

## MINUTES

### **PLANNING COMMITTEE**

**October 1, 2008**

A meeting of the Planning Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember JoAnn A. Yukimura, Chair, at the Historic County Building, Room 201, Lihu'e, Kaua'i, on Wednesday, October 1, 2008, at 1:54 p.m., after which the following members answered the call of the roll:

Honorable JoAnn A. Yukimura  
Honorable Daryl W. Kaneshiro (present at 2:03 p.m.)  
Honorable Ronald Kouchi  
Honorable Shaylene Iseri-Carvalho  
Honorable Tim Bynum, Ex-Officio Member  
Honorable Jay Furfaro, Ex-Officio Member

EXCUSED: Honorable Mel Rapozo

There being no objections, the meeting was recessed at 1:55 p.m. The meeting reconvened at 4:27 p.m., and the Committee proceeded on its agenda items out of order as follows and as shown in the following Committee report which is incorporated herein by reference:

Minutes of the September 3, 2008 Planning Committee Meeting

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Kaneshiro, and unanimously carried, the Minutes of the September 3, 2008 Planning Committee Meeting was approved.

**CR-PL 2008-8:** on Bill No. 2280

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 22 OF THE KAUA'I COUNTY CODE 1987 BY AMENDING SECTION 22-5.4 TO ADD TO THE LIST OF EXCEPTIONAL TREES (Old Kōloa Town; TMK: 2-8-004:53)  
[Approved.]

PL 2008-5 Communication (8/26/2008) from Committee Chair JoAnn A. Yukimura, requesting agenda time to receive a briefing from the Planning Director on the "Burmeister Enforcement and Settlement Agreement."

[This item was deferred.]

JOANN A. YUKIMURA, PLANNING COMMITTEE CHAIR: At our last meeting Councilmember Rapozo, who had actually raised this issue, planned to meet and did meet with the Planning Director, but as he is not here, I will be recommending a deferral. However, I do want to suspend the rules and allow the public to testify if there's any testimony.

There being no objections, the rules were suspended.

Ms. Yukimura:

Ms. Diamond.

CAREN DIAMOND: Aloha. I'll be brief. You know, I think I most really just want to ask you to go do a site visit. I think that might be the most helpful thing for you to actually go out and see what's happened there. In addition, I had photographed on Sunday and sent some photographs by email which I think maybe that's what they're pulling up and I have a few photographs that were old. Sorry, Caren Diamond for the record. I'd like to pass these out, but the first photograph, you know, was taken in 1989 and as you can see there was kind of a big beach there and this was the ironwood trees.

Ms. Yukimura: I guess right now we're looking at the photos that Ms. Diamond is holding up. So, maybe we need the light. Thank you.

Ms. Diamond: There's just a few. And then here you can see this is 2004 when Mr. Burmeister bought the property. And you can still see the beach is really big and there aren't the whole mess of vegetation and stuff that covers our beach right now. So, I'll pass these around. So, these pictures that are up on the screen were taken on Sunday. And it was taken at a low tide, which is the only time that you actually can walk that stretch right now. That's the beach. It's pretty covered. So, if you look there, you can see there is no walkable beach and you can see where the wet line is, you know, above. This is, again, a low tide day. And that first ironwood tree that I showed you, you can see those ironwood trees back in the distance in this photograph. But this entire beach had gotten planted. I'm not sure how we skipped shoreline certifications on properties like this, but there's some obvious erosion. Again, I just want to stress that, you know, this parcel...the County when they...was redone with no permits. And the County...these are after-the-fact permits that the County processed, where they waived the shoreline certification. I won't repeat other stuff, but I would ask you to go out and do a site visit and follow up on how these kinds of things happen and what the remedies are.

Ms. Yukimura: Okay, is that it?

Ms. Diamond: That's it.

Ms. Yukimura: Are there any questions of Ms. Diamond? If not, thank you very much.

Ms. Diamond: Thank you.

Ms. Yukimura: The meeting is back to order.

There being no questions, the meeting was called back to order and proceeded as follows:

Ms. Yukimura: Is there any discussion before I entertain a motion to defer? If not?

Mr. Furfaro: I just...I do want to say that I did send correspondence to...did you get copied, to the Planning Commission. If not, I'll make sure...

Ms. Yukimura: Oh, okay.

Mr. Furfaro: I'll make sure that the Committee gets copied, if you haven't seen my correspondence yet, so.

Ms. Yukimura: Thank you.

Ms. Iseri-Carvalho: Okay and I guess I would say that at the next meeting if we could have the Planning Director here.

Ms. Yukimura: Yes, absolutely.

Ms. Iseri-Carvalho: Okay. Because I did discuss information...I mean, questions or concerns that we had with him as well as Les Milnes and we also had, as part of the conversation, our Sea Grant Jim O'Connell, and I think Caren brings an excellent point about doing a site visit and so, you know, we're hoping that we can get Jim O'Connell, Les Milnes, who does enforcement in the North Shore area, as well as myself and Councilmember Rapozo to actually go out and do a site visit because it's much different looking at it on paper and then seeing the photos because the distances are kind of tricky without actually being there. So, there's...it's a very complex case. What I understand from them that this is a unique situation that shouldn't be happening any more, but, you know, definitely one that should be looked at as a case that we should not be repeating.

Ms. Yukimura: Mm-hm. Okay, thank you very much. We will have the Planning Director here at our next Committee meeting. And if there's no further discussion, is there a motion to defer?

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Kaneshiro, and unanimously carried, PL 2008-5 was deferred.

There being no further business, the meeting was adjourned at 4:34 p.m.

Respectfully submitted,

*Wilma Akiona*

Wilma Akiona  
Secretary

APPROVED at the Committee Meeting held on October 29, 2008:

  
JOANN A. YUKIMURA  
Chair, Planning Committee

