Motion to amend the agenda.

Ms. Cox: I move to amend the agenda as proposed by the Director.

Chair DeGracia: Okay, Commissioners, motion on the floor so approve the amended agenda as stated by the clerk. We'll take a roll call vote on this one. All in favor say aye. Aye (unanimous voice vote).

Commission Support Clerk Lisa Oyama: Chair, you need a second.

Chair DeGracia: Oh, sorry.

Ms. Streufert: I second.

Chair DeGracia: Sorry. Motion has been made and seconded. We'll take a roll call vote.

Ms. Barzilai: Voice vote. Voice vote or roll call, Chair. Voice vote is fine.

Chair DeGracia: Okay, voice vote. Okay, voice vote on this one. All in favor say aye. Aye (unanimous voice vote). Oppose. Hearing none, motion carries. 6:0.

### **MINUTES OF THE MEETING(S) OF THE PLANNING COMMISSION**

Mr. Hull: Next, we have the minutes for the June 10<sup>th</sup> meeting, 2025, as well as the minutes for the June 24, 2025, meeting.

Ms. Otsuka: Motion to approve the minutes of the June 10<sup>th</sup>, 2025, and minutes of the June 24<sup>th</sup>, 2025, minutes for the Planning Commission.

Ms. Cox: Second.

Chair DeGracia: Commissioners, motion on the floor is to approve the minutes for June 10, 2025, and June 24<sup>th</sup>, 2025. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 6:0.

## **RECEIPT OF ITEMS FOR THE RECORD (None)**

## **COMMITTEE REPORTS**

Mr. Hull: Next, we have Committed Reports. I'll turn to the Subdivision Committee, Chair Ako.

Mr. Ako: Thank you, Mr. Clerk. The Subdivision Committee did meet this morning, we convened at 8:30 a.m. Present was Commissioner Glenda Nogami Streufert and Commissioner Jerry Ornellas. This morning we had two applications that we entertained, both was from Hōkūāla Resort, one was a subdivision of 10-lots to 16, and the other was a subdivision of 2-lots to 15, and both were approved unanimously.

Ms. Streufert: I move to approve the minutes, or the report from the subdivision.

Mr. Ornellas: Second.

Ms. Streufert: Committee. Been seconded.

Chair DeGracia: Okay. Commissioners, motion on the floor is to approve the Subdivision Committee Report. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 6:0.

## **UNFINISHED BUSINESS (For Action)**

Mr. Hull: Next, we move on to the Unfinished Business.

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, Deferred, 6/10/2025].

- a. Transmittal of Supplemental Information to Planning Commission.
- b. Supplement No. 2 to Planning Director's Report.

Mr. Hull: We don't have any members of the public signed up to testify. Are there any members of the audience that would like to testify? If so, please approach the microphone. Seeing none, there's a real quick request that the applicant has, so I'll just ask Max or, sorry, would the Staff Planner, Marisa, do you have anything to add?

Staff Planner Marisa Valenciano: I'll just summarize it real quick. Basically, the item before you is a time extension request. Originally the applicant requested to be scheduled on the October 2025 agenda, however they are looking to push back to November. And so, that would allow more time for the applicant to address some agency comments from the State Historic Preservation Review Division, the department just recommends that the Planning Commission approve the time extension request to the November meeting.

Chair DeGracia: Commissioners, any questions of the department before moving forward?

Mr. Hull: I think you might want to ask the landowners representative, this morning they conveyed that they may want to go a little bit later than November.

Mr. Max Graham: Good morning, Planning Commission. I'm Max Graham, I represent the applicant in this matter. We initially asked for an extension till November, but I'm not available the first meeting, they'll be no second meeting, so I would appreciate it if we could push this back into either of the December meetings.

Chair DeGracia: Okay.

Ms. Cox: Do we always have a December meeting?

Mr. Hull: There's generally not a second meeting in December because of...

Ms. Cox: That's what I thought.

Mr. Hull: ...that would usually be around Christmas time, but that is anticipated at this point to be a first meeting in December.

Ms. Cox: It is?

Mr. Hull: Yeah.

Ms. Cox: Okay.

Chair DeGracia: Okay. Commissioners, any questions, any discussion?

Ms. Streufert: Is there any time limitation or time requirement on this one that you have to act within a certain time frame?

Mr. Hull: At this point they have waived those timelines, but we'll revisit because if they have to update the waiver, we might have to still do that.

Ms. Streufert: Okay.

Mr. Hull: The...

Mr. Graham: Yeah and we're happy to update the waiver as necessary.

Mr. Hull: The December 9th would be the meeting date, so we asked for deferral to December 9<sup>th</sup>. If for some reason there is no quorum, because it's December, scheduling it for December 9<sup>th</sup>, and if there's no quorum, it would automatically get bumped to the January meeting.

Mr. Graham: Yes.

Mr. Hull: Just as an FYI, Max for your client.

Mr. Graham: Right. No objection.

Ms. Otsuka: I see no problem in that.

Ms. Cox: Me neither.

Ms. Streufert: Okay, then I move...can I do a motion? I move to approve the applicants request for an extension of time for scheduling to December 9, 2025, Planning Commission meeting and this is for permits number Z-IV-2025-6, U-2025-4, and SP-2025-1.

Ms. Otsuka: Second.

Chair DeGracia: Okay, Commissioners, motion on the floor is to defer this agenda item to the December 9th meeting. Let's take a roll call vote, Mr. Clerk. Well actually, any discussion further before we take a roll call? Okay, hearing none, could we get a roll call, Mr. Clerk?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

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

Mr. Graham: Thank you very much.

Chair DeGracia: Thank you.

Mr. Hull: Next, we move back into the regular scheduled agenda item.

## **HEARINGS AND PUBLIC COMMENT**

### **Continued Agency Hearing (None)**

### **New Agency Hearing**

Amendment to SPECIAL MANAGEMENT AREA USE PERMIT SMA(U)-88-1 and CLASS IV ZONING PERMIT Z-IV-88-10 to allow guestroom renovations at several ground floor units involving the existing resort facility on a parcel situated on the makai side of Poipu Road, further identified as the Grand Hyatt Resort & Spa, 1571 Poipu Road, Tax Map Key: (4) 2-9-001:002, and containing a total area of 39.725 acres = KAWAIILOA DEVELOPMENT LLP. [Director's Report Received, 7/24/2025].

1. Director's Report pertaining to this matter.

Mr. Hull: We don't have any members of the public signed up to testify. Are there any members of the audience that would like to testify? Seeing none, the department would recommend closing the agency hearing.

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

Ms. Otsuka: Second.

Chair DeGracia: Commissioners, motion on the floor is to close the agency hearing on this agenda item. Any discussion? If not, we'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries. 6:0.

### **Continued Public Hearing (None)**

### **New Agency Hearing (None)**

## **GENERAL BUSINESS MATTERS**

Mr. Hull: Next, we move into General Business Matters.

1. Presentation by the State of Hawai'i Department of Transportation, Highways Division, regarding Kaua'i County Road Maintenance and Construction.

Mr. Hull: I'll ask for a 5-minute recess, so we can help our partners at DOT Highways set up the presentation. So, maybe 5 minutes.

Chair DeGracia: Okay, we'll take a 5-minute recess.

The Commission went into recess at 9:18 a.m.  
The Commission reconvened from recess at 9:29 a.m.

Chair DeGracia: I'd like to call the meeting back to order and you guys have the floor.

Mr. Larry Dill: Alright. Thank you very much. Good morning, Chair and members of the Planning Commission and Planning Director Ka'aina Hull. We are with the Highways Division of the Department of Transportation. My name is Larry Dill, I'm the Highways Administrator for the Highways Division. With me today, I have Ken Tatsuguchi on my left, he's ahead of our Planning Branch coming over from O'ahu today to help with this presentation, and to my right, Mr. Eric Fujikawa is our Kaua'i District Engineer. The item on the agenda is pretty general and so we are going to give a general overview of the Highways Division and what we do, what our purpose is, what our mission is, and how we're set up and how, what a lot of the criteria are that drive what we do and then we'll turn it over to Eric, and we'll talk a little bit about some of the main things we're doing on Kaua'i and what we're looking at, and then of course we'll open up to Q&A, you can ask us any questions about our presentation or anything else about the Highways Division that we can help with. So, move over to the next slide, this slide shows you, we're starting with the governor, and the governor appoints our Director of Transportation, Mr. Ed Sniffen, and together they appoint the deputy directors, we have four deputy directors in the Department of Transportation, one for Harbors, one for Airports, and one for Highways, our Highways Deputy is Mr. Robin Shishido, and we also have a deputy for administration as the First Deputy it's commonly called, that's Tammy Lee.

Mr. Hull: I'm sorry, hold on one second. Sorry. We were muted to the public, sorry.

Mr. Dill: Oh, I like it that way. Okay. So, you can see the slides are slightly lighter shaded, that is the entire Highways Division, so I'm the Highways Administrator, I've 15 branches, districts, and offices that report to me, and you'll see on the slide, the branch is the left most branch is the Planning Branch, and that's the branch that Ken oversees, the planning folks are able to give us a good 30,000 foot view of everything we do with the highways division, and that's what Ken's going to give to you today, and then over to the right are the four districts O'ahu, Kaua'i, Maui, and island of Hawai'i, and Eric is going to tell you specifically some of the things at the local level that are going on. And with that I will turn it over to Ken to talk about our division.

Mr. Ken Tatsuguchi: Thanks Larry. Good morning, Planning Commissioners. I'll give...can you guys hear me?

Ms. Streufert: Yes.

Mr. Tatsuguchi: Okay. So, I'll give an overview of the Highways Division. I'll share what the highway system is and its purpose and how we manage it. So, what does the Highways Division do, the highways is responsible for the safe operations and maintenance of the State Highway System and according to our mission statement, we take care of the State Highway

System with the following objectives, and I'll read our mission, the mission of the highways is to maximize available resources to provide a safe efficient, accessible, and sustainable State Highway System that ensures the mobility of people and goods and supports economic vitality and livability. Okay, so what is the State Highway System, so on the screen is the State Highway System, the roads are there, highlighted; to describe the State Highway System, it's comprised of higher speed, higher volume roads that provide access and connection to major communities and important facilities. The State Highway System is made up of 2,508 miles or 1,000 route miles, which is about 30% of the roads statewide and it carries about 60% of all traffic volume in the state. So, this is specifically the State Highway System for the district and island of Kaua'i. Kaua'i state road is about 10% of the entire state system. Kaua'i's federal funds is distributed initially by a formula based on average vehicle miles traveled, population, and gas tax, which comes out to 6 to 7% of the federal funds. However, historically Kaua'i has been receiving 10 to 12% of the federal funds that come to the state. So, the primary purpose of the State Highway System, okay the primary purpose of the State Highway System is one, to support the economic vitality, so one way we do it, is to provide and support the commuter traffic, are a.m. and p.m. peak every day. So, about 50% of the jobs are in the Līhu'e area. So, if you look at from the North Shore to the West side there's this oscillation of traffic twice a day, okay, so that's one of the primary purposes of the State Highway System. Another function of the State Highway System is to support our number one tourist industry, which is tourism. So, from the Līhu'e Airport it connects to the major hotel areas and the visitor attractions, and the State Highway System does that as it connects a (inaudible) system going from Līhu'e, the airport to the tourist hotels and attractions, which is the beaches along the island. Another primary purpose of the State Highway System is to provide services such as plumbers, electricians through the State Highway System. Another primary (inaudible) of the State Highway System is to support freight movement, 90% of Hawai'i's goods are imported and comes through, for the Island of Kaua'i, it's Nāwiliwili Harbor. Another purpose is to support national security. On O'ahu there's the active military bases, Pearl Harbor, Hickam, Fort Schafter, Schofield, Wheeler, and Kaneohe Marine Bases, and for the Island of Kaua'i there's the Pacific Missile Range Facility in Barking Sands. Okay. Another purpose of the State Highway System is to provide bike and pedestrian network access. On the last bullet here, one way we manage to State Highway System is further defining the use of other state highway into various networks and boundaries. This assists the state in prioritizing the various (inaudible) uses, the applications of regulations and design standards and the prioritization of programs and projects. Wait, my bad. Sorry, guys I messed up. All right so the State Highway System on this map, I forgot to share, that we break up the State Highway System by functional classification (inaudible). Okay, so on the (inaudible), you see on the red, those are our principal materials and when we go down, we have connectors and below that we have the breakout of the dashed roads, which are rural roads. So, the principal (inaudible) are higher volume, higher speed and to maintain that use we manage access onto the system so we can get a lot more vehicles through efficiently. Another roadway network that the state is responsible is, is a Federal Aid System. Okay, you can go to the next slide. The Federal Aid System is comprised of the State Highway System, but is also comprised of the counties of Federal Aid System, which is here on the map. There the lower classified roads, such as the connectors. Okay, the federal, the County Federal Aid roads are oversighted by the state, since the feds have delegated the use of federal funds, the oversight of that to the each (inaudible). Okay, so next slide. So, next slide. So, in total the State DOT, and Highways Division has oversight of the Federal Aid System for the Island of Kaua'i, which includes both the federal and



state roads that (inaudible). Next slide. A good way to understand on how the state manages the State Highway System is what we call by Asset Management Functions or programs. This slide identifies the various functions or programs we use to manage the State Highway System. So, I won't go through it, but as you can see, we have a couple dozen of programs in managing the State Highway System. This approach provides for a comprehensive approach that considers numerous functions and programs towards the managing State Highway System. Next slide. This slide I'll be sharing our programming and budgeting process of how we identify projects and prioritize projects and get ready for a project delivery process. Next slide. So, this process takes about a year and a half, and basically the schedule is controlled by the state legislative process to get our funding approved. Okay, so starting from left to right, the blue column and the purple column are basically what we call our programming process and I won't go through this, but, in detail, but on the blue column I have their title, acid programs, okay, I have my major, the major programs identified, so that I had on the previous page, so we have safety, pavement, bridge, shoreline, rockfall, drainage, capacity, congestion, bicycle, and pedestrian. So, what happens is basically at the beginning of the year each program comes up with a 10-year list of projects and prioritizing the projects and then the next step, around May it goes to our mid-range plan that resides in my office and we put together a comprehensive program of our major programs and a list of projects. A major effort that we proceed with in the mid-range plan process is, we have more projects than we can afford, so we have to go through a constrained process managing it with our priorities and our funding available and our and our staff available. From there we compile our mid-range plan, that's constraint then we take it through our budget process and basically we have here shown, a federal process and our state process, and it starts in August and it finishes around May when hopefully Gov approves our bill and then, I'm just kidding, it always gets approved, there might be changes, but anyway it gets approved then I work with Larry, our administrator and we go to the last column where we do project assignment, where we assign the projects to our various offices and project managers. And the next slide I'll turn it over to Eric.

Mr. Eric Fujikawa: Great. Thanks Ken. Good morning, Chair, Commissioners. Eric Fujikawa, HDOT Highways. We're going to quickly go over that pink column that Ken identify in his work flow chart, so with our federal funds we use the platform of our Statewide Transportation Improvement Program, commonly referred to as the STIP, as a public forum for the community to see the projects that we have planned over the next four years utilizing federal funds and this is just a snapshot of what the form looks like, it contains all of our budgeting items from environmental completion to design through construction and what we have planned in the future for all the different programs of the bubbles that you saw a few slides ago, their combined into this, this list of projects after the mid-range plan filters through our capacities and affordability's. Additionally, to help the public find project statuses, we have on our HDOT website, access to a JS portal that has a future projects tab identified into it and so these projects are pulled from our project status updates internally, so that they can be shown to public members who are interested in seeing projects that aren't yet construction, but going through their environmental clearances and design processes, so should be syncing up with the STIPS projection of projects moving forward. Specifically, we are going to go over a few projects that are in our capacity program, just to share with the Commission, for as an example, we have three on the list right now, not all in the STIP yet, but within our mid-range plan time frame, we've identified Kaumuali'i Highway improvements from Anonui Street to Maluhia Road, Kūhiō Highway improvements from Kapule Highway to Wailua Bridge, and Kapa'a temporary by-pass road improvements, as the three

prioritized capacity projects, so these would be in the mix with our pavement resurfacing projects, intersection improvement projects, bridge reconstruction projects, etcetera, and then next two slides we'll do a short dive into, you know the observations we're seeing island wide and, you know some reasons why these are prioritized in our capacity program. So, on this slide it's current view from about 2020, so a little bit behind right now, but shows what you probably already know on Kaua'i that there is a congestion or capacity challenge on our island. So, the table on the left breaks down our state roadways between our arterials and our connector roads, but also puts them in these level of service categories from C through F, and as you can see in LOSF, 42% of our principal arterials make up a F grade, which is not good and we want to make sure we try to have something in place to address these, you know through our projects and the next slide you'll see a projection through our long range planning efforts in Kens group that foresees in 2045 much larger problems if nothing is done, so we have the no build option that kind of projects the growth of the island and the vehicles on the roads and you can see the, just the thickness of the red lines are much greater as an illustrative perspective, but on the table on the left you'll see that the (inaudible) arterials LOS grade F grew from 42% to 69%, so you know this is really something that is evident on our forefront that we need to do something to help address that number of congestion, and as you can tell in the island graphic, the thickest lines are from the tree tunnel through Puhi and then also from our Kapule Highway to Wailua Bridge, and just a quick glimpse into what goes into some of our planning efforts for the capacity program and similar efforts are done in all the other programs, they have different criteria that help their grading and they Kens group does a great job of filtering, you know, apples and oranges to have apples to apples comparisons, so that we can have a prioritized overall statewide list between islands and between programs, eventually. And I guess the other part of our department goes back to Ken in terms of reviewing applications that come in.

Mr. Tatsuguchi: Thanks Eric. So, I'll be going over our process in reviewing land use applications. So, we we're consulting agencies that we provide recommendations to other...to government agencies coordinating land use reviews, and I'll kind of go over the process quickly. Okay, so, this slide provides the type of land use change applications that we review. So, kind of to share the method we use to assess development impacts the State Highway System. Okay, so usually we will ask for a traffic impact assessment report. It evaluates the potential effects of a proposed development on the surrounding transportation network, specifically we look at the State Highway System, and the traffic study is basically a model or a tool that protects...projects potential traffic problems due to the project, and it assists us in providing a proactive method to mitigate and propose improvements due to the development. So, these are some of the steps we use in evaluating traffic impacts. We'll define a study area around development, we'll collect baseline data, we'll look at existing traffic counts, roadway characteristics, we'll look at transit and also bike and (inaudible) facilities. Then we'll estimate trip generation, this would be providing the report. They'll do a distribution assignment on trips onto the roadway network, conduct a capacity analysis to see how the operation...how it affects the operations on the roads, and then conduct a safety assessment. And I do want to share that the level of traffic assessment really depends on the size of the development, like if it's like, you know a huge development, like 100 residents or something, probably a traffic study, but it could be as simple as a subdivision splitting into, from one lot to two lots, it could be just a licensed engineer just giving an estimate that there will be no impact (inaudible) State Highway System, but likely there will be some engineering design review on the access onto the State Highway System to ensure that the driving is designed safe. So, this is some of the outcomes in the traffic study in increased

traffic volumes, intersection congestion, safety concerns, access management, impacts to transit and bicycle and pedestrian modes, and another item that we're considering now in our assessments is the application of environment and climate impacts. So, the next slide. These are examples of possible traffic mitigation efforts or strategies, so there could be roadway improvements, intersection treatment improvements, access management, pedestrian and bike improvements, improvements to transit facilities, and also there could be traffic demand management efforts, such as carpooling and things like that. So, I just wanted to give a quick oversight. If you need further information, it's in the bullets. Thank you.

Mr. Dill: Alright. Thank you very much for your attention. That concludes our presentation. We'll be happy to entertain any questions you may have.

Chair DeGracia: Commissioners, any questions?

Ms. Streufert: The roads that you have right now that are state roads, are there any county roads that can become state roads or is it, is it determined which roads are going to be state roads and county roads and they can't switch from one to the other.

Mr. Tatsuguchi: The question was county roads becoming state roads?

Ms. Streufert: Right.

Mr. Tatsuguchi: Okay, so there is a process to...but basically it is tied to...remember the functional classification I had here? Okay, so for the state system in an urban area it has to meet the criteria for a minor connector and above, and then in a rural area, it's a major connector above and there's several criteria to meet that, some of it and...just off the top of my head...one is the volume on the system. One is what it connects to, it has to be major communities like it would be like, Līhu'e to Wailua, Kapa'a, you know, big regions or it could be military facilities or commercial harbors or airports and some of it would be tied to access, you know, for federal (inaudible) you don't necessarily want a lot of driveways and intersections, right. Earlier I mentioned the state or federal (inaudible) system, you want higher speed, higher volume types roads, right. So, that's some of the criteria and it's more specifically defined on our, I guess it's the federal, our functional classification guidelines is on our website.

Ms. Streufert: And the reason for asking this is because you...one of these was not just connecting major communities, but also community facilities. There's a million-gallon water tank that is being built on the top of Kalaheo, and that is a one lane road, and if anything happens, we're kind of out of luck for all of Kalaheo and Lawa'i. So, is there any consideration of those kinds of facilities?

Mr. Tatsuguchi: You can talk to me more after, but I think, just from what you're telling me, it's doesn't sound like it would carry the level or volume needed to be, like say, sounds like...where was this again?

Ms. Streufert: In Kalaheo, mauka, Kalaheo.

Mr. Tatsuguchi: So, it's probably a rural...

Ms. Streufert: It is, it's very rural and it's a one lane road.

Mr. Tatsuguchi: I don't think it would meet a rural major connector criteria, so I don't think so.

Ms. Streufert: So, this is only on vehicular traffic and not on...

Mr. Tatsuguchi: It looks at volumes.

Ms. Streufert: ...not on community facilities and the requirements for those.

Mr. Tatsuguchi: Yes, it looks at a vehicle volumes, both passenger cars and trucks.

Ms. Streufert: Thank you.

Chair DeGracia: Commissioner Ako?

Mr. Ako: First of all, hey thanks for doing all the work you guys do on the state highways man cause sometimes we just take it for granted. Let me just start by saying that I'm not from here, I came here to Kaua'i in 1990, and when I came here in 1990, I think the one big thing I noticed was the traffic, trying to get into Līhu'e and trying to get out of Līhu'e from both ends to come here. You know today is 2025, I'm sure it might have gotten a little better, but that's still the talk of the town yeah, the traffic that we have here. Is that because we do not have enough monies to alleviate that problem or we short on manpower or is a message, this is acceptable and this is what we on Kaua'i need to come to the understanding that this is how it's going to be?

Mr. Dill: That's not an easy question to answer.

Mr. Ako: Well, yeah, I'm not sure you have an answer too.

Mr. Dill: So, well I would say the good news is that, as Eric mentioned those two projects are addressing that exact issue is, getting traffic basically it's in and out of Līhu'e and so, two projects that we are pursuing now are from Puhi to the tree tunnel, a capacity project and from basically Hanamā'ulu to the Wailua River, and to add capacity in that, and so that really addresses a lot of what you're talking about, actually a project we fairly recently completed, the Kūhiō Highway short term improvements, which was an additional lane between Kuamo'o Road, Coco Palms up to the southern terminus of the Kapa'a By-Pass, still traffic there, but the duration of that peak is a lot less than it used to be, so that was a successful project and helping to address that issue, but obviously there's more work to be done, but to answer your question, as Ken mentioned we are the smallest district. We have the fewest lane miles, we have the lowest population, smallest traffic counts, and when the federal funds come to the state, you know, we're competing with other needs around the state. Now the good news is, as Ken mentioned the starting point for distribution of the funds and right now we get about, I think it's 255 million from the feds every year, federal highways funds. Typically those funds, fund about 80% of our projects and our starting point for when they divvy up that money, is Kaua'i gets about 6 or 7%, but I can tell historically and a lot of credit goes to the gentleman to my right, we've been getting more than that, what'd you say 20% we've been getting?

Mr. Tatsuguchi: 12.

Mr. Dill: Sorry 12%, wishful thinking. So, we're getting about 12%, but that's because we've...our local office has done a good job of getting projects ready, so when funding opportunities become available we're ready with our handout, but I would say the main reason is probably funding that's the challenge because you know we're looking, and I'll give you an example, our capacity project on the West side I mentioned from Puhi to the tree tunnel...what's our ballpark estimate on that one?

Mr. Fujikawa: About 150.

Mr. Dill: About a 150 million dollars, you know, and our annual allotment 6% of 255 is maybe 13 million dollars, so we've got to push our way onto the STIP to say we want more than 10 times for annual allotment for this project and we're competing against other, there are other needs around the state and so we're competing against those, so it's a number of factors. I would say that funding is probably the most challenging one for us to deal with, but the good news is those two have bubbled up on the state (inaudible) two top priorities that we're starting to fund right now.

Mr. Ako: Yeah, I think I'm going to, from my side, I don't know anything about funding and how these things work and...but I think from my side, I think funding is an issue that's out there because when you sit on (inaudible) these tables here you see that housing is a major issue that we have, right, wastewater is an issue, regular water that we have, there's just so many entities that are competing for the dollar that's out here. So, I'm wondering who makes the priority in terms of what monies go to highways for transportation, as well as, because we're trying to keep our kids home and the more we put into fire safety the higher the cost of housing becomes. Everything we do just increases costs in there. So, there's only limited funding that that we have here, so is it the legislature that makes the determination in terms of whether people going eat or whether you going be able to drive on a good road or...

Mr. Dill: Okay, so...

Mr. Ako: ...I guess, you know because if you have limited funding does that mean that...unless the funding drastically increases what we see on Kaua'i is what we're gonna get for the next 10 or 15 years.

Mr. Dill: Okay, so, I will (inaudible), we have two projects coming up that I'm hoping will have a significant improvement in capacity and result in traffic that you've seen within that time frame, so I'm going to say 10 to 15 years from now, with those projects hopefully have been completed, we'll be in a lot better shape with capacity, but of course, with this is an interesting discussion about the idea of induced demand once you create more traffic capacity, you attract more people to come live, the traffic counts go up, and so it's a very multi prong approach and I know (inaudible) we are a major stakeholder in the county 's General Plan process and the General Plan seeks, I think to create a locations where people will live closer to where they were, and that will reduce some of the pressures on the infrastructure. So, it's not just the highways issue, but obviously there's a lot of folks involved in dealing with that utilities, highways, zoning, etcetera. Okay, I was going to, but you do a better job.

Mr. Tatsuguchi: Okay, so I heard a question about the distribution of funds, so I'll explain a little bit of what I know. So, for the appropriations that Hawai'i gets from the federal fund it's based on gas tax and it goes into the National Highway Fund, okay, and similarly I mentioned that we distribute the funds for the federal aid by formula to Kaua'i, it's also done at a national level. Each state receives an apportionment from the National Highway Fund based on the formula. Hawai'i is considered a (inaudible) state because for every dollar we put in, we get \$2.00 back, and it's pretty stable. For 2022 to 26 we had the (inaudible) Act, which is a funding bill for those years. 27, we're going to have to go through it again, but historically the federal funds and apportionments that come to Hawai'i has been the same and increasing about 2% every year. For State Highway Funds we have our own special fund, which we get gas tax, car rental fees, I believe there's weight tax and registration fees, so that we get those funds and they're released by the state legislature through when we our do our bill, and it's pretty stable. I do want to share that the State Highway Fund is going down, so I said it was stable, but it's getting less stable in the sense that it's there's a group regression line going down in the sense that because we're going to hybrids and electric vehicles, our gas taxes are now getting, you know maintained at the same levels we're collecting. So, another effort that HDOT is going through, is going through a rural usage fee, where fees for gas tax will be collected through mileage, and so we're hoping the State Highway System...road, I'm sorry, funding will be back and more stable. I'm done, I'm going to turn it back to my boss.

Chair DeGracia: Commissioners, any further questions?

Mr. Ako: Thanks for what you guys do.

Ms. Otsuka: Yeah, thank you. I have a question.

Mr. Ornellas: Go ahead.

Ms. Otsuka: I'm hoping you can satisfy my curiosity. From Rice Street going towards Kapa'a, the airport road, by that airport intersection stoplight there's a lane that goes straight to Wailua, Kapa'a, and the lane prior you could go to the airport, you know, you merge going towards the airport, and the merge lane before was further, closer to Rice Street and in my mind I thought it worked well, where people after work hours, people going to Kapa'a would be the middle lane and people going to the airport would take the right hand lane, so I thought the flow was better and I don't know at what point, was it last year or early this year, that right lane to the airport shortened. So, why spend, well, because I thought it worked. Why spend funds on something that may have worked and redesign that right lane to make it...so now the airport people have to stay in that middle lane where the Kapa'a people, bound people, and I feel like there's more congestion after work hours, so I was wondering what...is it a safety issue or how do you folks decide to spend funds on a right lane turn that seemed to be working?

Mr. Fujikawa: Thanks for the question, Commissioner. So, from our observations we had been seeing, before the change, the project that changed the lane configuration, we had been seeing congestion growing in both the directions along Kaua'i Veterans Memorial Highway and also along Ahukini Road, so those are two approaches that do try to get on that Kapule Highway stretch heading towards Wailua, and what we were looking at was a restriction from the signal, the traffic signal there, allowing only so much amount of green time for cars to make their

maneuvers through or the left turn to get onto Kapule Highway, and so that project was something...and then, I guess another observation that we were seeing was many cars taking that right lane to go into the airport just to make a U-turn right after the signal, which we felt was very dangerous and a lot of them do go further and take the more appropriate U-turn at the intersection, you know if you try to head towards Ahukini, and instead of going straight they just cut back to come back and get back on the road, so we were trying to, you know avoid that kind of behavior due to the congestion that was forming. And also, addressing the growing congestion that we were seeing (inaudible) time now. If you look at the corridor today there is a construction project going on right now, so you know it's kind of having a heavy impact because the lane is gone completely, temporarily for the construction project, but by doing our project we allowed double the capacity to get through the traffic signal timing, which is two lanes going through the north direction and then eventually having a merge maneuver north of intersection, so we were seeing a growing congestion over there. It's different than what you shared right now, but we were seeing it growing and had this project in place to address it and I think when we're taking a look at it just to help the affordability and the cost to minimize that, we noticed that the islands that were holding the traffic signal posts could be shaved a little bit to include the extra space without having to do a new traffic signal installation because those are quite costly to do a new traffic signal, so our widening only included, you know taking a bit more of that grassy area to bring the curb back and fit our second lane in there, so we felt it was a beneficial maneuver for us to have that installed now, and I think in the longer term mindset as development grows with the Ahukini Makai Subdivision in development now and potentially future subdivisions on the mauka side, there may be future improvements allocated to this intersection which may include something like a round-a-bout to help that safety concern and also keep flow moving without too many red lights.

Ms. Otsuka: Thank you.

Chair DeGracia: Commissioner Ornellas?

Mr. Ornellas: My comments have more to do with long range planning. So, back in the mid-1960s, the plan was to move Kūhiō Highway inland, starting from Hanamā'ulu, traversing that area which is now Hawaiian Homelands, (inaudible) building a new Wailua Bridge where the marina is now, remember in the 1960s, the marina didn't exist then. Cutting right through Wailua Houselots, passing it back of Kapa'a Town and then exiting approximately where...Kawaihau Road meets Kūhiō Highway now, yeah. Prior to the state selling that parcels of land directly beneath Mahelona Hospital and building the fire stations. Okay, and I remember being in high school and one of our, one of my classmates being very distraught because they had already been notified that they may lose, they're going to lose their home, right. So, this was well before anybody heard of climate change, this was well before anybody heard of (inaudible) retreat. I'm assuming something like that will never happen now, so basically we're kicking the can down the road, right. We know that sea level rise is coming and I mean, all you gotta do is drive past the golf course, take a look at that canal there and see how high that water table is when it rains. So, what are the long-term plans?

Mr. Dill: Excellent question, thank you. So, I wasn't around when the 60s when they were doing the planning for DOT, but I can tell you, when I was with the county actually prior to my current position with the state, the state was working on a, they called it a Kapa'a relief route, I don't



know if you're familiar with that maybe you were, and I do know because there is coordination happening between the state and the county, that the state was looking (inaudible), maybe not exactly what you're talking about, but very similar, it included a new crossing of the Wailua River and bridge through the (inaudible), Department of Hawaiian Homelands property on the southern side of the river, and I also know my recollection is the cost estimate for that project grew to the neighborhood of 600 million dollars, and the reality is, is that sort of money just wasn't available, so but, what did come out of that was some prioritized smaller projects that the state is pursuing, and one we've, as I mentioned earlier we completed, was the addition of the lane on Kūhiō Highway between Kuamo'o and the bypass, that was one project that grew out of that as part of what we called a, Kapa'a Transportation Solution Study, and so we are pursuing presenting aspects of that. Now, I'll also mentioned in that area in particular, as you know we're working on the Wailua Bridge right now and the reason we're doing that project is, it's a scourer critical bridge and the foundations are timber piles, so basically we're replacing all of the foundations, so that, that will gain us a lot of lifespan out of that bridge make it more robust and resilient to climate change and things that will happen like that, so that, but that is, I agree with you, kind of an interim thing because ultimately in the long run it's likely that Kūhiō Highway may have to be relocated mauka, but and this issue is going on, as you can well imagine around the state, and Ken might be able to speak to it more of this, but around the state this issue is happening everywhere. And so, we've only, we've only kinda scratched the surface on actually moving forward with infrastructure, but there is some planning efforts that have been done to prioritize locations that are most susceptible, so you will see that we're doing, for instance along that route in Wailua and other places around the state, we are protecting our highways in place with an eye to doing something to keep them a robust and resilient until such time as we can do a retreat or relocation for those, but cost is a big issue when we're talking about that sort of (inaudible).

Mr. Ornellas: You know, incidentally the project never happened, obviously. Primarily because of opposition by businessmen in Kapa'a Town who are afraid that they were going to turn into the next Hanapēpē, they were afraid of being bypassed and also, of course people who were about to lose homes, they faced opposition, but, you know I'm amazed that we had a plantation economy then and they had the money to do it. Today with our robust tourist economy, we cannot do it, so...

Mr. Dill: Thank you.

Ms. Cox: So, I have some questions and some comments that sort of follow Jerry. One, is that, and this is just a suggestion on your potential traffic impacts, the very last note, note you have here or heading, is environmental and climate impacts, but there's actually nothing about climate there, it's about noise and vehicle emissions, rather than climate sea level rise and that, so I would just add another sentence there to be more accurate about climate.

Mr. Tatsuguchi: Okay.

Ms. Cox: And then I have a question about the Navahine Settlement, is that...how is that affecting what's happening here on Kaua'i, plans on Kaua'i?



Mr. Dill: So, I don't know how familiar with the Navahine Settlement all of you are. The Department of Transportation was sued by a group of children in coordination with earth justice, and basically, if I had to characterize it, it was because they, in their view the Department of Transportation was not doing enough to see that the state met the legislature passed goals of being, is a net zero by 2045, I think, and so a large contributor of greenhouse gas emissions is the transportation sector. Now, we are the Department of Transportation, but we don't, you know drive the trucks and the cars, but we provide the infrastructure, so we do have influence in that area, but we don't have, what I would say control in that area, but nevertheless, they're wanting us to increase our influence in that area to do what we can to mitigate climate change, and really it comes down to greenhouse gas emissions is what they're looking us to reduce greenhouse gas emissions, so with the Navahine Settlement, we agreed and there's a bunch of specifics I won't get into because I don't remember them all. But generally speaking, Ken showed you that flow chart with all those bubbles, and it shows, it starts out with the asset program, so all of our programs indicate their priorities and then once that program, once that is done all of that gets into the mid-range transportation plan and that's where all projects compete, if you will, for a funding prioritization, and I can tell you, our two top things is always safety and system preservation. After that we have a number of priorities, since the Navahine Settlement requirements are now, is one of those priorities and we are bound by the terms of that settlement to show some things we have deadlines on, but some things we are just making more robust. I will say, we we're already doing everything in the Navahine Settlement, but not enough of it to their way of thinking, so we are applying more of our funding and prioritization and resources towards accomplishing the requirements of Navahine Settlement, so that is really appearing in this year happening for the first time and Ken's (inaudible) in leading the charge on the MRTPT process about how we dial all of those requirements in there, for instance one of the things in the Navahine Settlement is we have to close all the gaps statewide in the bicycle networks within 5 years, so guess what, that's 270 million dollars to our needs for the next 5 years and somehow we have to prioritize at the same time as we're taking care of everything else, so it's very challenging, you know and so, I believe to the process we've done, we're putting our best foot forward to meet all the Navahine requirements, but it's the first time we're doing it, so we're figuring it out right now, so it's a significant item I'll leave it at that.

Ms. Cox: Thank you. And then this is another possible impact, is there any, do you expect any impact from the federal administration at this point, since so many things have been taken back and changed and etcetera...do you expect any change in funding for Department of Transportation?

Mr. Dill: Okay, I don't have a crystal ball, but I will tell you, I was at a conference in South Carolina a few months ago and our new Secretary of Transportation, Mr. Patrick Duffy who was there and he spoke, and one thing you said that I really liked was he said, you know in the past a lot of the funding is dispersed from the Federal Highway administration, we have a regular program funding, but we have grants too, and grants is a means that the US DOT, Federal Highways uses to encourage reaching their goals, and so they give out grants to do a certain thing and we can, if we have something that fits we apply for that grant and we can do it that way. But, one thing he said, and I'm not sure I'm going to be able to quote him perfectly, but generally speaking, he thinks that what they should do is give us more regular program funding because he said, the states know better than us what they need to do and what they want to accomplish. We should just increase the federal program funding and not do so much in the way

of grants, and I can tell you, I like that a lot, so if that actually happens then that's an amazing thing, but other than that it's very difficult for me to predict what we'll see out of the presidential administration.

Ms. Cox: Okay, and then I have one question that's much more local, but you don't have to have crystal ball or nothing. I'm just concerned one of the projects obviously that we keep dealing with for years is Coco Palms, and there was a traffic impact study, I don't, I don't have it in front of me, but I know it was many years ago. I'm just wondering how often, given that some of these development projects take forever, at what point does a new traffic impact...I think we were told that now nothing will happen until something's built, but to me that seems backwards if it's after the fact, so I'm just wondering what is...is there a timeline for these impact studies, traffic impact studies?

Mr. Dill: Okay, so, Coco Palms in particular I will tell you, if they have a proposal for a new development or updated development, we would require an updated TIAR from them to assess the impacts. In the past, and actually Ken is probably more familiar than I am with because he's reviewed some of those traffic impact assessment reports from previous versions of what's being proposed for Coco Palms, and I think that one of the things that were (inaudible) upon was our Kūhiō Highway short term improvements project. So, that was one requirement that we had that that had to be done and that's done now, so actually that is a hurdle cleared for the Coco Palms development, but, you know without knowing what they're going to come forward with, we wouldn't really be able to speak to it and we had, regardless even if it's exactly the same as what they proposed in the past, we would want them to update the TIAR just because it's stale.

Ms. Cox: Oh, okay, okay.

Mr. Hull: I'll just clarify, Commissioners.

Ms. Cox: Thank you.

Mr. Hull: The Department of Transportation folks will have their own triggers when a proposed developments going to access their highways, so they're going to have their requirements, they'll have determination of when the TIAR needs to be updated, and I think like Larry's saying like, they're going to access it when they start construction then they would require a TIAR. There was just a...the one you're referring to is actually somewhat strange requirement by the Planning Commission several years ago, to say you'll do a TIAR after you've completed construction.

Ms. Cox: That was a strange one. Thank you and thanks for all you do.

Mr. Tatsuguchi: So, just from, I guess DOT side Highways, so if there's an active development in process usually for urban areas such as Wailua, Kapa'a, we'll ask for an updated traffic study every 3 to 5 years just because the land use changes. Yeah, so that's just the rule of thumb of kind of what our policy is. Thank you.

Ms. Cox: That clarifies a lot for me. Thank you very much.

Ms. Streufert: I have a couple of questions about the traffic circles. I happen to like the traffic circles because they seem to be really effective and that also seems to be a way to enhance traffic

flow without increasing the land usage that we have for roads, what's the safety record on those? Are they more likely to increase safety or is it...or are there more problems with it?

Mr. Dill: Okay, so one of the things we like about roundabouts is the safety aspect, and one of the significant things there is if you take say, a 4-way intersection, a regular 4-way intersection and you compare that to a roundabout, when you install a roundabout you eliminate possible T-bone crashes, which is one of the worst for serious injuries and fatalities because now and I'm not I'm not saying we reduce the number of accidents but you're reduce the severity of the accidents? And that helps a lot you're just seeing serious injuries and fatalities because now, and I'm not (inaudible) reduce the number of accidents, but you reduce the severity of the accidents, and that helps a lot in reducing serious injuries and fatalities because, you know when a car enters a roundabout and they do hit each other, it's a glancing kind of instead of a blow, instead of a T-bone sort of a thing, okay. You also basically eliminate head on collisions because there's no head on approaches anymore in a roundabout. There's obviously a learning curve for folks to learn how to drive roundabouts. I'm hoping on Kaua'i we've gotten a lot more akamai about how to drive a roundabout now, because there were some issues in the beginning, but as far as actual data, I'm not sure if you would be aware of any, Eric or Ken. I'm not sure, I can get back to you on that if you like.

Ms. Streufert: No, that's fine. I happen to like the traffic circles, and the question is, could it, we're talking about traffic flow from the west side to Puhi, and you said that the tree tunnel is one of the areas, well Kaua'i residents are very courteous and we tend to stop and or to let traffic merge in which means that everybody behind you gets stopped, so the question is, can a traffic circle be put at the intersection because if there's an accident on Kaumuali'i going west, it's most likely going to be at tree tunnel, can a traffic circle be put there, if that increases the safety?

Mr. Fujikawa: Yeah, absolutely a traffic signal, a traffic circle could be considered at the intersection for improvements. One criteria that is high on our minds, is that when you have a traffic circle for let's say a 3-way intersection, the first vehicle that enters the circle has the right of way, and so everyone else has to wait and one thing that we are very cognizant of is that there's a heavy left turn maneuver going to Kōloa in the mornings and that's a big, a big driver of what's causing congestion for the eastbound traffic, and so what we're looking at is the impacts of, if there were a roundabout installed all the left turners would have the right of way to go before any eastbound traffic. Through traffic is able to move forward because they need to find a gap in the circle, so that's just one aspect of what we try to look at. Obviously the safety concerns that come with or safety benefits that come with traffic circles are high on our minds. In addition to what Larry mentioned about reducing the number of conflicts and the most, you know the most vicious of conflicts in our eyes, it also forces vehicles to slow down and at traffic signals you don't have to slow down, you have the green light, and often people speed up when it's yellow, and so the traffic circle with this alignment requires everyone to go, you know that 25 miles an hour or even less to make the turn, so we are actively looking at intersection improvements with the upcoming corridor improvement project. I guess I will share at this time, I didn't share during the presentation, that we do have a public scoping meeting scheduled on August 26<sup>th</sup>, I believe at KCC from 5:30 to 7, so if any of the commissioners are interested in hearing a little bit more about this project in particular, you're welcome to attend, and our office will be, will be on site to make a presentation to answer questions and take comments from the public.

Mr. Dill: That's part of my daily commute, I live on the South Shore, and I agree with you 100%, Kaua'i drivers are very courteous to a fault, and that unfortunately contributes to a lot of the congestion that we see, so as I'm driving out of the tree tunnel all of the mainline on the highway is slowing down to accommodate the people who are merging and one...

Ms. Streufert: I'm on the main line.

Mr. Dill: Okay. I'll wave to you when I see you, but don't slow down for me. So, as you come out of the tree tunnel we have an acceleration lane and it's an acceleration lane because, I hope everybody listening knows you're supposed to accelerate to highway speed, and if the people in the mainline slow down that defeats the purpose of that merging lane. One project actually that Eric is just about to put out is, we are, we have a project in advance of the big project between the tree tunnel and Puhi, we have a project to lengthen that acceleration lane, which we hope will encourage folks coming out of the tree tunnel to accelerate the highway speed before merging, that will also be because as Eric mentioned, we've got a pretty heavy volume of left turners westbound into the tree tunnel, we're going to lengthen that left turn lane to provide more storage to get them out of the through lane, so that it won't stop as many cars hopefully going westbound through there, but a lot of the success of that project will be if people coming out of the tree tunnel do accelerate to get to highway speed or close to it in order to merge and we can do a nice zipper.

Ms. Streufert: Or if you had like a 4-lane or 2-lane roundabout there, so that you could have people coming from Līhu'e going directly on the outside lane going straight through as opposed to the interior lane.

Mr. Dill: Okay, so, but in a roundabout as Eric mentioned, the folks in the circle have the right of way.

Ms. Streufert: That's correct.

Mr. Dill: So, and there is a pretty good volume of left turners coming out of there. So, if all that left turning travel would force people on the highway inbound to stop and wait. The other thing about that, I'm not sure I like a roundabout in that location because it's a 50 mile an hour facility and you're now going to force every vehicle to slow down to at least 15 maybe 20 miles an hour and that in and of itself will cause congestion at that location because if there's, you know, we have (inaudible) hours when we have these problems but the rest of the time I like the fact that cars on the highway can go 50 miles an hour safely through there, and I wouldn't want to force all those people to slow down as well and increase congestion and other times, so roundabouts are, I don't know what's the word, a panacea for every situation, we take a look, but I will tell you, our default intersection improvement is a roundabout, we look at that first, but it doesn't work in every situation unfortunately.

Ms. Streufert: Thank you.

Chair DeGracia: Commissioners, any further questions? If not, thank you for your time and thank you for allowing us to ask questions.

Ms. Otsuka: Thank you very much.

Ms. Cox: Yeah, thank you.

Mr. Dill: Thank you very much. Appreciate the time to be here.

Chair DeGracia: Thank you and before moving forward I'd like to take a...

Ms. Barzilai: We just have a couple of housekeeping items, Chair. We need a motion to receive the presentation.

Chair DeGracia: Okay. Thank you.

Ms. Streufert: I move to receive the presentation from the Department of Transportation.

Ms. Cox: I second that.

Chair DeGracia: Okay, Commissioners, motion on the...

Mr. Hull: Sorry, (inaudible).

Ms. Barzilai: And we need testimony.

Mr. Hull: Yeah. We didn't actually ask for public testimony and as much as these guys whenever they walk into a room and somebody says I have an intersection by my cousins house I want to talk to you about. We have to open up to the public, so are there any member of the public that would like to testify on the report that was just received? Seeing none, thank you gentlemen.

Ms. Otsuka: Thank you.

Chair DeGracia: Thank you.

Ms. Barzilai: Motion on the floor.

Chair DeGracia: So, Commissioners, motion on the floor is to receive this highways report. We'll take a...

Ms. Barzilai: Voice vote is fine.

Chair DeGracia: We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Opposed. Hearing none, motion carries, and we'll take a 10-minute recess.

The Commission went into recess at 10:30 a.m.  
The Commission reconvened from recess at 10:46 a.m.

Chair DeGracia: Like to call the meeting back to order.

Ms. Barzilai: Hi everyone, we're on item I.2. now.

Petition to Appeal the Planning Director's Decision to Issue a Notice of Violation and Order to Pay Fine, for 1) Illegal Commercial Events Within the Agricultural

District (Weddings, Retreats, Spiritual Events and Private Ceremonies) and the Failure to Cease and Desist and Secure the Required Permits; and 2) the Construction of Seven (7) Yurts Without Required Permits, Related to the Property Located at Hui Road, Anahola, Kaua'i, Hawai'i, identified by Kaua'i TMK No. (4) 4-9-003:001 containing 63.3430 acres, KALALEA TRUST, Contested Case CC-2025-1.

- a. Clerk of the Commission's Recommendation to Accept Hearing Officer's Order dated May 9, 2025, Recommending Dismissal of Contested Case No. CC-2025-1.

Ms. Barzilai: And we have Deputy County Attorney Chris Donahoe presenting for the department.

Deputy County Attorney Chris Donahoe: Good morning, Commissioners, Chair. Deputy County Attorney, Chris Donahoe on behalf of respondent, Planning Department. This matter started as a notice of violation an order pay fines on the subject property as described in the agenda for illegal commercial activities and failure to cease and desist and secure the proper permits, as well as illegal structures which were 7 yurts. An appeal was filed by Carl Langschmidt who identified himself in the appeal as trustee of Kalalea Trust. Matter was referred for contested case hearing. On May 9th we had a prehearing or and it was set for CC-2025-1 was the contested case hearing number. On May 9th, 2025, we had a prehearing conference that was scheduled. I appeared on behalf of the department, Ms. Barzilai appeared on behalf of the Commission. Mr. Langschmidt did not appear despite three notices to appear. At that time I made a motion to the hearings officer to Mr. Kimura to dismiss the matter based on failure to prosecute by the petitioner and the timeliness in failing to prosecute. The motion was granted to dismiss the matter and the recommendation was made for the Commission to adopt the findings of the hearing officer, which was to dismiss the contested case hearing and that would revert the matter back to the notice of violation which would remain in effect. So, my request would be for a motion to adopt the hearing officers recommendation based on the minute order of May 9<sup>th</sup>, 2025, based on what had happened at the prehearing conference, and I'd be happy to answer any questions.

Ms. Barzilai: Thank you. Before we move further, is there anyone who would like to testify on this matter? Hearing none, Chair?

Chair DeGracia: Do we the...any representative Kalalea Trust here?

Mr. Donahoe: It does not appear so, Chair.

Chair DeGracia: Thank you. Thank you. So, Commissioners, at this point I'll open it for discussion and possibly if any Commissioners would like to make a motion.

Mr. Ako: Mr. Chair, I so move to accept the hearings officers order dated May 9, 2025, recommending the dismissal of Contested Case No. CC-2025-1.

Ms. Otsuka/Mr. Ornellas: Second.

Chair DeGracia: Okay. Commissioners, motion on the floor is to adopt the hearing officers recommendation. Could we get a...well, any further discussion before we move into a roll call?

Ms. Cox: Yeah, I just want to make sure that I'm understanding. So, if we grant this, if we vote to dismiss it, then it goes back to the original violation, but it sounds like there's nobody responding to that violation, is that...can you just explain a little bit more about that?

Mr. Donahoe: Sure. Sure. So, the initial notice of violation was issued in order to pay fines.

Ms. Cox: Right.

Mr. Donahoe: That was objected to through a petition to appeal...

Ms. Cox: Okay.

Mr. Donahoe: ...and so that appeal, there was an appearance.

Ms. Cox: At that point?

Mr. Donahoe: At that point by Mr. Langschmidt before this Commission. The matter was set out for contested case hearing and then there were several attempts at scheduling the prehearing conferences and then on the May 9th one notice had been provided three, on three occasions and Mr. Langschmidt did not appear at that prehearing conference, and so that's where the motion to dismiss was made and granted.

Ms. Cox: So, does the violation increase because of all this time frame that, I mean are they, are the yurts still being used and is...

Mr. Donahoe: My understanding is yes, but the initial violation notice of, the notice of violation it goes as if the...that remains in effect as initially issued.

Ms. Cox: Oh okay, so it goes back to (inaudible).

Mr. Donahoe: Yeah, it's still being yeah, it's still being investigated.

Ms. Cox: Just curious about how...

Mr. Donahoe: As to whether they're for the violation, but it goes, but it reverts back to the original...

Ms. Cox: Okay.

Mr. Donahoe: ...before the appeal happened.

Ms. Cox: Okay.

Mr. Donahoe: And then...

Mr. Hull: And just to add to that, there are multiple investigations in the case files on this, so...

Ms. Cox: Oh, okay, that's what I thought. Okay. Thank you. That's all.

Mr. Donahoe: I was only assigned one, so far, so. (Inaudible) was singular.

Chair DeGracia: Commissioners, any further discussion before we go to a roll call vote? Okay, could we get a...

Ms. Streufert: Just another question. Is there any...from your perspective or from the investigations, is there any reason why he would not be able to physically appear in any of these hearings or...

Ms. Barzilai: Not that we're aware of.

Ms. Streufert: Okay.

Mr. Donahoe: And none was, none was provided, there was no written response...

Ms. Streufert: No (inaudible).

Mr. Donahoe: ...no, at the time of the prehearing conference.

Ms. Streufert: Thank you.

Mr. Donahoe: Yes. You're welcome.

Chair DeGracia: Commissioners, any further questions discussion or questions? If not, could we go through a roll call vote?

Ms. Barzilai: Yes. Motion on the floor is to adopt hearing officers recommendation and order. Vice Chair Ako?

Mr. Ako: Aye.

Ms. Barzilai: Commissioner Cox?

Ms. Cox: Aye.

Ms. Barzilai: Commissioner Ornellas?

Mr. Ornellas: Aye.

Ms. Barzilai: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Barzilai: Commissioner Streufert?

Ms. Streufert: Aye.



Ms. Barzilai: Chair DeGracia?

Chair DeGracia: Aye.

Ms. Barzilai: Motion carries. 6:0.

Mr. Donahoe: Thank you, Commission.

Chair DeGracia: Thank you.

Ms. Barzilai: We're now at I.3.

Petition to Appeal the Planning Director's Decision Related to the Issuance of a Notice of Violation & Order to Pay \$10,000 fine for the advertisement and operation of an unpermitted transient vacation rental, Richard and Holly Schunk, Tax Map Key (4) 46008060, Kapaa, Kauai, received on July 1, 2025.

- a. Clerk of the Commission's Recommendation to Refer Appeal of the Planning Director's Decision Related to the Issuance of a Notice of Violation & Order to Pay \$10,000 fine for the advertisement and operation of an unpermitted transient vacation rental, Richard and Holly Schunk, Tax Map Key (4) 46008060, Kapaa, Kauai, received on July 1, 2025 to the Office of Boards and Commissions as Contested Case File No. CC-2025-6.

Ms. Barzilai: I think we also have Deputy County Attorney Chris Donahoe presenting on this matter as well.

Mr. Donahoe: Thank you. Good morning again, Commission, Chair. Deputy County Attorney Chris Donahoe on behalf of the Planning Department. In this matter some new information has come to light that the department is in process of investigating and verifying that could be dispositive to this matter, so I'd be requesting on behalf of the department a motion to defer this matter until September 9<sup>th</sup>, the September 9th meeting.

Ms. Barzilai: Chair, any questions?

Chair DeGracia: Any questions for Mr. Donahoe, Commissioners?

Ms. Barzilai: Anyone would like to testify on this matter? Is there anyone here on behalf of Mr. and Mrs. Schunk?

Mr. Donahoe: And just for the record, the department has been in contact with representatives of the petitioners.

Chair DeGracia: Okay. Thank you. Commissioners, any further discussions or questions? If not, I'll entertain a motion.

Ms. Streufert: I move to defer this action on the Schunk property on Kahuna Road to the September 9 meeting.

Ms. Cox: Second.

Chair DeGracia: Commissioners, motion on the floor is to defer this agenda item to September 9<sup>th</sup>. Any further discussion before we go to a roll call vote? If not, could we get a roll call vote.

Ms. Barzilai: Motion to defer to September 9. Vice Chair Ako?

Mr. Ako: Aye.

Ms. Barzilai: Commissioner Cox?

Ms. Cox: Aye.

Ms. Barzilai: Commissioner Ornellas?

Mr. Ornellas: Aye.

Ms. Barzilai: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Barzilai: Commissioner Streufert?

Ms. Streufert: Aye.

Ms. Barzilai: Chair DeGracia?

Chair DeGracia: Aye.

Ms. Barzilai: Motion carries. 6:0. Item I.4.

Petition to Appeal Action of the Planning Director in the Administration of the Subdivision Ordinance as Provided for in Chapter 9 of the Kauai County Code, as Memorialized in That Certain Letter Dated July 22, 2025, Subdivision Application No. S-2023-1; Kukuiula Parcels A2, F2, F3 for properties located at Lawai Ahupuaa, Kona District, Island of Kauai, Tax Map Key No. (4) 2-6-022:020, BBCP Kukuiula Development, LLC received on July 28, 2025.

- a. Clerk of the Commission's Recommendation to Refer to the Petition to Appeal Action of the Planning Director in the Administration of the Subdivision Ordinance as Provided for in Chapter 9 of the Kauai County Code, as Memorialized in That Certain Letter Dated July 22, 2025, Subdivision Application No. S-2023-1; Kukuiula Parcels A2, F2, F3 for properties located at Lawai Ahupuaa, Kona District, Island of Kauai, Tax

Map Key No. (4) 2-6-022:020, BBCP Kukuiula Development, LLC. to the Office of Boards & Commissions as Contested Case File No. CC-2025-7.

Ms. Barzilai: Is there anybody here for BBCP Kukui'ula? Good morning, Mr. Trask.

Mr. Mauna Kea Trask: Morning. For the record, Mauna Kea Trask on behalf of the appellant.

Mr. Donahoe: and, good morning, Commission. Deputy County Attorney, Chris Donahoe again, for the respondent, the department. At this time the department has no objection to the form or content of petition to appeal, would request that the matter be set up for contested case hearings. The parties are continuing to be in talks so...

Ms. Barzilai: Any questions, Chair?

Chair DeGracia: Okay, Commissioners, any questions for the department? If not, Mr. Trask is there anything you'd like to add?

Mr. Trask: No, if you guys don't have any questions that's fine. We appreciate the, you know the department and their willingness to work this out.

Chair DeGracia: Thank you.

Ms. Barzilai: Anybody here to testify on this item? No, we're ready.

Chair DeGracia: Alright, Commissioners, any discussion, any questions? If not, I will entertain a motion.

Ms. Barzilai: So, if it is a motion to approve, Chair, it would be motion to approve form of appeal and refer to Boards and Commissions.

Chair DeGracia: So, just a motion to approve...

Ms. Barzilai: If it is. If you're heading in that direction.

Chair DeGracia: ...and refer to...

Ms. Barzilai: Motion to approve form of appeal and refer to Boards and Commissions.

Chair DeGracia: Okay. Commissioners?

Ms. Streufert: I move to approve the Commissions, Clerk of Commissions recommendation to refer to the petition to appeal action of Planning Director to the Office of Boards and Commissions as a contested case file number CC-2025-7.

Ms. Barzilai: You need a second.

Mr. Ako: Second.

Chair DeGracia: Commissioners, before going through a roll call vote, there's a motion on the floor, any further discussion? Okay, if not, could we get a roll call vote.

Ms. Barzilai: Yes. Motion to refer contested case. Vice Chair Ako?

Mr. Ako: Aye.

Ms. Barzilai: Commissioner Cox?

Ms. Cox: Aye.

Ms. Barzilai: Commissioner Ornellas?

Mr. Ornellas: Aye.

Ms. Barzilai: Commissioner Otsuka?

Ms. Otsuka: Aye.

Ms. Barzilai: Commissioner Streufert?

Ms. Streufert: Aye.

Ms. Barzilai: Chair DeGracia?

Chair DeGracia: Aye.

Ms. Barzilai: Motion carries. 6:0.

Mr. Donahoe: Thank you, Commissioners.

Mr. Trask: Thank you.

Mr. Hull: Next agenda item we have is.

Amendment to SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-12) to allow construction of a new single family residential structure on a parcel situated along the makai side of Kuhio Highway in Kapa'a Town, situated directly across the formerly Kojima Store, approximately 200 feet south of the Kapa'a Neighborhood Center and further identified as 4-1542 Kuhio Highway, Tax Map Key: (4) 4-5-012:048, containing a total area of approximately 2,520 square feet = **BENSON C. & ARCHIE A. PERALTA.**

- a. Letter (7/28/2025) from Nalani Mahelona, NRM ARCHITECT LLC requesting a three (3) year extension to complete the project.
- b. Director's Report Pertaining to this Matter.

Mr. Hull: We don't have any members of the public signed up to testify. Is there anybody here to testify as a member of the public? Seeing none, I'll turn it over to the planner for the report on this.

Staff Planner Romio Idica: Aloha, Chair and Commissioners, and the public. First of all, I wanted to make a correction, the Director's Report that was submitted it noted the incorrect permit number, so on Page 3, Section 6, Applicant's Reasons and Justification, on the third paragraph, should read BPE 25-1338, so I just wanted to kind of bring that forward right now. Thank you.

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?

Ms. Otsuka: I have a question. Is it crucial for the Commissioners to be aware it being a long term rental, how many families are allowed or it's not our concern?

Mr. Idica: That one...(inaudible)...

Mr. Hull: Under...how do I...so much of the existence of the zoning ordinance, family was defined as being one group of related individuals or up to but no more than five unrelated individuals. A few years ago, the Council with, you know, I think the introduction by the department, amended the definition of family to just basically state, it's either related, it can be unrelated individuals at no number or related individual, basically saying anybody can constitute family just because of the situation with the housing crisis where have many individuals renting rooms that aren't necessarily family members or renting units and it was nigh impossible to actually enforce on that number as far as DNA testing or what have you, so, it was a, it was amended whereby the department at least isn't regulating how many units or really how many families are in each unit at this point. Having said that, I can say on the horizon there has been some I'll say used of it creatively for employee housing that has caused the ire of some, I'd say on the Council, so there is a possible proposal coming down that may look at narrowing the definition of family, so I just wanted to put that on your radar as I answer (inaudible) question to say, right now there's no regulation about how many families can be in it. Sorry, that was long winded.

Ms. Otsuka: I guess in my mind I was thinking with the five bedrooms the more families they rent, different families they rented it out to, then maybe parking may become an issue, that's how I saw it.

Mr. Ornellas: You know, it appears this delay is come about because of a technicality, right, the switch over from the old...

Mr. Idica: That is correct.

Mr. Ornellas: ...to the new system, so...

Mr. Idica: Yes, Commissioner Ornellas.

Mr. Ornellas: ...you know it's unfortunate, I think we need to do all in our power to expedite the whole permitting process.

Ms. Otsuka: Yeah, since we approved it prior.

Mr. Ornellas: Yes, since it's already been approved, I mean I feel sorry for the applicants frankly.

Mr. Ako: Mr. Chair, if I can add just for clarification, the extension that is being requested is to August 31<sup>st</sup>, 2028?

Mr. Idica: Yes, that is correct.

Chair DeGracia: Commissioners, any further questions for the department? If not, I'd like to invite the applicant up. If there's anything you like to add for and be available for questions.

Ms. Nalani Mahelona: My name's Nalani, I represent Benson here, and I want to thank you, Romio, for thoroughly explaining the hiccup. You know, we could possibly have gotten the permit this year, but he still needs to either get a waiver or put in the water meter for them to approve it to actually get the permit, which I think is actually on the condition regarding the permit, once the permit is issued, you have two years. So, asking for three years makes us comfortable because I've seen these water meters take two years and maybe the waiver take a year, so to get that permit, and he's ready, he's ready to start constructing when he can get the permits, so that's we're pushing it this year. Unfortunately, the hiccup happened right when we're like ready to resubmit. He wants to pay his water and all that, so if you guys have any questions.

Chair DeGracia: Commissioners, any questions for the applicant? Hearing none, do we have a recommendation?

Mr. Idica: Based on the foregoing evaluation and conclusion it is hereby recommended that the Commission approve the extension of time to allow the construction of a 3-story family residence on their Special Management Area Use Permit, SMA (U)-2023-12, and the applicant is advised at all applicable conditions shall remain in effect and to note, Commissioners, I wanted to make a amendment to Condition 11, originally it stated otherwise dated in, unless otherwise stated in the permit. So, this is the permit basically, so I wanted to revise the Condition 11 to read, the applicant must make substantial progress as determined by the Director regarding the development or activity by August 31<sup>st</sup>, 2028, or the permit shall be deemed to have lapsed and be no longer in effect.

Chair DeGracia: Thank you. Commissioners, any further discussion or questions? If not, I'll entertain a motion.

Ms. Streufert: I move to approve the extension of time to allow the construction of 3-story single family residence under Special Management Use Area, Special Management Area Use Permit, SMA(U)-2023-12.

Ms. Cox: Do we have to add the amendment of...

Ms. Streufert: As (inaudible).

Ms. Cox: Oh.

Ms. Streufert: I'm sorry, as amended.

Ms. Cox: Thank you.

Chair DeGracia: Could we get a second.

Mr. Ornellas: Second.

Chair DeGracia: Commissioners, motion on the floor is to move this extension of time to August 31<sup>st</sup>, 2028. Any further discussion before we go to a roll call vote? Hearing none, could we get a roll call vote, Mr. Clerk?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

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

Chair DeGracia: Thank you.

Ms. Mahelona: Thank you.

**NEW BUSINESS (For Action)**

Mr. Hull: Next, and last of business.

Amendment to SPECIAL MANAGEMENT AREA USE PERMIT SMA(U)-88-1 and CLASS IV ZONING PERMIT Z-IV-88-10 to allow guestroom renovations at several ground floor units involving the existing resort facility on a parcel situated on the makai side of Poipu Road, further identified as the Grand Hyatt Resort & Spa, 1571 Poipu Road, Tax Map Key: (4) 2-9-001:002, and containing a total area of 39.725 acres = KAWAIILOA DEVELOPMENT LLP. [Director's Report Received, 7/24/2025]

Mr. Hull: I don't have anybody signed up to testify. Does anybody in the audience want to testify on this agenda item? Seeing none, I'll turn it over to our new SMA Planner, you had Chloe Matsuda here earlier and now introducing a new member of our family, John Schoffstall, and Romio Idica being the mentor that he is, is going to kind of sit with him as well. Thank you, John.

Staff Planner John Schoffstall: Chair, Commissioners, and community members, good morning.

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

Ms. Streufert: I have one question. There is a...we got something this morning from the Engineering Division of the Department of Water, and it recommends that we, that there be a condition for the possible back flow of water into the system. Is this something that we should do because it's from the Department of Water or how does this work?

Mr. Hull: Yeah, so years ago the Planning Commission was the clearinghouse for development proposals, in that requirements for various agencies were vetted and established at the Planning Commission. That was years ago. Now, many of those agencies that utilize the Planning Commission as a clearinghouse now have signatory powers or authority over the building permit, and so generally when an agency that has signatory powers over a building permit, recommends the Commission take action with the condition of approval, generally the Planning Department recommends not doing that, and just putting the applicant on notice, that this could be a requirement at building permit. The reason being is that at times agencies or signatories to building permits might make a comment, like, they shall do this and the Planning Commission, they shall "X", the Planning Commission establishes "X" as a condition of approval and then when the applicant is doing their building permit, are able to negotiate a different requirement out of that respective agency and then the respective agency says, oh, for building permit you're going to do "Y", and we're sitting here like, that's fine, but you asked the Commission to condition "X", so now we have to go back to the Planning Commission and change the condition. So, the Water Department is a signatory to the building permit, the Department of Health is signatory to the building permit, as are the Building Department Engineering Division, as well as the Planning Department, so anything that's signatory to building permit and there's building proposals, we're generally, like, we'll transmit to the applicants so they're aware. Agencies that are not signatories to the building permits but provide comment, those ones you will often still see the department put that in as a requirement, so in particular our friends from the State Department of Health, they are not signatories to building permits, but they might want to have requirement like a TIAR or what have you, we'll put those requirements as recommended



conditions of approval or like you often see with SHPD, they're not signatory to building permits, but they clearly do need to review the item and deem it complete or certify it as appropriate before we take action, so it's kind of the respectfully to our friends at the Department of Water, we would ask if you not make it a Condition of Approval, but we will transmit to the landowner so they're aware.

Chair DeGracia: Commissioners, further questions for the department? Okay, if not, at this time I'd like to invite the applicant or applicants representative.

Mr. Hull: So, the representatives I think were sitting in the audience and were fairly young, and I believe confused the agency hearing with the overall agenda item and I believe after the agency hearing was closed they thought that the agenda item was complete and have left the premises. So, if you guys want to take action without them, in our eyes that's fine. If you guys have questions for them of course and need to discuss certain aspects of the application with them, we would just request a deferral to another agenda date.

Chair DeGracia: Okay. I had one thing, on the conditions I think previous applications we have a, normally a condition for...that recognizes local labor and local contractors on there. Would we need the applicants here and agreeing upon that condition before we approve?

Mr. Hull: Yeah, there are in fact, three...this is a 1988 permit, so, since 88, the Commission has established somewhat standard conditions that go on almost all proposals and these don't reflect (inaudible) above the local labor aspect there's a environment lead conditions (inaudible) standardly put, and then reviewing it there's also they need to put an SHPD requirement in here. I'll defer to your...our attorney, your attorney as to whether or not the applicant needs to be here should we want, should we want to consider putting additional conditions.

Ms. Barzilai: I don't think we can impose conditions without comment from the other party, so I'm sorry about that unless there's a way for us to recess and contact them right now.

Mr. Hull: It's really at the discretion of the Commission.

Ms. Barzilai: It's up to the Chair.

Chair DeGracia: Commissioners, do we have any other concerns while we ponder our option of possibly calling them back here or I guess on the table we could accept and approve as is.

Mr. Hull: I'll be honest, the standard condition on labor and lead that those are just standard kind of adding conditions that I don't think they'd object to because there's options within them. Recognizing that SHPD wasn't required as a hard and fast, I would be hesitant and I do believe that it absolutely needs the SHPD condition because there is ground breaking or ground disturbing activity in the proposal and, you know it's a coastal lot, ground breaking activity can unveil some issues, so I'd be hesitant on you folks taking action, particularly with the SHPD thing we're recommending without the applicant here.

Mr. Idica: And I would like to add that the AIS still submitted for this project is the original AIS that was submitted back in 1988.

Ms. Barzilai: Everybody knows what that is, right?

Chair DeGracia: Archaeological Inventory Survey.

Ms. Barzilai: Yes. Romio, would you be able to easily contact the architect or whomever it was who appeared?

Mr. Idica: I can...yes, I can make some attempts.

Ms. Barzilai: She's in Līhu'e.

Mr. Idica: Hopefully.

Mr. Hull: (Inaudible). Why don't we take a 5-minute recess...

Ms. Barzilai: 5-minutes.

Mr. Hull: ...and we can see what...

Ms. Barzilai: Is that okay?

Mr. Hull: ...what timeline they might be able to get back here.

Chair DeGracia: We'll take a short recess.

The Commission went into recess at 11:21 a.m.  
The Commission reconvened from recess at 11:31 a.m.

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

Mr. Hull: We're still waiting with the planer to confer with the applicant on Kawaiiloa potential condition of approval. While he's doing that we recognize that there was an oversight on one of the Commission agenda items and public testimony was not called for the Consent Calendar, and is there an individual member of the public that would like to testify on one of the Consent Calendar items? So, if you don't mind tabling this discussion and we can call up the members of the public that want to testify on the Consent Calendar.

Chair DeGracia: Okay. That'd be fine. I'd like to table the existing agenda item and take testimony.

Mr. Hull: Can you approach the microphone and if you can state your name for the record, and you have three minutes for testimony.

Ms. Barzilai: So, the item is Consent Calendar, H.1. Status Report for the Hōkūala Resort. Please state your name for the record.

Mr. Tommy Noyes: Aloha. My name is Tommy Noyes, I serve as the Executive Director of Kaua'i Path Incorporated, a 501(c)(3) educational nonprofit advocating for better walking and bicycling facilities on our island. So, thank you for accepting this written testimony. The

development permits at the Hōkūala Resort and their predecessors negotiated with the county contain clear conditions requiring the developers to allow public access over and across all existing public vehicular and pedestrian public access ways on the subject property. The walkway between the makai end of Kalapaki Circle and the passive parks facilities built by the developers to comply with permitting conditions has been partially built, but it remains incomplete during a site visit approximately a year ago when I attempted to walk along the route indicated on the roadway and public access plan prepared Hōkūala Resort by Wilson Okamoto Corporation. I was challenged by resort personnel and informed that the public was not allowed to walk in that area and I brought the matter to the attention of this Planning Commission in testimony shared on September 10, 2024, to the best of my knowledge the current status in that area is still that no reasonable public walkway has been provided to meet the condition of required lateral shoreline access. Please note that in general, the staff and management of the Hōkūala Resort have been very supportive of welcoming and encouraging community access, especially along the retired golf course paths on many acres of their property and additionally we look forward to collaborating with the resort management in the coming years on the implementation of the Ahukini to Nāwiliwili phase of Ke Ala Hele Makālae Shared Use Path infrastructure. Last year the section of Ke Ala Hele Makālae now in service was recognized by the National Rails to Trails Conservancy with entry to their prestigious Hall of Fame, however in this particular coastal area it's quiet paths assertion, that improved and supported public access must be provided by the Hōkūala Resort team, including the construction in the near term of the suitable treadway that accommodates safe public access. Mahalo for supporting Kaua'i Paths community strengthening efforts. Thank you.

Chair DeGracia: Thank you for your testimony.

Ms. Cox: So, what do we do with that given that this is a Consent Calendar issue? I'm just curious because actually I've tried to do that too, and it is true, that you, there's no public access, but how do we deal with that?

Mr. Hull: So, we did when this was provided back in September, we did file it as a formal complaint with our enforcement division, a formal investigation was initiated, a site inspection was done. It was determined that the property owner was in fact failing in meeting one of the conditions of approval for public access and maintaining it. The applicant, as I understand, sorry, I'm not totally prepped to speak on this matter, but as I recall, the applicant made those improvements to the place where we found a formal violation. Those improvements I believe are not what necessarily Mr. Noyes is speaking about. In that, and we can do a presentation if the Commission wants on it, but if I recall correctly, the cart path that serves as the, sorry, the path that goes from the parking lot by the lighthouse and proceeds to go to the comfort station down by the ocean, that is a required public access, but where it intersects with the cart path for the golf course, my understanding is, after staff researched it, that cart path is not required by the ordinance or the zoning permits or the SMA permits to be a public path. So, the public traversing area as I recall after the research was done, is to go down to the, if you're going from the small lighthouse you go down to the comfort station from there you're accessing the beach or coastal area that is just outright public domain, traversing that area and then up to the other comfort station and around. Now this clearly has issues for those that have mobility problems because it is not an easy public traversing, but as far as our records can reflect that is what is required of the, in the ordinance. That doesn't mean to say that I think the department absolutely believes

that, should any other proposals of this coaster area be done that looking at securing additional access rights on the golf course or adjacent to the golf course or on the cart path may be appropriate, but there was a legal analysis to a certain degree, I don't think a formal opinion, but a legal analysis of, can we exact more now, and that was basically no. That's my understanding of it. I'm working off of memory here, and if you folks want a formal presentation by staff to go over what the findings were, we can.

Mr. Ornellas: Has the property owners agreed in principle for access?

Mr. Hull: To what's been required via the ordinance, not to the cart path or...and we spoke to them, are they open to the idea of allowing the cart path or a pedestrian path that runs adjacent around the perimeter of the golf course whereby the pedestrian user wouldn't have to go down to that coastal rocky sandy beach area, to date, no they have not agreed to that.

Mr. Ornellas: I'm talking about in relation to continuation of the path.

Mr. Hull: But overall...

Mr. Ornellas: Yeah, the overall path, I mean, have they (inaudible)...

Mr. Hull: Not that I'm aware.

Mr. Ornellas: ...to allow...

Mr. Hull: Oh, sorry, Tommy knows probably more than I do, but...

Mr. Noyes: So, when we look at the maps that that were part of the permitting process, it indicates lateral coastal access and that's what we're trying to accomplish, and we don't feel like it's...that criteria has been met.

Mr. Ornellas: Have they agreed to it in principle?

Mr. Noyes: Not to me.

Mr. Ornellas: Okay.

Mr. Noyes: No.

Mr. Ornellas: Alright. Thank you.

Ms. Otsuka: I wonder if it's a liability issue.

Mr. Hull: I know that the landowner did have some concerns about the lateral access being so close to the golf course and the danger of golf balls. We did propose, you know potential mitigation measures, but at the end of the day there was no agreement at that, the landowners (inaudible) provide lateral access beyond what has already provided on the public beach area.

Mr. Ornellas: We've dealt, we've dealt with the same issues along the entire length of the path, right, this is nothing new, I mean...

Mr. Noyes: So, the path is fairly extensive, I mean starting up at the Donkey Beach and all the way down Lydgate, with future expansion along the Wailua Golf Course and so on. This is part of the overall pedestrian network, I don't know if it would be considered a segment of Ke Ala Hele Makālae, which is multi-use path, bicycles, more inclusive in this area we're talking about a pedestrian walkway much more modest not necessarily ADA compliant, but providing the connectivity that we'd like to see. I think it's somewhat more analogous to the situation down at the former site of the Coast Guard station on the South point of the island where there's a walking connection all around the makai of that subdivision that's in the process of being built out there. So, it provides walkability in areas that are of interest to visitors and residents for enjoyment of the coastal assets.

Chair DeGracia: Okay. Thank you. Any further discussion? You guys have any more questions for the testifier?

Mr. Hull: If you guys want and you guys don't have to answer (inaudible), if you guys want a more formal presentation of the department or its findings, we can and Tommy, if you want to see the investigation report, by all means that a...the investigation is closed, so it's a public document...

Ms. Barzilai: Yeah.

Mr. Noyes: Okay.

Mr. Hull: ...into the violation.

Mr. Noyes: Yeah, I'll contact you about getting that document. Thank you.

Ms. Barzilai: I would recommend that Mr. Noyes, and I think that maybe if you have a map that you could even redline what you're talking about that might be helpful.

Mr. Noyes: Very well. I don't have it with me, unfortunately.

Ms. Barzilai: That's fine.

Mr. Noyes: But...

Ms. Barzilai: If there is a presentation scheduled it will be on the agenda.

Mr. Noyes: Very well.

Ms. Barzilai: Thank you.

Mr. Noyes: Thank you.

Chair DeGracia: Thank you, Mr. Noyes.

Ms. Otsuka: Thank you.

Ms. Cox: Thank you.

Mr. Ornellas: Thank you.

Chair DeGracia: With that, I believe...

Ms. Streufert: If one were to...since there's no violation, if one were to try to mitigate this by coming up with an agreement, wouldn't that be another condition then that would have to be...

Mr. Hull: So, I...central to what a Planning Commission and a Planning Department can exact from a landowner, is (inaudible) Case Law, and (inaudible) Case Law is in fact rooted directly in easement and coastal accesses. If we attempted to create a condition right now with no proposal on the agenda, no proposal for the property owner, I'm almost certain, but I'll turn to Laura, and say, Laura is going to raise her hand, and say objection.

Ms. Barzilai: In other words, there's nothing requested by the applicant. We would like to expand our project in a certain way, okay, well also expand the access, that's our requirement, that's our condition, we have nothing to tie the condition to at this time. It doesn't mean that further research can't be performed to make sure that there's compliance, but at this point I don't recommend adding anything.

Mr. Hull: And I can say, that department staff, Marie Williams, the Long-Range Division Chief is taking a particular interest in this, from a long-range planning perspective and interconnected, interconnectivity and was attempting to, I'll say, negotiate something that might be amenable with the landowner outside the purview of an actual condition of approval. So, far it's not proven fruitful, if you will.

Chair DeGracia: Okay. Thank you. With that, it looks like, I guess, Romio's back. We could pick up where we left off.

Mr. Idica: Okay, I'll...

Mr. Hull: You want to read the agenda item again or...

Ms. Barzilai: Just do something...make a brief announcement.

Mr. Hull: Okay. So...

Ms. Barzilai: Off the table now.

Chair DeGracia: Yeah.

Mr. Hull: Returning back to the previously tabled discussion concerning Kawaihoa Development for the Amendment to Special Management Area Use Permit, SMA(U)-88-1 and Class IV Zoning Permit, Z-IV-88-10. The staff planner was able to locate the applicants representative. They're located in Hanalei, so they're not going to be able to come to the meeting, but he has proposed to them what language we're looking at proposing for additional conditions of approval and has a report back on what their position is.

Mr. Idica: Thank you, Commissioner and Chair. I spoke to the representative from Wilson Okamoto and I read the three additional conditions, I actually have the conditions written here, if the Commissioners would like to look at it, I can, I'd be more than happy to pass it out. So, these are the three conditions that I explained to the applicant and they consent to these conditions added to the permit.

Mr. Hull: So, what you have before you folks is one condition, it's the standard condition concerning on island labor, used in the construction project. Another is a standard condition concerning energy and environmental design, and the last one is, that they receive approval from the DLNR, SHPD prior to proceeding on the project.

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

Ms. Streufert: There's also the last one, Condition 33.

Chair DeGracia: Yeah.

Ms. Streufert: So, there's four.

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

Ms. Barzilai: Do we want to read these new conditions into the record? Should we?

Mr. Hull: They're standard conditions. I mean, we can.

Ms. Otsuka: Weren't we supposed to consider...did you mention sea level, no because they're really high up?

Mr. Hull: Romio or John, if you folks want to read all four new conditions onto the record.

Mr. Idica: So, beginning with the 2025 project amendment, Condition 33, reads, should any archaeology or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources Historic Preservation Division and the Planning Department to determine mitigation measures. Going on to Condition No. 34, to the extent possible within the confines of the union requirements, the applicable legal prohibitions against discrimination in employment, the applicant shall seek to hire Kaua'i contractors as long as they are qualified and reasonably competitive with other contractors and shall seek to employ residents of Kaua'i in temporary construction and permanent resort related jobs. It is recognized that the applicant may have to employ non Kaua'i residents for particularly skilled jobs, where no qualified Kaua'i residents possesses such skills, for the purpose of this condition the Commission shall relieve the applicant of this requirement if the applicant is subjected to anti-competitive restraints on trade or other monopolistic practices. Condition 35 reads, the applicant shall implement to extend possible sustainable building techniques and operational methods for the projects, such as leadership in energy and environmental design standards or another comparable state approved nationally recognized and consensus based guideline, standard or system and strategies which may include but not limited

to recycling, natural lighting,, extensive landscaping solar panels, low energy fixtures, low energy lighting, and other similar methods and techniques. All such proposals shall be reflected on the plans submitted for building permit review. The last one, is Condition No. 36 reads, the applicant shall receive a letter from DLNR, SHPD that the project may proceed prior to the installation of BMP's or any ground disturbance begins such as staking and grading or grubbing. That concludes the conditions.

Chair DeGracia: Thank you, Romio.

Ms. Otsuka: I don't feel comfortable with the wording of 36, and yet I don't know how to revise it to make it more understandable. Like the project may proceed upon receiving a letter from DLNR, SHPD, which would require installation of BMP's. I don't know.

Ms. Barzilai: What do you want to know, Commissioner? I think the intent is...

Ms. Otsuka: I think this is okay but just needs to be reworded.

Ms. Barzilai: Okay.

Ms. Otsuka: Like, to start off, the project may proceed.

Ms. Barzilai: You would say only after receipt of a letter.

Ms. Otsuka: Yeah. Yeah

Ms. Barzilai: From SHPD. But, I think the intent is that because it's the avoidance of ground disturbance or installation of BMP's prior to receiving the letter, the letter has to be received in order for those things to occur, so...

Ms. Otsuka: Yeah.

Ms. Barzilai: I see Ka'aina writing. I would certainly say if we're going to keep part of it as is, the applicant must instead of shall.

Ms. Otsuka: Okay, that's good. Applicant must receive a letter prior to...

Ms. Barzilai: I think it's really the order of the sentence.

Ms. Otsuka: Yeah. For me it's jumbled.

Ms. Barzilai: Prior to the installation, yeah...or any ground disturbance such as, the applicant must receive clearance or however it's normally referred to.

Mr. Hull: Did you just want to say, the applicant must receive approval from DLNR, SHPD prior to the installation of BMP's or any ground disturbance, or of any ground disturbing activities?

Ms. Barzilai: Yes. Can.

Ms. Cox: Yeah, it works.



Mr. Hull: Does that work for you, Commissioner?

Ms. Otsuka: Wait, so before...prior to ground disturbance...

Ms. Barzilai: The second portion of the sentence should come first.

Mr. Hull: So, it's...oh, yeah.

Ms. Otsuka: I don't think the word begins should be between disturbance and such or any ground disturbance.

Mr. Hull: Oh no, no, we'd take that out. So, and if we flipped it, it could say, prior to the installation of BMP's, dust fence or any ground disturbing activity, the applicant must receive approval from DLNR, SHPD.

Ms. Otsuka: Thank you.

Mr. Hull: So, we would amend that condition to reflect accordingly.

Chair DeGracia: Okay. Commissioners, I'll entertain a motion.

Ms. Streufert: I move to accept Special Management Area Use Permit, SMA(U)-1988-1, and Class IV Zoning Permit, Z-IV-1988-10, with the four amendments as stated.

Ms. Barzilai: I would just change one word, to approve. Approve amendments too.

Ms. Streufert: Okay. Thank you.

Ms. Cox: Second.

Chair DeGracia: Commissioners, motion on the floor is to approve this agenda item with the additional amendments to the conditions. Any further discussion before we move over to roll call vote? Okay, hearing none, could we get a roll call vote, Mr. Clerk.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

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

## **EXECUTIVE SESSION (None)**

## **ANNOUNCEMENTS**

### **Topics for Future Meetings**

Mr. Hull: With that, that concludes the business items on the agenda. We do have a scheduled meeting here in two weeks. With that, we'll have for certain, three agenda items, sorry August 26, 2025, is the next scheduled Planning Commission meeting, it will have the Wastewater Treatment Plant being proposed in Hanalei. It will have the Shoreline Setback Ordinance amendments being proposed by the County Council, and it will have BHD Land Development, which is an industrial development near the Līhu'e Airport industrial site. There may be one or two additional agenda items depending on what comes in the pipe that doesn't require agency or public hearing, but those are the three ones set for that date so far.

## **ADJOURNMENT**

Chair DeGracia: Okay. Commissioners, if there's nothing further, I'll seek a motion to adjourn.

Ms. Otsuka: Motion to adjourn.

Ms. Cox: Second.

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

Chair DeGracia adjourned the meeting at 11:57 a.m.

Respectfully submitted by:

*Lisa Oyama*

Lisa Oyama,  
Commission Support Clerk

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

(X) Approved as amended. See minutes of September 23, 2025, meeting.