

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

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.

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 Kamakahahelei, 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 Kamakahahei, 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 within 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 bring 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

(X) Approved as circulated 08/23/2022 Meeting.

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