



P.O. BOX 328 KĪLAUEA, KAUA'I, HAWAII 96754

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**MEETING MINUTES  
MARCH 3, 2020**

**Time:** 7:00 PM

**Location:** Kilauea Neighborhood Center

**KNA Directors Present:** Yoshito L'Hote, Beryl Blaich, Jeremy Burns, Gary Pacheco, Bill Chase, Adam Hadley, Stephenie Brown, Thomas Daubert, ~~Mike Latif~~, Mike Lyons, Charlie Martin, Don McConnell, Jim O'Connor, Ron Paul

**Community Attendance:** 25

**Call to Order:** Yoshito called the meeting to order at 7:00 PM.

**Treasurer's Report:** Gary Pacheco reported our bank balance is now \$6,732.01.

**Committee Reports:**

**Beautification Committee:** Dispensary Park is having a meeting.

**Planning Committee:** No report.

**Communications Committee:** Thomas Daubert reported to please sign up at the sign up sheet up front to receive our emails or send an email to [joekilauea@gmail.com](mailto:joekilauea@gmail.com) to get on the mailing list. If any community members have any events they want to share please email and it will be posted on the website.

**Fundraising Committee:** No report.

**Election Committee:** No report.

**Community Updates:**

**Hay Subdivision:** Ian Jung reported on behalf of Mr. Hay and the County of Kauai. Ben Welborn met with Mayor Carvahlo at first, and then Ian became involved in 2017 to set how the large remnant Ag lot would be subdivided. Hawaii is the last state in the USA with a dual State / County zoning process. There is an Agricultural one-time subdivision rule intended to prevent sprawl. The County in the code allows for exceptions to the one-time subdivision as long as the density and use doesn't change. The code for the exception references "public improvement", which the current Planning Director interpreted to mean

that the road could be a public improvement, whereas the former planning director Mr. Yuen appears to have only interpreted it as meaning a public utility.

An MOU was drafted that no density would be associated with the large remnant Ag lot this as the density was already tied up in Namahana condominiums. There is a small sliver in the NW corner shown on the ZM-KI 600 scale Kilauea map that became intended for R6 as a tee-up for eventual affordable development if and when after significant planning process hurdles yet to be accomplished (5-10+ years out expected) are completed. The original zoning lines didn't exactly follow the boundaries (same shape and size, but shifted slightly over). The technical dispute raised by Avery Yuen is being raised at the 11<sup>th</sup> hour, fees have been paid, things may already be proper or in any event not of a significant concern, and the concern is that it may unnecessarily impede progress. There is no legal action in process at this point.

For the Gather project, Ian and Gather reached out to the most-affected neighbor to attempt to address noise and visual impact concerns including adapting hours of construction.

Lots B3 and 5 are less than 15 acres, the other two lots are 24 and 23 acres, plus the 93 acres parcel part of the Namahana lots which will never be developed, plus the R6 sliver. Anything over 15 acres must go to the State Planning Commission for eventual zoning review.

**Somers Property Barn:** Max reported that in 2007 Mr. Somers filed an application with the Planning Commission to construct a house. There was intervention in that process, and after a year it was approved subject to 18 conditions of approval. These conditions included dedicating a portion of the 162 acres as a conservation easement - 12 acres development area, 60-ish acres to the Kauai Public Land Trust (KPLT) before approval, and another 60-ish acres to KPLT after the approvals, and some other acreage for various easements. As a result 30 or so density unit were retired and reduced to 2 buildings. KPLT subsequently merged with other organizations and became Hawaiian Islands Land Trust (HILT). The second application was filed in 2013 to construct a manager's single family residence plus a barn. There was an intervention in that case that was eventually withdrawn, and the Planning Commission approved it in approximately 2016 subject to another 12 conditions of approval. The main conditions among all of them were the conservation easements and construction of Kahili Quarry Road which was completed in approximately 2017 except a section on Fish & Wildlife property that was particularly rough. In 2019 with approval from Fish & Wildlife the road was fully resurfaced. In the meantime he had not yet begun construction so the Planning Commission approval was vacated after 2 years. Now he has come back to the Planning Commission with a new amendment asking for a larger barn only (sort of a big warehouse) and no manager's house. The barn will have an upstairs for business purposes with a bathroom on both floors but no kitchen. The barn will not be used for TVR or residential purposes which has been filed as a condition. There is a hearing in Lihue on March 24<sup>th</sup>.

Question about viewplane preservation and concern that bamboo has been planted all along the rimlot to block views. Some people have a view easement (e.g. Paradise Island Ranch) preserving their view but others do not. The previous owner was Ben Bowlog and he was the one that put in place the original easements which was a contentious matter.

Question about will residents ever be able to access Rainbow Falls again? Rohn Boyd is the contact point to ask about access requests 808-652-0530. There is also a ranch manager Bill Skinell on the property all the time who might be the proper access request point. Rohn will follow up with Mr. Somers.

Question on the road – when the County has an easement on the road is there any way to get maintenance help from the County? Kahili Quarry Road has an easement in favor of the County and one in favor of Seacliff. The road is washing out due to water coming down from Seacliff – perhaps it is a community issue and the County should make some funds available to help keep the road accessible in particular the culvert area which needs repairing or replacing. One of the planning committee conditions of the Somers property is to maintain Kahili Quarry road. There are provisions for streamways in Hawaii law that landowners must maintain their streamways. Max noted there is a desire to do a permanent repair with perhaps funding from multiple participants (County, Seacliff).

One of the conditions is that land equipment must go into the barn once constructed. The equipment is keeping the valley clear. There are no reforestation projects going on. Clearing occasionally is required for proper maintenance.

The conservation easement included a 3 acre Nene enclosure which most seemed to think was not a good idea. The request for that fence has been withdrawn in the most recent application.

The request for archeological preservation is being adhered to. There are old Ag walls that this primarily refers to. There were no burial sites in this area and no kuleana lands. 60 acres of the valley walls are being preserved and have the old ag sites out there.

Is there any work for habitat improvement for the water birds? Nothing has been done yet but the area along the waterway is wetlands and is being left that way for use by the birds.

There was a plan to be developed by Mr. Somers and submitted to the Land Conservancy. Max noted this was done and submitted to HILT. This is a living document and any changes done or proposed must be updated in this plan. The Island Council is support for HILT (Beryl is on it) and reported that HILT has a special duty to review conservation plans they hold. Beryl is not privy to the annual review of the conservation easement conditions.

What happened to the original conservation plan that covered both sides of the valley? Max does not know of anything of record, or that there was any conservation plan at all before one was created for HILT.

What are the Barn major changes in new version? Max reported the lower floor changed from 2800 to 4800 square feet, and there is also an upper floor now whereas the original barn was one story. There is a landscape plan that has been submitted.

There is a farm plan for orchard crops and flowers but it is not functioning yet because the planning proposal has not been accepted. The barn is down lower on the hill below the elevation of the house. Thursday they are erecting the story poles for view planes and then will set a meeting with the Planning Department. The original plan from 2007 was for forestry but that was determined not to be of value by the Planning Commission or the community, so it was removed.

Has an environmental assessment been done on the barn? Max reported they will not be allowed to dump any waste into the river and the Department of Health will require a sanitation plan.

Will the drawings be available in PDF format? Max believes that is possible and is in Yosh's dropbox.

The process is the Planning Commission holds a hearing, where an intervention may be filed, which will subsequently accept public testimonies and then do a contested case hearing.

End of report.

Late question - were there any drainage plans? None have been seen by anyone in attendance so far.

**Seniors:** No report.

**PTSA:** Adam Hadley reported that there is a PTSA fundraiser with tickets ongoing that the kids are promoting, the winners will be drawn March 7 at the Frozen concert. There is a trip prize for anywhere you want to go up to \$5,000 which includes plane tickets, hotel and car rental. Tickets are still available for sale.

The Frozen concert will be held March 6<sup>th</sup> and 7<sup>th</sup>.

Career day is on March 6<sup>th</sup> in the morning 8:15 – 9:55 am, they have enough presenters.

PTSA is looking to schedule Fitness Funday the last day of school.

**Ag Center:** Yosh reported that we have submitted the Hogan Business Plan Competition grant. This would be to create a for-profit subsidiary to run the farm and fruit stand and related activities.

The funding for the Fruit Stand has evolved and Food Pantry is no longer interested. We will be seeking alternate funding options. We have a local food & beverage partner identified.

The restrooms are nearly completed, just some tile work and electrical and final touches. Then we will complete the landscape plan and look to do a Grand Opening in mid-May.

We are finalizing the pig pen construction and looking to bring 4 pregnant sows on site soon. We are using a deep-litter Korean style microorganism no-water effluent containment that is smell-free and fly-free. Question about concerns about airborne diseases and maintaining that? We are double-fencing the pigs to prevent wild-pig intrusion and all pigs are vaccinated and well taken care of. These pigs are specially-bred as efficient converters of feed over 40+ years and can be found nowhere else. The goal is to preserve the strain of pigs and eventually dispatch them to Kekaha Ag Association and Hawaiian homelands partners. Will there be a slaughterhouse? No not in the short or medium term at least. The goal is to be a small nursery and save the pig strain and maintain it here on Kauai where there are strict import rules. There could possibly be a slaughterhouse eventually if we have a post-harvest production facility in place and an

operating MEC waste-treatment system to deal with the offal in an environmentally-friendly way which would be years away.

The Ag interns are doing well, we have 8 of them currently.

We have a new Board member applying – Mike Mitchell. If approved, he will be a great asset for partnering in the Kahili area.

Unfortunately there was a dog loose on the HILT property that killed a Nene. Pictures were captured. A reminder all dogs must be leashed in the Kahili area.

Restrooms will be 4 stalls for men, 4 stalls for women. There will be an attendant and cost will be \$1 to use them to keep them clean and nice. They will be public restrooms.

**Anaina Hou:** Frank Rothchild reported the first SAFF film festival was just held with great success. The next SAFF will be held in September, details TBD.

Question on The Garden Island Porter letter, any comments? None.

Gary P noted the Lions will be hosting their Pancake Breakfast at Anaina Hou and doing a fundraiser for Anaina Hou. It is \$12 or \$8 for breakfast. Hula will be held.

Gary P is asking for any applications for scholarships. The Lions have \$40K and it is available for any furthering of full-time qualified education. Applicants must live on the north shore and the process is very streamlined. Adults may apply.

Yosh noted there is also a Rotary fundraiser on March 13<sup>th</sup> as a St. Patrick day celebration at the Porter Pavilion.

Question on Porter end of financial support? Frank reported the Porter financial support has already ended. They have a wonderful facility and the Board is now trying to find ways to support it. The SAFF was not designed to be a big money maker but every little event helps along with community donations and use.

**National Fish and Wildlife / Kilauea Point** – Thomas reported that Kilauea Point had a project manager detailee that did a great job and is leaving at the end of this week. The new deputy PM will start March 23<sup>rd</sup>.

March Madness – there is a thin sliver of time between nesting seasons of the various species that use the Refuge for the team to do extensive landscape maintenance.

Moli – there are 116 nests resulting in 54 chicks so far, slightly below last year's numbers but still strong numbers. They have seen some chicks that are suspected killed due to cat predation.

There are still some Nene families around on our roads – please drive carefully!

Friends of Refuges – there is a Dan Moriarty scholarship available with application deadline of April 30<sup>th</sup>, available on the website. There is a new fundraiser in partnership with Princeville Makai Golf Club, the sunset golf tour, more details to follow.

Question, there has been stories of Humane Society now requiring a big fee to drop off feral cats, has any increase in cat population as a result been seen? Thomas reported that there are cats that go down to Hanalei from Princeville and concerns on other refuges but no direct correlations drawn so far, but they do not support the fee policy.

Question, does feeding cats keep them in an area and make them less likely to predate? Thomas – no they still roam widely in most cases and continue to predate on our native endangered species and, as personal opinion, feral cats do not generally live a healthy life.

### **Announcements:**

There is a Democratic Precinct meeting tomorrow night in this room from 6:30 – 8:30.

A KNA planning committee meeting will likely be set after the Somers barn story poles are completed to review both the Somers Barn and Hay Subdivision projects. Questions on the Somers lot farm plan required that justifies the barn space (there is an enhanced emphasis on this in 2020), and whether adhering to the previous conservation plan in place.

The Vice President will oversee both the Hay Subdivision and Somers Barn project reviews and any Board actions as the President has potential conflicts of interest with both projects due to the Ag Park.

Discussion about the safety of Kahili Road and the Board potentially submitting a letter to the Planning Commission / County to address the situation and ensure Rock Quarry road continued access.

Discussion about the Hay subdivision and the ramifications of the information provided. Discussion on whether the former planning director's position is correct, or the Hay / County held position. Discussion on whether supporting the former county planning director's position would potentially delay and effectively derail or destroy the Hay subdivision plan and the planned access road. We need to get involved with the County more and try to get clarity on the longer term plan items being bantered around such as potential Fire Department building, other potential development, etc. The Hay subdivision was granted a 6 month extension, but there will be a final meeting at some point that we can be sure to have a position on.

All public planning documents are now e-filed, and KNA could ask for their own password to access key documents relevant to our area.

### **Old Business:**

None.

### **New Business:**

None.

### **Approval of Minutes:**

<p><b>Upon motion duly made by Ron Paul, seconded by Bill Chase and carried unanimously, it was resolved to approve the minutes of the February 2020 Kilauea Neighborhood Association meeting.</b></p>
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**Adjournment of Meeting:**

**Upon motion duly made by Charlie Martin, seconded by Bill Chase and carried unanimously, it was resolved to adjourn the February 4, 2020 Kilauea Neighborhood Association meeting at 9:28 pm.**