

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
May 09, 2023

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Subdivision Committee Chair Ako at 8:31 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako
Mr. Jerry Ornellas

Excused or Absent
Ms. Donna Apisa

The following staff members were present: Planning Department – Director Ka'aina Hull, Deputy Director Jodi Higuchi Sayegusa, Staff Planner Dale Cua, Kenny Estes, and Planning Commission Support Clerk Duke Nakamatsu; Office of the County Attorney – County Deputy Attorney Chris Donahoe, Office of Boards and Commissions – Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair Gerald Ako: Good morning.

Planning Director Ka'aina Hull: Good morning, Mr. Chair.

Chair Ako: Today is Tuesday May 9, 2023, and I'd like to call to order the Subdivision Committee Meeting of the Kaua'i County Planning Commission. Mr. Clerk, can we have a roll call?

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

Commissioner Ornellas: Here.

Mr. Hull: Chair Ako?

Chair Ako: Here.

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

APPROVAL OF AGENDA

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

Mr. Ornellas: Move to approve agenda.

Chair Ako: I'll second. We'll take a voice vote on this. All those in favor of the approval of the agenda, say aye. Aye (unanimous voice vote).

Mr. Hull: Motion passes. 2:0. Next on to Agenda Item D.

MINUTES of the meeting(s) of the Subdivision Committee

Mr. Hull: We have for view and action minutes from the April 11, 2023, meeting.

Mr. Ornellas: Move to approve minutes of April 11, 2023.

Chair Ako: Second. Again, we'll take a voice vote. All those in favor for the approval of the minutes of April 11, 2023, say aye. Aye (unanimous voice vote).

Mr. Hull: Moving on to Item E.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Hull: We have items received prior to the publication of the agenda on May 3, 2023, however after publication of the agenda, public testimony has been received, pursuant to Office of Information Practices, Rules and Guidance, we are required to hold that until this meeting date, make it available for all the public, as well the Commissioners, so the Commissioners, your receipt of one piece of testimony that came in this morning. Being that you just received and not being able to view it, they'll probably a five-minute recess, if that's okay, for you to take some time and go over it and if you want to use it as part of your analysis on the upcoming agenda items.

Mr. Ako: Do we need a motion for that?

Mr. Hull: No, you just have to (inaudible).

Chair Ako: So, with that, I apologize for the delay, but we'll be taking a five-minute recess, and we'll reconvene at about 8:40. Thank you.

Committee went into recess at 8:33 a.m.
Committee reconvened from recess at 8:45 a.m.

Chair Ako: I'd like to reconvene the meeting of Subdivision Committee, it is 8:45. Mr. Clerk?

Mr. Hull: Next we have Agenda Item F. Unfinished Business.

UNFINISHED BUSINESS

Mr. Hull: We have no items for that. So, moving on to Item G. New Business For Action.

NEW BUSINESS (For Action)

Final Subdivision Map Approval

Subdivision Application No. S-2005-41
Visionary LLC. DBA Lihu'e Land Company
Ahukini Makai Subdivision
Proposed 49-lot Subdivision

TMK: (4) 3-7-002: 001 (por.)
Hanama'ulu, Lihu'e, Kaua'i

Mr. Hull: I'll turn it over to Kenny for the subdivision report pertaining to this matter.

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

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

Chair Ako: Commissioner Ornellas, you have any questions for staff?

Mr. Ornellas: No, I do not.

Chair Ako: Okay. If we have a representative for the applicant that would like to share. Good morning.

Mr. David Hinazumi: Good morning, David Hinazumi on behalf of Visionary.

Mr. William Eddy: Good morning, Commissioners. My name is William Eddy, I'm with Kodani & Associates Engineers, we're the owner's consultant for the project.

Chair Ako: Please if you have anything that you'd like to share with us.

Mr. Hinazumi: Yes, as you are aware, this is an old subdivision from 2005, there's been a lot of challenges to get to this point, and we've worked through it, and we are requesting final subdivision approval. We do realize that there's been testimony submitted to the Commission as well as other people here that are going to testifying regarding a Ka Pa`akai Analysis, so, when we first filed for subdivision in 2005, there was not a condition of subdivision. What I can share with the Commission is that we have engaged a consultant to do a Ka Pa`akai Analysis for this subdivision as well as other subdivisions that we have. It is in the process, there is input that's been received, there's more input to be received, with that said we will leave it to the Commission to decide how they want to proceed.

Chair Ako: Commissioner Ornellas, anything?

Mr. Ornellas: I have no questions.

Chair Ako: Okay, but you're planning on completing the Ka Pa`akai Analysis?

Mr. Hinazumi: That is correct.

Chair Ako: I just wanted to add, I know this is old but we're talking about a 2005 permit out here but at that time it was talked about the airports, acquiring more land to increase the size of the airports. Is that still part of their vision? Is that still part of their...

Mr. Hinazumi: Yes, that's correct. If you take a look at your subdivision map, it's Lots 2, 3, and 5, that is under contract with the State Department of Transportation Airports Division.

Chair Ako: Another question I had was, maybe just for curiosity purposes but I know part of the conditions was, as you sell your properties, the owners now need to be aware that here in an area by the airport there is noise that is coming from the helicopters, as well as the aircrafts that's passing there, I guess with the possibility of increasing the size of the runway, I'm also guessing, that more planes may be coming in, bigger planes maybe coming in, more noise may be created or maybe more helicopter traffic going back and forth, as we make it aware to the people that are buying these properties that there is

noise, I think we're talking about the noise that is happening today. Is that a concern for the developer that the frequency and maybe the, I guess how loud the noise is, may be increasing in the future. Is that a concern for the developers?

Mr. Hinazumi: The airports been there for the time it has been there and there are subdivisions in that close proximity. Myself, I grew up in Molokoa, so I am aware of the noise personally. What has been done is studies to determine what's the appropriate development actions around it. We did enter into a aviation easement with the Department of Transportation Airports Division, so that will be disclosed through, it's on title and that'll be disclosed to all the buyers, so they are aware. This subdivision that in closest proximity is an industrial subdivision, so you would imagine that there would be enough noises generated by the industrial uses itself and the residential areas in adjacent subdivisions are a little further away, but disclosures will also be made.

Chair Ako: Any other questions? Seeing none, I thank you for coming.

Mr. Hull: Mr. Chair, we don't have individuals of the public signed up to testify but at this it may be appropriate to ask if there's any member of the public that would like to testify.

Chair Ako: Is there anyone from the public that would like to testify on this permit application? Please come forward.

Ms. Belle Kaiwi: Good morning, gentlemen. For the record, my name is Belle Kaiwi, and I'm in opposition for the development of that area. For one main reason, I know there's still heirs to Victoria Kamāmalu, who is the true owner of those properties, in fact this entire Līhu'e. All these ahupua'a is hers, and I don't see how there's any clear title to any of this lands, so I already submitted my testimony yesterday by way of email, so you should be getting it. But for the record I am against this for those reasons, and I wasn't consulted on any of, anything regarding cultural sites or anything else on these areas. Thank you.

Chair Ako: Thank you, Mrs. Kaiwi. Are there any other questions? Is there anyone else that would like to testify? I am sorry, please.

Ms. Kanani Kagawa Fu: Hello,

Chair Ako: good morning.

Ms. Fu: Aloha and good morning, subdivision committee. My name is Kanani Kagawa Fu and I testify before you today as, take all hats off, as a resident of Kaua'i, as descendant of those that should be consulted for this land as well as someone who was born and raised here on Kaua'i. I was born and raised in Anahola, I then relocated to Hanamā'ulu, I raised my children there for the last ten years and I now am in Koloa, residing to complete a project. My last 20-years have been in development, particularly working with native Hawaiians, creating taro patches and agriculture, and somewhere through that I transversed into Housing and Development. What I ask before you today is to just consider before you make the subdivision some facts and some information, although it is new to you, although it came within the last 24-hours, I really would ask that you take all of this information into consideration. First and foremost, the thing that is being acknowledged by both the landowner/developer, as well as our previous testimony, is just the lack of the completion of the Ka Pa`akai Analysis. As someone who has been in this for a really long time and on the professional level, and the personal level, you guys have, I should testify and remind you guys the importance of a Ka Pa`akai Analysis, in all land developments that we do going forward on Kaua'i. It gives us the opportunity to revisit everyone, it gives us the opportunity to reconstruct the way we do things, and I just wanted to leave you with this. In consideration of the Ka Pa`akai, and also in

consideration, which I thought was just the most fascinating that changed a lot for me. I went to the Planning Conference this past year and one of the things was, how can planning honor a place in Hawai'i nei, it's just a thing that I picked up and I was fascinated. How can planners support social justice for ohana, practitioners, and care takers and places, as a central decision maker, shaping the future of their own communities for generations yet to come. I leave you with this, there are ten criteria that we should be considering as we move forward in land development and all things here on Kaua'i, until you have fully received analysis and recommendations on how to proceed with the land, we would ask wholeheartedly that you consider (inaudible) to make the appropriate decisions you guys need to make moving on. Thank you very much, and I'm here for any questions if you guys want to talk.

Chair Ako: Thank you.

Ms. Fu: Thank you.

Chair Ako: Thanks, Kanani.

Mr. Hull: Is there anyone else in the audience that hasn't testified, that would like to testify on this agenda item? Seeing none, your discretion, Chair.

Chair Ako: So, based upon that, is there anything else we'd like to add? Commissioner Ornellas, ready for the motion.

Mr. Ornellas: I make a motion for final approval of Subdivision Application No. S-2005-41.

Chair Ako: I'll second that. Mr. Clerk, if we can have a roll call vote?

Mr. Hull: Roll call and motion to approve. Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 2:0. With that, we have no further agenda items.

Chair Ako: Ok, so with that, can we have a motion to adjourn?

Mr. Ornellas: Move to adjourn.

Chair Ako: Second. All those in favor say aye. Aye (unanimous voice vote). We are adjourned.

Chair Ako adjourned the meeting at 8:59 a.m.

Respectfully submitted by:

Lisa Oyama
Lisa Oyama,
Commission Support Clerk

Approved as circulated (July 11, 2023, meeting).

Approved as amended. See minutes of _____ meeting.