



## PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

RECEIVED

GERALD AKO, CHAIR  
FRANCIS DEGRACIA, MEMBER

22 AUG 17 A6:31

OFFICE OF  
THE CLERK  
OF THE PLANNING COMMISSION

Pursuant to Hawai'i Revised Statutes Section 92-3.7, which codified Act 220, SLH 2021, the meetings of the County of Kaua'i Planning Commission will be conducted as follows:

- **The meeting location that will be open to the public with audiovisual connection is:**
  - Līhu'e Civic Center, Moikeha Building
  - Meeting Room 2A-2B
  - 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i
- In addition to attendance in-person, the public may also attend the meeting through Zoom using link provided on the agenda.
  - If the Zoom connection or audio/visual connection is lost at the public location identified in the Commission's public notice and cannot be restored within 30 minutes during the meetings, the Planning Commission will postpone all matters and reconvene at the next scheduled Planning Commission Meeting.
- Also, the meeting will be live streamed and available as an archived meeting after completion at [www.kauai.gov/Webcast-Meetings](http://www.kauai.gov/Webcast-Meetings). Please note that the livestream broadcast does not allow interaction between the viewer and Planning Commission. Also, video production services or enhancements of the recorded video will not be available.
- **Written testimony** indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to [planningdepartment@kauai.gov](mailto:planningdepartment@kauai.gov) or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be distributed to all Planning Commissioners prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
- **Oral testimony** will be taken on specific agenda items, **in-person at the public meeting location or via Zoom link as an additional accommodation.**
  - All testifier audio and video will be disabled until it is your turn to testify.
  - Per the Planning Commission's and Chairs practice, there is three-minute time limit per testifier, per agenda item.
  - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.
- **IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR [ASEGRETI@KAUAI.GOV](mailto:ASEGRETI@KAUAI.GOV) AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.**

**SUBDIVISION COMMITTEE MEETING NOTICE AND AGENDA**

**Tuesday, August 23, 2022  
8:30 a.m. or shortly thereafter  
Līhu'e Civic Center, Moikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i**

**To Join by ZOOM Link: <https://us06web.zoom.us/j/85245816045>**

**Webcast Link: <https://www.kauai.gov/Webcast-Meetings>**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. MINUTES of the meeting(s) of the Subdivision Committee**

1. January 11, 2022
2. February 08, 2022
3. March 22, 2022
4. May 10, 2022
5. May 24, 2022
6. June 14, 2022

**E. RECEIPT OF ITEMS FOR THE RECORD**

**F. UNFINISHED BUSINESS**

1. None for this meeting

**G. NEW BUSINESS (For Action)**

1. Final Subdivision Map Approval
  - a. Subdivision Application No. S-2022-11  
**(Kauai Habitat for Humanity, Inc.)**  
Proposed 6-lot Consolidation  
TMK: (4) 4-3-009: 051 & 071  
Waipouli, Kawaihau, Kaua'i
- 1) Subdivision Report pertaining to this matter.

**H. EXECUTIVE SESSION**

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

1. Subdivision Application No. S-2022-11  
**(Kaua'i Habitat for Humanity, Inc.)**  
Proposed 6-lot Consolidation  
TMK: (4) 4-3-009: 051 & 071  
Waipouli, Kawaihau, Kaua'i

**I. ADJOURNMENT**

KAUA‘I PLANNING COMMISSION  
SUBDIVISION SESSION  
**Tuesday, January 11, 2022**

**Draft**

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua‘i was called to order at 8:30 a.m., Microsoft Teleconference. The following Commissioners were present:

Mr. Gerald Ako  
Mr. Francis DeGracia  
Mr. Chiba

The following staff members were present: Planning Department Director Kaaina Hull-Planning Deputy Director Jodi Higuchi Sayegusa, Dale Cua, Kenneth Estes, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai; Office of Boards and Commissions – Support Clerk Arleen Kuwamura

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Subdivision Committee Chair DeGracia: Called the meeting to order at 8:30 a.m.

**ROLL CALL**

Planning Director Kaaina Hull: Chair it is 8:30 a.m. so whenever you’re ready to commence the meeting we are ready for you.

Chair DeGracia: Thank you. I’d like to call to order the Subdivision Committee Meeting for Tuesday, January 11, 2022, roll call, please.

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

Mr. Ako: Here and by myself.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Here and by myself.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Here and by myself.

Mr. Hull: You have full quorum 3:0, Mr. Chair.

**D.1.**

**Aug. 23, 2022**

## **APPROVAL OF AGENDA**

Mr. Hull: Next agenda item is the approval of the agenda. The Department has no recommended changes for the agenda.

Chair DeGracia: Thank you. Can we get an approval to approve the agenda?

Mr. Chiba: I move to approve the agenda as presented.

Mr. Ako: Second.

Chair DeGracia: All in Favor? Aye (Unanimous voice vote). Motion carried 3:0.

## **MINUTES of the meetings(s) of the Subdivision Committee**

Mr. Hull: Next, we have the minutes for the August 10, 2021, and minutes for September 14, 2021, meeting.

Mr. Chiba: I moved to approve the minutes of the Sub-Division Committee minutes dated August 10, 2021, and September 14, 2021.

Mr. Ako: Mr. Chair, if I wanted to make corrections to the minutes do I do it now or do I second it first.

Chair DeGracia: Now.

Mr. Ako: I saw two non-substantive changes regarding the members that were at the meeting. I think there is a misspelling of our County Attorney's name, Ms. Barzilai. I think that's it, for both minutes.

Ms. Barzilai: Thank you, Commissioner.

Chair DeGracia: Commissioner Ako, for which minutes both?

Mr. Ako: For both minutes.

Chair DeGracia: Motion on the floor is to approve both minutes with the suggested amendments. Second. All in Favor? Aye (Unanimous voice vote). Hearing none, Motion carried 3:0.

## **HEARINGS AND PUBLIC COMMENT**

Mr. Hull: Next, we have Hearings and Public Comment, I believe everyone we have on-line are all either applicants or representatives of applicants. If any individual that is logged on to this meeting right now and would like to testify as a member of the public, not as an applicant but a

member of the public or any of the Subdivision Committee agenda items. Please indicate so by raising your digital hand. Seeing none, we can move on.

### **GENERAL BUSINESS MATTERS (None)**

Mr. Hull: There are no General Business Matters Items.

### **UNFINISHED BUSINESS (For Action) (None)**

Mr. Hull: There are no Unfinished Business Matters Items.

### **NEW BUSINESS (For Action)**

#### **Tentative Subdivision Map Approval**

Subdivision Application No. S-2022-6 (*Kukui'ula Development Co., LLC.*) Kukui'ula Parcel HH Subdivision Proposed 51-lot Subdivision TMK: (4) 2-6-019:026, 029 & 031 Koloa, Kaua'i.

Mr. Hull: Item I. 1. Tentative Subdivision Map Approval for Subdivision Application No. S-2022-6 (Kukui'ula Development Co., LLC.) Kukui'ula Parcel HH Subdivision Proposed 51-lot Subdivision. TMK: (4) 2-6-019:026, 029 & 031 located in Koloa, Kaua'i. I'll turn it over to Dale for the Subdivision Report.

Staff Planner Dale Cua: Thank you, Director. Good morning, Chair, and members of the Subdivision Committee. I am sitting in for Kenny today. At this time, I would like to present Subdivision Application No. S-2022-6 to you. I will be moving to the evaluation of the report, which begins on page 2 which explains the project. The proposed development establishes 47 lots within the residential district, one roadway lot, and a remnant parcel. It is noted that the proposed residential lots are outside of the Special Management Area. Proposed lots 50 and 51 have portions within the SMA and any development within the SMA would require an SMA permit. It should be noted that the public path and trails exhibit dated October 20, 2020, shows a proposed subdivision it is part of the trail system within the planned Kukui'ula Community. Applicant will need to work with the Planning Department to address a provision of public access. Before moving on to the Report, I also would like to mention there is a supplement No.1 to the Subdivision Report, which also introduces a new condition for the subdivision. The subdivision map has been routed to the various reviewing agencies for their review and comment, and their requirements have been incorporated into the subdivision report. In that supplement that has been transmitted to you, there is one Condition, it would be Condition 1.p. Condition 1.p., reads: The applicant is made aware that there are unpermitted improvements involving the (inaudible) to the unproposed lot 49. In addition, the Department has reviewed proposed improvements to the facility that includes an applicable part and expansion to the existing pool. Prior to final subdivision map approval applicant shall amend the Class VI zoning permit to accommodate these improvements as well as any future growth to the facility. Additionally, the tennis courts should be shown on the final subdivision map.

Mr. Cua read the Subdivision Report for the record (on file with the Planning Department).

Mr. Cua: That concludes the Department's presentation of the Subdivision Report to you.

Chair DeGracia: Thank you, Dale. Do we have any questions for the Planning Department?

Mr. Ako: I have none, Mr. Chair.

Chair DeGracia: Hearing none. Could we please hear from the applicant or the applicant's representative?

Ms. Laurel Loo: Good morning, Mr. Chair and Commissioners, this is Laurel Loo Attorney for the applicant for Lot 29, which is MP Kaua'i. Also, I believe appearing are representatives for the other owners. We're here on behalf of MP Kauai to state that we have no objection to the proposed Conditions. Although Dale, I do not have the supplementary paragraph, but is that the one that we submitted yesterday?

Mr. Cua: Yes, I will forward it and make sure you get a copy of it.

Ms. Loo: Yes, if it is our proposal, we have no objection to it and I'm going to leave. Maren or Dennis Esaki is also on and they can answer any technical questions that you may have. But, just wanted to thank Dale and Kenny for working with us and against it we had no objections to the proposed Conditions.

Chair DeGracia: Commissioners, do you have any questions? Or would you like to hear from Esaki Surveying at this time.

Mr. Chiba: None for me.

Mr. Ako: None for me also, Mr. Chair.

Mr. Dennis Esaki: Mr. Chairman? Dennis, Esaki Surveying. We have reviewed the comments and together with the applicant, we agree with it. We would like to point out some things there are some Conditions that may have some figures on it and at the end it says to be worked out or to be resolved with the agencies. So, I just wanted to confirm that we are not stuck with the numbers shown there, if in fact, they have already been fulfilled. Just says it needs to be resolved with the agencies. Also, on page 3 where it says no direct access. I believe it should be no vehicular access on certain places, as opposed to no direct access. Thank you.

Chair DeGracia: Thank you, Dennis. I have a quick question on that access, will there be any other sort of public access aside from vehicular access? Which is why we are requesting for the change of language.

Mr. Esaki: I think it might be pedestrian, you cannot say no access whatsoever, right?

Chair DeGracia: Thank you, I guess I'm assuming that is probably going to tie into all the public path and trails.

Mr. Esaki: I believe it's tied into the system.

Ms. Loo: Yes, it is.

Chair DeGracia: Thank you, Commissioners we have any further questions?

Mr. Chiba: None for me.

Chair DeGracia: Hearing none, may I please have a motion, if there are no further questions.

Mr. Ako: I so move for the Tentative Approval of Subdivision Application No. S-2022-6, it involves the 51-lot Subdivision, and the applicant is Kukui'ula Development Co., LLC.

Mr. Chiba: Second the motion.

County Attorney Laura Barzilai: Excuse me, Chair. Laura, County Attorney's office. Did we also want to add with the addition and Condition of 1.p.?

Chair DeGracia: That is correct, along with all the following recommendations from the Planning Department. Do we change the verbiage in that one Condition to cross out vehicular access? That is my question. Do we change it now or request a change in the motion?

Mr. Cua: If the Commission would like to, I can incorporate that additional word "vehicular access" to just be more specific with regards to the direct access to a specific roadway. So essentially it would just be incorporation of the word "vehicular access".

Chair DeGracia: Thank you, so my understanding is correct. The motion on the floor is to approve the Tentative Approval of Subdivision Application No. S-2022-6 with the Condition of 1.p along with all the other following Conditions. Could we have a roll call vote, please?

Mr. Hull: Roll call vote, Mr. Chair. Motion to approve as recommended.

Mr. Hull: Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion carried 3:0.

Subdivision Application No. S-2022-7 (*Tink Tank, LLC*) Proposed 2-lot Boundary Adjustment TMK: (4) 2-1-003:016, & Ele'ele, Koloa, Kaua'i.

Mr. Hull: Next on the agenda Item I. b. Tentative Subdivision Map Approval for Subdivision Application No. S-2022-7 (*Tink Tank, LLC*) Proposed 2-lot Boundary Adjustment. TMK: (4) 2-1-003:016 & 031 located in Ele'ele, Koloa, Kaua'i. I'll turn it over to Dale for the report on this matter.

Staff Planner Dale Cua: Thank you. What is before you are a consideration of Subdivision Application No. S-2022-7 that involves a 2-lot boundary adjustment between two existing parcels. Applicant again, has noted as Think Tank LLC, Tax map key for the parcels involved is TMK: (4) 2-1-003:016 & 031, these parcels are within the Port Allen Industrial Subdivision. As noted, the proposal redefines the boundaries between 2 existing lots and the intent of the proposal is to accommodate the construction of a warehouse facility on these parcels. Essentially is to accommodate the parking area. Also involved it should be noted is the proposal of constructing the warehouse facilities was previously processed through SMA Use Permit 2021-04, and it was approved by the Planning Commission on December 8, 2020. As a result, the proposal will be subject to the applicable requirements of the SMA permit. The preliminary subdivision map has been routed to the various reviewing agencies for their review and comment. The requirements have been incorporated into the subdivision report.

Mr. Cua read the Subdivision Report for the record (on file with the Planning Department).

Mr. Cua: As a result, the Department is recommending tentative approval of this subdivision application.

Chair DeGracia: Thank you, Dale. Commissioners, do we have any questions for the Planning Department.

Mr. Ako: None for me.

Chair DeGracia: I have no questions; can we please hear from the applicant or the applicant's representative?

Applicant's Representative: This is Lucas Breckenridge, the applicant's representative. We have no comments on the Subdivision report. If there are any questions, we be happy to answer them.

Chair DeGracia: Thank you. Commissioners do we have any questions?

Mr. Chiba: None for me.

Mr. Ako: Mr. Chair, I have a question; the application talks about the renovation of the abandoned storage tank on the project sites. Abandoned meaning, there is nothing in there?

Mr. Cua: Yes. That the tank is no longer in use; they are going to renovate the water tank to be used for storage purposes.

Mr. Ako: Do we need another special permit from another agency?

Mr. Cua: As I mentioned before this proposal was previously considered on the Special Management Area Use Permit.

Mr. Ako: Got it. Thanks, Dale.

Chair DeGracia: Thank you, Commissioner Ako. I have no questions. May we please have a motion.

Mr. Chiba: I move to approve the Tentative Subdivision Map Approval for Subdivision Application No. S-2022-7 Tink Tank, LLC.

Mr. Ako: I'll second that.

Chair DeGracia: Thank you. The motion on the floor is to approve Tentative Subdivision Application No. S-2022-7 for Tink Tank, LLC. Could we please have a roll call vote?

Mr. Hull: Roll call, Mr. Chair, for motion to approve as recommended. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, 3:0, Mr. Chair.

## **ADJOURNMENT**

Mr. Hull: With that we have no further agenda items for the Subdivision Committee. At your discretion it is ready for adjournment Mr. Chair.

Mr. DeGracia: Thank you. Can we get a motion to adjourn?

Mr. Ako: Motion to adjourn the meeting.

Mr. Chiba: Second.

Chair DeGracia: Second. All in Favor? Aye (Unanimous voice vote). Motion carried 3:0.

Chair DeGracia: adjourned the meeting at 8:47 a.m.

Respectfully submitted by:

Arleen L. Kuwamura  
Arleen Kuwamura,  
Commission Support Clerk

( ) Approved as circulated (add date of meeting approval)

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.

KAUA'I PLANNING COMMISSION  
SUBDIVISION SESSION  
**February 08, 2022**

**DRAFT**

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua'i was called to order at 8:31 a.m., Microsoft Teleconference. The following Commissioners were present:

Mr. Francis DeGracia  
Mr. Gerald Ako  
Mr. Melvin Chiba *Re-entered meeting at 9:00 am.*

The following staff members were present: Planning Department Director Kaaina Hull-Planning Deputy Director Jodi Higuchi Sayegusa, Dale Cua, Kenneth Estes, and Planning Commission Support Clerk Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai; Office of Boards and Commissions – Support Clerk Arleen Kuwamura

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Subdivision Committee Chair Ako: Called the meeting to order at 8:31 a.m.

**ROLL CALL**

Planning Director Kaaina Hull: Good morning, Chair Ako, members of the subcommittee it's 8:31, I think we have everybody present. Whenever you want to commence the meeting, Chair.

Chair Ako: Thank you everybody and thank you for being with us this morning, and with that I'd like to call to order.

Mr. Hull: Thank you Mr. Chair. First order of business is roll call. Commissioner Chiba.

Mr. Chiba: Here.

Mr. Hull: Could you also state if anybody is present in your area.

Mr. Chiba: Oh Yes. Here and alone. Thank you.

Mr. Hull: Thank you. Next on the roll call is Mr. DeGracia

Mr. DeGracia: Here and by myself.

Mr. Hull: And Chair Ako.

Chair Ako: Here and by myself.

**D.2.**  
**Aug. 23, 202**

Mr. Hull: You have a quorum Mr. Chair. Three Present.

### **APPROVAL OF AGENDA**

Mr. Hull: Next would be the approval the agenda.

Deputy Director Jodi Higuchi Sayegusa: So sorry to interject. We are getting a text from IT that they are having a little bit of problems with Granicus.

Mr. Hull: Do you mind if we take a 10-minute recess, Chair?

Ms. Higuchi Sayegusa: So sorry about that.

Chair Ako: Sure. 10-minutes?

Mr. Hull: 10-minutes yes.

Chair Ako: Okay. 8:40 a.m.

The Commission recessed this portion of the meeting at 8:32 a.m.

The Commission reconvened this portion of the meeting at 8:53 a.m.

Chair Ako: Call the meeting back to order at 8:53 a.m.

And with that could we have another roll call, Director.

Mr. Hull: Roll call. Commissioner DeGracia.

Mr. DeGracia: Here and by myself.

Mr. Hull: Commissioner Chiba is attempting to get into the meeting, Chair Ako.

Chair Ako: Here and by myself.

Mr. Hull: You have a quorum Mr. Chair. Two Present.

Moving on to the Approval of the Agenda. There are no amendments proposed to the agenda.

Mr. DeGracia: I motion to approve the agenda as is.

Chair Ako: I'll second it. With that are there any questions? Motion is to approve the agenda of the February 8, Meeting. All those in favor say, aye? Aye. (Unanimous voice vote). All those opposed. Hearing None. Agenda is approved. Motion carried 2:0.

## **MINUTES of the meetings(s) of the Subdivision Committee**

Chair Ako: Are there any Minutes, Mr. Director?

Mr. Hull: There are no minutes for this Agenda Mr. Chair.

## **RECEIPT OF ITEMS FOR THE RECORD**

Mr. Hull: Receipt of Items for the Record, the committee did receive a supplemental transmitting four items and written testimony.

## **HEARINGS AND PUBLIC COMMENT**

Mr. Hull: And now we move into Hearings and Public Comment. Jodi, if you could let any of the participants in from the public that may want to testify.

Ms. Higuchi Sayegusa: Yes, at this time, this is the time testify on any item on this Subdivision committee agenda meeting. We do have one attendee. I'm going to recognize Ms. Roslyn Cummings. I am going to right now, allow you to enable your video and your audio.

Chair Ako: Jodi?

Ms. Higuchi Sayegusa: Yes.

Chair Ako: Are you the timekeeper on this?

Ms. Higuchi Sayegusa: Yes, yes.

Chair Ako: Is it possible to notify the speakers that every 2 minutes 45 seconds, that they have (inaudible) end their testimony.

Ms. Higuchi Sayegusa: Okay, sure. Can do.

Chair Ako: Thank you.

Ms. Higuchi Sayegusa: Ms. Cummings I am trying to allow and enable your audio and video at the moment it's a little sticky and not allowing me to do so. If that fails perhaps you can refer to the email link for the meeting and then attempt to call in if that is okay with you. A lot of technical difficulties this morning when it rains it pours. Think she is probably attempting to rejoin. Do you want to take a little break? Otherwise, we can just move on and when she returns, we can recognize her at that time.

Mr. Hull: Why don't we give it a couple of more minutes, Chair, just in the abundance of caution for this testimony as Ms. Cummings is trying to call back in.

Chair Ako: Director Hull, I'm not sure what is going on but I'm also getting this "unstable internet connection" message popping up on my end here also. I don't know if it is a wider problem or not.

Mr. Hull: That would be just your home connection, Chair.

*Commissioner Melvin Chiba re-entered the meeting at 9:00a.m.*

Mr. Chiba: Okay, I am on again, can you see me?

Mr. Hull: Yes, Mr. Chiba we are just waiting a minute or two more to see if a member of the public that wanted to testify is able to log in.

Mr. Chiba: Okay, sorry about that.

Chair Ako: You did not miss anything Mr. Chiba.

Mr. Hull: Jodi, I think Ms. Cummings was able to log back in to attend this meeting.

Ms. Higuchi Sayegusa: Yes, I am trying to (inaudible). Okay, there we go.

Ms. Roslyn Cummings: Aloha, can you hear me?

Ms. Higuchi Sayegusa: Okay, there you go. Yes, we can hear you if you prefer you can enable your video, we will be able to see you as well.

Mr. Hull: I believe we lost Ms. Cummings, again. No, she is still on.

Ms. Cummings: I'm still on.

Mr. Hull: Okay, so this is a time for public testimony for the Subdivision Committee so if you want to testify on any agenda item on the subdivision committee now will be the time. You have three minutes for each testimony.

Ms. Cummings: Okay, I will try my best because I'm kind of losing my voice. Aloha kakou mahalo nui for your time. I am Roslyn Nicole Manawaiakea Cummings. I am a cultural religious practitioner and I handle iwi kupuna and ike kupuna. So, I just want to share a little bit about the culture significance about Kukui`ula, and how this development will affect future generations and our ancestors. So, Kukui`ula underground has a large cavern system, one of the burials there is Chiefess Kamakahelei, another is George Humehume. Back in 2015, I received an email, last year, but back in 2015, there was a construction site there at Kukui`ula where the machine broke one of the caverns and I had two construction workers come out and admitted that what happened was they looked in and there was Wa'a canoe in there, there was a burial within that Wa'a. Well, that burial was of George Humehume and at the time in 2015, this was kind of a back window kind of thing the public wasn't aware, but I found the email in Office of Hawaiian Affairs (OHA) archives. Another one is Akahi Kawalu, so when you guys put in on the permitting for this, I just want to make it a public notice that there is a ton of burial systems

underground. There is also a large reinternment set aside by State Historic Preservation Division (SHPD), and I believe Alan Downer wrote something about stipulations within this development plan. But right now, we are working against what is the Environmental Impact Statement (EIS) proposals because like this one here started in the 1970's I believe I read through it, and there was an agreement between the developer Kukui`ula and Stella Burgess, who at the time was the culture monitor who helped and told them. So, developments are coming up over huge navigational Heiau area by Kanaloa, and what happens is that going affect not just the spiritual side and our iwi kupuna but going affect the water which is already happening down by the harbor side. And me, personally, I can't even go in there because I get threatened to be arrested when I just go in there to pray. So, you know, I want you guys to all think about what the long-term effects of what these developments are doing to our cultural and spiritual practices. And just so everyone knows that I am coming out publicly about these burials is for good reasons because we cannot, come on, Chiefess Kamakahelei, is the mother of Kaumualii our last ruling king, and she was very well known. No one messed with her in her days because she could set things on fire. So, I am hoping that whoever needs to hear this, hears this very well, that we are here to preserve and protect what we can for future generations. So, mahalo, for your time.

Mr. Hull: Thank you for your testimony, Ms. Cummings. With that, Jodi, is there anybody else left for public testimony?

Ms. Higuchi Sayegusa: There is no one else on the attendee's list. Is there another person that is participating in the meeting that wants to testify on any other agenda item? (Inaudible) you can pause now or raise your hand, thank you. Doesn't appear that there is any other participant right now that has a testimony.

### **GENERAL BUSINESS MATTERS (None)**

Mr. Hull: We don't have any General Business Matters.

### **UNFINISHED BUSINESS**

Mr. Hull: We don't have any Unfinished Business Matters.

### **NEW BUSINESS (For Action)**

#### **Tentative Subdivision Map Approval.**

Subdivision Application No. S-2022-6 (Kukui`ula Development Company, LLC.)

Kukui`ula Parcel HH Subdivision Proposed 51-lot Subdivision

TMK: (4) 2-6-019: 026, 029 & 031 Koloa, Koloa, Kauai

Mr. Hull: With no further testimonies we move on to Agenda Item I.1, New Business. Tentative Subdivision Map Approval Subdivision Application No. S-2022-6, Kukui`ula Development Company, LLC, Kukui`ula Parcel HH Proposed 51-lot Subdivision *TMK: (4) 2-6-019: Parcel 026, 029 & 031 Koloa, Kauai*. I'll turn it over to Kenny Subdivision Report pertaining to this matter.

Staff Planner Kenny Estes: Good morning, Commissioners, I'll read the report for the record.

Mr. Estes read the Subdivision Report for the record (on file with the Planning Department).

Mr. Estes: We have received agencies comments from the County Department of Public Works, County Department of Water, the State Department of Health, and the State Historic Preservation Department. The Planning Department is recommending Tentative Subdivision Approval of this revised Subdivision Report.

Chair Ako: Thank you, Kenny. Commissioners, do you have any questions for the staff?

Mr. DeGracia: No questions for me, Chair.

Chair Ako: I have one, Kenny. You know, the concerns that have been coming up about the burial sites and the cultural religious practices there. Are those issues that should be coming out of the Ka Pa `akai o Ka aina Analysis?

Mr. Estes: (Inaudible).

Mr. Hull: Sorry Kenny.

Mr. Estes: No, go ahead.

Chair. Ako: It is a road Is it like a parking lot or just a road?

Mr. Hull: I can jump into that, Chair. No, it's a good question, even for members of the public to understand. Tentative Subdivision Map Approval, gets, you know, the Departments' recommendation of subdivision map approval if it meets all these subdivision lot standards like lot width, lot depth, and density amount. So, they just meet the code pursuant to their proposed subdivision map, but they haven't met all the agency's requirements just infrastructure, bonding, and so on and so forth. This is where the Planning Department is now making it standard that in addition to all of the infrastructure and other agency requirements, that prior to coming back for a final subdivision review, that a thorough and complete Ka Pa `akai Analysis be done where specifically they look at the historical practices of the area, but proactively outreach to members of the community that are practitioners for practices that may have occurred there in the pass. So, if the committee grants subdivision map approval now, it would be on the applicant to proactively do outreach and conduct a Ka Pa `akai Analysis.

Chair. Ako: As we go through this process, as we are in the process today. Today, we are acting upon the entire application or are we only dealing with the new P-1 issue of the Ka Pa `akai Analysis?

Mr. Hull: This is just for the tentative 51-lot subdivision.

Chair. Ako: Okay, any other questions?

Mr. Hull: I would add to, Chair. Kind of speaking to that you know, having a robust and proactive outreach for the Ka Pa `akai Analysis to be done for the applicant as and for the public too. It's not just to look at what studies were done say by previous consultants but again, to proactively outreach to culture practitioners. The fact that we have Ms. Cummings testifying today, that this subcommittee had four (4) pieces of written testimony pertaining to this application that all surrounded around cultural practices and resources in the area, in the Ka Pa `akai Analysis the applicant needs to conduct, it would behoove them to outreach not just to, to practitioners including and particularly to those who have provided testimony today.

Chair. Ako: Any questions? If not, do we have a representative from Kukui`ula Development Company, LLC?

Mr. Dave Hutchinson: Yes, Dave Hutchinson speaking, I'm the Vice President of Land Development at Kukui`ula. We are of the new stipulations, and we are fully committed to working with the community and consultants and reach out and find out more anything that we can about historical presence on our land and anything we can do to bring it to light, any cultural activities that are important in the area. So, we are currently working with Cultural Surveys are one of our consultants in this regard, and we are working with one of our cultural representative La'a Almeida, that helps us with these matters. And we will be working with the Planning Department staff prior to final map and making sure that all these things are brought to light.

Chair. Ako: Thank you, Mr. Hutchinson. Commissioners, any questions for Mr. Hutchinson?

Mr. DeGracia: No questions for me, Chair.

Chair. Ako: None, okay.

Mr. Chiba: None.

Chair. Ako: If not, are we ready for a motion? At this time, I would be glad to entertain a motion for S-2022-6 for Tentative Approval to recognize the revised Conditions.

Mr. DeGracia: Motion for a revised Tentative Approval for No. S-2022-6 to recognize these revised Conditions, Agency's Conditions.

Mr. Chiba: I'll second.

Chair Ako: Okay, we have a motion on the floor is there any other questions or concerns that we want to address at this time? If not, Director could we have a roll call?

Ms. Higuchi Sayegusa: Sorry, Director, you are on mute.

Mr. Hull: Apologies. Roll call, and motion to update and recognize amended Condition for Subdivision Application No. S-2022-6. Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Chair DeGracia?

Mr. DeGracia: Aye.

Chair Ako: Aye.

Mr. Hull: Motion passes 3:0. Mr. Chair.

Final Subdivision Map Approval.

Subdivision Application No. S-2021-1 (Kukui`ula Development Company, LLC.)  
Kukui`ula Parcel I Subdivision Proposed 40-lot Subdivision TMK: (4) 2-6-015:001  
Koloa, Kauai

Mr. Hull: Moving on to Agenda Item I.2, Final Subdivision Map Approval Application No. S-2021-1, Kukui`ula Development, LLC, Kukui`ula Parcel I, Subdivision Proposed 40-lot Subdivision TMK: (4) 2-6-015: and parcels 001, located in Koloa, Kauai. There is a Subdivision Report pertaining to this matter and a Supplement to the Subdivision Report. I'll turn it back over to Kenny again, for that Report.

Staff Planner Kenneth Estes: I'll summarize the report for the record.

Mr. Estes read the Subdivision Report for the record (on file with the Planning Department).

Mr. Estes: Chair, we have received all agencies comments with no rejections to recommending Final Subdivision approval. The Department would like to recommend Final Subdivision Approval with the following Condition as stated in Supplement No. 1. To the Subdivision Report that states, I will read for the record. Applicant shall ensure that easement (inaudible), easement a-1, easement a-2, and easement a-3, the easements are perpetual nonexclusive easements that run with the land for the benefit of respective owners of lots 24 – 36, and their tenants, licensees, invitees, permittees, successors, and (inaudible) and pedestrian access, and any other easement purpose. Easements shall be properly recorded with the Bureau of Conveyances prior to the conveyance in any interest in any lot or parcel. The easements shall not be terminated or extinguished by any means of pedestrian or vehicular access as well as any other easement purposes provided in the easements are permanently and perpetually provide.

Chair Ako: Thank you, Kenny. Do you have any questions for Kenny? I have one again. Is this project here subjected to the Ka Pa `akai o Ka `aina Analysis? Was that done already? What is the status on that?

Mr. Hull: As part of the project, they did hold a cultural impact assessment for the overall project. As far as given he same scrutiny of how much public outreach that they did in tandem with it, I'd have to defer that question to the applicant.

Mr. Dave Hutchinson: Good morning. Dave Hutchinson again, for Kukui`ula. We had gone through what we normally go through with all our subdivisions with regards to SHPD requirements. The new analysis as far as reaching out to the community members, we haven't done that to date on this particular piece, but we did consult with our internal cultural consultant or employee, and she has looked into several things that we brought to light particularly with kind of the mauka to makai relationships on this particular piece. And you know, most of what we have found heavy agricultural background information you know, we found a lot of information there, but nothing beyond this piece right now. But I can consult back with her if needed to provide you guys with any information you guys might like.

Chair Ako: Thank you, Mr. Hutchinson. Questions, any other questions? If not, okay, I think at this time, I'd be willing to entertain a motion consideration for a Tentative Approval for Subdivision application for No. S-2021-1 subdivided a parcel into a total of 40 lots.

Deputy County Attorney Laura Barzilai: Excuse me Mr. Chair. Good morning, its Laura Barzilai, Deputy County Attorney. I think for this application Chair, we are considering Final Approval. So, the motion should be framed in that way.

Chair Ako: I'm sorry, okay.

Ms. Barzilai: Thank you.

Chair Ako: Could we have a motion for Final Approval of Subdivision Application No. S-2021-1.

Mr. DeGracia: Chair, I have a comment.

Chair Ako: Go.

Mr. DeGracia: In light of the new Condition for the previous Conditions for the same applicant, at this time, I am a little hesitant in moving forward, I guess maybe we should have some open discussion on whether or not a Ka Pa `akai o Ka `aina Analysis should be in placed as another Condition before final approval. I am not sure if we should defer or what, but I am open to discussion.

Mr. Chiba: Thank you, Francis, I agree with what you are saying.

Chair Ako: Do we have any thoughts from staff?

Mr. Hull: I know that it is a bit of a last-minute thing for the applicant being that they have been in tentative for a couple of years now, and it is somewhat at the last hour. But I do understand where Commissioner DeGracia is coming from in stating there is a hesitancy to act because ultimately, the responsibility is the commissions to find whether or not independently based on material presented if an application or any subdivision or any discretionary permit meets the Supreme Court's standard for Ka Pa `akai Analysis. And if any commissioners are feeling

hesitant about what was previously provided to the Cultural Impact Assessment, it is completely with in your discretion to ask for further update.

Chair Ako: If there is a Ka Pa `akai Analysis on this, what does it mean as far as timelines? Is this a Mr. Hutchinson question?

Mr. Hull: Go ahead, Dave.

Mr. Hutchinson: No. I, that's a great question. As a Kaaina, Director Hull has mentioned I mean we've been in process now for well over a year, year, and a half. We are more than willing to revisit anything but is there any possible way of taking action on final map and possibly tying the conveyance of land you know, provide this information in the interim. You know, we might hope that that would be considered. I don't know exactly know that we have been through this process and so I am not exactly clear on what it entails. I know the spirit of what we are trying to accomplish, but I don't know at what level the commissioners would consider being thorough enough to allow the maps to go ahead and be approved.

Mr. Hull: I would say from a timeline standpoint, Chair, you know, at an average I would say possibly two to three months to get an analysis done, because an analysis can be done off anything via consultants, but it is the outreach that can take a bit more of time. I can say you folks had an application before you a few months ago, which a Ka Pa `Akai Analysis was warranted right at the end. There were timeline issues that the applicant wanted to meet so they were able to a thorough and complete on within a month. I am not saying that's the standard, but we have seen one done as quickly as within one month. That's all I have.

Mr. Hutchinson: I understand. I would just ask the commissioners to consider the point that this analysis wasn't one of their Conditions for final approval for this particular map. While it was and has been levied for the parcel HH map as we just discussed, and we are absolutely going to get into the analysis and parallel that work with what we do for the State Historic Preservation Department (SHPD) group. So, I have talked to Hal Hammett, of Cultural Surveys and he will help us along with our local employees that are familiar enough and we will work with those together for analysis for parcel HH. But, like I said, it wasn't a Condition for this map that we have. Honestly, a two-to-three-month lag in approvals would be very difficult to deal with at this time.

Mr. Chris Rivera: Director Hall, this is Chris Rivera, of Kukui`ula Development as well. I would also like to point out that this parcel is roughly sixty percent complete in terms of construction. I got to ask with that analysis I got to assume typically that analysis that's analysis completed prior to construction start. I know most of the analyses doesn't necessarily pertain to site investigations of the land itself, but I just wanted the commissioners and themselves to take that into consideration.

Mr. Hull: Thank you, Chris.

Chair Ako: Okay, I guess with that I will ask a tough question, do we have a recommendation?

Mr. Hull: You're asking the Department or the other commissioners?

Chair Ako: I guess right now, I guess the Department.

Mr. Hull: You know, it is a, I need to go back to it, it's a fair point what both Chris and Dave are bringing up. It was not a requirement of tentative subdivisions approval as you saw us do with the previous application. And so, there is some concern about imposing lengthy conditions right at final when they were never put on notice. On the flip side of that, it is a constitutional obligation. You have a development right down the street that failed to make a Ka Pa `akai Analysis fifteen years ago, and it has still not gotten completed after several years in the courts. So, there is kind of a balancing option here, ultimately, it's the commissions discretion on looking at the applicant. Quite honestly, not necessarily on the Department's side of being put on notice as a necessity for a Ka Pa `akai but whether a constitutional requirement. So, it's a delicate balance, Chair, which I don't know if you may want to go into Executive Session with your Attorney. I think those are the two halves that are lining up that the commission could take action today and risk a Ka Pa `aki failure of analysis or the commission could defer it and you know, risk actions on behalf of the applicant being that weren't notices back in when they were in tentative. This is a bit of a sticky pickle. Like I said, if you like you do have Ms. Barzilai here if you guys need an executive session.

Mr. Hutchinson: Just to add to that, this is Dave Hutchinson, again, I understand the commissioners need to make decisions that give security and integrity all these different rules and laws in this case better in place. And would just say as a representative of Kukui`ula we would be absolutely committed at this point to follow through with whatever version of this analysis we can do to kind of post construction as Chris just mentioned. So, we would absolutely be committed to that, you have my word on that. You know, even after the map is approved and recorded, so I don't think it is necessarily contention. You have conditions and you place conditions typically so that it would allow you to get these things done prior to maps being approved. And in this case, we would just ask that you would approve this being that the condition wasn't in place, and then we would still deliver on that at the earliest we can. We are committed to that not just a developer but as a member of the community.

Ms. Barzilai: Chair, Laura Barzilai. Maybe its best to take the clerks recommendation and enter a brief executive session on this matter. We must do that by vote. So, you must state the purpose of why you wan to enter into the session and take a vote. If that is what you choose.

Chair Ako: Commissioners, is this something we choose to do?

Mr. Chiba: Yes.

Mr. DeGracia: Agreed.

Chair Ako: For the purpose of ...

Ms. Barzilai: I would say for the purpose of possibly imposing a Condition of a Ka Pa `akai Analysis at this final approval stage.

Chair Ako: ...if that's in order I call for a vote for Executive Session, Mr. Clerk.

Mr. Hull: Motion to go into Executive Session. Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Chair DeGracia?

Mr. DeGracia: Aye.

Chair Ako: Aye.

Mr. Hull: Motion passes 3:0. Mr. Chair.

The Commission moved into Executive Session at 9:33 a.m.

The Commission returned to Open Session at 9:55 a.m.

Chair Ako: Call the meeting back to order after Executive Session.

Mr. Hull: I think we are all back, Chair, I think I will do roll call to bring our meeting back into session perhaps.

Chair Ako: Okay, please.

Mr. Hull: Roll Call. Commissioner Chiba?

Mr. Chiba: Here and I am by myself.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Here and by myself.

Mr. Hull: Chair Ako?

Chair Ako: Here and by myself.

Mr. Hull: We have a quorum 3:0. Mr. Chair.

Chair Ako: Thank you and I am sorry we took so long, and it was longer than the anticipated time. But at this point, Commissioners, do we have questions or concerns that we would like to raise?

Mr. DeGracia: Chair Ako, I have a question for the applicant.

Chair Ako: Please.

Mr. DeGracia: Thank you. We met with our lawyer and in fully understanding the constraints and the rules surrounding, my question for the applicant is would you be willing to a 60-day deferment to perform a Ka Pa `akai o Ka `aina Analysis?

Mr. Hutchinson: Well sixty days is going to be very difficult at this point of the project in where we are at. We are fully committed to doing the analysis, its just if there is anyway, we can tie it possibly to another map or a different Condition, it would be much appreciated by us for the commissioners to make maybe a move to tie it to a different map instead of this possible parcel I map, as Chris had mention that we are currently sixty percent, sixty-five, seventy-five percent, that we are almost substantially complete with this project.

Mr. DeGracia: I'm not sure what our options would be concerning if it were to be pushing it over to another map. So Kaaina do you have any input?

Mr. Hull: Yes. The commission, sorry Dave, the commission wouldn't have any authority to push it to a different map. The agenda item for this is for Subdivision item No. 2021-1. So, the Commissioner's is germane to this particular map.

Mr. DeGracia: I have no further questions.

Chair Ako: At this time Commissioners, I think I will ask for a motion. I think I will entertain a motion for Final Approval for Subdivision Application for No. S-2021-1, that subdivides a parcel into 40-lots. Is there a motion from anyone?

Ms. Barzilai: Either that or a deferring motion, Chair and Commissioners.

Chair Ako: I guess the options we have right now would be either to move to final approval, to amend the Conditions, or top deny. I think that's what we have...

Ms. Barzilai: Excuse me, Chair, its Laura, again. I believe that pursuant to the rules a motion to approve or deny is appropriate.

Chair Ako: I think guess because of the laws that are in place right now, I think I would entertain the Final Approval. Is there a second for the motion?

Ms. Barzilai: We will need a motion of some sort.

Mr. DeGracia: Yes. I move to approve Subdivision Application No. S-2021-1, in hopes of you know, outreach further as stated on the floor by the applicant.

Chair Ako: Do we have a second for the motion?

Mr. Chiba: Yes, I'll second.

Chair Ako: We got a motion, and we got a second. We got a motion on the floor is there any final discussion or concerns that we would like to address? Yes, I think for my point of view I

think the Ka Pa `akai Analysis is rather important part of the process as we move forward understanding that we are like sixty percent in the project itself already, it kind of ties it, yeah. But I hope that the developers in this instance will act as good stewards and do what is necessary to protect all the religious as well as the cultural resources that have existed and is there. If there are no other questions or concerns, Mr. Clerk, could we have a roll call?

Mr. Hull: Roll call, for motion to approval, Mr. Chair. Commissioner Chiba?

Mr. Chiba: I'm going to vote no.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes Mr. Chair. 2 Aye:1 Nay.

### **ADJOURNMENT**

Mr. Hull: With that, we have no further agenda items on the agenda, and we are ready to adjourn.

Chair Ako: Okay, thank you all for your participation and I apologize for the delay we were having. I entertain a motion to adjourn.

Mr. DeGracia: Motion to adjourn.

Mr. Chiba: I second.

Chair Ako: All in Favor signify by saying? Aye (Unanimous voice vote). All that opposed. Motion passes, meeting is adjourned. Motion carried 3:0. Thank you guys!

Subdivision Committee Chair DeGracia adjourned the meeting at 10:03 a.m.

Respectfully submitted by:

Arleen L. Kuwamura  
Arleen Kuwamura,  
Commission Support Clerk

( ) Approved as circulated (add date of meeting approval)

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.

KAUA‘I PLANNING COMMISSION  
SUBDIVISION SESSION  
Tuesday, March 22, 2022

**Draft**

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua‘i was called to order at 8:46 a.m., Microsoft Teleconference. The following Commissioners were present:

Mr. Gerald Ako  
Mr. Francis DeGracia

Absent and Excused:  
Mr. Chiba

The following staff members were present: Planning Department Director Kaaina Hull-Planning Deputy Director Jodi Higuchi Sayegusa, Dale Cua, Kenneth Estes, and Planning Commission Secretary Shanlee Jiminez; Office of the County Attorney – Deputy County Attorney Laura Brazalia; Office of Boards and Commissions – Support Clerk Arleen Kuwamura

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Subdivision Committee Chair Ako: Called the meeting to order at 8:46 a.m.

**ROLL CALL**

Planning Director Kaaina Hull: Okay Chair, I apologize for that brief delay there, it is 8:46 a.m. and we have a believe quorum ready. So, whenever you’re ready to gavel the meeting, Chair.

Chair Ako: Good morning, everybody. As the Clerk says its 8:46 a.m., I’d like to call to order the March 22, 2022, meeting, of the Subdivision Committee of the Planning Commission which was re-scheduled from March 8, 2022. For members of the Public who wish to testify if you are not already on the zoom platform, please utilize the join by phone instructions on the agenda and you may testify by phone. So, with that, Mr. Clerk, if you could please call the roll.

Mr. Hull: Thank you, Chair. Commissioner DeGracia.

Mr. DeGracia: Here and by myself.

Mr. Hull: Chair Ako.

Chair Ako: Here and by myself.

Mr. Hull: Commissioner Chiba is excused. You have a quorum, Mr. Chair. Two Present.

**D.3.**

**Aug. 23, 2022**

## **APPROVAL OF AGENDA**

Mr. Hull: Next agenda item is the approval of the agenda. The Department does not have any proposed amendments to the agenda.

Mr. DeGracia: Motion to approve the agenda.

Chair Ako: Second, any questions. Hearing none. All those in Favor? Aye (Unanimous voice vote). Motion carried 2:0.

Mr. Hull: Motion passes, Mr. Chair.

## **MINUTES of the meetings(s) of the Subdivision Committee**

Mr. Hull: Moving on to Receipt of Items for the Record. I believe Mr. Estes transmitted to you as part of public testimony a memorandum No. 1, which obtained a correspondence from Alex Starred received March 06, 2022.

Chair Ako: Mr. Clerk? Mr. Clerk?

Mr. Hull: I apologize. I went past the minutes, my apologies. Next, would be the approval of for the October 26, 2021, Meeting Minutes.

Mr. DeGracia: Motion to approve October 26, 2021, Meeting Minutes.

Chair Ako: I will second that. If there are not any questions? Hearing none. All those in Favor? Aye (Unanimous voice vote). With that Mr. Clerk, I think you have two (2) Ayes. Motion carried 2:0.

## **RECEIPT OF ITEMS FOR THE RECORD**

Mr. Hull: Thank you, Mr. Chair, Next, we have Receipt of Items for the Record. We did receive, I'll read the actual written testimony on schedule (f) we did receive additional testimony for receipt of items which will be transmitted to you folks subsequent to this meeting from Roslyn Cummings dated Monday March 21, 2022. It listed preliminary subdivision map approval pursuant to Kauai County Code Chapter 9 requesting public testimony.

## **HEARINGS AND PUBLIC COMMENT**

Mr. Hull: Next, we move on to Hearings and Public Comment in which the Planning Commission and Subdivision Committee accepts written testimony for any agenda item here in written testimony indicating the person's name and applicable position and title of organization on any agenda item in which any member of the public is testifying on. As previous stated, the Department transmitted a memorandum containing correspondence from a Council Member Felicia Cowden and correspondence from Ashlyn Reid in opposition to the Subject: Subdivision Application No. S-2022-8. As well as correspondence from Alex Starred receive March 6, 2022,

also in opposition to Subject: Subdivision Application No. S-2022-8. Correspondence from Olivia Okinaka received March 6, 2022, also in opposition to Subject: Subdivision Application No. S-2022-8. Correspondence from Elizabeth Lindsey received March 7, 2022, also in opposition to Subject: Subdivision Application No. S-2022-8. Correspondence from Roslyn Cummings received March 7, 2022, also in opposition to Subject: Subdivision Application No. S-2022-8. With that will any members of the public that are participating in this meeting. Jodi will open up the attendee list if any of the members would like to testify on any other agenda items pursuant to the Chair's discretion. He is allowing three minutes of testimony for any public testimony on any agenda item. Jodi, see if the attendees would like to testify.

Deputy Director Jodi Higuchi Sayegusa: First, I will go through the attendee list that has called in. So, the first number is area code 808-720-1091, if you are able to unmute you may begin to give your testimony.

Woman: Hi, aloha. Can you hear me?

Ms. Higuchi Sayegusa: Yes.

Woman: Aloha Everybody, I would like to give testimony in opposition of the Kukui'ula Development. First, I would like to state that this project was approved in 1989, it's completely outdated, and I think these new owners should know how much of the community is against this development. The Planning Commission needs to really realize that there have been hundreds of acres just this year alone. What are we leaving behind for the future generation? Honestly, I have to wonder if our testimonies even matters because tomorrow, you guys are going to be seeking to expect a bond. This area is now an opportunity zone so, these developers are getting tax breaks and the County is now basically helping them. Sound similar to that shady 3<sup>rd</sup> party agreement for the Kiahuna Project that you approved. How many agreements do you guys have in place with these developers? I think you guys need to realize that these developers are coming here they are extorting our natural resources and they are pushing out the local community. Kukui'ula is hands down the worst development that ever happened to the south side. Each and everyone of you have lost sight as to why you are here, and it's not here to fulfill agreements or making it easier for these developers. You guys really need to start thinking what you are leaving behind for the future generations. This land is culturally significant it's built on caves and lava tubes that stretch this entire property of thousands of acres. Burial caves, burial taverns, and multiple endangered species, including the Koloa cave spider and the Koloa cave amphipod that are found nowhere else in the world. Once again, BBCP has failed to conduct a Ka Pa'akai analysis none of our non-profit or any community members that I am aware of have been asked to give input or any community members have not been able to give their say. We need this Ka Pa'akai analysis SHPD, State Historic Preservation Division has made a requirement and a condition that you guys need to follow, and once again, we have Cultural Surveys Hawaii making these broad claims of "no cultural significance." This is happening on multiple properties; I just really ask that you guys really start thinking about the decisions that you guys are making. Because it is not really going to affect us, it's going to be our children, grandchildren, and great grandchildren, great-great and the future generations that are going to suffer. Mahalo for your time.

Mr. Hull: Thank you for your testimony. Jodi is there anyone else requesting to testify on any of the agenda items.

Ms. Higuchi Sayegusa: Yes, so I am going to go down the attendee list. Roslyn Cummings I am going to unplug your audio and video. Whenever you are ready you may unmute and give your testimony Ms. Cummings.

Ms. Roslyn Cummings: First, I'd like to ask before my testimony starts, is there a County Attorney in attendance?

Mr. Hull: There is.

Ms. Cummings: Okay. Aloha, Kakou, kou inoa. My name is Roslyn Nicole Manawai`akea Malama mare Cummings, I'm married to Cummings. Noho moku Kalaheo ahupua`a, I am currently sitting in the Kalaheo ahupua`a and I am coming up to speak on Section 8-1.0. Purpose of Chapter is to provide Regulations and Standards for land development and the construction of buildings and other structures within the County of Kauai. What is the legal term of the County of Kauai per Black's Law Dictionary? The name given to principal subdivisions of the Kingdom of England and of most of the States of America and union denoting that the State portion of Territory organized by itself for political and judicial purposes. Let me take you into judicial purposes. Hawaii'i is known as an unlawfully military occupied nation, and it has been that way since the unlawful overthrow of our Kingdom. So, with that said. What is land? In the most general sense comprehend any grounds soil or earth whatsoever as metals, pasture, woods, moors, waters, marshes, (inaudible) and heaves. The word land not only includes the soil, but everything attached to it, whether attached by the course of nature: trees, herbage, water or by the hand of man as buildings and fences. Then it goes down to Matt vs. Palmer, Nestor vs. Naher. Land is a solid material of earth whatever may be the ingredients of which is composed whether of soil, rock, or other substance Civil codes of California. Now, let me continue, district. What are districts? One of the portions into which an entire State or Country may be divided for judicial again, political and or administrative purposes. United States are divided into judicial districts in each of which is established in District Court they are also divided into election districts, collection districts etc. the circuit of Territory. I am continuing reading, what is delineate, what is description? A description or an account of a particular subject by the receptacle of its characteristic's accidents and qualities. A written and numeration of items composing an estate or if it's conditions of titles or documents like an inventory. The respective types of permitted use development which can take place in those districts regulations and standards as prescribed from this Chapter are intended to promote development that is compatible with the islands scenic beauty environment to preclude an adequate. What is preclude? To make impossible, to prevent, exclude, to rule out. What is inadequate? Insufficient, disproportion, lacking ineffectiveness, or conformity to a prescribed standard or measure, harmful or disruptive conditions that may prove detrimental. Detriment? Any loss or harm suffered in person or property to the social. What is society? An association or company of persons of relating to or base of on the production and disruption of consumption of goods, services and economic growth or relating to an economy group of economic advisors or relating to economics in theories...

Ms. Higuchi Sayegusa: Three- minutes. Chair.

Ms. Cummings: ...for residents. For the purpose of this Chapter, the County of Kauai shall include the districts of Waimea, Koloa, Lihue, Kawaihau, and Hanalei. So, this is in your own laws. So, what I stated here is that every Public Officer including Kukui'ula Development as an LLC Corporation, is binded to the United States Constitution Article IV, Section II Law of the Land. The Hawaiian Kingdom and the United States of America as a nation has an agreement under Treaty of French Commerce and navigation. So, with that being said, I am going to come back on to testify against the development of Kukui'ula and I will give my reasons. Mahalo for this three minute of your time.

Ms. Higuchi Sayegusa: Thank you. At this point, we do have a couple more attendees. We have Jerry Ornellas, I am going to promote you and allow you your audio and video to be operational. Mr. Ornellas?

Mr. Jerry Ornellas: Yes, I am here.

Ms. Higuchi Sayegusa: I just wanted to make sure that I am recognizing you and you wanted to give testimony on this Subdivision Agenda.

Mr. Jerry Ornellas: Yes, I do want to testify.

Ms. Higuchi Sayegusa: You may begin.

Mr. Jerry Ornellas: On Steelgrass Farms.

Mr. Hull: Mr. Ornellas we are in the Subdivision Committee meeting right now. Steelgrass is on the regular Planning Commission Meeting. So as soon as we are done with Subdivision, the Subdivision Committee will move into the Planning Commission. So that should be shortly.

Mr. Ornellas: Okay.

Mr. Hull: We will come back to Public Testimony again.

Mr. Ornellas: Thank you, Kaaina I will join them.

Ms. Higuchi Sayegusa: Duke Nakamatsu, I just wanted to make sure we are going through everyone on the list. Duke, do you have anything to testify on this Subdivision Agenda? Calling once, calling twice.

Mr. Hull: Mr. Nakamatsu is one of our staff and using the portal just to tune in.

Ms. Higuchi Sayegusa: Yes, just wanted to make sure we are going through the list. Is there anyone else on the call that wishes to testify? Please raise your virtual hand. Last call, anybody else in the meeting wishes to testify. We have a call on Roslyn Cummings.

Mr. Hull: I think Mrs. Cummings was pertaining to the overall agenda, she stated she wanted to testify more specifically another three minutes on the Kukui'ula Subdivision application.

Ms. Higuchi Sayegusa: Ms. Cummings whenever you are ready.

Ms. Cummings: Aloha and Mahalo again, for your time first and foremost this very hard for all of you. I am a wahine ma'oli, a cultural practitioner, and I have a gift to na iwi kupuna and the veil for communication for 'ike kupuna. I did come out publicly and spoke to all of you including the developer, Hutchinson and I believe Rivera, Chris Rivera. I heard them on their testimony, so I wanted to reply a little bit to their testimony. So, I was just on the Burial Council Meeting because they had found bones on the Lawai Ahupua'a, but because it was on the shoreline prior to the river. The way we divide first and foremost that is in the Kona (Moku) District of the Mokupuni of Kaua'i, it's still considered the Koloa Ahupua', which is deeded to Moses Kekuaiwa, which I actually claimed back that land as a Kindred Lineal Descendant Heir to Moses Kekuaiwa through my mokuhaui. With that being said, you can look it up in the Bureau of Conveyances that I am currently filing it as a judicial notice in the Hawaii Supreme Court and the United States of America Federal Court to make sure, the ongoing developments everyone who is pertaining to the depth detrimental effects of the Kanaka maoli people will be accounted and held accountable for. Now, with that being said, Mr. Hutchinson made a comment in regard to having an agreement, and in the Burial, Council meeting I found out that there are agreements between Kukuiula Development, LLC, and I do not know exactly who, but made in the past maybe 15-20 years. I'm not too sure exactly in regard to reinterment of our na iwi Kupuna. Now, with that being said, I just read by law what property represents when burials are disturbed and removed, it's a detrimental part of the Kanaka ma'oli people because they are essence of us. There are hundreds of burials that have been depleted from the Koloa Ahupua'a and Kukui'ula is one-third of the cause of it. How do I know? I found that burial cave. True, the essence of na iwi kupuna No. 1, in our culture, you do not remove burials and bury them in different Ahupua'a(s). No. 2, it is not a (po'e te'ote'o) or foreigner to give recognition and support and permission to remove these burials and reintern into a separate Ahupua'a. Let alone a cave that was not meant for anybody so there are warriors mixed up with not only villagers that cave leads directly to George Humehume, but I also heard from the direct person at one of the standings in advocacy that said, I Just take the bones and place it in there, and I don't even look around. So, I want to know publicly and eventually communicate with Mr. Hutchins and Mr. Rivera on how is this even lawful to continue to happen? I'm currently trying to get a hold of the Department of Interior to see why is SHPD allowing this to continue? Because, according to the Burial Council, you know nothing of what is going on. And then Mr. Hutchins stated that there is a La'amea, I met her personally. and let me tell you something, she admitted. She knew nothing about the 'ike Kupuna, only things her through book. So, when you talk about the Na Ka Pa'akai Analysis and you, talk about who you're interviewing, recording, please know and acknowledge the people who have been inherently connected to these lands. Mahalo for your time.

Ms. Higuchi Sayegusa: Thank you. I want to do one last call. Anyone else on the meeting wishing to testify on any of the agenda items on the Subdivision Committee Agenda?

Mr. Hull: I think there's one more caller on the attendee list area code 808-720-7291. For that caller, if you'd like to testify on any agent item, you can unmute yourself. Or you did testify in the Kukui`ula Subdivision Application, but if you intended to testify on other agenda items, you can unmute yourself.

Woman: Aloha, I would just like to reiterate once again, that I'm in opposition of the Kukui`ula approval they've had multiple applications this year alone. I am in opposition of each and every one. Mahalo.

Mr. Hull: Thank you for your testimony. Jodie, do we have anybody else online that has called in or linked in for public testimony?

Ms. Higuchi Sayegusa: I think we've covered it. No one else on the attendee list at this point, thank you.

Mr. Hull: Okay, we'll do one last call if there's anybody on the call in or zoom platform that is a member of the public that would testify on an agenda item that they have not previously testified on at this time. If you can indicate so and stating your name, and next agenda item, you like to speak on? Hearing none, Mr. Chair, we can go into the next agenda item. Nor any unfinished business for this meeting moving on to agenda.

#### **GENERAL BUSINESS MATTERS (None)**

Mr. Hull: There is no General Business Matters for this meeting.

#### **UNFINISHED BUSINESS (For Action) (None)**

Mr. Hull: There is no Unfinished Business for this meeting.

#### **NEW BUSINESS (For Action)**

##### Tentative Subdivision Map Approval

Subdivision Application No. S-2022-8

(BBCP Kukui`ula Parcel X, LLC. ET.AL.)

Kukui`ula Parcel X, Phase 2 Subdivision

Proposed 2-lot consolidation and Resubdivision into 4-lots

TMK: (4) 2-6-015:010 & 011

Koloa (Makai), Koloa, Kona, Kaua'i

Mr. Hull: Moving on to Agenda Item I.1, which is New Business Preliminary Subdivision Map pursuant to Kauai County Code Chapter 9 Article 3. Approval Subdivision Application No. S-2022-8 (*BBCP Kukui`ula Parcel X, LLC. ET.AL.*) The applicant Kukui`ula Parcel X, Phase 2 Subdivision Proposed 2-lot consolidation and Resubdivision into 4-lots TMK: (4) 2-6-014:010 & 011, located in Koloa (Makai), Koloa, Kona, Kaua'i. As previously stated, there were two (2) memorandums to the Subdivision Committee concerning correspondences submitted for public

testimony. And there is a subdivision part pertaining to this matter. I'll turn it over to the Kenny for the report.

Staff Planner Kenneth Estes: Good Morning Commissioners, I'll go over the report for the record.

Mr. Estes 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).

Mr. Estes: Chair, comments are still pending from the Department of Public Works Engineering Division, Department of Water, The Department of Health, and the State Historic Preservation Division. The Planning Department is recommending preliminary subdivision map approval.

Chair Ako: Is there any questions for staff? Kenny, I have a question regarding that, one of the conditions that's in there? When they talk about "there shall be no vehicular access on Lawai Road, however, it is determined that future development of (inaudible) will require access from Lawai Road. Well, if it is determined. Access shall be permitted only for ingress and egress both ways for the development." Explain what this means.

Mr. Estes: So, access to the Lawai Road is ultimately subject to the discussion of the Public Works Engineering Division. As it stands right now, the subdivision map on the subdivision map Lot 3. If, the Planning Department was to restrict access onto Lawai Road and access cannot be obtained through proposed Lot 2, then Lot 3, would be essentially landlocked. So that Department is going to work with the applicant and strongly encourages the applicant to obtain access off Lot 1, and through Lot 2 to Lot 3. But obtaining access off Lawai Road, maybe a secondary option, but again, it's subject to specifications and discretion of the Public Works and Engineering Division.

Chair Ako: Thank you, Kenny. Any other questions for staff?

Mr. Hull: No questions.

Chair Ako: If not, do we have a representative from the applicant in this case?

Mr. Dave Hutchinson: Yes, Dave Hutchinson, Vice President of Land Development of Kukui'ula.

Chair Ako: Yeah, Mr. Hutchinson would be like to say a few words on behalf of the development itself of the subdivision project.

Mr. Hutchinson: Nothing in particular, right now. We appreciate all the commentary and testimony today, and we look forward to putting together our Ka Pa`akai analysis and providing that to the Planning Department for review in the next several months.

Chair Ako: Do we have any more questions for the staff or for the applicant?

Mr. DeGracia: Sure, I have a question for the applicant. Concerning the Ka Pa'akai o Ka Aina analysis, has it been initiated or started at this point and time?

Mr. Hutchinson: Not at this time. We're starting to get organized, and we have a meeting tomorrow with the Planning Department to go over some administrative details.

Mr. DeGracia: I have one more question. I'm not sure if you'd be able to speak on behalf of Kupono Resorts, but I notice that it is zone for a resort as well as residential. Does that developer have intentions to build a resort on Lot 2?

Mr. Hutchinson: They did in the initial studies, but they're I think re-evaluating their options right now and I don't have any more details than that.

Mr. DeGracia: Thank you.

Chair Ako: Mr. Hutchinson, has any work been started already on the property?

Mr. Hutchinson: I think the owner, the current owner has provided some shredding in the area, just to be able to walk back into the site and show perspective Investors what the land looks like. But other than that, there's nothing of substance.

Chair Ako: Is there anything else, Commissioner DeGracia.

Mr. DeGracia: A follow-up question to that last one, Mr. Hutchinson, in referring to the term used "shredding?" What does that involve specifically to the land?

Mr. Hutchinson: The area was old ag land into cane back in the day, and over time, the hale koa and the guinea grass have reached, you know, kind of a higher mass and is impenetrable for the most part. There's also a, you know in our partnership with the Prince Kuhio Preserve and the royalty, the Royal Order over there was a piece that was recognized in the initial State Historical Preservation, Departments analysis. There's a state land piece that's back there that we wanted to identify and to cordon off. So, we shredded back to that area in in the process of the acquisition by the new the Kupono group. So that was done, nothing more than just to you know ensure that the preservation of that site was intact. There's some snow fencing that's been put up, some orange fencing to make sure that nobody mistakenly enters that area outside of that, there were some pathways and trails that were shredded and cut into the hale koa like I had mentioned for potential investors to see exactly what the land looked like back there.

Mr. DeGracia: Thank you.

Chair Ako: I think this might be a question for staff, is this a permissible act prior to the Ka Pa'akai Analysis?

Mr. Hull: The shredding is because shredding doesn't require any permits from the Planning Department. So, we don't really have any you know, authority to in this particular say, "You

don't have to come in to apply for a permit for shredding.” There are no permits for shredding outside of the SMA.

Chair Ako: Are you aware of any cave spiders or empty pods that are around property?

Mr. Hutchinson: Parcel X? No.

Chair Ako: That would include the entire property?

Mr. Hutchinson: That's correct. You're referring to parcel X not the entire Kukui`ula Property Commissioner?

Chair Ako: No, only for what's on the application today.

Mr. Hutchinson: Okay.

Chair Ako: So, let's see with that.

Mr. Hull: So, for clarification to Chair and Commissioner DeGracia. So, what's before you folks on this application is just a preliminary Subdivision Map approval. Preliminary subdivision approval is essentially just stating that the proposed sizes of lots and dimensions meet the standards required on the subdivision ordinance, and they do what they need to do should the Subdivision Committee grant approval, and ultimately the Planning Commission all it is a subdivision, a preliminary subdivision map approval. After that they now need to work with all the agencies to meet their requirements. Including, but not limited to commencing their Ka Pa`akai analysis and begin to outreach with native Hawaiian's and cultural practitioners. Then, once that is all complete, then they come back to you for a final approval. But until it's completed, they would not be able to come for a final approval. This is just a preliminary subdivision map approval.

Chair Ako: I assume, Mr. Clerk that all the agency requirements and the person you mentioned have been looked at, and there, okay?

Mr. Hull: The parcel dimensions, yes, but the agencies requirements, the applicants has to, we receive the comments from the agencies but the applicant has to work all those respective agencies requirements out with their respective agencies.

Chair Ako: With that, Commissioner DeGracia, I think at this point I would be willing to entertain a motion for preliminary approval for the subdivision map.

Mr. DeGracia: Motion, and to approve tentative Subdivision Application No. S-2022-8 with the Conditions stated within the agency requirements.

Chair Ako: With that I'll second it. Any other. Any other questions or concerns Commissioner?

Mr. DeGracia: No.

Chair Ako: Can we take a voice vote on this?

Mr. Hull: Certainly, Mr. Chair. Motion is to approve Preliminary Subdivision Map approval Commissioner DeGracia?

Mr. DeGracia: Aye

Mr. Hull: Chair Ako.

Chair Ako: Aye

Mr. Hull: Motion passes 2:0. Mr. Chair.

Final Subdivision Map Approval

Subdivision Application No. S-2020-7  
(State of Hawai'i DLNR/Land Division & Division of Forestry  
and Wildlife) DLNR Baseyard Facility Proposed 2-lot Subdivision  
TMK: (4) 1-8-008:020 Hanapepe, Waimea, Kaua'i

Mr. Hull: Moving on to Agenda Item I.2, a Final Subdivision Map Approval pursuant to Chapter 9 Article 3, Subdivision Application No. S-2020-7 (*State of Hawai'i DLNR/Land Division & Division of Forestry and Wildlife*) DLNR Base yard Facility Proposed 2-lot Subdivision TMK: (4) 1-8-008:020 within Hanapepe, Waimea, Kaua'i. I will turn it over, there is a Subdivision Report pertaining to this matter and I will turn it over to Kenny for the Report.

Staff Planner Kenneth Estes: So, the Proposed development subdivides a parcel into two (2) lots. There primary intent is to establish a 10-acre parcel to be utilized by the State of Hawaii Department of Land and Natural Resources as a base yard facility.

Mr. Estes 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).

Mr. Estes: Chair, we have received all agencies comments recommending and have no objections to Final Subdivision Map Approval and the Planning Department is recommending Final approval of this Subdivision.

Chair Ako: Any questions for the staff?

Mr. Hull: No questions, Chair.

Chair Ako: The representative for the applicant would like to share information with the Committee.

Ms. Mapuana O’Sullivan: Hi. This is Mapuana with Division of Forestry and Wildlife. I just wanted to thank you guys for your time. It really is a much-needed thing for us to have a facility on the West Side, so I appreciate your time.

Chair Ako: Do we have any questions?

Mr. DeGracia: No questions, Chair.

Chair Ako: Being that the recommendation is the approval of the Final Subdivision Map with that I’d like to entertain a motion.

Mr. DeGracia: Motion to approve Final Subdivision, Application No. S-2020-7.

Chair Ako: Second. So, if there is no other questions or concern, Mr. Clerk.

Mr. Hull: Roll call, Mr. Chair motion to approve subjects Final Subdivision, for approval for S.2020-7. Commissioner DeGracia.

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako.

Chair Ako: Aye.

Mr. Hull: Motion passes 2:0, Mr. Chair.

### **EXECUTIVE SESSION**

Mr. Hull: Moving on to Executive Session Item J.1 and 2, which were Executive Session agenda items, should the Subdivision Committee feel the need to go into Executive Sessions for either of the Subdivision Applications. I anticipate that you folks don't want to go on, but just to check. Is there any desire to go into any of those Executive Sessions for either of these agenda items at this time?

Chair Ako: No.

Mr. Hull: Thank you, Commissioners. With that we have no further Subdivision agenda items we are ready for adjournment Mr. Chair.

Mr. DeGracia: I will entertain a motion to adjourn.

### **ADJOURNMENT**

Mr. DeGracia: Motion to adjourn the meeting.

Chair Ako: Second. All in Favor? Aye (Unanimous voice vote). Motion carried 2:0.

Subdivision Committee Chair Ako: adjourned the meeting at 9:24 a.m.

Respectfully submitted by:

Arleen L. Kuwamura  
Arleen Kuwamura,  
Commission Support Clerk

( ) Approved as circulated (add date of meeting approval)

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.

KAUAI PLANNING COMMISSION  
SUBDIVISION SESSION  
**May 10, 2022**

**DRAFT**

The regular meeting of the Planning Commission Subdivision Committee of the County of Kauai was called to order at 8:30 a.m. The following Commissioners were present:

Mr. Gerald Ako  
Mr. Francis DeGracia

The following Commissioners were excused:

Mr. Melvin Chiba

The following staff members were present: Planning Department - Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Dale Cua, Kenneth Estes, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai; Office of Boards and Commissions – Support Clerk Arleen Kuwamura

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Subdivision Committee Chair Gerald Ako called the meeting to order at 8:31 a.m.

Mr. Hull: Alright Chair, we are ready to go live whenever you are ready.

Chair Ako: Okay, good morning, everyone. Thank you for coming, to the public, to our staff, Mr. DeGracia. So, today is Tuesday, May 10, 2022, it's about 8:32 a.m., and with that, I'll call the Planning Commission, Subdivision Committee to order.

**ROLL CALL**

Chair Ako: Mr. Clerk, can we have a roll call.

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

Mr. DeGracia: Here.

Mr. Hull: Vice Chair Chiba is absent, is excused. Chair Ako?

Chair Ako: Here.

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

**D.4.**

**Aug. 23, 2022**

## **APPROVAL OF AGENDA**

Mr. Hull: Next on the agenda is approval of the agenda. The Department has no recommended changes to the agenda.

Chair Ako: Motion to approve?

Mr. DeGracia: Motion to approve the agenda.

Mr. Ako: I'll second that. With that, we can just have a voice vote on this, will be fine?

Mr. Hull: Yes.

Mr. Ako: All those in favor say aye. All those opposed, no.

*It was moved by Mr. DeGracia and seconded by Chair Ako to approve the agenda.  
Motion passed by unanimous voice vote.*

Mr. Ako: Our motion passes.

## **MINUTES of the meeting(s) of the Subdivision Committee**

## **RECEIPT OF ITEMS FOR THE RECORD**

Mr. Hull: We have no minutes of the previous Subdivision Committee meeting, no additional receipt of items for the record.

## **HEARINGS AND PUBLIC COMMENT**

Mr. Hull: Hearings and public comment. Oral testimony will be taken this morning in the following manner. First, we will recognize all speakers who have signed up to testify in person who are physically present at the publicly noticed meeting location here at Lihue Civic Center, Moikeha Building, Meeting Room 2A/2B at 4444 Rice Street, Lihue, Kauai. Next, we will recognize all callers by telephone number who have elected to attend the meeting by calling the join by phone telephone number provided on the agenda. Finally, we will recognize all attendees who have elected to join the meeting using the Zoom link provided on the agenda. All testifiers will be given 3 minutes per testifier, per agenda item. If you are not interested in providing testimony, please indicate so when you are recognized. If you have internet connectivity issues, please use the join by phone telephone number and we will return to any new callers for testimony before concluding the oral testimony portion of the agenda. Please note that the meeting is also viewable to the livestream broadcast at [www.kauai.gov/webcast/meeting](http://www.kauai.gov/webcast/meeting). Please note that the livestream broadcast does not allow viewers to provide testimony. Please refer to the agenda instructions on how to provide public testimony. I'll see if we have anybody signed up in person. We have no members of the public, in person, signed up to testify on any

subdivision committee agenda item. Are there any members of the public here in person that have not signed up but would like to testify on any of the subdivision agenda items? Seeing none, Jodi I'm going to turn it over to you to go through the call list and the Zoom list.

Ms. Sayegusa: Turning to the callers, any callers. At this point, I'm not seeing on the Zoom meeting list of any callers who have joined by phone using the number provided on the agenda. Turning now to the Zoom attendees who have joined using the Zoom link provided on the agenda, I will recognize each attendee one by one and promote you as a panelist. Once you click on join as panelist, on your end you'll be able to click on start video and unmute yourself. If you are comfortable doing so, please identify yourself. Please also clarify which agenda item or items you wish to testify on. This is the subdivision meeting agenda, just to clarify. You will be given 3 minutes per agenda item for your testimony. If you are not interested in providing testimony, please indicate so when you are called. Also, if any Zoom attendees experience any internet connectivity issues, please use the join by phone telephone number provided on the agenda and we'll return to callers after the Zoom, going through all the Zoom attendees. So first, we have Hal Hammat. I've enabled your audio and video. Please click on join as panelist on your end and you will be able to click on start video and unmute yourself. Hal Hammat?

Mr. Hammat: Good morning. Yes, good morning.

Ms. Sayegusa: Hi, please identify yourself if you are comfortable and also clarify which agenda item you're wishing to testify on, or if you're not interested, please let us know now.

Mr. Hammat: I'm perfectly comfortable. Thank you very much.

Ms. Sayegusa: Okay, thank you very much. Next, on the list we do have Hanalei Traders. I'm going to enable your audio and video. Please click on join as panelist on your end and you'll be able to start video and unmute yourself. If you're comfortable, please identify yourself and clarify which agenda item on the subdivision agenda you wish to testify on.

Mr. Hood: Andy Hood with Sustainable Resources, in the matter of the Hanalei Traders SMA.

Ms. Sayegusa: Okay, yes that item is on the regular Planning Commission agenda. Did you have anything that you wanted to testify on the subdivision committee?

Mr. Hood: No.

Ms. Sayegusa: Okay, thank you very much. Next, we have Zoom User. I'm going to enable your audio and video. Please click on join as panelist on your end and you'll be able to unmute and start your video. Zoom User I've just enabled your video and audio. Please identify yourself and if you're comfortable doing so, please clarify which subdivision agenda you wish to testify on, or if you're not interested, please let us know.

Mr. Williamson: Hi, I'm Mark Williamson. I'm a homeowner in Poipu Aina Estates.

Ms. Sayegusa: Which item on the subdivision agenda do you wish to testify on?

Mr. Williamson: I'm on the mainland. I hadn't planned on attending, but I'm curious to see how this will go with the lumber company issue.

Ms. Sayegusa: Okay, I believe that matter is listed on the Planning Commission agenda. Is there anything else on the Subdivision agenda you wish to testify on?

Mr. Williamson: I'll listen.

Ms. Sayegusa: Okay, thank you very much. That concludes all attendees that attended via the Zoom link provided on the agenda and I see no other callers to return to who may have joined the meeting late or who may have had Zoom connectivity issues, so that concludes oral testimony for the Subdivision agenda.

Mr. Hull: Thank you Jodi.

## **NEW BUSINESS**

### **Preliminary Subdivision Map Approval**

Subdivision Application No. S-2022-9 (*Tower Kauai Lagoons Sub1, LLC*) Hokualea Resort Subdivision I, Proposed 10-lot Consolidation TMK: (4) 3-5-004:100-109 Kalapaki, Lihue, Kauai

Mr. Hull: Moving on to the next agenda item, we have I.1., preliminary subdivision map approval, subdivision application number S-2022-9, Hokualea Resort Subdivision proposed 10 lot consolidation, TMK (4) 3-5-004:100-109 located in Kalapaki, Lihue, Kauai. I'll turn it over to Kenny for the subdivision report at this time.

Mr. Estes read the Subdivision Report for the record (on file with the Planning Department)

Mr. Estes: Chair, we received preliminary comments from the Department of Public Works, Engineering Division, and comments are still pending from the County Department of Water, and State Department of Health. The Department is recommending preliminary subdivision approval.

Chair Ako: Okay, thank you Kenny. With that, Commissioner DeGracia do you have any questions.

Mr. DeGracia: No questions for the Department.

Chair Ako: At this time, do we have a representative for the applicant? Would you like to testify, present?

Ms. Candilasa: Good morning, Chair Ako and Commissioner DeGracia.

Mr. Ako: Good morning.

Ms. Candilasa: My name is Rebecca Candilasa from Wilson Okamoto Corporation. I'm a planning consultant for the applicant and I'm joined by Mr. Gary Siracusa here as a representative of applicant and we're happy to answer any questions you may have.

Chair Ako: Commissioner DeGracia.

Mr. DeGracia: Chair, I have a question for the applicant.

Chair Ako: Sure.

Mr. DeGracia: Is my understanding correct that there will be 42 single-family residential units that will be deemed affordable, and in addition, 18 other single-family residential units with a total 60 on this property?

Ms. Candilasa: So, the affordable, it's referring to the affordable housing agreement that was agreed to as part of the overall SMA permit approval and permit approval. So, these 42 units are part of that 772-unit cap. So, these units in particular are not affordable, but the affordable component of that approval has been constructed. Am I right, Gary?

Mr. Siracusa: It was all completed.

Ms. Candilasa: It was all completed.

Mr. DeGracia: Okay, thank you. That was my understanding.

Chair Ako: I guess the question I would have is, do you have a definition of affordable housing? Is that something that you do, or is that something that changes along the way, or? Specifically, I'm trying to look at your price wise, yeah.

Mr. Siracusa: Yeah, I just want to be able to provide a distinction. The affordable housing commitment for the, what the Kauai Lagoons Resort now the Hokuala Resort, was previously agreed to with the housing authority and all that affordable housing commitment was constructed years ago. This product is a market price product on Subdivision 1.

Mr. Ako: The question I have, one concern that came up was regarding the walkways or pathways. Right now, we have the public that is able to go ahead and use the walkways there. Would that be impeded in any way. And how did we come about having walkways in a private subdivision like this? Is it from the goodness of the heart of the owners or is that something that is part of the permit process?

Mr. Siracusa: So, we have an overall, I think everyone here is aware that Hokuala Resort is an inclusive community resort. We've got a robust path, bike path, walk path, jog path distribution throughout the resort. It's entirely open and accessible and will remain so. We worked through

with Planning, DPW, as well as the County Council on establishing that path system throughout the resort, and there's nothing in terms of this subdivision action where we would be restricting or impeding any of that access. We're also looking at additional opportunities here as we bring this subdivision along in its plan in order to maintain that and continue.

Ms. Candilasa: I can add to that as well. As part of that recent zoning amendment that was approved in December, we also executed a memorandum of understanding regarding that public access system. So, that's in effect as well.

Mr. Ako: Thank you and thank you for those bikeways and walk paths. That's all I have. Commissioner DeGracia, do you have any other questions for the applicant?

Mr. DeGracia: I'm ready to make a motion. I move to approve subdivision application number S-2022-9 for the Kauai Lagoons Subdivision 1, LLC.

Mr. Ako: That I'll second. We have a motion on the floor, it's been seconded. Do we have any other further discussion? If not, Mr. Clerk, roll call vote.

Mr. Hull: Roll call, Mr. Chair. Commissioner Chiba is excused. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

***It was moved by Mr. DeGracia and seconded by Mr. Ako to approve subdivision application S-2022-9. The motion passed by the following roll call vote: Mr. DeGracia-Aye, Mr. Ako-Aye. Mr. Chiba-excused.***

Mr. Hull: Motion passes, Chair.

Subdivision Application S-2022-10 2014 (Tower Kauai Lagoons Golf LLC, Tower Kauai Lagoons Land LLC and Tower Kauai Lagoons Sub 7 LLC) Hokuala Resort Subdivision 1A, Proposed 2-lot consolidation and resubdivision into 3-lots, TMK: (4) 3-5-001:027&168, Kalapaki, Lihue, Kauai

Mr. Hull: Next we have I.1.b, subdivision application S-2022-10, again Hokuala Resort subdivision lot 1A, proposed 2-lot subdivision and resubdivision into 3-lots, TMK (4) 3-5-001:027 & 168, also located in Kalapaki, Kauai. I'll turn it over to Kenny for the subdivision report pertaining to this matter.

Mr. Estes: I'll summarize the report for the record.

Mr. Estes read the Subdivision Report for the record (on file with the Planning Department)

Mr. Estes: Chair, we have not received, comments are still pending from the Department of Public Works Engineering Division, the County Department of Water, the State Department of Health and the State Historic Preservation Division. The Department is recommending preliminary subdivision approval.

Chair Ako: Thank you, Kenny. Question?

Mr. DeGracia: No questions.

Mr. Ako: With that, would the applicant like to make another presentation, or?

Ms. Candilasa: Hello again, Rebecca Candilasa, Wilson Okamoto Corporation, here on behalf of the applicant and Gary Siracusa, also representing the applicant. This first subdivision 1A, they're on either side of the road of each other. This subdivision wasn't previously subdivided out, although it was approved under all of those previous SMA permit, PDU use permit, and Class IV zoning permit, so this is just basically creating a parcel. If there's any questions we're happy to answer them.

Mr. DeGracia: No questions, Chair.

Chair Ako: I have no questions also. So, hearing that, we have the recommendation already. I'll entertain a motion.

Mr. DeGracia: Motion to approve tentative subdivision application number S-2022-10.

Chair Ako: And I second. If there's no other discussion, Mr. Clerk, roll call please.

Mr. Hull: Roll call, Mr. Chair. Again, Commissioner Chiba is excused. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

***It was moved by Mr. DeGracia and seconded by Mr. Ako to approve subdivision application S-2022-10. The motion passed by the following roll call vote: Mr. DeGracia-Aye, Mr. Ako-Aye. Mr. Chiba-excused.***

Mr. Hull: Motion passes.

Chair Ako: Thank you.

Subdivision Application S-2022-11 (*Kauai Habitat for Humanity, Inc.*) Proposed 6-lot consolidation, TMK: (4) 4-3-009:051 & 071, Waipouli, Kawaihau, Kauai

Mr. Hull: Next we have I.l.c, subdivision application number S-2022-11, proposed 6-lot consolidation, TMK: (4) 4-3-009:051 & 071, Waipouli, Kawaihau, Kauai. I'll turn it over to Kenny again for the subdivision report.

Mr. Estes: I'll read the report for the record.

Mr. Estes read the Subdivision Report for the record (on file with the Planning Department)

Mr. Estes: Chair, I would like to note a revised subdivision report was transmitted to the Planning Commission yesterday. The Planning Department removed the previous condition 1.d. relating to future road widening reserve.

Mr. Ako: Any questions for staff? Commissioner DeGracia?

Mr. DeGracia: No questions.

Mr. Ako: Is there a representative for the applicant? Please come forward. Good morning.

Ms. Herrera: Good morning, Commissioner. My name is Maren Herrera from Esaki Surveying, and we are the land surveyors for the applicant.

Ms. Pimental: I'm Mililani Pimental, Executive Director for Kauai Habitat for Humanity.

Mr. Haigh: And Douglas Haigh, President of the Board for Kauai Habitat.

Ms. Herrera: So, on behalf of the applicant, I would just like to say that we accept all the conditions in the report and respectfully request tentative approval. We are here to answer any questions you may have.

Chair Ako: Commissioner DeGracia.

Mr. DeGracia: I have one question. For archaeological resources, I think I saw in the report that there's no record of inventory surveys done in recent years, but do you guys have a plan in place in case any resources are uncovered, and how far deep you guys gona go below.

Ms. Pimental: Doug, can address that for you.

Mr. Haigh: State Historic Preservation Division did submit a letter, and in that letter it acknowledges that they are reviewing an archaeological monitoring plan. A clarification they

made is for information purposes to the archaeological monitoring plan, not for mitigation. That's because there are no known historical properties on the site, but we acknowledge that there's a possibility that some may be discovered during construction so we were proactive in doing an archaeological monitoring plan and we will be having monitoring done to all further excavation activities.

Mr. DeGracia: Thank you. No further questions, Chair.

Chair Ako: I have no questions. Okay, so based upon that, did we have a recommendation already or did I miss it?

Mr. Hull: The Department is recommending tentative approval.

Chair Ako: With that, I would like to entertain a motion.

Mr. DeGracia: Motion to approve tentative subdivision application number S-2022-11.

Chair Ako: That I second. Any other questions? Mr. Clerk, can we have a roll call.

Mr. Hull: Roll call, Mr. Chair. Commissioner Chiba is excused. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

***It was moved by Mr. DeGracia and seconded by Mr. Ako to approve subdivision application S-2022-11. The motion passed by the following roll call vote: Mr. DeGracia-Aye, Mr. Ako-Aye. Mr. Chiba-excused.***

Mr. Hull: Motion passes, Mr. Chair.

Chair Ako: Thank you.

Mr. Hull: With that, Mr. Chair we have no further items on the agenda.

## **ADJOURNMENT**

Chair Ako: Can I have a motion for adjournment?

Mr. DeGracia: Motion to adjourn.

Chair Ako: I second that, and with a voice vote, all those in favor say aye. All those opposed no. With that meeting is adjourned.

***It was moved by Mr. DeGracia and seconded by Mr. Ako to adjourn the meeting. All were in favor by unanimous voice vote.***

Chair Ako adjourned the meeting at 8:56 a.m.

Respectfully submitted by:



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Duke Nakamatsu,  
Secretary

( ) Approved as circulated (add date of meeting approval)

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.

KAUA'I PLANNING COMMISSION  
SUBDIVISION SESSION  
May 24, 2022

**DRAFT**

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua'i was called to order at 8:31 a.m. The following Commissioners were present:

Mr. Gerald Ako

The following Commissioners were excused:

Mr. Melvin Chiba  
Mr. Francis DeGracia

The following staff members were present: Planning Department - Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Dale Cua, Kenneth Estes, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai; Office of Boards and Commissions – Support Clerk Arleen Kuwamura

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Subdivision Committee Chair Gerald Ako called the meeting to order at 8:31 a.m.

Mr. Hull: Alright Chair, it's 8:30 a.m. We are ready to start.

Chair Ako: Good morning, everyone. Thank you for coming. Thank you for coming and being here. I will now call to order the May 24, 2022, meeting of the Subdivision Committee of the Kauai Planning Commission.

**ROLL CALL**

Chair Ako: Mr. Clerk, will you now please call the roll.

Mr. Hull: Commissioner Chiba. Commissioner Chiba is not present and excused. Commissioner DeGracia. Commissioner DeGracia is not present and excused. Mr. Chair, you do not have quorum.

Chair Ako: Seeing that two commissioners are presently excused, pursuant to Commission Rule 1-2-10 G, we are unable to meet a quorum to take action at today's Subdivision Committee meeting. We may however, pursuant to Hawaii Revised Statutes Section 92-2.5 E, accept oral testimony from the public on any agenda item. No debate, discussion or action on any agenda item can occur today and can only be taken up when the committee meets with a quorum. However alternatively, anyone here today to testify in person, by phone or on Zoom may

**D.5.**

**Aug. 23, 2022**

preserve their testimony until the next scheduled meeting of the committee at which time we anticipate taking up the same agenda items.

Mr. Hull: With that Mr. Chair we have no members here in person signed up to testify on any Subdivision Committee item. Are there any members here attending in person that have not signed up but would like to testify on any Subdivision Committee agenda item at this time? Seeing none, I'll turn it over to the virtual public. Myles, do we have anybody who has called in by phone?

Mr. Hironaka: Good morning, Mr. Chair, can you all hear me?

Mr. Hull: Yes.

Mr. Hironaka: We do not have anyone that has joined us either by phone or by Zoom, so I'll be turning the matter back to, no wait, hold on we have one attendee. Okay we have one attendee that has just joined us by Zoom. Let me call upon this person. So, we are at the public testimony portion. We will be turning to those that have elected to join this meeting by Zoom. I will recognize the attendees one by one and then promote you as a panelist. Once you click the join as panelist you will be able to click the start video button and also unmute yourself. I will begin and call upon Kiara Lorenzo Rodrigues. Would you like to testify?

Ms. Rodrigues: Yes.

Mr. Hironaka: Okay, go ahead. You have 3 minutes.

Mr. Hull: Just for clarification, Kiara, this is on the Subdivision Committee agenda. Would you like to testify on a Subdivision Committee agenda item? The Planning Commission agenda will follow at 9:00.

Ms. Rodrigues: Okay, so this is not for the Kukuiula Development?

Mr. Hull: No, my apologies, the Kukuiula has, there are proposed subdivision applications on the Subdivision Committee agenda.

Ms. Rodrigues: Yes, yes, yes for the 51. Okay, yes, I would like to testify for this.

Mr. Hull: Okay you have 3 minutes, ma'am.

Ms. Rodrigues: Okay, first of all I would just like to set my intentions and just say that I am here to just speak for the lahui and to just keep Hawaiian lands for Hawaii. First of all I would just like to start with the 51 proposed subdivision at the Koloa lot. Where I would like to start was with that development being made, it would then affect the access that we have to the harbor, first of all, and to talk about how all the drainage of those subdivisions would then go into the harbor not only affecting our wildlife but affecting our access which Hawaiians already have so little. I'd also like to talk about the endangered species that are there in the caves and to give you the Hawaiian names of pepepe makaole which is the cave wolf spiders and the uku nohu ana

which is the amphipod, the Kauai cave amphipod, and those are both federally protected. And we want to know when the last I guess report was made and what that information was. I know that this claims to be private lands, but does that not mean that the owners of those lands are supposed to still protect it? And I'd also like to just speak on all the iwi kupuna that are there and how a lot of people lately have been saying that there are no iwi there but we know that that's not true. I just want to make sure that we can still have cultural access for our practitioners because we know it's used for prayers and for burials. So, it's hard for us to see these things go up and not have any access to it especially as a lineal descendant of these iwi. I want to make sure that my children will still have access. And for me I come from the Big Island, but we know in time of the war of ukona that a lot of outsiders came to fight and they eventually died in these lands. So, for me my connection is still there because I may be from the Big Island but I do have lineages that went and died there and are buried there. So what I just want to make sure and to let the panel know is that we're still here, we're still fighting and we want everyone to just realize that Hawaiians have huge cultural impact on this place and we want to be able to protect it. That's all. Mahalo.

Mr. Hull: Thank you for your testimony.

Ms. Rodrigues: Thank you.

Mr. Hironaka: Ms. Rodrigues, do you wish to testify on any other agenda item?

Ms. Rodrigues: No, that is it right now. The next meeting. Thank you all. Have a wonderful day. Thank you for your time.

Mr. Hironaka: Mr. Chair we do not have any other testifiers either by phone or by the Zoom platform, so I'll turn the meeting back to you.

Mr. Hull: Is there anyone in the public, in person that would like to testify? We have one.

Mr. Esaki: I have a question.

Mr. Hull: Sorry, go ahead Dennis.

Mr. Esaki: Isn't there an alternate member to the Subdivision Committee is question number one.

Mr. Hull: There is no discussion that is going to be occurring, Mr. Esaki. There is only one commissioner present and there is no quorum to conduct business, but we are taking public testimony if you would like to provide testimony.

Mr. Esaki: No, that's just a technical question. I thought you guys had alternate members sometimes. Also, another question is can the full Commission act without the subcommittee recommendation?

Mr. Hull: I understand we don't anticipate the full Commission having quorum either.

Mr. Esaki: Okay, thank you.

Mr. Hull: Seeing that we have no further testimony being provided virtually or by phone, is there anybody in the audience, again last call, that would like to testify, you have 3 minutes, in person testimony. Looks like we have one. Go ahead Mr. Trask.

Mr. Trask: Aloha, thank you, Director Hull, Commissioner Ako. On behalf of Kukuiula Development Company LLC, I would just like to note for the record, with respect to the I believe it's Ms. Rodrigues' testimony, address that Kukuiula acknowledges and recognizes its obligations and this commission's obligation under PASH, Public Access Shoreline Hawaii versus Kauai County Planning Commission or PASH, as well as Ka Pa'akai O Ka'Aina versus Land Use Commission, State versus Hanapi and Kukuiula is sensitive and acknowledges its obligations with regards to the practices of traditional and customary rights as it goes to its development. However, Kukuiula is not interested in fighting and is looking to speak with and consult all native Hawaiians in this area who claim such rights and will follow all its obligations as required by law. I just want to say that I don't want the impression to be that Kukuiula does not understand these rights, its responsibilities, or is not sensitive to the native Hawaiian people. That's all. Thank you.

Mr. Hull: Is there anybody else in person that would like to testify on any subdivision committee agenda item? Seeing none, Mr. Chair.

## **ADJOURNMENT**

Chair Ako: Seeing that there is no additional testimony at this time, I will adjourn this meeting of the Subdivision committee.

Chair Ako adjourned the meeting at 8:42 a.m.

Respectfully submitted by:



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Duke Nakamatsu,  
Secretary

( ) Approved as circulated (add date of meeting approval)

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.

KAUA'I PLANNING COMMISSION  
SUBDIVISION SESSION  
Tuesday, June 14, 2022  
**Draft**

The Subdivision meeting of the Planning Commission of the County of Kaua'i was called to order by Commissioner Gerald Ako at 8:34 a.m. Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako  
Mr. Francis DeGracia

The following staff members were present: Planning Department: Deputy Director Jodi Higuchi Sayegusa, Dale Cua, Kenneth Estes, Marisa Valenciano, Myles Hironaka, and Planning Commission Secretary Shanlee Jiminez; Office of the County Attorney – Deputy County Attorney Matthew Bracken Office of Boards and Commissions – Support Clerk Arleen Kuwamura and Lisa Oyama

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Subdivision Committee Chair Ako: Called the meeting to order at 8:34 a.m.

**ROLL CALL**

Chair Ako: Good Moring everyone this is the Subdivision Committee of the Planning Commission, on Tuesday June 14, 2022. I would like to call the meeting to order. Before we take our roll call, I would like to mention this agenda that we have today is a repeat of our February 8, 2022. We will move through each agenda item giving the public an opportunity to testify. The committee has already received reports from the Planning Department and applicants. If there are no clarifying questions from the commission, we will vote on each item following the public testimony. As this is an unusual process, we would like to start the meeting in Executive Session with our committee's Attorney. With that Madam Clerk, can we do a roll call.

Ms. Higuchi Sayegusa: Commissioner DeGracia.

Mr. DeGracia: Here.

Ms. Higuchi Sayegusa: Chair Ako.

Chair Ako: Here.

Ms. Higuchi Sayegusa: You have a quorum Mr. Chair. Two Present.

**D.6.**

**Aug. 23, 2022**

## **APPROVAL OF AGENDA**

Mr. DeGracia: Motion to approve the agenda.

Chair Ako: Second, any questions. Hearing none. All those in Favor? Aye (Unanimous voice vote). Motion carried 2:0.

## **EXECUTIVE SESSION**

EXECUTIVE SESSION: The Commission may go into executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes (“H.R.S.”), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

Mr. DeGracia: Chair Ako, motion to enter Executive Session.

Chair Ako: Second that. Any questions? Hearing none. All those in Favor? Aye. (Unanimous voice vote). Motion carried 2:0.

Ms. Higuchi Sayegusa: Pursuant to Hawaii Revised Statutes 92-5 (a) and 9204 the purpose of this executive session is to consult with the County’s legal counsel for questions, issues, statuses, and procedural matters. This consultation involves the powers, duties, privileges, immunities and liabilities of the commission and the County as they relate to Subdivision Application No. S-2022-6 and Subdivision Application No. S-2021-1.

Chair Ako: Hearing that again can we take another vote to enter into Executive Session. All those in Favor? Aye. (Unanimous voice vote). Motion carried 2:0.

Ms. Higuchi Sayegusa: Approximate time for the Executive Session will be 5-10 minutes.

The Commission moved into Executive Session at 8:39 a.m.

The Commission returned to Open Session at 8:47 a.m.

Chair Ako: Called meeting back to order at 8:47 a.m.

## **MINUTES of the meetings(s) of the Subdivision Committee**

Ms. Higuchi Sayegusa: Minutes of the Subdivision Committee. We do not have any minutes at this time.

## **RECEIPT OF ITEMS FOR THE RECORD**

Ms. Higuchi Sayegusa: Receipt of Items for the Record. We have not received any items at this point.

## **HEARINGS AND PUBLIC COMMENT**

Ms. Higuchi Sayegusa: So, we are on F. Hearings and Public Comments. For the public sake we are on the Sub Committee which we are on now, we also have two Planning Commission Agendas that we will go through today. So currently, we are on the Subdivision Committee Meeting. For oral testimony we will be taking testimony this morning in the following manner. First, we are going to recognize all speakers who are testifying in person or who are physically present today, at the publicly noticed location which is the Lihue Civic Center Moikeha Building Meeting Room 2A-2B 4444 Rice Street Lihue, Kauai, Hawaii. Next, we are going to recognize all callers who called and joined the meeting with the telephone number which was provided on the agenda. Then we are going to recognize all attendees who have elected to join the meeting using the zoom link provided on the agenda. Please identify yourself when you are called upon if you are comfortable doing so and clarify which agenda item you wish to testify on. All testifiers will be given three minutes per testifier per agenda item. If you are not interested in providing testimony, please indicate so when you are recognized. If you have internet connectivity issues please use the join by telephone number, and we will return to any new callers for testimony before concluding the oral testimony of the agenda. Please note that this meeting is viewable through the live stream broadcast at [www.kauai.gov/Webcast-Meetings](http://www.kauai.gov/Webcast-Meetings). Please note that the live stream broadcast is not allowed to provide testimony. Please refer to the agenda on how to provide testimony. First, I am going to recognize any in-person attendees who wish to testify on the Subdivision Committee agenda items at this time. Is there anyone in the audience who wishes to testify? Please step up at this point.

Ms. Bridget Hammerquist: Good Morning members of the Commission my name is my name is Bridget Hammerquist, and I wanted to make couple points this morning with you and ask for your help. We have some people from our community of Koloa that cannot get on the Zoom Link, and I don't think they necessarily know or have the phone number. So, it's really difficult an even bigger difficulty is that as of noon, the eighth of June, five days before this meeting the agenda still was not published. An amended agenda came out yesterday, this does not comply with Hawaii Revised Statute 92, which requires notice of the meeting and the agenda for the meeting to be published not later than 6 days before the meeting date. That would mean that it should have come up last Tuesday, and it should have come out during the workday on Tuesday. It didn't come out to the later part of Wednesday the eighth. So, we've had five days' notice before today's date and it got amended again yesterday. I'm also going to object to anything going forward today on that basis that the public has not had sufficient notice. We really do feel like things are just being railroaded through the process. Also, on the subdivision agenda. I know a couple of items that are in the middle of a Ka Pa'akai analysis, and, as the Commission is probably aware of, I know the Planning Department is in the Supreme Court in the early 2000-2003 decided that case and required that the Planning Departments have an understanding of what impact the subdivision was going to have on a community. Give the community an

opportunity to work with the developer, to mediate or mitigate anything that would be harmful to their quality of life, their practices, their traditions. This analysis is still in process, and so I think it would be improper for the subdivision approvals to be given today before an evaluation of that Ka Pa'akai analysis, can even be completed. Also, it's not clear to those that receive questionnaires when their responses are due, or what happens to the responses, or who even reviews them. So, if the Commission could help the public by putting that on the agenda and making that part of the meeting where you explain, because I know I helped personally get seven people to respond to a Ka Pa'akai analysis, and there was nothing on the form that gave them any information about where they're mana'o that they shared would go. In the matter of the subdivision items in the Kukui'ula which are on the agenda today being done by Cultural Surveys Hawaii. There's absolutely no information about timing for the responses. The information questionnaire is put up developments there's three, and he put out one questionnaire for all three developments. I don't think that makes this group within standards. Thank you.

Chair Ako: Thank you.

Ms. Higuchi Sayegusa: Anyone else wishing to testify on the Subdivision Committee matters.

Ms. Cummings: Before I start, is there attorney for the County of Kauai present in this meeting?

Mr. Bracken: Yes.

Ms. Cummings: Can I please have your name please state your name

County Attorney Matthew Bracken: Matt Bracken.

Ms. Cummings: Aloha, Mr. Bracken, also is everyone on the Chair of the Board of Planning here present in the meeting. Is every board member available in this meeting?

Ms. Higuchi Sayegusa: This is the Subdivision Committee Meeting. The Subdivision members are here.

Ms. Roslyn Cummings: Okay, they are. That is what I wanted to know. I'm going to be speaking on behalf of S-2022-6, and S-2021-1 in the Kukuiula developed area. First off, e ko makou Makua i loko o ka lani, e ho'ano 'ia kou inoa, E hiki maki kou aupuni; ke ho'omaika'i ia oe ke ho'omaika'i, maika'i mau loa mai keia hanauna i ke hanauna hope loa. Anoano e ka makua lokomaika'i e hoawi wai oia makou i keia wai pono no makou. E kalamai ho'i ia o'e i makou kou makou e lawehala 'ana me makou e hala aku nei i ka po'e I lawehana ia makou mai ka ho'oku'u ia makou i ka ho'owalewale ia mai. E ho'opakele no na'e ia makou I ka 'ino; No ka mea, nou ke aupuni a me ka mana, a me ka ho'onani 'ia, a mau loa aku. 'Amene. My name is Roslyn Nicole Manawaikea Cummings, I am a Wahine Maoli and I'm here to testify against all developments in the Koloa Ahupua'a and the reason for this is because it's very detrimental to our people of the depletion of our cultural religious practices. By law I would like it to be known that everyone that took an oath must uphold the United States of American Constitution, articles 16 Section 2, the law of the land to perpetuate an existing culture that is being depleted, as we speak, there is no trust between myself. and those on the board because of what's happening in

Koloa. Specifically with this developer and MP Financial Meridian Pacific under the direction of Gary Pinkston. The reason I say this is because now the land commission use you have 12 conditions, and each time that I see these things coming up, those 12 conditions are not met prior to permitting process and that needs to stop here and now. Another thing I want to recognize is that Kukuiula is a large reinternment area, so it's a reinternment area and history of burials that are being desecrated. I'm here to give public notice, notice to agent is notice to principal the principal noticing agent. As a descendant of Kamakahahelei my name is Roslyn Cummings, my father Edmund Francis Malama, Jr., his father is Edmund Francis Malama Sr, and his father is Joseph Kukea Malama, and then his father's Kuhinahina Malama, and then his father is Nahinu Malama and Nahinu Malama's father, is Benjamin Naumu Kaopuiki. Our ancestor Wahine 'Iki and Keawe Nui, who is the husband of Kamakahahelei we are descendants of her, and she's buried in this Subdivision area. So, when you guys approve these plans please think about the burials, and what's happening in the (inaudible) I should have another three minutes because there's two subjects that we're speaking about, right? So, I want to continue with my question to you guys is where's the water coming from? How much water is needed for these subdivisions, and if you guys approve these plans, how come the Board of Water cannot supply? Why the 3.1 million or 1.3 million where it's an if right? That's water coming out of Kahili, they kind of figure out where it's coming from and why is it that in 2019 in the writings of the board. They talk about 20 million gallons being taken from the east watershed and bring them to the south watershed. I'm very concerned about what happens if we ever have a large modern rain, and who is controlling the waters. So please if you can answer the question about where the water is coming from? Then the Subdivisions we're looking at a six year we're at the six-year cap, right on our waste. We don't even have a plan for upcoming waste management. Where's all this waste going? We have an average of 115,000 visitors coming into Kaua'i with 70,000 residents, so we cannot blame the people who are living here. We're looking at 1.4 million visitors a year that are coming in, and these developments are a welcoming door map to it. So, for those of you are in the room and listening to this video because I speak on behalf of Kanaka Maoli, not foreigners who are coming here because of your mindset. I need you guys to understand that because you are here. You are then having the KULEANA responsibility to have respect for who is here, and who came before you. Mahalo for your time.

Chair Ako: Thank you.

Ms. Higuchi Sayegusa: Anyone else wishing to testify on the Subdivision Committee matters.

Ms. Terri: Aloha and mahalo. Terry (inaudible) for the record, Lewela (inaudible) for 20 years. Pleased to be here as an educator. Now work on our project Kaneiolouma on the south shore, which happens to abut the projects that we're talking about. I have a couple of concerns but one of them, just to get my heart hard. We have ohana on both sides of this conflict. Okay, he is near and dear to me, and we are not about attacking jobs, we are not about helping locals, we're not about helping residents, and we sure are here to help the Kanaka maoli. As an educator I've been placed here to do that, and that is my desire education that we all start to learn about what's at stake, what's being done, and what we could lose. Now as a native of California reservations are huge. We have a big issue here with land. The Aina is what keeps a culture, a culture. and this systemically, systematically destroying the culture bit by bit is going to end up with just that Hawaii without alliance. Now, with all respect to all that are here. How many are Hawaiians? So

here we go, this is good. So, I'm speaking to all of you also as to the importance of helping to save what is near and dear to you, and important for Ohana, Kupuna, our culture, our history. People will come and go, but what we do today, is going to matter. I just got off the telephone with Kalin Tanaka, he is the representative for Cultural Surveys Hawaii that was tasked to do the cultural component. I received, Billy received, at our home the evaluation not even a month ago. To be very clear, the projects today, are included I know there's two (2) in the Kukui'ula development, but the one adjacent to Hapa Trail is a great concern to us, because there is active explosions dynamiting going on 12 feet deep at an area that has archaeological components, historical components, and cultural components. The call that I made today, questioned Dr. Hammock as to if he had ever surveyed that area. We personally walked with Dr. Hammock, I believe it was in 2008, to establish and prevent the Knudsen Trust from developing 500 homes from the Catholic Church mauka makai all the way down in that whole ahupuaa. There is so much significance the Koloa field system as its commonly known Dr. Hammock, and a very important report put it as number one in an educational video that's available online. I believe it was done in 2021. There were 3 sites that you mentioned in to in Hawaii. Yeah, I understand. 2 of them are here. The second one, I believe, was Lima Huli Gardens, which Ke Kahuna prior to Statehood, did know archaeological assessment, and made these 2 areas the most important areas in our on our island and put them straight up in the State. The Hawaii system is unique to Koloa, which carries water. There are so many lava tubes and caves, and the way I try to explain it to somebody is these aren't like a straw, these aren't like a piece of rigatoni, a lava tube is more like a hose. Where does the lava come from?

Ms. Higuchi Sayegusa: Three-minutes.

Ms. Terri: My time is up? Did you say that? That's unfortunate? Well, I have a second item I'm talking on so I would like my second three-minutes, which I'd like to include. I thank you for pointing that out. At any rate, it's a tube system Dr. Hammock has made it very clear, Koloa! Landing has a cave that's been protected and has a State Historical Site Plaque. If you haven't been there, I would hope that you would go take notice that where the cave is and the tube goes out, and where does the tube go? Into the swimming pool. We were called about it after it was already backhoed. My understanding is that there's another project that discovered 3 case and one of them had a canoe in it. That the developer thinks it's his. Probably iwi is my understanding. Many were buried in the soil, but Ali'i were put into caves and sent up the in tubes, not to mention the mo'os that clean and take care of the fishing, and Billy is a fisherman and can tell you all about that. We have serious issues with drainage. Is there even a drainage plan? And now I'm talking about all of them. Is there a drainage plan that any of you have seen? Does anybody remember Iniki? Did anybody happen to feel the effects of the volcano and Tonga? Did you know there was a tsunami in Mahalupu? But we had no siren that went off. We have no evacuation plan. Oh, yes, they do. They want to use Hapa Trail for it that's what I heard, but now they put up a fence which now they want to make removable. Where are all these trusses is going to go, that's what I want to know? Who are they working for? There's not a whole lot of people in Koloa, Poipu, or anywhere that I know that are residents who are building homes. This is all for the condo development I bless these men there's other things we can build like a perhaps an evacuation shelter, perhaps a sustainable farming operation. That is ag land where HPM wants to grow. I want to also remind you that Good Fellow Brothers tried to pull this on the land adjacent to the Catholic Church, and they were told to leave. If you need a

base yard, if you need to set up, go get yourself one in an area, and you operate over there. Don't take up our Ag lands to do your work, but I want you to work. I just wanted to be good work. Mahalo, thank you.

Ms. Higuchi Sayegusa: Is there anyone else in the room today, wishing to testify on the subdivision committee meetings?

Mr. Keali'i Kaiminauaua: Aloha. My name is Keali'i Kaiminauaua. I am a resident of Koloa. I don't know too much about what is going on, but I live a construction life all my life it's been paying for me, and I'm also a father figure for all the kids in Koloa. I take care of most of the kids in Koloa. And for all the construction people that don't know me, that don't know the kids in Koloa, you should get to know us and know that we are here to stay, and we really like the life we live, but is pushing us away and it's not helping us at all. So, if you guys pass things to make it worse for me and the kids in Koloa and the family that I love, it's not right. But I don't know really too much about what to say amongst everybody and what they do, but all these brothers behind me, we are all work in the construction business that is what makes us live and live our life. But most of the time construction people that don't know us, that means they never care from the beginning. And so, if you guys hope to push us away and hope that all it makes you guys feel better, well, we get hope too. We hope you guys go away we hope the worst for you guys looked over for you guys, whatever I think you guys like to do but, I stand for the kids, and I'm not here for a pass, I'm a Hawaiian yeah, I'm all that but I'm all aloha and love for a community and for people. But half the big-time guys that you guys let go to be build all these things, they don't know me, they don't like me just because of the way I look and the way I present myself. But I just like to speak out for all the children that I take care around the island, and Koloa mostly I love all the kids and at every kid. I am a foster parent. I take your kids; kids are the future. So, I speak, for a kid that I was the future, and I was supposed to have been the kid that everybody's supposed to think of the future. That's all I got to say and I aloha you guys.

Chair Ako: Thank you.

Ms. Higuchi Sayegusa: Anyone else in the room wishing to testify the Subdivision Committee Agenda? If not, I'm going to turn it over to Myles and Marissa to handle the callers and the zoom attendees.

Mr. Myles Hironaka: Good morning, Commissioners. Can you hear me? Okay, good. Okay, turning to callers who have elected to attend the meeting by phone, using the join by phone telephone number provided on the agenda, we will recognize each caller by the phone number that was used to call into the meeting one by one, and we will enable your audio. Please press you need to press Star 6 in order to unmute yourself, and then we will be able to hear you. If you are comfortable, please do so by identifying yourself also, please clarify which agenda item you wish to testify on. You'll be given 3 minutes per agenda item or if you're not interested in providing testimony, please indicate so when you are called upon. So, I will be with phone Number 808- 278-3766. I have enabled your audio you need to press Star 6 in order to talk, if you're comfortable, please identify yourself and also clarify which agenda item you wish to speak on. Hello?

Woman: Yes, Aloha. No testimony at this time.

Mr. Hironaka: Alright, Thank you very much. Okay. let's move on to those that have elected to attend the meeting by using the Zoom link provided on the agenda. We will recognize each attendee one by one and promote you as panelists. Once you click on, join as panelists you'll be able to click on, start video and unmute yourself. Please clarify which agenda item or items you wish to testify on. You'll be given 3 minutes for agenda item for your testimony, and if you're not interested in providing testimony, please indicate by letting us know when you are recognized. For the zoom attendee, if you experience Internet connectivity issues, please use a join by phone telephone number and we will get back to you. Before we conclude our oral presentation testimony part of this agenda. So, let's begin with attendee Tara Rojas. I promoted you as panelists you'll need to join as panelists, and then you'll be able to start with you and unmute yourself. You need to unmute yourself Tara.

Ms. Tara Rojas: Aloha. Can you hear me?

Mr. Hironaka: Yes, we can. Please go ahead.

Ms. Rojas: So, I am Tara, and I'm testifying regarding the new action item, and like previous testifiers had mentioned, with the laws needing to be upheld and abiding by your own procedures and systems and rules. This needs to happen now. There should not be any action taken today, for all of the reasons stated by Auntie Bridget. There should be consideration of what Tita Manawaiakea Roslyn Cuumings also mentioned, and I also just Want to bring you back to kind of common knowledge, just for you all of you Commissioners there. Have you all heard of that one saying, "greed?" What is greed? Greed is the root of all evil. You need to think about this as you were sitting there on the Planning Committee for the Island of Kauai, which is in the State of Hawaii, and the State of Hawaii is Hawaii, because of Hawaiians. So please remember the place and space you are living in and occupying that It's been said again, you have the Kuleana to Hawaiians. Hawaii is not Hawaii without Hawaiians. Hawaiians are connected, I know I said it before, I'm gonna repeat it again, because sometimes they say you know you need to hear things about seven (7) times before it really clicks. Hawaii is Hawaii because of Hawaiians. Hawaiians are connected to aina. The aina that you all are there right now, planning to decide on. And I'm also going to say this, have you ever flown on a plane? And when if you're in the aisle with the exit aisle, and then the flight attendants always ask you if you feel that you are not capable of helping or taking care of your kuleana sitting in this row, please remove yourself and find another seat. I like to extend that same analogy to you all just because you're born and raised here, does that mean you and you're on this Commission, does that mean that you can renege on and deny your kuleana to uphold the land, the culture, the history of Hawaiians for Hawaii? And going back to just even before that common sense, just as little kids. What do we first teach our kindergarteners? The first lessons, the first, our children, the first thing we teach them are basic rules. To what? Love one another, to avoid taking what's not yours, respecting...

Ms. Higuchi Sayegusa: Three- minutes.

Ms. Rojas: Okay, 2 min. And that's what I just want to say. So, it's common sense that you all learn the Commission, you have kuleana to uphold. You have all these laws and rules, and

procedures and systems. But is it of kanaka maoli indigenous mindset? And if not, then you need to please remove yourselves, so that those who are kanaka maoli, who are of this place, who are of indigenous mindset will uphold what is correct. What is pono. You can feel it in your na'au your, in your gut, in your instinct what is right and what is wrong, that's the first thing they teach our children. So, as an adult, we need to remember what we first learned what is right and what is wrong. It's not about the money, it's about aina, it's about via. We are here, and we are showing up, and we are holding you accountable. So, you are there, I know the Planning Commission, but it's what's best for the islands of Kauai.

Mr. Bracken: Three-minutes.

Ms. Rojas: Okay. Yeah, Now I will use my other whatever the other time I have I will just extend it just a little bit more. But I'm going to say again, you are there to uphold what is best for Kauai. Yes, you need to plan ahead. Plan ahead for the traffic, plan ahead for who you are serving, the tourist or those who of the place in space, kanaka maoli and locals who happen or who have the blessing to be born on this island? You need to plan for sewer, where is it going to go? Why is that the only Hawaii, the I'wi Kupuna, the bones of our ancestors, your grandparents, your great grandparents, are always just disregarded. What other cemetery do you see around the world or in the Continent, where "oh, we'll go to cemetery, we'll dig up bones and we'll just disregard them like nothing. This must stop now, it's 2022. You learn your history, learn the correct history. Do what is right. How you're raised in this time, age, place, and space. So again, Planning Committee, please, do not take action and just approve Kukui'ula subdivision, or any other subdivision in Koloa, Kauai. Hawaii is not for the tourists and those who have money who can buy out land, who can for the developers to want to disregard the cultural historical sites that's supposed to be protected. If again, if you are not capable of adopting a Kanaka maoli in mindset, you can change at any moment. You can decide, you know what, I'm going to stand up for what's right. I'm not going to let greed be the root of all evil be what is guiding me. Use your na'au, use your common sense, use what you learn as a child, return what is not yours, protect and preserve Hawaii for Hawaiians. As well as for all of us who live here, and who live there on Kauai. Water and land, we only need water. I went to the Board of Water, Kauai meeting, supposedly 3.1 million gallons of water is leaking, and they mentioned the last 5 minutes of the meeting that just "oh, you know what, I must leave at 11:30." and they just mentioned "3.1 million gallons of water," and this is for the month of April that they're mentioning about they said, "we don't know where it's coming from" and they just ended the meeting at that, at the end, 5 minutes. So, 3.1 million gallons of water are still leaking for the month of May, and it's going to still be for the month of June. So right here in Oahu, right now actually it's 18 minutes late, I'm supposed to be on the zoom meeting for deciding on the water for Maui and for Oahu. All these things are what we must do. So please, your only job is to plan for the State, sorry, hold on. for the island, the island, the moku of Kauai. Do what is right, Mahalo. Thank you.

Chair Ako: Thank you.

Mr. Hironaka: Thank you. Next, Commissioners, we have Alfred Keaka Hiona Medeiros. I will promote you as panelists. You will need to enable your audio and video and click on "Join as panelists" then you'll be able to start your videoing audio.

Mr. Alfred Keaka Hiona Medeiros: Aloha mai kakou. Alfred Keaka Hiona Medeiros. I'm, speaking about the development planning at Kukui'ula by Mr. Gary Pinkston. I flew up 2 weeks ago. I talked to you guys before, like I said, I would show up, and I showed up to Koloa. What I've seen in Koloa was desecration, destruction, and disturbance of our Iwi Kupuna and the constant disregard to humanitarian in general. I witnessed the explosions have happen in Koloa, illegally by a company called Apex Explosives, that's license was revoked that is actually passing the buck over to Earthworks Pacific, who is doing the development for Mr. Gary Pinkston. I walked on that site, and I told them they have no right to that aina, because they don't regard of what you guys are permitting and planning over there. Just to let you guys know right now whatever paperwork you guys sign it doesn't mean nothing to people like myself as a kanaka maoli. I will do everything I can to stop it from developing and stop it from happening just so that you guys know now, you guys can sign that paper today, you guys can do whatever you like, and I'll be one of those to that fly up and stop them like all we did. Okay, so that you guys know that. So, what I've seen in Koloa, is also happening down the road. I was taken to another location, where they plan to do these other two developments, and one of these developments are being done or planned to be done on the biggest Heiau in all Hawaii. Not just on Kauai, but all Hawaii, which is connected to our ancestors completely. And you know what I've figured out that these colonizers, these gentrifications people don't give a damn about kanaka maoli, and that's why they want to do this. This is their plan, and you guys have permitted him to do so, and to desecrate and dissipate eradicate our history as people and I'm not going to let that happen, and you guys shouldn't let that happen too. If it's not for the culture significance for us is kanaka maoli, please look at it as a as people who live in Hawaii, and what's happening to our people we are being pushed out by developers that don't care about us none of these things are made for people to afford, this is not affordable living when it's 2.2 million dollars per house, like I said, 2.2 million dollars per house. Can you guys on this Planning Committee afford that? None of you guys can. So, what makes you think that anybody else can? Nobody else can. This is for people to come in and change the way we live in Hawaii. Gentrification is a new form of colonization, and this is what they're doing. Little by little, we will not be able to live here. This would be their little tropical paradise of their own for the millionaires, and you know what we, as local as come out who need to be. We will be servants to them. I don't know about you, but I am no slave, and I will not be to anybody that comes over here that does not care about Hawaii, our people or culture. So, I let you guys know this Mr. Planning Committee, I will be up there in the next meeting, because it seems like you guys got to see me in person to understand what I'm telling you. You guys need to stop everything that you guys are doing. This is not a request. This is not a request; You guys need to understand where enough is enough that our people are able to survive and thrive in this, in this Hawaii anymore. Our kids you won't have a place anymore like the Kanaka that came up before, he says, take care of the keiki in Koloa. I take care of all our keiki in all Hawaii, I care about all Hawaii keiki. And this right here needs to stop for them. You guys need to understand that what you guys are doing now will make whatever happens in our future. You guys have a place in our history right now, to stop everything for Hawaii nei, for the betterment of our keiki and if you guys continue to sign these paper works thinking, nonetheless, nothing's going to happen than our keiki won't have a place to call home. They'll be calling places like Las Vegas, California, Colorado, Washington home, and that's not what they're meant to do, they are made to be living here in Hawaii nei. Now think about it like that. Yeah, like I like sister said before this: If you guys are unable to do the job to protect and preserve Hawaii like how you should be, then please step down because

there's people that are willing to do so for free like myself, I'll volunteer the time if I need to. Like I said, I'll fly up there on the next meeting, like how I flew up to Koloa and walk in and stop this thing, because I said the next time I come up, I'm not here to talk, I'm here to stop things happening. Just understand that my kuleana is to protect all of Hawaii, our Aina, and the people around us. And if I feel there is a threat, I'll make sure I'm there in present, and you guys should do the right thing because I will be present. Oh, if I got to come door to door I will because that's my kuleana as a kanaka maoli. I know my place in this world, I know what I got to do by any means necessary. So mahalo for you guys' time, mahalo to everybody speaking up out there, and this is not going to happen on our time, or anybody's time, we are going stop Gary Pinkston and his ignorant ways, and I promise you I will give my life to do so. So, if you guys don't stop it legally, you guys are going to have to stop it criminally. Mahalo and aloha.

Mr. Hironaka: Thank you. Next, we have I will identify this person as A. S. I will promote you as a panelist. You need to click on "join us panelists" and you'll be able to start your video on mute yourself. Please let us know which agenda item that you're interested in speaking on, and you have 3 minutes for your testimony.

Woman: Aloha and thank you.

Mr. Hironaka: Thank you. Go ahead.

Woman: Yes, Aloha, Thank you. I wanted to comment on this meeting in particular about the Administration. I was shocked to know that there was an 8:30 Subdivision meeting today. It was listed at the very bottom of the County of Kauai, Planning Commission web page. At the very bottom, under every single outdated agenda from 2021, there's no way that the public looking at the top of the page, could figure out that you needed to scroll all the way down to find this meeting that was happening today. That's violation of the sunshine law 92, need to make sure that there's a transparent way that the public can get access to what's happening in government. I also wanted to comment on Gary Pinkston. There was an article that came out in the Pacific Business news a year ago, and he was bragging about how he was going to come to Kauai and inundate the island with his development, how he was going to spend multi millions of dollars in order to get a return on his investment and looking for investors, even a year ago. His idea is to completely Remake Kauai especially the south side of Kauai, to look like Disneyland. It's not what anybody needs here. Third, I wanted to also mention the cultural analysis. There was supposed to be cultural analysis done for all the Kukui'ula development projects. But, as another speaker said, we just got a notice about 3 or 4 weeks ago, so there's no way anything could have been complete right now. Finally, I wanted to ask, at the August 10<sup>th</sup>, Planning Commission meeting, where the subdivision for the Koloa, 282 condos was mentioned. There was a subdivision committee meeting, and what we heard at that meeting was that it was going to only be a tentative approval for a subdivision and the Planning Commission, the Planning Department Director asserted that everything had to come back before the Subdivision Committee and the Planning Committee before a final approval before any activity on the site. What happened? What happened? There has never been another hearing. That was August 10th of 2021, ten months ago. The public has never been invited to comment on this, again. Yet dynamite or a dynamite proxy has been blasting through the site in Koloa, up on Kiahuna Plantation Drive. Something's wrong. Mahalo.

Mr. Hironaka: Thank you. Next, we have zoom attendee Alisa Andrews. I'll promote you as panelists and then what you will need to do is click on "join us panelists" start your video and unmute yourself, please. Again, let us know which agenda item you are speaking on, and you have 3 minutes. I think we have the person may have dropped out. Let's move on and we'll return to her she comes back on. Let's move on to C. Martin, I will promote you as panelists you'll need to enable your audio video and click on "Join us panelists" start your video and unmute yourself. Please identify which agenda item you are interested in speaking on, and you will have 3 minutes.

Woman: Hello. So, I just wanted to clarify that Is this the appropriate time to talk about the special permit and the proposals HPM facility? Or are we still on the previous special Subdivision Meeting?

Mr. Hironaka: We are currently on the Subdivision Committee Meeting. But, Jodi, would it be appropriate for them to wait, or for them to speak on this agenda Item?

Woman: I am fine to wait for the other meeting to end If that's okay?

Mr. Hironaka: Okay, we'll make note of that, thank you. So, let's move on to we have Tiara Lorenzo Rodriguez promote you as panelist. What you need to do is start to video and unmute yourself. Please, let us know which agenda item you are interested in speaking on, and your 3 minutes per agenda Item. Tiara, you you need to unmute yourself.

Ms. Tiara Lorenzo Rodrigues: Can you folks hear you?

Mr. Hironaka: Yes, we can go ahead.

Ms. Rodrigues: Aloha mai kakou, before I start, I would just like to state my intentions, my intentions today are the preservations of the kanaka maoli culture, our aina, our wai, our kai, and our aumakua. Also, I would like to create this preservation for the next 7 to 21 generations. As I start speaking, I just want to claim that I am a lineal descendant of Kamaka Hele, and through this through this I have sent you, kuleana that comes with being a kanaka maoli and I know that it is honor, a privilege, and a sacred duty. And my honor today is to uphold all the laws that you belong to command you folks to uphold all the laws that you guys set forth. And not only that, to question you guys again what's the impact of subdivision would have on the community? What your sewer plans are? What your traffic plans are? And all these, the water that goes into the ocean, and then affects all the food that kanaka maoli use and all the fishermen will notice from our opihi, to our opai, to the limu, to our natural sea life, our honus all these things are getting affected by the runoff that's now created by yet, again another in 200, 200 plus housing subdivision. I also want to talk about the loss of natural habitats for the not only the Nene goose, but we know that not only in these areas we have multiple different manu multiple different sea birds. We also have the ape ape, which is our Hawaiian bats. And what really this looks like for them losing yet, again another crucial critical habitat that they have. I also want to make it known that the burial mounds in this land are connected to not only the people of Kauai, but to all the outer islands we know in the time of Mono Kalani Po in Kokona there was a battle that happened here. The battle was named Ka wele wele and we know that through this battle Mono

Kalani Po showed great, great, strategical efforts on his part there was thousands of men that came from these outer islands, and he and his army of 500 went on to slave most of them, and he captured the chiefs of the outer islands and He showed them mercy as a matter of fact, he sent them all home, he fixed the canoes, and he gave them provisions, and he let them all live another day. So, this is just a fine example that you guys can all learn from this Ali'i and how the Ali'i of Kauai were not wasteful they didn't even want to see their people died. It wouldn't shed blood, they wanted to bring peace for the people, and they love their time, they loved, their lands, and they love their people as well, and not a lot of Ali'i can boast of these things, but the Ali'i of Kauai can. I just want to finish with an olelo noeau that says, (Hawaiian language), "it's through the way you serve others that your greatness will be felt." So, I command you folks to serve us greatly, because we deserve that we deserve a voice. Our voice has been taken for too many years and we're all here asking me, begging you, pleading with you that you side with the Kanaka maoli for once. Mahalo

Mr. Hironaka: Thank you. Next, we have Cox Fricke LLP. I will promote you as panelists. What you will need to do is enable your audio and video and press on "Join as panelists" to start your video and unmute yourself.

Cox Fricke LLP: Hi and good morning. I'm here to on the HPM matter, so I will reserve any comment.

Mr. Hironaka: We will make good on that, thank you.

Cox Fricke LLP: Thank you.

Mr. Hironaka: Next, we have Kanani Fu. I will promote you as panelists. I will need you to enable your audio video and click on "Join as panelists" then you'll need to start your video and unmute yourself.

Ms. Kanani Fu: Just listening in. Thank you very much. No comment at this time.

Mr. Hironaka: Alright. Thank you very much. Next, we have Tessie Kinnaman. I will promote you as panelist. What you'll need to do is click "join as panelists" start your video and unmute yourself. Let us know which agenda item you are interested in speaking on and you have 3 minutes.

Ms. Tessie Kinneman: Can you hear me?

Mr. Hironaka: Yes, we can, go ahead.

Ms. Kinneman: Tessie Kinneman for the record. Aloha, Subdivision Committee. My testimony is on I.1 and I. 2. First question is, I'd like to ask the Commissioners if they are, if they have the Kukui'ula Ordinance in front of, I mean If they are familiar with the Kukui'ula Ordinance because I would be speaking on conditions of in the ordinance and the conditions in the ordinance. And the Conditions, there is 15 pages of Conditions that was created in 2004, but the conceptual plan for Kukui'ula was done in like I'd say, 1999, and so what I am asking for

Subdivision Committee, I recommend that you defer decisions on the subdivision, application No. S-2022-6, and also the Final subdivision, map, approval for S-2021-1, because I feel that Conditions have not been met, and there are a bunch of conditions that I'd like to go through, and if you have a pencil handy I would like for you to at least make notes of page 4 of the Conditions as Condition number 7.A, and it is in regards to the major project roadway through the Kukui'ula Project. Also, No. 7, Condition No.7 that's No. 15 A, C, and D and Condition C and D refer to if I'll read Condition A, "as represented the application developed dedicated and perpetually maintained 20-acre, active regional community park, within a project as known as shown, exhibits ZA-1 titled conceptual community park." Planning improvements to be provided by the applicant potential include multi-purpose fields that accommodate baseball, football, soccer, and possibly state parks as well as pavilions. The application dedicates the park to the county upon completion of the improvements, and the application, and to a maintenance agreement with the county for the maintenance of park." And Condition D, it reads "application dedicated a minimum twenty-foot-wide lateral beach access easement along the shoreline. The application also developed, dedicated to the and dedicate to the county and perpetually maintain the properties identified as TMK: 2-6-011:013, 014, 015, and 016 as, since it was identified in 1999 as a public park. The County shall have the option of moving the existing structures there on improvements may include an additional boat launch ramp, additional parking pavilions, landscaping shay trees, shower facilities and a playground area. Specific improvements will be decided by the County Parks Division in consultation with all stakeholders including the community, the applicant, and neighbors through a community planning process. So, I think those 2 Conditions should be on that priority list for the Kukui'ula to develop before subdivision, approval. Also, I think there should be updates on Condition No. 24, No., I'm looking at my both have to do with the archaeological surveys, and I don't know how much of that you can do on the section where the resort that's in parcels J, K, and L that's supposedly going to be built.

Ms. Higuchi Sayegusa: Three- minutes.

Ms. Kinneman: Yes, I watched that portion there being built. It's a like the 5 to 7 story hillside mountains, that was built in the past year, year, and a half. I have watched it from the harbor being grown, and they should be updates on the TIAR update, that's the Traffic Impact Analysis Report that has not been done since I think (inaudible) corporation Kiahuna projects, Knudsen projects was done, I think, probably 2004. So, it's getting close to 20 years, since an update for the Koloa the area, and as the residents can feel, that the Subdivision proper we are being inundated with visitors which will welcome, however...

Ms. Higuchi Sayegusa: It's over the three- minutes.

Chair Ako: Thank you very and we appreciate your testimony.

Ms. Kinneman: Was that my three minutes?

Chair Ako: Yes, that was six minutes.

Ms. Kinneman: That was six?

Chair Ako: So, thank you very much for your testimony this morning. Ready to move on?

Mr. Hironaka: All right, thank you. Next, we have Kulanui Perez. I will promote you as panelist. What you'll need to do is click "the join as panelists" and you'll be able to start your video and unmute yourself. I think we have lost the person. I think I will monitor that and see if the person...oh, here are, go ahead. Kulanui? Kulanui, I will promote us panelists. Okay, there you go, you need to unmute yourself. Kulanui, you need to unmute yourself.

Ms. Kulanui Perez: Sorry. Aloha. My name is Kulanui, and I wanted to make testimony on behalf of the Kiahuna Subdivision development, and I just want it on record that after they did that first initial blast there was (inaudible) further up from their blast site all the way to the top of Hapa Trail, where they ended up blowing holes unintentionally through the lava tubes that resides underneath Hapa trail. They continuously refuse to admit that it exists. These are holes that previously before the blast did not exist, and they continue to deny that they do now in fact, exist. There is going to be impacts that they have no ideas when it's going to happen, because they have not done a proper survey of the site. There are lava tubes that run down through the housing divisions below them. In fact, Pili mai also has over 30 open lawsuits against them, because of the way the ground is beneath them and the residents there we're not informed of it, or like those current owners. I also want to make note that there is no planning for more schools to be built within Koloa and Koloa's school is already at capacity. Summer programs for families are at like they're beyond capacity right now, even programs that cost \$800 a month plus are at beyond capacity. They can't take any more children. So, I want it to be known that these housing is, in fact, not meant to be for any long-term residents. They are for tourists. Have they been planned for any residents at all? We would have had these planning in place, there would have been more schools intended to be built, or schools would have been enlarged to be built and we would have more kids' programs for families living here and working. So, I just want to put that it's very blatant that these homes are not being made for families who are going to continue living here, and proof providing as part of our economy. Another thing I want to point out, is that Gary Pinkston and the people working for him, especially as archaeologists, aren't working as true archaeologists. I am an archaeology student, I'm finished with all my archaeology classes at UH West Oahu, and I'm only waiting to graduate when I'm finished taking whatever electives to meet my graduation elected require like credit requirement; and as an archaeologist student, I know, in fact, that they did not provide any proper surveys of the site. They did not conduct any meetings with residents of Koloa, especially residential who have been there from time in the immemorial. Residents who can tell you that there are ahupua'a on that property, residents who can tell you and myself, as an archaeology student, I can blatantly see the lava tubes.

Ms. Higuchi Sayegusa: It's over the three- minutes.

Ms. Perez: Like people have said, that are there, you can see exposed lava tubes on that site. Another thing is a Nene Geese, there were over 20 Nene Geese we observed walking the site after their nesting areas have been graded. There were much more that we couldn't see but you could hear them in the brush from the areas that weren't graded yet, and the biologists have all said that no there's no nesting there, they've been playing this game of denial to get away with what they're doing. Another thing that happened at that site was while they were building the black fences towards the back of the golf course side, not the roadside for the golf course side. I

saw them while they were doing that, and I asked them' are you guys leaving passageways for these Nene Geese?" and Gary said, "Oh, well, our biologist says it's okay." And I I was like, Okay, who's your biologist?

Ms. Higuchi Sayegusa: Four minutes.

Ms. Perez: And he refused to give me any names they didn't know the name. Yes?

Ms. Higuchi Sayegusa: That was four minutes. I just wanted to also just interject a little bit. The Kiahuna matter is not on the subdivision committee, agenda, agenda one or 2 today. But thank you for your testimony.

Ms. Perez: Thank you.

Ms. Higuchi Sayegusa: I will turn it back to Myles. Are there any other callers? or any other Zoom call attendance present?

Mr. Hironaka: Yes, Jodi, I think we've gone through the list of those that have joined us by zoom, but we'd like to return to the phone callers. I think, another, the person has come in. so this would. This would be phone number 808- 720-1091. Well allow you to talk. What you need to do is Press Star 6 to a mute yourself. If you feel comfortable, please identify yourself and clarify which agenda item you wish to testify on. You need to unmute yourself. Press, Star 6, There, you go.

Woman: Hi. Aloha. Can you hear me?

Mr. Hironaka: Yes, I can we can go ahead. You have 3 minutes.

Woman: Okay, Aloha, I would like to give testimony in opposition of Subdivision Application No. 5, 2022- 6 and 5, 2021-1. First, I would like to say that we're in a housing crisis. Stop allowing the privatization and gentrification of Kauai. How do you make out in this housing crisis is at all-time high, why do we continue to prioritize prioritize tourist accommodations? This developer selling off Kauai and marketing the Kiahuna project and who is the same developer doing the project at Kukui'ula at the Lihue airport. How can we allow this? Locals can't find housing but we're allowing Gary Pinkston to sell to tourists the second they step foot off a plane. The investors who are walking from the planes who see these signs clustered all over the car rental, and the baggage claim. This is shameful. This developer is also making payouts to local schools like Koloa elementary school trying to brainwash the local community. Meanwhile, our small local schools are being pushed beyond capacity, while the Planning Commission carelessly approves these projects, that we'll have negative impacts for generations to come. Once again, we do not have a traffic plan. Both projects, with developers developing has one road in and one road out. If a tsunami or a hurricane or any mass evacuation events happened on the south side of Kauai, including the Waipa Reservoir that could breach on any day, it's a disaster waiting to happen. Our landfill is at capacity. Why do we keep allowing more development? Look at Maui. We are at a crucial point where you guys must realize, are we going to be Oahu? Who are we going to be Waikiki? We going to be Maui. Do you want it to come

to that point? Or do you want to keep Kauai the way it is? It is, you guys must start thinking about the next generation, and not just 1 or 2, 7, 10 generations from now. If we are suffering now, where will they be? There is corruption within the County. We have people like Kanani Fu, who is on this meeting, and just a few months ago she worked for the County of Kauai as the development manager and the prior housing director. Now, she works for Gary Pinkston he's not the only prior county employee who works for him and is on his payroll. We've got multiple ex county attorneys that are also now represented representing him. Cultural Survey Hawaii should be banned from operating in the State. They're notorious grave robbers and desecrators. Look at Koloa Landings that pool is built from a lava tube that was the same thing, collapsed and destroyed for a swimming pool. How can this man, who has declared no cultural significance for thousands of years, be allowed to continue to erase history? This man has approved thousands of hundreds of burials to be removed, and they're still pending a Ka Pa akai analysis for this property. How are you guys approving this without having this analysis done? There's a lot put in place to prevent prevent everything that's happening, yet the county is not upholding the law. Instead, the county has written agreement with mass landowners and developers. We truly have no title to the land. 60-1, definition, legislation signs that keys are unique landforms, and often contained irreplaceable research of immense cultural spiritual aesthetic, and scientific values. These cultural and spiritual resources include human burials and other evidence of native Hawaiian Kanaka sue and their associated traditions are in need and need protection. The county of Kauai was suggested in 2003, to preserve 4,000 acres of the cave. Much of this development that you guys are now approving would have been deemed critical habitat if you, the county of Hawaii, would have preserved more of the Kauai cave ecosystem, which, considered to be one of the 10 most critically endangered cave ecosystems in the world. I asked you guys to please start thinking about your choices that you are making. Mahalo.

Mr. Hironaka: Thank you. Mr. Chair we've gone through all the telephone numbers and zoom attendees that have joined the meeting. We hold on a second hold on Alicia Andrews. Come back and join us. Let me see. she will be interested in providing testimonial promotions, panelists. What you would need to do is click on "join us panelists" To join us you need to click on as panelists and then you'll need to start your video and unmute yourself. Okay, I think she drooped out. So, Jodie, looks like we've gone through the all the telephone numbers and the zoom attendees and who have joined the meeting. I guess we'll make our last call, is there anyone in the Zoom link who has not testified and would like to do so, please raise your virtual hand at this time to be recognized? All right, Jodi, I think I'll turn turn it back to to you and the Chair.

Ms. Higuchi Sayegusa: Is there anyone else physically present wanting to testify on the subdivision committee meeting agenda they're also being ample opportunity to testify in matters on the agenda 1 and on agenda 2. So, at this point anyone wants to final call for any testimony. on the Subdivision Committee Meeting Agenda? That's you Chair.

Mr. DeGracia: Chair, my I ask for a 5-minute recess?

Chair Ako: Sure, we will come back at 10 o'clock. Thank you.

The Commission recessed this portion of the meeting at 9:56 a.m.  
The Commission reconvened this portion of the meeting at 10:02 a.m.

Chair Ako: Call the meeting back to order after the recess.

We will call the Subdivision Committee Meeting back to order at 10:02 a.m. And with that if I can just turn it back to Jodi.

Ms. Higuchi Sayegusa: You know, I don't see her in the audience, again there was one lady that wished to testify in person. I don't see her in the audience right now. So sorry, Chair I am just going to step out right now to make sure if she is here.

Chair Ako: Sure.

Ms. Cynthia Kaiminauau: Aloha. My name is Cynthia Kaiminauaua, it's a long length of names, but that's the name of my legacy. And then we, my parents, with grandparents, have been in the Koloa area in the late 1800's, 1900's. My grandmother was born in core in 1903, my mom was born in Koloa, and we've been residents of course many, many years. So, I'm not here to say how to do your job I'm just here to say that my legacy is resident of the Koloa, Poipu area, and I was born in the time, that I was so fortunate not to see any resorts of development in the area, and it does affect every generation. And now my children, of course, had not seen what I've seen. So, I'm here to share that. Yes, improvement was you know, necessary. But however, on the changes, and I'm not sure which area I'm speaking on, I'm just speaking in the development in the Koloa and Poipu area is because we enjoy the aina and we enjoy the beaches. But I don't know if anybody can see it on my point of view, we love everybody we care for it. But I'm the kupuna in that end to see that you know, sometimes enough is enough, and we need to deal with what we have presently, and not worry so much about the future, because we don't know we have a tomorrow sometimes? You know, the Lord controls it, not us. However, for our keiki, we need them to enjoy what I enjoyed. I enjoyed our beaches. I enjoyed walking on the beach when I wanted to, walk through the cane fields, which there is none now. But basically, I just want to speak for the legacy of my family side. I'm a resident, no matter what or where you build or improve in the Koloa area. It will affect us. It has affected us throughout this many generations. Because, as we improve as a resident, we get penalized too! I mean no, I you know we pay taxes as things improve. And yes, we must pay our part. However, this, only so much we as a residents can handle, because we don't have what you call investors that is helping us live on Hawaii and live on Kauai to help us with our necessary things. We need maybe, to improve our own land. And I can speak that from the experience, because for me, when I must go to the county and to improve, maybe to get a water line and stuff, I can do it because I can't afford it. I cannot put a water meter because it's me it's maximum. So, I don't have those numbers I don't have that money to do that. So, I'm just here to say and as you proceed you know really truly need to think about the ones who really lived here all their lives. We don't have those big investors to help us to live the day to day. We just say we have a roof over our head food on our back, and that takes sometimes three to four 4 jobs for us to do that. But for us my family, I say please, let's it enjoy what we have presently, and maybe not build so much, but only the areas that's really necessary. And thank you for your time. I appreciate this.

## **GENERAL BUSINESS MATTERS**

Ms. Higuchi Sayegusa: Thank you. Chair, we're on G, General Business Matters, at this time we have none for this meeting.

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

Ms. Higuchi Sayegusa: Item H, Unfinished Business, there is none for this meeting.

## **NEW BUSINESS (For Action)**

### **Preliminary Subdivision Map Approval.**

Subdivision Application No. S-2022-6 (*Kukui'ula Development Company LLC./MP Kauai HH Development Fund, LLC.*) Kukui'ula Parcel HH Subdivision  
Proposed 51-lot Subdivision TMK: (4) 2-2-019: 029 & 031  
Koloa, Kaua'i

Ms. Higuchi Sayegusa: So, we are on Item I., New Business for action, one Preliminary Subdivision Map Approval. Subdivision Application No. S-2022-6 (*Kukui'ula Development Company LLC./MP Kauai HH Development Fund, LLC.*) Kukui'ula Parcel HH Subdivision Proposed 51-lot Subdivision TMK: (4) 2-2-019: 026, 029 & 031 Koloa, Kaua'i.

Chair Ako: Okay, with that we heard a lot of testimony on this we read a lot, Commissioner DeGracia, do you have any questions at this time?

Mr. DeGracia: No questions at this time.

Chair Ako: I do have one. Madame Clerk, I think there was a comment that came up pretty good this morning, about the publication of the notice, the issue of timeliness on that.

Ms. Higuchi Sayegusa: Sure, as required under Sunshine law under 92. We did provide and post the agenda and the packet on the Commission website, also posted on the agenda on the County Council I believe it was posted on the bulletin board, and outside of this room here, and that's a minimum 6 dates prior to the meeting. I think it was posted on Wednesday, so that was about 7 days, calendar days prior to this meeting. And the packet is also available on physical packets, also available for inspection up at our counter. So that's those things were posted for both, for the Subdivision Meeting, the Agenda one, which again, is another redo of February 08, 2022, meeting, and for the agenda, 2, which (inaudible) which is HPML.

Chair Ako: Okay, thank you. So, with that I guess to to the unusual circumstances, that we have on these Agenda Items here at this time, I would like to entertain a motion to ratify February 8, 2022, actions of the Subdivision Committee application S-2022-6. This was tentative approval for

Mr. DeGracia: Before I make any motions. I like to thank everybody who testified today. As stated by Commissioner Chair Ako, that we are revisiting testimony for this item that the Commission, the Subdivision Committee that we had made motions on, on February 8th. I appreciate the additional testimonies; it gave me a lot of insight. It did not fall on deaf ears, however, this is an unusual situation. At this time, I moved to ratify the February 8, 2022, action of the sub subdivision Committee on application S-2022-6.

Chair Ako: With that I will second the motion.

Woman in the audience: Can you read what that is so that we know what you're voting on, please.

Mr. DeGracia: Subdivision Application S-2022-6 this was a tentative approval for a parcel at Kukui'ula.

Woman in the audience: A parcel subdivision?

Ms. Higuchi Sayegusa: I'm sorry.

Woman in the audience: I can't hear you get mask?

Ms. Higuchi Sayegusa: Yeah. So just to maintain some order, if you wanted to say things, you can speak to the mic. But the time for a public testimony did come and go.

Woman in the audience: It was just a question, because she wants to ratify something that I don't think anybody here knows what you're talking about, including myself. You can please read us what you're trying to ratify, again.

Ms. Higuchi Sayegusa: So again, the motion of the table is to ratify the previous action done on February 8, 2022, pertaining to subdivision application S- 2022-6. (inaudible).

Chair Ako: Commissioner, do you have any other discussion or comments you would like to make?

Mr. DeGracia: No further comments.

Chair Ako: Madame Clerk, could we have a roll call vote?

Ms. Higuchi Sayegusa: Sure. Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: I'm sorry, Commissioner DeGracia. Chair Ako?

Chair Ako: Aye.

Ms. Higuchi Sayegusa: Motion passes 2:0. Mr. Chair.

Final Subdivision Map Approval.

Subdivision Application No. S-2021-1 (*Kukui'ula Development Company LLC.*) Kukui'ula Parcel Subdivision  
Proposed 40-lot Subdivision TMK: (4) 2-6-015: 001  
Koloa, Kaua'i

Ms. Higuchi Sayegusa: Moving on to Agenda Item 2, Final Subdivision Map Approval, Subdivision Application No. S-2021-1 (*Kukui'ula Development Company LLC.*) Kukui'ula Parcel Subdivision Proposed 40-lot Subdivision TMK: (4) 2-6-015: 001 Koloa, Kaua'i

Staff Planner Kenneth Estes: Jodi, I would like to make a correction, Kukui'ula parcel I subdivision.

Ms. Higuchi Sayegusa: I'm sorry. Its parcel I, subdivision.

Chair Ako: With that, do you have any kind of questions?

Mr. DeGracia: I have a question for the applicant. Good morning. I'll just wondering if you could break down that additional transmittal that we just received with that map.

Mr. Mauna Kea Trask: Sure. For the record, Mauna Kea Trask, on behalf of applicant in this case. Kukui'ula Developing Company LLC. And just for the record, I want to be a 100% crystal clear, Kukui'ula Development, LLC Applicant for Subdivision S-2021-1, is not Gary Pinkston, we are not (inaudible) of the Pacific, we are not affiliated with Kiahuna development over there by Hapa Road. We are miles to the west entirely on land that have been that have been under intense sugar and pineapple cultivation since 1831. So, with that, thank you we did submit yesterday, as additional testimony, anticipating the concern, and be very ma'a to what has been going on these past couple of months a map that contains the location of 2021-1 in relation to the archaeological inventory survey the first one, which was initially prepared and approved in 1988. So, from the very inception of the Kukui'ula Development Plan, when this was still insured, Kukui'ula started doing its research and started reaching out and looking at archaeological studies, looking at the historical record, looking at Mahele records, speaking with native Hawaiians and community members in that area. So, this is what this map shows it's a relation of the presence of the subdivision outline direct, and areas of concern are important sites is how it was presented on the transmittal Heiau burial sites, lava tubes, those three (3) items. So, as you can see, 2021-1 is nowhere near any of these sites and and it's confusing, I think for people who are not from Kauai or are not familiar necessarily with the South side or very concerned in inadvertently conflate different developments that are going around at different times. So that's what the map shows, Heiau are in blue, there is one to the west near Lawai, what we call Allerton Garden with the Lawai Valley. It's it's not the largest Heiau in the State but by any means. There is also one there behind If you look the right lower portion of the map located behind Prince Kuhio Park. That Heiau is not within what's called the (inaudible) Reserve. She's a 50-acre to 20-acre Parcel that Kukui'ula approached and donated to the Royal Order of

Kamehameha., in chapter 3 of (inaudible) I believe, in the beginning of the 1900's and finally finalize it in 2000 some time. But that kind of goes to show, and in this whole area, including potential burial sites, historic sites, is now the property of the Royal Order, who takes care of it, and every summer they get grant money to have the kids all coming up so that they can clean it up. So, that is what that map shows, and again for everyone else I will share this with the public if they want to see it after. 2021 Final subdivision all the infrastructure is in, put in as required by the tentative map and previous tentative approval. Series of archaeological studies, beginning 88, cultural impact assessments in 90's and 2000's, all have been done. There is a correct Ka Pa akai analysis that is going on that's covering other subdivisions in the area, and that is not to say, that previous ones hadn't been done, but given what the Ledge has recently done with requiring State and County Boards and Commissions to go through native Hawaiian training, it's a very important area. By the way, the Planning Department has notified everyone of remind them of the standards within the Ka Pa 'akai and encourage them to follow up a more specific template, and that is what Kukui'ula in part amongst others is doing in reapproaching the community. So, as you know, boots, chaps, and suspenders has already been done.

Mr. DeGracia: Thank you, Mauna Kea. And just for clarification I'm looking and forgive me, because this this map is very tiny. So, I'm looking at that the project area and I can't identify any Heiau burial sites or lava tubes on that parcel.

Mr. Trask: Absolutely not. As on both parcel 40-lot Subdivision including roads, easements, and residential lots. So, there is nothing there, it was and for those of you everyone who remembers sugar cane in that area, again, it wasn't there for like 200 years. So, there's totally nothing there.

Mr. DeGracia: Thank you for clarifying. No further one.

Mr. Trask: Thank you.

Chair Ako: Okay, is there anything else, Commissioner?

Mr. DeGracia: No further questions.

Chair Ako: All right, for this application I would like to entertain a motion to verify the motion, to ratify.

Mr. DeGracia: Motion to ratify the February 8, 2022, action of the Subdivision Committee on Application S-2,021-1.

Chair Ako: With that I will second it.

Chair Ako: Okay, Madame Clerk, could we have a roll call vote?

Ms. Higuchi Sayegusa: Roll call vote. Commissioner DeGracia?

Mr. DeGracia: Aye.

Ms. Higuchi Sayegusa: Chair Ako?

Chair Ako: Aye.

Ms. Higuchi Sayegusa: Motion passes 2:0. Mr. Chair.

**ADJOURNMENT**

Ms. Higuchi Sayegusa: Okay, with that we are on Item K, Adjournment for the Subdivision Committee.

Mr. DeGracia: Motion to adjourn.

Chair Ako: With that all those in favor say, aye? Aye. (Unanimous voice vote). This meeting is adjourned. Motion carried 2:0

Subdivision Committee Chair Ako: adjourned the meeting at 10:19 a.m.

Respectfully submitted by:

*Lisa Oyama*  
Lisa Oyama,  
Commission Support Clerk

( ) Approved as circulated (add date of meeting approval)

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.

# DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

## SUBDIVISION REPORT

### I. SUMMARY

**Action Required by Planning Commission:** Consideration of Subdivision Application No. S-2022-11 that involves a consolidation of six (6) lots into one (1) lot.

**Subdivision Permit No.** Application No. S-2022-11

**Name of Applicant(s)** KAUA'I HABITAT FOR HUMANITY, INC.

### II. PROJECT INFORMATION

<b>Map Title</b>	Consolidation of Lot D-1 and E-1 of Niulani Tract (File Plan 383) Also Lots 21, 22, 29, and 30 of Land Court Application 276 (Map 4) into Lot 50 at Waipouli, Kawaihau, Kaua'i, Hawai'i.				
<b>Tax Map Key(s):</b>	4-3-009: 051 & 071	<b>Area:</b>	36,861 sq. ft.		
<b>Zoning:</b>	Residential (R-20)				
<b>State Land Use District(s):</b>	Urban	<b>General Plan Designation:</b>	Neighborhood Center		
<b>AGENCY COMMENTS</b>					
<input checked="" type="checkbox"/> COK Public Works:	pending	<input checked="" type="checkbox"/> State DOT-Highways:	pending		
<input checked="" type="checkbox"/> COK Water:	pending	<input checked="" type="checkbox"/> State Health:	pending		
<input checked="" type="checkbox"/> COK Housing Agency:	04.01.2021	<input checked="" type="checkbox"/> DLNR – SHPD:	April 29, 2022		
<b>EXISTING ROAD RIGHT-OF-WAY(S)</b>					
Road Name	Existing Width	Required Width	Pavement YES	NO	Reserve
Kūhi'ō Highway	80 feet	80 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Wana Road		44 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Niulani Road		44 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>APPLICABLE FEES</b>					
Environmental Impact Assessment (EIA)	N/A				
Park Dedication	N/A				
Appraisal Report Required	N/A				

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### III. EVALUATION

The proposed development involves a consolidation of six (6) lots into one (1) lot within the County Residential (R-20) zoning district. The intent of the subdivision application is to consolidate existing property boundaries to accommodate Kauai Habitat for Humanity's affordable housing project involving the construction of eight (8) two-story multi-family buildings and a two-story single-family dwelling, consisting of twelve (12) three-bedroom units and five (5) two-bedroom units for a total of seventeen (17) residential units. The subject development was previously reviewed through Special Management Area Use Permit SMA(U)-2021-8 and approved by the County of Kaua'i Planning Commission on July 13, 2021. In consideration of the subdivision, the Applicant is subject to all applicable requirements of the SMA Use permit.

The project site is located off Kūhiō Highway at its intersection with Wana Road, situated across the Kaua'i Village Shopping Center and Kaua'i Choy Village, and is approximately 240 feet from the shoreline. Currently, there is an existing single-family dwelling located on parcel 71, built in 1958. The applicant is seeking to relocate parts of the existing residence to another lot. The remaining portions of the existing residence that is built on a concrete slab will be demolished. Also, the existing driveway serving Parcel 71 will be removed and the Applicant intends to restrict access to the property to Wana Road only.

Since the application does not create additional lots, there will be no assessment of an Environmental Impact Assessment Fee and Park Dedication Fee.

#### Native Hawaiian Traditional and Cultural Rights


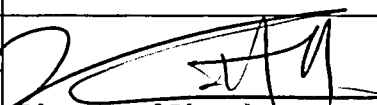
A Ka Pa'akai O Ka'aina analysis was provided by the Applicant's consultant, ASM Affiliates, and the analysis describes the deep historic and traditional accounts associated with the Waipouli Ahupua'a. The analysis also provides a summary of archaeological studies that have been conducted in the vicinity of the project area that collectively provide a general understanding of the cultural resources and historic properties that may be present within the project area.

As part of the analysis, eight individuals were contacted via email, U.S. Postal service and by phone to identify whether there are cultural practices presently occurring or have occurred in area. The individuals were identified as persons who were believed to have genealogical ties, long-standing residency, or knowledge of the Waipouli area and greater Puna District. Out of the eight individuals contacted, a joint response was received by phone expressing concerns of the wastewater management plan of the proposed development.

As represented in the analysis, the Waipouli-Kapa'a coastal areas extending to Kūhiō Highway have demonstrated the presence of buried cultural layers along with human burials. The proposed development does require ground disturbance that may potentially encounter, affect, and/or impair iwi kūpuna (bones of ancestors). The Department of Land and Natural Resources (DLNR)-State Historic Preservation Division (SHPD) suggested archaeological monitoring during all ground-disturbing activities as a mitigative measure. In addition, SHPD also recommends that a cultural awareness and sensitivity briefing be conducted for all construction personnel prior to the commencement of any construction activities.

Based on the available information, traditional Native Hawaiian cultural practices will not be affected or impaired by the proposed development.

#### IV. RECOMMENDATION

TENTATIVE APPROVAL	FINAL APPROVAL
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denied	<input type="checkbox"/> Approval <input type="checkbox"/> Denied
Tentative Approval subject to all requirements as noted on the follow pages:	All conditions have been complied with
 Director of Planning	 Director of Planning
5/9/2022 Date	8/12/2022 Date

#### V. AGENCY REQUIREMENTS

1. Requirements of the Planning Department:
  - a. An updated preliminary title report for the existing lot shall be submitted to the Planning Department for review.
  - b. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
  - c. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
  - d. The subdivider is informed that a portion of the subject property is located within the Special Management Area (SMA). Additional lots within the SMA or any new "Development," as defined in Section 1.4 of the SMA Rules and Regulations of the County of Kaua'i, may require an SMA Permit and if so, the applicant is subject to all applicable requirements/conditions of the SMA Permit.

Additionally, the Applicant shall be subject to all applicable requirements of Special Management Area Use Permit SMA(U)-2021-8. These requirements shall be satisfied prior to final subdivision approval.

2. Requirements of the Department of Public Works (DPW):

- a. The subdivider shall comply with the requirements of the Department of Public Works, if any, prior to final subdivision approval. The subdivider shall be notified of such requirements upon receipt of their report.

3. Requirements of the Department of Water (DOW):

- a. The subdivider shall comply with the requirements of the Department of Water, if any, prior to final subdivision approval. The subdivider shall be notified of such requirements upon receipt of their report.

4. Requirement of the County Housing Agency:

- a. Applicant Habitat for Humanity is requesting review and approval of Subdivision No. S-2022-11, TMK (4) 4-3-009:071, which seeks to consolidate Lots D-1 and E-1 of Niulani Tract (File Plan 383) also Lots 21, 22, 29, and 30 of Land Court Application 276 (Map4) into Lot 50.

The proposed consolidation constitutes a residential development with an overall project density of more than 10 residential dwelling units. Accordingly, the project is required to satisfy workforce housing requirements of the County Housing Policy, Kaua'i County Code Section 7A.

The Applicant is currently working with the Housing Agency to finalize and execute a Workforce Housing Agreement, which will satisfy the above referenced requirements. It is our expectation that this Housing Agreement will be completed before this matter comes before the Planning Commission for consideration and approval.

5. Requirements of the State Department of Health (DOH):

- a. The subdivider shall comply with the requirements of the State Department of Health, if any, prior to final subdivision approval. The subdivider shall be notified of such requirements upon receipt of their report.

6. Requirements of the State Historic Preservation Division (SHPD):


- a. A review of SHPD's records identified no record of an archaeological inventory survey (AIS) having been conducted within the subject parcel. The USDA (Foote et. al 1972) identifies the soils within the project area as Mokuleia fine sandy loam (Mr). Based the soils and known presence of cultural layers and burial resources within proximity to the project area, potential exists for the project to encounter intact subsurface historic properties and/or burials.

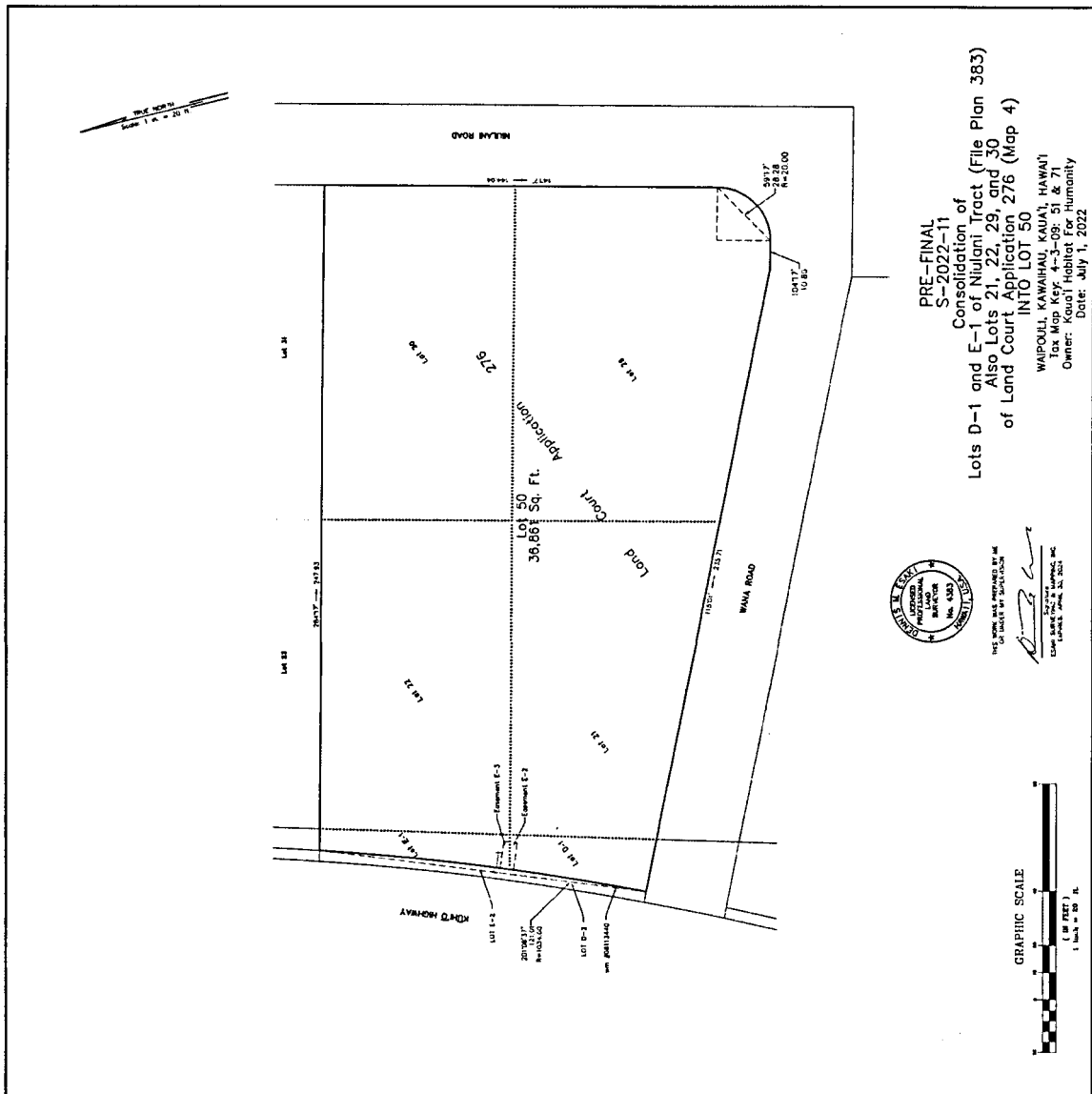
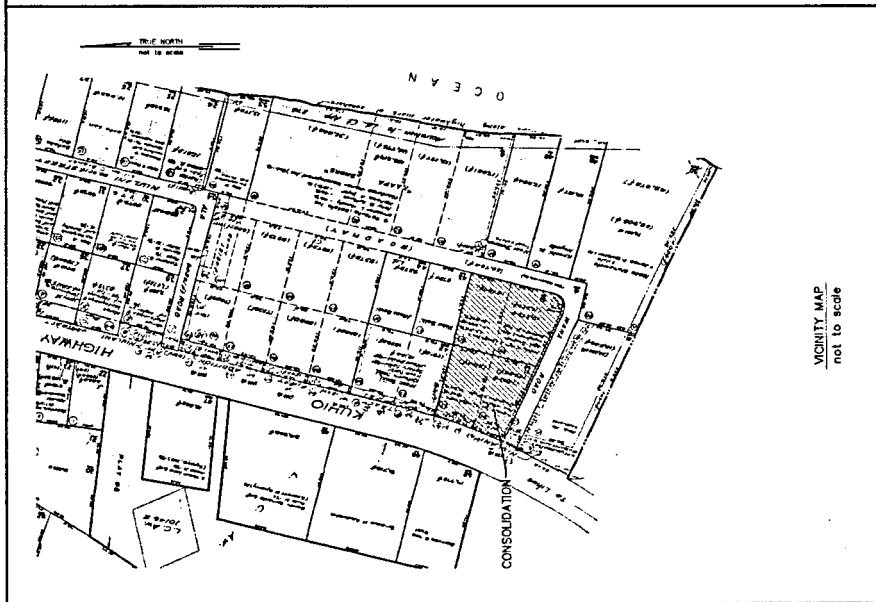
Please submit the revised Archaeological Monitoring Plan (AMP) and any other forthcoming information and correspondence related to the subject project to HICRIS Project No. 2021PR01430 using the Project Supplement option.

7. Requirements of the State Department of Transportation (DOT):
  - a. The subdivider shall comply with the requirements of the State Department of Transportation, if any, prior to final subdivision approval. The subdivider shall be notified of such requirements upon receipt of their report.
8. The Applicant is advised that should any archaeological 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.
9. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

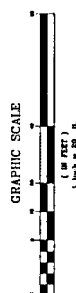
The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for MAY 10, 2022 whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to staff's report and recommendation as provided herein.

By   
KENNETH A. ESTES  
Planner



THIS WORK WAS PREPARED BY ME  
OR UNDER MY SUPERVISION  
DATE: July 1, 2022  
NAME: [Signature]  
Firm: [Firm Name]



PRE-FINAL  
S-2022-11  
Consolidation of  
Lots D-1 and E-1 of Nuani Tract (File Plan 383)  
Also Lots 21, 22, 29, and 30  
of Land Court Application 276 (Map 4)  
INTO LOT 50  
WAIPOULI, KAWAHAU, KAUAI, HAWAII  
Tax Map Key: 4-3-09: 51 & 71  
Owner: Kauai Habitat For Humanity  
Date: July 1, 2022



COUNTY OF KAUAI  
PLANNING DEPARTMENT  
4444 RICE STREET, SUITE A473 LĪHUʻE, HAWAII 96766  
(808) 241-4050

**SUBDIVISION APPLICATION ROUTING FORM**

**DATE: June 2, 2022**

Subdivision Map Review and Approval			
<b>REQUEST:</b>	<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Final	
	<input type="checkbox"/> Pre-Final	<input type="checkbox"/> Extension	
<b>SUBDIVISION APPLICATION NO:</b>		<b>Subdivision Permit NO. S-2022-11,</b>	
<b>Owner(s)/Applicant(s):</b>		<b>Kauai Habitat for Humanity, Inc</b>	
<b>Name of Surveyor/Engineer/Authorized Agent:</b>		<b>Dennis Esaki</b>	
<b>Tax Map Key:</b>	<b>Tax Map Key: (4) 4-3-009:071</b>	<b>Assigned to:</b>	
<b>Improvements:</b>			

**Route To:**

<input checked="" type="checkbox"/> DPW-Engineering	<input type="checkbox"/> Department of Transportation - STP
<input type="checkbox"/> DPW-SolidWaste	<input type="checkbox"/> DOT-Highway, Kauai
<input checked="" type="checkbox"/> DPW-Wastewater	<input checked="" type="checkbox"/> State Department of Health
<input type="checkbox"/> Fire-Department	<input checked="" type="checkbox"/> State Historic Preservation Division
<input type="checkbox"/> Department of Parks & Recreation	<input type="checkbox"/> UH Sea Grant
<input checked="" type="checkbox"/> County Housing-Agency	<input checked="" type="checkbox"/> U.S. Postal Department
<input type="checkbox"/> KHPRC	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> County Water Department	
<input checked="" type="checkbox"/> County Transportation Agency	

COMMENTS from DPW Engineering:

We have no comments.

Sincerely,

Digitally signed by  
Michael Moule  
Date: 2022.06.02  
16:25:27 -10'00'

Michael Moule, P.E.  
Chief, Engineering Division



4398 PUA LOKE STREET  
LIHU'E, KAUA'I, HAWAI'I 96766  
PHONE: (808) 245-5400 / FAX: (808) 245-5813

Water has no substitute.....Conserve it!

### SUBDIVISION REPORT

TO: PLANNING DEPARTMENT  
FROM: DEPARTMENT OF WATER

4-3-009:051;  
TMK: 4-3-009:071 NAME: Kauai Habitat for Humanity SURVEYOR: Dennis Esaki REPORT NO: S-2022-11

1. Domestic water is adequate. Tentative approval is recommended. ☐  
Water Requirements are not affected. Tentative approval is recommended. ☐
2. All requirements have been fully met and; therefore, Final approval is recommended. ☒
3. Before final approval can be recommended, the subdivider must: ☐
  - A. Pay the Department of Water the following charges in effect at the time of receipt. At the present time, these charges include: ☐
    - 1) The Facilities Reserve Charge (FRC):  
\_\_\_\_\_ Lots @ \$14,115 per lot = \$ \_\_\_\_\_ ☐
    - 2) Payment to install \_\_\_\_\_, or relocate \_\_\_\_\_, service connections(s) at the fixed cost of \$ \_\_\_\_\_. If the subdivider causes a delay in the service connection installation after one year since final map approval, the subdivider shall be charged the increase in the fixed cost, if any. ☐
    - 3) Deposit (the subdivider will either be billed or returned the difference between this deposit and the actual cost of construction of \$ \_\_\_\_\_ for construction by the Department of Water. ☐
  - B. Submit to the Department of Water a copy of the subdivider's permit to perform work upon a State highway from the State Highways Division ☐
  - C. Prepare and receive Department of Water's approval of construction drawings for the necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include: ☐
    - 1) All facilities required in the approved Kukui'ula Water Master Plan for the proposed project ☐
  - D. Prepare and convey to the Department of Water a Right-of-Entry and Temporary Grant of Easement for the purpose of construction, repair, maintenance and operation of the subdivision water system improvements installed in other than County-owned property. ☐
  - E. If a bond is filed, to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map, and deeds: ☐

"Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kaua'i."

This deed restriction shall be recorded with the Bureau of Conveyances within ninety (90) days of final subdivision approval by the Planning Department.
4. Installation of service connections will not be required until a request for water service is made. The applicant for service will be charged the applicable service connection charges at that time. ☐
5. Other (or remarks): ☐

*Michael K. Hinazumi*

Michael Hinazumi, P.E.  
Program Administrator  
Engineering Division

Aug 11, 2022

Date

SUBDIVISION REPORT NO. S-2022-11



**STATE OF HAWAII  
DEPARTMENT OF HEALTH**  
3040 Umi St. Lihue  
Hawaii 96766

DATE: Wednesday, June 1, 2022

TO: Kenneth Estes, Planner, County of Kauai

FROM: John Kolman, DBA *John Kolman*  
District Environmental Health Program Chief

SUBJECT: Kauai Habitat for humanity Inc., S-2022-11

The Department approves the Plan showing the Consolidation of Lot D-1 and E-10f of Niulani tract (file Plan 383) Also Lots 21,22,29, and 30 of Land Court Application276 Into Lot 50 TMK (4) 3-09: 51 & 71 Waipoul, kawaihau, Kauai, Hawaii. This approval is limited to the scope of the submittal and does not confer any approvals to build, modify or make any land improvements.

If new information is found or changes are made to your submittal, we reserve the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please get in touch with the Department of Health at 808-241-3323

We recommend that you review all of the Standard Comments on our website:  
<https://health.hawaii.gov/epo/home/landuse-planning-review-program/> Any comments specifically applicable to this or a future project(s) should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by the Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness of healthy community design.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION  
KAUAI DISTRICT  
1720 HALEUKANA STREET  
LIHUE, HAWAII 96766  
June 8, 2022

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
ROSS M. HIGASHI  
EDUARDO P. MANGLALLAN  
EDWIN H. SNIFFEN

IN REPLY REFER TO:  
HWY-K 4.220120

Mr. Ka'aina Hull  
Planning Director  
County of Kauai Planning Department  
4444 Rice Street, Suite A473  
Lihue, Hawaii 96766

Dear Mr. Hull:

Subject: Subdivision Application No. S-2022-11, Kauai Habitat for Humanity  
Proposed 6-lot Consolidation, TMK: (4) 4-3-009:051 & 071, Waipouli, Kawaihau, Kauai

Following are the Hawaii Department of Transportations comments on the subject subdivision application:

1. Prior to building permit application the applicant shall prepare Traffic Impact Report (TIR) assessing the impacts of the added traffic to Kuhio Highway. The report shall be prepared according to the Hawaii Department of Transportation Best Practices for Traffic Impact Reports, June 2012.
2. If the TIR determines that improvements are warranted on Kuhio Highway, the applicant shall prepare construction drawings for review and approval by the Hawaii Department of Transportation.
3. We understand the access for the proposed development will not be from Kuhio Highway. The applicant shall therefore remove the existing concrete driveway ramp and flares at Kuhio Highway and construct a new sidewalk to match the existing sidewalk grades. Construction drawings for this work shall be submitted to our office for review and approval, and a Permit to Perform Work upon State Highways must be obtained prior to construction.

Should you have any questions, please contact the Highways Division, Kauai District Engineer, Mr. Larry Dill at 808-241-3006.

Sincerely,

Lawrence J. Dill, PE  
Kauai District Engineer