

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
January 09, 2024

The regular meeting of the Planning Subdivision Committee of the County of Kaua'i was called to order by Subdivision Committee Chair Gerald Ako at 8:33 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako
Ms. Donna Apisa
Mr. Jerry Ornellas

Excused or Absent

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

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair Gerald Ako: Today is Tuesday, January 9, 2024, and I'd like to call to order the Subdivision Committee Meeting of the Planning Commission. Right now, and it is 8:33 a.m., and with that, I'd like to wish everybody a Happy New Year and I hope it's a better year than last year, and Mr. Clerk, if we can have a roll call, please?

ROLL CALL

Planning Director Ka'aina Hull: Roll call, Mr. Chair. Commissioner Apisa?

Commissioner Donna Apisa: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Chair Ako?

Chair Ako: Here.

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

APPROVAL OF AGENDA

Chair Ako: Before us, we have the agenda for the Subdivision Committee Meeting this morning. Are there any amendments that you'd like to make to the agenda?

Mr. Hull: The Department has no proposed amendments, Mr. Chair.

Chair Ako: Ok. If not, I would entertain a motion to approve the agenda for Tuesday, January 9th of the Subdivision Committee Meeting.

Mr. Ornellas: Move to approve the agenda.

Ms. Apisa: Second.

Chair Ako: Second. Any concerns? We can take a voice vote. All those in favor, say aye. Aye (unanimous voice vote). All those oppose. We have approved the agenda. Motion passes. 3:0.

MINUTES of the meeting(s) of the Subdivision Committee

Chair Ako: You also have in front of you the minutes from the September 12, Subdivision Committee Meeting. Any concerns/questions? If not, we can entertain a motion to approve.

Mr. Ornellas: Move to approve the minutes.

Ms. Apisa: Second.

Chair Ako: There's a motion, it's been moved and seconded. If we can have a voice vote on this. All those in favor, say aye. Aye (unanimous voice vote). All those oppose. We have approved the minutes. 3:0.

Mr. Hull: Hold on one second, Mr. Chair. Sorry. Next, up we have:

RECEIPT OF ITEMS FOR THE RECORD (None)

UNFINISHED BUSINESS

Mr. Hull: F.1.

Final Subdivision Map Approval

Subdivision Application No. S-2005-41
Ahukini Makai Subdivision
Visionary, LLC. DBA Lihu'e Land Company
Proposed 49-lot Subdivision
TMK: (4) 3-7-002: 001 (por.)
Hanama'ulu, Lihu'e, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: Before I turn it over to the Planner, Kenny, can you check outside for the sign-up sheet to see who signed up for these agenda items? I have one person signed up. The first name is Mikko.

Mr. Mikko Kinkki: It's Mikko Kinkki.

Mr. Hull: Mikko Kinkki, okay. Please approach. State your name for the record and you have three minutes for testimony, sir.

Mr. Kinkki: My name is Mikko Kinkki. Anything else?

Mr. Hull: No. You have three minutes for testimony. Thank you.

Mr. Kinkki: Okay. Hi, my name is Mikko Kinkki. I'm a lifelong resident from Kekaha, and so this area I can say I have a very close connection to because I fish the whole area and my father was part of when they actually did the building of the Kaua'i Beach Resort which is Nukoli'i and that turned into a riot and they decided to do it anyway, and now we have some area where people can come, we can enjoy, and it's kind of in the end, pretty well done, can you agree with that, Ka'aina? Like when I go...

Mr. Hull: We're not asking, you have three minutes of testimony, sir.

Mr. Kinkki: So, But I'm a man-to-man guy, so I said that if we can have to where there's balance with progress, I agree with subdividing and I know this area, friends of mine live in these areas and they're happy with homes. You know, it's density and we need homes for people, so I can say this subdivision. A friend of mine lived and he lived a very good life there, and as long as we can have these subdivisions in a way that is...we're moving forward with progress, but is the wastewater taken care of? Do we have the proper infrastructure to withstand this type of building? And the community around it, what do they feel? Hanamā'ulu...so, that's all I got to say. As long as we make sure everybody's talked to.

Mr. Hull: Thank you for your testimony. We don't have anyone else signed for this particular application, but if there's any member of the public that would like to testify on this agenda item, please approach the microphone. Sir, please approach the microphone. Sir, in the back, you can come and approach the microphone. If you could state your name for the record.

Mr. Lester Matsushima: My name is Lester Matsushima. I'm from the Hanamā'ulu area, the ahupua'a. I lived there all my life and the drawing that I saw, Grove Farm put up has no iwi on the flat, but on the slope, there's one, I mentioned to them, they know about it, but it doesn't affect the iwi anyway. There's only iwi in that area, cause I lived there in the coconut grove when I was a young boy and I left there about 8 or 9 years old, so I know the whole area. The only graveyard that you got down in that area would be on Hehi Road that is Kapa'a side of the bridge. I have no objection of the subdivision, anyway, and my main thing is that I wanted (inaudible) leased out to the (inaudible) drive people, move them out of the airport, and so that the people on Kaua'i get parking spaces when they go to Honolulu or mainland, but as of now I got friends from Kekaha and Waimea, call me up, they want to park their car in my yard because there's no space at the airport. You have to look all that kind infrastructure in that area, so I have no objection to the development there. Thank you.

Mr. Hull: Thank you for your testimony. Is there anyone else who didn't previously sign up for this agenda item, but would like to speak on this agenda item? Seeing none, I'll turn it over to Mr. Estes for the Subdivision Report pertaining to this matter.

Staff Planner Kenny Estes: Good morning, Chair, and members of the Subdivision Committee. To give you some background of the subdivision.

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

Ms. Apisa: Excuse me, Kenny, can you make it a little louder?

Mr. Estes: Okay.

Ms. Apisa: Thank you.

Chair Ako: Thank you, Mr. Estes. Is there any questions for staff at this time?

Ms. Apisa: No questions.

Chair Ako: We can also come back again. So, at this time, do we have a representative of the applicant that would like to make a presentation? Good morning.

Mr. Dave Hinazumi: Good morning. Dave Hinazumi on behalf of Visionary, we also Bill Eddy from Kodani and Associates, and David Shideler from Cultural Surveys Hawai'i. Subdivision Chair, and members of your committee, thank you for your meeting this morning, and for entertaining our subdivision application. We respectfully request approval for final subdivision. We have gone through the process, we've addressed all of the state and county conditions for subdivision that addresses impacts, such as drainage, and sewage to make sure those are adequately addressed during the development. Also, it is not an end process once subdivision occurs, during construction, you know contractors who put in their best management practices, BMPs throughout, we have construction management that oversees it, also state and county have inspectors that also oversee it. Some of our obligations have been to do extreme and (inaudible) that will occur and continue to occur during construction, those are all requirements, and items that were mentioned in the Ka Pa'akai, so that was a very important step to go through, we all learned a lot about it, you heard Mr. Matsushima testify, it was good that we got his location for iwi kūpuna located, so it is now documented. Ahukini Makai, it's an industrial subdivision, there is a big need for it, we have a lot of local individuals and businesses that are eager to be able to build their business in the subdivision. We have local contractors that we will award the work to, provided we're able to move forward, and it is a project that (inaudible) opportunity for our local individuals and businesses to run their business, support their families, support their employees, support the customers that rely on their services, and support the economy. We respectfully request the approval of our subdivision application.

Chair Ako: Questions?

Ms. Apisa: No.

Chair Ako: Okay, I believe that this is one of the applications that have already come through. The Subdivision Committee, it's gone through the Planning Commission, but what was referred back because of the lack of the Ka Pa'akai Analysis, which has now been completed as of now. I wonder if now's the time we can address the condition or shall we wait for Kenny?

Mr. Hull: When Kenny reads the conditions. His final recommendations, he's made an adjustment to some of the conditions as I understand.

Chair Ako: Okay. So, if there's no other questions for the applicant at this time. Can we have the recommendation from Mr. Estes?

Mr. Estes: The Department recommends Final Subdivision Map approval. We would like to amend Condition No. 6 of the Subdivision Report, which pertains to State Historic Preservation, to read...

Chair Ako: I think this is on page 8 I believe, for those following. Item number 6., a. 6.

Mr. Estes: Condition No. 6 of the Subdivision Report should read, should any archaeological or historic resources be discovered during ground disturbing or construction work, all work in the area of the archaeological or historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources Historic Preservation Division to determine litigation measures.

Chair Ako: So, is this acceptable by the applicant?

Mr. Hinazumi: Yes, that's a standard condition that we always follow in our projects, so yes.

Chair Ako: Thank you. Any other questions for the applicant or staff at this time?

Ms. Apisa: no questions.

Mr. Ornellas: No.

Chair Ako: If not, I'd like to entertain a motion to approve as amended.

Ms. Apisa: I move to approve Final Subdivision Map Approval of Subdivision Application S-2005-41, Ahukini Makai Subdivision, Visionary, LLC. DBA Lihu'e Land Company with conditions as amended.

Mr. Ornellas: Second.

Chair Ako: Any other concerns or discussions? If not, Mr. Clerk, can we have a roll call vote?

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

Ms. Apisa: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 3:0. Next we have for New Business:

NEW BUSINESS (For Action)

Preliminary Subdivision Map Approval

Subdivision Application No. S-2023-3

Wailani Subdivision

Visionary, LLC.

Proposed 5-lot Subdivision

TMK: (4) 3-6-002: 001, 017

Kalapaki, Hanama'ulu, Lihu'e, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: Do we have anybody signed up? First, we have signed up is Dough Haigh.

Chair Ako: Morning.

Mr. Doug Haigh: Good morning, Honorable Planning Commissioners and Planning Director. I am Douglas Haigh, President of the Board for Kaua'i Habitat for Humanity, and I'm here to testify in support of this subdivision. Kaua'i Habitat for Humanity is working with the property owner and we're hoping to acquire Lot 1, where we could build up to 99 affordable homes for the people of Kaua'i.

Mr. Hull: Thanks, Doug. Next, we have signed up is Elizabeth Okinaka.

Ms. Elizabeth Okinaka: Aloha, commission. I just wanted to state for the record that I'm happy to hear that Habitat is considering. I really, really hope that if you guys are actually gonna go forward with this that you guys start providing local housing for the affordable community. I do not want to see this become another multi-million-dollar subdivision. Traffic is an issue here and I'd also like to also raise the issue again with this Ka Pa'akai Analysis, I'm disheartened to see that similar to the issues that I've had with Ka Pa'akai Analysis we've got one analysis being done for multiple different projects, I would like to request that the Planning Department really start holding this condition to these developers and stop letting them create these blanket analysis for different areas and different projects. They should have to do an analysis for each of these projects. I was also sad to see that there was only three people, so I really hope that people who are doing these analysis can really start reaching out to community members, and k̄anaka maoli, and people who have deep generational ties to this land. I'd also like to raise the issue with water, I think we know that Hanamā'ulu subdivision that was built pretty recently, there's a huge water issue there. Families are having black water come out of their pipes, so I think it's insane to think that we're going to build feet from that project or not that far from it and that this is not

going to be an issue here, so if this is going to be local homes, I hope that they're not met with the same water issue as that existing subdivision. Mahalo.

Chair Ako: Thank you.

Mr. Hull: we don't have anyone else signed up for this agenda item, but if anybody in the audience who has not previously signed up and would like to testify on this agenda item, you may do so now.

Mr. Kinkki: I'll testify, it's kind of the same area. I'm Mikko Kinkki for the record. I'm Mikko Kinkki, this is kind of the same connecting. I would like to echo what our last speaker said, word for word, and add to it. Now there's an old place right next to that place, Hanamā'ulu Town and then when you build new stuff next to it, it changes this for everybody. Now you look at the County of Kaua'i when they appraise your property every year there's a market value on it now, that's going to really change that market value, notation on their assessment, and all of a sudden you have a little bit more infiltration of real estate sector coming into their communities, where we never saw it before. Now in Kekaha we are suffering that, where I saw my market value go up to a million, where my house is still at 630, cause it's a 1937 house, so how can we address that issues for the local people that are so close to this new development? How do we protect them from this real estate monster? That's all I would like to say. I'm from Kekaha, but I do care about the whole island, and there is one thing I'm getting tired of hearing, what do you consider your backyard? Kaua'i's my home, I care about every community on Kaua'i, every community in Hawai'i, and I care about the earth. That's what I gotta say.

Mr. Hull: Thank you for your testimony. Is there anyone else who has not signed up, but would still like to testify on this agenda item? Seeing none, I'll turn back it over to the Subdivision Planner for the report pertaining to the Preliminary Subdivision Map Approval.

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

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

Chair Ako: Thank you, Mr. Estes. Any questions for Kenny?

Ms. Apisa: No questions.

Chair Ako: No questions, okay. If not, do we have a representative from the applicant here this morning?

Mr. Hinazumi: Good morning. Dave Hinazumi on behalf of Hailimoi and along with Bill Eddy from Kodani & Associates, and David Shideler from Cultural Surveys Hawai'i. Again, Chair and members, thank you for hearing our application. We are requesting to obtain tentative approval so we can start the process to address the conditions as these additional conditions come in we will work on those conditions as well. Wailani, the focus of this project is workforce housing. We all know that is a serious issue we need to tackle. So, the goal is for the workforce. We're gonna be looking at probably smaller lots, a little smaller houses to get it into some type of attainable range. It is located right in Līhu'e, our employment center. We want to get as many

people living in town to match up with the people that work here and hopefully, that will have an impact on reducing traffic in the overall. So, there's a lot of important reasons to this project forward and we're requesting, a tentative approval on this.

Chair Ako: Okay. Commissioners, questions?

Ms. Apisa: No, just a comment that I hundred percent agree there is a desperate need for housing affordable and workforce.

Chair Ako: So, if we kind of look into the future, when are we gonna have housing on this project, I should say? When we can pass over the keys and, I guess that would be a start on the end when the last project would be anticipated to be done.

Mr. Hinazumi: That is always hard to predict. Obviously as soon as possible is our response. Between whether we undertake a project or we work with other developers who can come in and build their projects, we're talking maybe a couple of years out, possibly longer it depends on, it depends on the process. You know, we do our best to address all the conditions as quickly as we can. You know, same on the government side, there's a lot to be done and everybody's working together collectively and hopefully as long as we're all working collectively, everybody working directly on the project, anybody that's providing input to the project to push it forward, we can make it happen that much faster.

Chair Ako: Thank you. So many uncertainties as we move forward. Any other questions? If not, can we have a recommendation from staff?

Mr. Estes: The Department is recommending for Preliminary Subdivision Map Approval with an amendment to Condition No. 6 of the Subdivision Report relating to the State Historic Preservation Division, and Condition No. 6 should read, should any archaeological or historical resources be discovered during ground disturbing construction work, all work in the area (inaudible) shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources (inaudible) can be made (inaudible).

Chair Ako: Thank you. Any further questions? If not, I'd like to entertain a motion to approve with amendments.

Mr. Ornellas: I moved to approve Preliminary Subdivision Map; Subdivision Application S-2023-3 as amended.

Ms. Apisa: Second.

Chair Ako: Okay, we have a motion, we have a second on the floor. Any other discussion/concerns? If not, Mr. Clerk, can we have a roll call vote, please?

Mr. Hull: Chair, was there a motion?

Chair Ako: Okay, sorry.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

Mr. Hinazumi: Thank you.

Mr. Hull: Next, we have Preliminary Subdivision Map Approval for;

Subdivision Application No. 5-2024-4

George and Patricia Souza Trust/

Kevin and Monique Souza Living Trust

Proposed 2-lot Consolidation and Re-subdivision into 4-lots TMK: (4) 4-2-010: 012, 059

Wailua, Kawaihau, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: Kenny, do we have anybody signed up to testify? We have no members of the public signed up to testify on this agenda item. If there's anyone who would like to testify on this agenda item but did not previously sign, you may approach the microphone now. Seeing none, I'll turn it over to Mr. Estes for the report pertaining to this matter.

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

Chair Ako: Thank you. Any questions for Mr. Estes?

Ms. Apisa: No questions, other than I guess we don't have all the department's comments yet.

Mr. Estes: Yes, not at this time.

Chair Ako: If not do we have representatives for the applicant on this?

Ms. Maren Arismendez: Good morning, Commission. Maren Arismendez from Esaki Surveying, here on behalf of the owners. We would like to respectfully request tentative approval just to give you a short background. It is a consolidation of 2-lots that have been in the family and it's going to be split into 4 equally size lots to be split among the siblings. Pretty straightforward.

Ms. Apisa: And there are 4 siblings?

Ms. Arismendez: Yes. So, 4 siblings, 4 lots, same size.

Chair Ako: Okay.

Ms. Apisa: No further questions.

Chair Ako: If no further questions, Mr. Estes, do we have a recommendation?

Mr. Estes: The Department is recommending Preliminary Subdivision Map Approval with an amendment to Condition No. 7 of the Subdivision Report relating to SHPD comments, and it should read, and it should reach 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 Natural Resources Historic Preservations Division to determine mitigation measures.

Chair Ako: Questions? If not, I'd like to entertain a motion to approve with amendments.

Mr. Ornellas: I move for Preliminary Subdivision Map Approval on Subdivision application S-2024-4 as amended.

Ms. Apisa: Second.

Chair Ako: We've got a motion and seconded. Any other concerns from anybody? If not, Mr. Clerk, can we have a roll call vote please?

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

Ms. Apisa: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

Ms. Arismendez: Thank you.

Chair Ako: Thank you.

Mr. Hull: Next, we have:

Subdivision Application No. 5-2024-6
Kukui'ula Parcel HH Subdivision
BBCP Kukui'ula Infrastructure, LLC. /
MP Kaua'i HH Development Fund, LLC.
Proposed 3-lot Consolidation and Re-subdivision into 51-lots
TMK: (4) 2-6-019: 026, 029, and 031

Koloa, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: We have 12 individuals signed up to testify. Before we take public testimony, I want to state for the record, we received a number of written testimonies on this application and absolutely are here to hear individuals concerns and members of the public's concerns. A number of the written testimony that we received is under the impression that this proposed application is going to prohibit beach or fishermen access to Kukui'ula Harbor, or the beach next to the harbor. This is a patently false narrative. There is nothing in this application that is going to prohibit public access to that harbor and to that beach. I can completely understand the frustration that community members have if they're under the impression that it would prohibit access, but again, that is a patently false narrative and to raise those frustrations is highly inappropriate and does not speak to what needs to be said and what can actually voice real concern that may be associated with this application. For the record, the harbor itself is a state asset and is open to the public. Lawa'i Beach, which touches that, oh I'm sorry, Lawa'i Road, which touches that beach is a county road. The parking area and the green lawn area where many local families do in fact hang out, subsist, pā'ina. This area is required by law for Kukui'ula to maintain in perpetuity for public use. So, there is nothing again in this application that prohibits public access to this beach. Furthermore, while there might be some concerns about therefore the subdivision immediately accessing the site, there's a prohibition on vehicular access from this proposed subdivision to Lawa'i Road. So, I just want to set that record straight. Sorry, I'm a little frustrated, but our staff has been feeling a number of calls and rightfully so, frustrated and concerned citizens over these accusations. But again, that is not what is being proposed nor could it ever be proposed. So, I just want to set the record straight before we take public testimony. With that, I'll start calling the individuals who signed up for testimony. Micah Bukoski.

Unknown Male speaking from the audience: Sorry, can you explain it just a little bit further so that we're all on the same page as (inaudible) is? If it's not, taking away from anything, what is it (inaudible)?

Mr. Hull: The proposal is for, to be specific, the proposal is for reconsolidation of 3 lots into 51 residential lots. That's what's being proposed, and this is mauka of Lawa'i Road. So, there is a proposal for a subdivision happening, but I want to be clear, nothing part of this proposal is entertaining prohibiting beach access, nor could it ever. Sir, we're not going to go into questions. We can take testimony, and if there are questions that are brought up by the testifiers that a commissioner would like to go over indeed that can happen. So, Micah Bukoski. And as the testifiers approach the microphone, please state your name and you have three minutes for testimony. Thank you.

Mr. Micah Bukoski: Aloha mai. My name is Micah Bukoski. I'm from Lawa'i, we have multi-generational roots to that area. I've grown up over there, in my short life I've watched this area completely change. Where we used to have farming lots, we'd have local families farming fruits and vegetables, cattle and such knowledge, now there's large fences that say no trespassing and I personally have been, I personally experienced, well they may say, it's not going to directly cut off legal access to the area. I have been harassed by security going down county roads. I have been harassed by security, Blue Shield, Blue Knight Security in my own neighborhood,

following me home, following me around the neighborhood because the area behind that is now a private lot. The overdevelopment is just kind of insane. How much more we need? You know, we even in the previous agendas here went over how we are in a housing crisis. We are in a workforce housing crisis and this to me seems completely antithetical to that. As was brought up earlier, if you were to create these more multi, you know, multi-million-dollar subdivisions and stuff like that, it's gonna raise property tax, it's something else I personally have been experiencing where property taxes are going up because of larger developments going around. If we're already struggling to house local families and stuff like that, how is this going to help that whatsoever? It's more difficult for families to get in, more difficult for people to sustain themselves in these areas. That's something that we're seeing across the island. With that, also being said as someone who's grown up around that area, I've seen how it's changed almost environmentally. Just yesterday I was down over there, with the storms you can see there's been an extreme amount of runoff and I feel throughout the years all this is all kind of my personal experience. It seems as though the runoff has gotten worse throughout the years in just the little development that there has been now, and whether or not this is just coincidence there is a dead turtle lying on that beach right now, whether that's because of pollution or anything like that, I can't say, but it's something that's there right now. I think that's all that I have for this exact moment. But thank you for allowing us to be here.

Mr. Hull: Thank you for your testimony. Next, we have Daniel Sangenito.

Unknown male from audience: (Inaudible) for now.

Mr. Hull: Mikko Kinkki.

Mr. Kinkki: Hi. I'm Mikko Kinkki, resident of Kekaha. Mikko Kinkki, Kekaha, Kaua'i, 8689 Elepaio Road. I had a personal experience with this area to the highest extent. When I was a young child along with my father, we built one of the first houses in the Ku...what is that one, there's so many K names now in there, I lose track. The Kiahuna Golf Village, we built the Betty Bell house with Joel (inaudible) and crew. When there was nothing there. That used to be a sugar cane area what they call Kukui'ula now. The name of the ocean is Kukui'ula not the land. When it comes to commerce in these islands it has been clearly stated to name it correctly. And what are the intentions? Now here, you guys have 3 lots that were intended for luxury homes and we talking high-end luxury. We talking 20 to 30-million-dollar houses. The real estate in Po'ipū has turned into the most expensive real estate on the island, breaking records. Making a 2% profit gain on a real estate agent profitable to the point where you're talking 20g's, easy. 200g's. This changes the game. Those lots being turned into many more causes grave problems for the promises that were put in place when you made that development. Only that style of housing. Not increasing your guy's density. We need density where there's people who need homes. These are second/third homes, trading chips. That has so much equity in it. Do we know how equitable gains work everybody? How real estate comes up and down. I, 100% against changing that land designation and keeping it those 3 lots and keeping the promises that you were not gonna overdevelop this land and destroy it. It's a catchment area for water. It was agricultural land. I used to drive through the cane fields of McBryde all the way there. That development stands in the way of our road. That's a pass-through road. The Alertons Garden shut it down and blocked that road. We used to go through that as a saddle, the cane trucks did. Cause if one cane company goes down they gotta bring the sugar to Līhu'e if they got to. You guys gotta make that Kukui'ula

know if we gotta build a road, they standing in our way. So, I got a lot of issues with Kukui'ula, starting with their name, and I going let somebody else talk, but that's where it stands to me. Thank you very much.

Chair Ako: Thank you.

Mr. Hull: Thank you for your testimony. Next, we have up is Jeri DiPietro.

Ms. Jeri DiPietro: Aloha. Good morning, commissioners. My name is Jeri DiPietro. I'm the President of the Kōloa Community Association. And today I'd like to talk about how when we negotiated with the Kukui'ula Subdivision there that we were able, with Mr. Louie Abrams, we were able to lower the density to a more suitable number from 3,400 down to 1,700. Two more of the conditions that I'd like to respectfully remind the commission of since we have just like in a volunteer group, many members changing, that there were conditions to put those 3 to 5 acres at Kukui'ula Harbor into county deed and also the 20-acre park on Po'ipū Road between the Texaco Station and Kōloa Elementary School. Those conditions would be so helpful to the community. We need to encourage; we don't want to wait until all units are built out for that park to be able to made available, it was supposed to be a world-class sports park, and the harbor as you've stated, kind of that how much that's used by local families and it's one of our safer beaches and great for pā'ina. So, when I see amendments to these conditions regarding the lots, I really would like to urge, and our association would like to urge the commission to think about moving forward on exchanging those deeds, getting title into county hands and have those properties as you've stated taken care of in perpetuity. We need buildouts on that park and we need good maintenance and cleanliness of the harbor. So, thank you very much.

Mr. Hull: Thank you for your testimony. Next, we have signed up Elizabeth Okinaka.

Ms. Elizabeth Okinaka: Aloha commission, for the record, on the record. I'd like to state that I am strongly opposed to this development. I would like you to know, I would like to know Ka'aina, how you can guarantee that this is not going to further block our access because I think it's insane. We are proposing another subdivision feet from the harbor. There's going to be more people, there's going to be more cars and there's going to be more of a strain on our natural resources and that is completely undeniable. These people will be walking from these cottages and not only this, not only the harbor, but there's also the baby pond beach which is nearby here. Another little, small spot that some of our last local families can go to. We've been chased out of Po'ipū Beach because of the over-development. The harbor is one of our last places that we can take our children to, and to say that this will not cause a further strain is a complete lie. And I think you cannot guarantee that Ka'aina. It's true you're having hundreds of more people here and this consolidation also accounts for the existing clubhouse. Will all of the existing homes and developments already in Kukui'ula also have direct walking access across the street now? These houses are going for 4 to 6 million dollars. Why do we keep allowing this? For everyone who wonders why we have a housing crisis, this is it right here. We need homes that we can pass down through our generations. Half the kids I grew up with are either dead or in jail or had to leave the island because of the cost of living, and housing crisis. We need to start making pono choices for the future generations. This project does nothing for the local community. And yet again, we have 2 ex-county attorneys with deep inside knowledge of the county who are here representing these developers today. The County of Kaua'i may give them a path on ethics, but

this is wrong. It's morally wrong and it's ethically wrong and we know that. There is no valid Ka Pa'akai Analysis like this I stated earlier. If you look at the packet agenda for this project, they actually put my input. I stated that I wanted to not have anything to do with this project. I gave input for the Kiahuna project, and I said if they are going to do a Ka Pa'akai Analysis for this project, then a separate one shall be conducted, and they could contact me. They never did that, just like the prior development. 3 different projects in 3 different areas were jammed into one Ka Pa'akai Analysis in 2 different ahupua'as, it's a completely invalid report. There is no valid Ka Pa'akai Analysis for this project. There's no valid traffic study and I would like you guys to know that MPHHS Kaua'i Development Fund LLC., is not in good standing with the state. Is that an easy fix? Yes, but it shows that at the bare minimum, our Planning Department and our county cannot even do our job to research who we are conducting business with. This project will further worsen the water quality for the harbor. My own children who frequently swim here, along with many other children, are frequently getting ear infections because of the runoff that is directly going into this harbor. More development will create more runoff here. We had a brown water advisory for Po'ipū yesterday.

Mr. Hull: Three minutes, Mr. Chair.

Ms. Okinaka: I ask you guys to please oppose this, defer. These people are not in good standing. This is another ethically and morally wrong developer, and I'd like to raise the issue. I'm sorry, Donna, but you are a registered real estate agent. Why the hell did we have a real estate agent as a Vice Chair on our Planning Commission?

Mr. Hull: Your time is up.

Ms. Okinaka: And this is not a personal attack. My time is up. I'm sorry, but...

Mr. Hull: Gavel it.

Ms. Okinaka: This is a public position you applied for.

Mr. Hull: Gavel it. Gavel it.

Chair Ako: At this time, we'll take a recess. We'll be back no sooner than 20 minutes.

Committee went into recess at 9:22 a.m.

Committee reconvened at 9:44 a.m.

Chair Ako: Good morning, again. It's 9:44, as we reconvene our meeting. Mr. Clerk?

Mr. Hull: Returning back to the list of individuals signed up to testify. Next, we have signed up Bridget Hammerquist.

Mr. Kinkki: One more time. One more time, who's...

Mr. Hull: Bridget Hammerquist.

Ms. Bridget Hammerquist: Good morning, Chair, members, and staff. My name is Bridget Hammerquist and I live in Kōloa. My family has lived on Kaua'i since 1964. I was born and raised on the Big Island. I'm here today because I used to swim in Kealakekua in Kona, and I saw the change in Kona, and I know there's people that truly regretted that over-development after it happened. If nothing else, I'm asking you to defer your decision today. Until the matter can be further studied. You have a copy of my testimony. I do understand on behalf of Friends of Māhā'ulepū and Save Kōloa, we submitted formal testimony. We were not of the opinion that access was gonna be denied, in fact. But access will be denied in effect, and that's the difference. And in this case, there was a density agreement, and I spoke with a member of BBCP, who said this violates the density agreement that Kukui'ula agreed to as a condition of their development. And I think it warrants taking the time to look into that because if indeed that's what's happening just because there isn't the institutional memory because jobs have changed, positions have changed, people appointed to boards and commissions have changed. That memory shouldn't be lost. It's in writing. There is a Kukui'ula Development approval, there are conditions that were agreed to without approval, and with all due respect to the Director, you cannot say that there is a parcel that cannot be closed off in perpetuity unless you're holding the deed to it. CCR's Conditions Covenants and Restrictions can be amended. They can be changed. If the county has a deed that is written into the deed, then you know that parcel will be maintained in perpetuity, but until you have that, you have nothing. And it's wrong for the Director to be under this apprehension that he somehow can guarantee the lawn area and most of the public doesn't even know that the lawn area is owned by Kukui'ula. There are 3 parcels there that Kukui'ula owns, and so to say what's guaranteed and what's not, you need a deed. And in this case, the density that was agreed to and as part of the condition is being violated. I submit to you that the SMA permit is no longer valid because this is an entirely different contemplated development then when the permit was obtained, and I ask you please to defer it. Give it some thought. Give it some time, and whatever is permitted ultimately, please make sure the conditions are specific so the developer is actually held to the laws, they're not now incorporated in his development packet, and we detailed the laws...

Mr. Hull: Three minutes, Mr. Chair.

Ms. Hammerquist: ...in our testimony. And I appreciate your time. I know it's a hard job. But it's time to take care of the public and not the developer on this one. Because it's gonna ruin that area. Thank you.

Chair Ako: Thank you, Ms. Hammerquist.

Mr. Hull: Next, we have signed up Courtney Apo.

Unknown woman from audience: (Inaudible).

Mr. Hull: Next, can't quite read the first name. Kiauna Haroldsen.

Ms. Kiauna Haroldsen: Good morning, everybody.

Chair Ako: Morning.

Ms. Haroldsen: It is pronounced Kiana, my mom spelled it wrong.

Mr. Hull: Sorry, I couldn't quite (inaudible).

Ms. Haroldsen: No, you're good. I am from Kapahi. I grew up swimming in Kōloa, on Ōma'o Road, and I grew up swimming in that harbor with my family. The last time I spent time with my family was in that harbor before they had to leave because they were priced out of paradise, just like majority of the locals out here. It is, I think I'm one of the youngest people in this room right now, and I'm speaking on behalf of all young people that agree with me. This is wrong. This is desecration and is not, it's unspeakable, what has already happened to these lands, and it is unspeakable, well, this will be the nail in the coffin for the (inaudible) for Kaua'i. There's already so much tourism out here. It's the last thing that we need. We need housing. We need to clean water. We need lands for the people, for the 'aina, and for the agriculture. The tourism is beyond the limit, the tourism is up here on the scale and the people are down here. That needs to be leveled out, there needs to be balance, and there needs to be respect for the lands, and for the people. I'm disgusted with how far this has gone already. I can't even begin to describe the anger that I hold. It's disrespectful. That's all. Thank you.

Mr. Hull: Next, we have signed up Rupert Rowe.

Mr. Rupert Rowe: Aloha, my name is Rupert Rowe. I'm the po'o of Kāne'iouma. I wanna get back to Condition 26, so that we all understand why that condition was placed. Under the State Constitution, the native Hawaiian has the right to practice its religion, and by doing so, Kāne'iouma cannot become a detention basin. And I heard and listened to the county engineer. The county also has a problem. The problem the county has is the parking lot in Po'ipū where it pumps the water and dumps it on top of the graves on the top. It's violating the State Constitution of the kānaka maoli. Nobody talks about the civil rights of these people. We must protect our resource. When the Land Use Commission denied the landowner the right to rezone his property unless there was a drainage plan. You cannot use the heiau as a detention basin. It was the stipulation of the state and all these things that is happening on the county property. We have hurricane debris down there. The county cut the road through the heiau, that was illegal. You folks all know that. How do you correct the problem that you created? Everything mauka of the road, there must be a drainage plan. There's no drainage plan, I know. So, we are preparing ourselves to take our case to the State Supreme Court, on our culture, and our traditional rights, which you folks have violated by passing the drainage. You can't use the heiau. How dare you guys look down upon the native person as a piece of rubbish. These developers. What's happening? Who's protecting our civil rights? Our constitutional rights is being violated? I'm ready for the battle! As Makahiki comes to an end, Kū has stepped up. We are ready. We will take our case to the courts. And I want an answer. Show me the drainage plan. I testified in front the Land Use Commission and I understand. They deny the applicant. The zoning change and you folks passed it. Telling you guys was studying this from August.

Mr. Hull: Three minutes, Mr. Chair.

Mr. Rowe: Okay, but let's get ready for our case. This whole thing may cost the county getting sued by the developer if you guys don't have the drainage plan. Aloha.

Chair Ako: Thank you, Mr. Rowe.

Mr. Hull: Thank you for your testimony. Next, we have signed up is Terrie Hayes.

Ms. Terrie Hayes: Aloha and Happy New Year. Terrie Hayes for the record. Okay, Happy New Year, so I was, I live in Po'ipū, a block from the beach adjacent to Kāne'iouma, which I want to clarify is not open space, that Esaki Engineering said, it's open space special treatment cultural, that is the designation. It is not purely open space. So, let's be straight on that. The other thing is the water from Kipuka does not run uphill to Kāne'iouma. So, Engineer Moule is incorrect. It's a fact, come and stand at the corner as I did with another hydrologist that understands water flow. Now, yesterday with one inch of rain Honolulu got the brunt of the storm. Did everybody see the news this morning? There's a new river in Makaha. There will be in Po'ipū too. There is no controlling water flow. Water goes where it wants to go. When are we going to get that straight? Where do the storms come in at? Well, they come in at the harbor. They come in heavy. We were down at the harbor watching the brown water mix coming out of the culvert that's under the 3-culvert bridge, are you all familiar, there's a 3-culvert bridge down at the harbor already and there's a culvert that comes from Kukui'ula that dumps right into it. So, brown water mixing, it was so windy you couldn't even believe it. The weather that comes in, comes in there. That is where, well, back to New Year's. So, we went to Po'ipū, there were over 500 people on the beach, probably close to 700, on little Po'ipū Beach. Where are they parked? All along the no parking areas, which the police unfortunately informed a friend of mine, well, we give them a ticket, but they just pay the \$35. So, let me implore upon any of you to raise the parking where it's illegal it should be illegal. I intend to call the Department about getting somebody to just monitor the parking there. There wouldn't be so many people if there was not this illegal parking. The other illegal parking is in the parking lot that was also flooded yesterday with one inch of water. Had we received that 10 inches they got in Honolulu, and we will, trust me, we will. The whole place is flooded. That is where the water is going. They need to unpave paradise and take out the parking lot. That's one of the first things. Any, any person in hydrology would tell you, when you understand that it's now acting as a bowl. Kind of like the harbor is. That's another bowl, and when storms come in, they are affected by the way it's laid out. I lived and went to college in Northern California where a tsunami wiped out Crescent City that came from Alaska.

Mr. Hull: Three minutes, Mr. Chair.

Ms. Hayes: You need to think more about this. All of those people were denied, even told where the, where the fireworks were gonna be. They didn't have them down there this year. Where did they have them, at Kukui'ula. They moved them but they didn't want to tell anybody because they didn't want the 700 people that were there to go down to the harbor and watch them. So, it's...and these are tourists mind you we saw one person we knew. What happened that night? As a friendly reminder...

Mr. Hull: Three minutes, 30 seconds, Mr. Chair.

Ms. Hayes: ...there was a tsunami in Japan and an earthquake. I said what would happen to 500 people...

Mr. Hull: If you could wrap up your testimony, ma'am.

Ms. Hayes: ...if you had to...we need to have an evacuation route before you establish anything else, we need to have an evacuation route and there is none. Thank you.

Mr. Hull: Next up we have Billy Kaohelaui'i.

Mr. Billy Kaohelaui'i: Aloha. My name is Llewellyn Kaohelaui'i, the moku for Weliweli Ahupua'a. I sit next to Manokalanipō. Kukui'ula, the harbor, I don't think you wanna change that harbor because the hurricane, the waves went over everything, bust up all the boats inside that harbor. Then me and my dad had to go drive that boat Honolulu for fix. So, I know you guys trying to change their harbor and keep them for the people up there. I said, no develop. Period. That's the last kānaka land we have left. You guys are selling it out. Where we going live? Like she said, yesterday we went to look the drainage. Everything went in the harbor, the boat harbor. And when they call chocolate water, what is that? It's not water, it's sewer. Plus, as where all the (inaudible) come from. Emma, Queen Emma, it's the bluff over there. You guys could develop all that. Lawa'i Kai, the trail that is registered, that fishing trail is registered. In the old days never have road, had trails. I said, when I had go down there and look at that, I couldn't believe all that houses. What a rip-off. As kānaka land that. I don't know what the kānakas now days, you know, it's their land, it's not you guys land. You guys never pay my grandfather for some land over there. Nobody paid anybody. How the hell they get the land? County, state, federal, they not from here! Everybody not from here! The kānaka from here! Stole all our land! America stole our land! You guys taking the land now! (Profanity).

Mr. Hull: Three minutes, Mr. Chair.

Mr. Kaohelaui'i: I stand strong for my kānaka, you know, all you guys, you guys don't know what is kānaka yet. You guys lucky you guys live Hawai'i. It's not Hawai'i anymore, it's changing! Everybody wanted to come Hawai'i, but look you guys going build all these developments and all this stuffs. Going charge them so much money.

Mr. Hull: If you wrap up your testimony, sir.

Mr. Kaohelaui'i: Okay. Thank you. Aloha.

Mr. Hull: Next we have signed up is Alberto Genovia. Alberto Genovia?

Mr. Alberto Genovia: Aloha. I would like to see an audio of what's going on in our community. All the prices of whatever is being sold till today from in the kingdom day till today. Okay. How was it that it was divided from plantation leasing from the royal kingdom. Do we know our history. Do we know the history? Okay. Manipulation of our keiki, 'ōpio, getting rid of them, putting them up in some place they don't really know how to live, but they do good. Okay, I'm glad that we taught them that. Okay, I hope your guys' kids do the same thing, going to someplace that they don't even know, and do whatever they gotta do to survive. Okay, this is our land. My generation came and was a part of this for years and years and years. Okay, all my mom's siblings was all born right in Kōloa. Okay, where is all that information, gone. I you're your guys' information is gone too. Okay, because is not present of what you guys doing to manipulate us as the people of the land. Now we taking the responsibility and don't use the Hawaiian words if you don't know what you're talking about. Okay, cause you know what, I

went to so many classes trying to figure that out. Why they always say that, why my aunty always said that, if you don't know you gotta learn. Okay, so you guys gotta learn. I'm a practitioner. Okay, I sing Hawaiian music for teach my keiki, my 'ōpio. You know, and try to keep them as proud as they can be to be in this identity. And who are we now? We you guys stepping stone. Is that right? What is the price for greed? What is that conflict? Can we charge you folks for conflict of this greed? Corruption. Right? Can we do that? Do we do that? You know, from the back in the days, Grove Farm, plantation companies, okay. How did they get this idea of ownership? Where was it that it turned from lease for the sugar in tons that the people never really get anything from except for just the job. Community. Comradery. Helping each other out to live in this place we call Kaua'i. Yeah, keeping what we have as resources, the knowledge of this to pass on to our next generation. I'm one of them. I used to work for Grove Farm, I got iced out from Grove Farm because they want to turn you guys into this business. Is that right?

Mr. Hull: Three minutes, Mr. Chair.

Mr. Genovia: Is that right? I should have another price of this on top of your guys' head, but you know what I would rather see the audit. Bust out the audit I like see it. Where is it that it came up, when it turned from the royal deed or the title to this lease land or ownership land that Grove Farm so-called owns or Knudsen was sold by...

Mr. Hull: If you could wrap up your testimony, sir.

Mr. Genovia: ...(inaudible). That was (inaudible)...

Mr. Hull: Sir, if you could wrap up your testimony, please.

Mr. Genovia: Okay. So, let's show the community all this idea of corruption. We no do corruption in Hawai'i. I don't know what you guys' parents did, but I guess that's something else, yeah.

Mr. Hull: Next, we have up is Dawson Okinaka.

Unknown woman from audience: Can you repeat that?

Mr. Hull: Dawson Okinaka.

Unknown male from audience: He's outside.

Mr. Dawson Okinaka: Howzit. Good morning.

Chair Ako: Morning.

Mr. Okinaka: My name is Dawson Okinaka. I reside in Kōloa for 30 years. Since I was as a kid I can remember the area where you guys like develop, down in Kukui'ula, the pitch fence, when was all buffalo grass and that's when Kaua'i was Kaua'i before that all this Waikiki development down there, you know. As I got older and things are still kind of staying the same, you know, was all right but the whole time was like awkward because we knew something was coming.

You know, right around the horizon, and as I came older and now that I'm on the other spectrum. I've been in there, building those houses. I've been on the roofs, you know, sacrificing myself for one paycheck and the whole time I'm up there I'm thinking, brah, if I fall down, if I break my neck, then what? You know, all this for my kids have something. To feed the developers, to feed the people that get the money, is pilau already. You know, if you guys keep building those lots, which is one swamp land over there because I built the house right next to it, Alan Dunco. I know everything, in and out, that whole place, brah. I know Kukui'ula, everything from that day one you guys started doing things back then, it's all pilau. If you guys make those houses, our kids not going be able for go to harbor and if you guys take the land where we already get the canoes and stuff, you know, what we get left, our kids going have nothing. My goal in life is just to keep something for our kids and one paycheck is nothing, you know. We no can even go to Po'ipū Beach, we no can go to Brenneke's, we go to the stores no more nothing. Why? Because all for this people that buying up things. All I get for say is that, I tired seeing things get stripped away. I like see Kōloa stay Kōloa, Po'ipū as is, and you know times is coming. Right now you guys all get like one notice of eviction, you developers, you dreamers, get out of here already, beat it. We no like see you guys. You know, when I was one kid, you guys used to strong arm us. So, when we go down to Alerton's, whoever pay off the Hawaiians for kick us out, shame on you guys, brah. You guys no can strong arm us anymore. If we gotta go there and miss work and stand in front of the machines, trust me, we will, we going keep things how it is, as all I get for say. Mahalo.

Mr. Hull: We don't have anyone else signed up for this agenda item. If there's somebody that hasn't signed up or previously spoken, if you'd like to testify, you may approach the microphone.

Mr. Dylan Hooser: Hi everyone. My name is Dylan Hooser and I'm against the proposed rezoning to allow more luxury homes. Po'ipū is already overbuilt and overcrowded with visitors. Where are local people going to live? We don't need more service jobs that require taking care and cleaning up after wealthy people for a paycheck that isn't enough to afford rent anyways and can you find a place to rent if you have money. How are we supposed to enjoy our lives? Kaua'i County keeps allowing the building of more mansions and our friends and family are moving off the island. We have people houseless sleeping in cars, but we are building more luxury homes. Beaches and parking lots are already maxing out. Aunty talked about it earlier. Po'ipū Beach the other day there was cars from the beach all the way to the road, left, right, center. There's nowhere for people from here to enjoy these resources. I try to park in a little spot, cop told me I had to leave, took me over a half hour with my hazards on waiting for a car to leave so I could watch my kids while they played in the ocean. Our lifestyle is being sold to the highest bidder. The places I grew up frequently as a child are rapidly becoming paid tours or beachside bars for the rich and famous. What kind of life will our children have here? We need to put a pause on building for the rich and famous and focus on creating spaces our children can afford. Sad to see generations being priced out of their homes. Thank you guys.

Mr. Hull: Is there anyone else who hasn't previously testified and would like to testify on this agenda item?

Mr. Kinkki: One second, one second, one second. Okay, what I wanna see...

Mr. Hull: Whoa! Hold on, sir! This is not your venue. Please take a seat. You've testified previously.

Mr. Kinkki: I was just going to say (inaudible) hands.

Mr. Hull: Nope, nope. This is not your venue.

Chair Ako: Thank you, please.

Mr. Hull: If there's anybody else who would like to testify. Who hasn't previously testified. Thank you.

Ms. Clara South Carpatian: Hi, my name is Clara South Carpatian and I just wanted to say a few things. First of all, I see the faces on all of you guys while we're talking about the beach and you guys claim that this is nothing to do with the public beach. Yes, we understand what you're saying, but it all has a connection. In the end of the day, you have to think about everyone who's from here and who lives here and their physical and mental health when you strip away all that they have, which is very little at this point. The small portion of people who are still from this land are just going to continue to go downhill if you guys don't continue to provide things that help them stay alive and stay happy and then what, you have no one to provide help for these people that you're trying to profit off of and at the end of the day profit should not be the goal, it should be the health of the people that are from this place. I am not from here personally, so I cannot speak from someone who is actually from the land, but I am from somewhere that is going through the same process of getting stripped of everything that means something to them, all of their culture. I'm from Costa Rica where every year that I go back, which is not a lot because it is so expensive, I see a new development and new people who are not from there and learning the culture and trying to profit off of everything that is not theirs and I just see more and more people that are actually from where I am from losing faith and actually trying to stay and keep together what they have left. So, at the end of the day, even if this is not about Kōloa Boat Harbor, I think you should think about the people and the kids that are growing up with a very, very small portion of their culture left and think about what the use of actually building these homes are for because, like everyone else has said, I think there is enough homes, luxury homes, built for the wealthy people and there's not enough people to work and that want to work for these people for nothing. That they are profiting off of for providing for these people that do not care about them at all. So, please just think about the people at the end of the day and instead of just hearing these words, look at these people in the eyes and think about what they are saying because I'm only 17 years old, I don't know a lot about what I'm saying here, but I see people that I love hurting that I grew up around because there is not a lot left for that to have faith in. So, please just keep your morals intact and have love in your heart and think about the people in the end of the day if it's not about all the laws and everything behind it. That's all I have to say.

Mr. Hull: Thank you.

Chair Ako: Thank you.

Mr. Hull: Is there anyone else who hasn't previously testified on this agenda item? Please approach the microphone.

Mr. Guy Miller: Hi, good morning. My name is Guy Miller. Thank you for hearing all the testimonies today. I think I just wanted to say that I am in opposition of this rezoning measure and I think all the speakers before me did a really good job of listening the myriad of issues of over development that the south side has. I mean, everything from the water runoff to no access to the beaches to all of the infrastructure that's just widely ignored while giant condo complexes and multi-million-dollar houses are built left and right. But I mean, just from my own experience in the last few months going down to the harbor and seeing my friends and their children in the water and it's covered in, its reeking of raw sewage. These are just things that we see all the time on the south side even after just a bit of rain, flooding, raw sewage, and just not even be able to use our beach and really that corner that we're talking about between Lawa'i Beach Resort and the harbor there, including the grass in front of the harbor, it really is one of the last areas on the south side that has not been completely overdeveloped yet. It is the last corner that we go to every week to hang out because there is nowhere else for us to go. Everywhere else is completely packed. We don't even go there anymore to Po'ipū Beach. I mean, you can't in the middle of the day. So, I just wanted to say that's my composition and thank you for your time.

Mr. Tim McFarland: Hello, my name is Tim McFarland, a resident of Kapahi. I need to get my septic remediated before I can do any work, but I cannot find a subcontractor to do these because they're all working on the big projects. The gentrification of the South side with these new lots adding that much more work for the subs is going to eliminate the ability for those subs to do any work for anybody else, the little guy gets pushed out every day and I got to wait to get the work done on my house because no can get a single permit and tell the septic is dealt with, so, I'm in opposition and I appreciate everybody's time. It's a tough one. So, thank you. Oh, I still got a minute. So, the line for the tourist destination zone was drawn around the Kukui'ula when it was built. Is that going to be drawn around this new sub so all of those can just be vacation rentals? That just, that's insanity.

Mr. Hull: If there's anybody else who'd like to testify, that didn't previously testify, please approach the microphone.

Ms. Courtney Apo: Aloha, my name is Courtney Apo. I just wanted a little more clarification on the Special Management Area Permit. Just like this young woman in the back of me, I don't know much of the SMA Permit, I just recently started learning about it this past March. So, the Special Management Permit that kind of controls the development in the area, and I was looking at tax maps and their keys, I seen that Kukui'ula Lot 29 is within the SMA boundary. So, I just need a little more clarification on that and if the applicant already applied for it. Are they applying for the major and going through the process as of now? That's my question. They are? Okay.

Mr. Hull: So, there's no interaction per say, but if a commissioner wants to bring up a question, that dialogue can happen after.

Ms. Apo: Okay, gotcha. Alright. Like I said, information is really hard to find as I'm trying to look everybody in their eye because I'm trying to be respectful. That's just a problem that has been a problem. Not only for Kukui'ula, Kōloa, but also at Hanalei Bay. I'm kind of well-known in the county. I've been a problem. I've been writing letters, calls, working with a Catherine Leonard trying to figure out permits for us as a local company and I'm not going to specify

which one, but I'm sure you're already aware of that. But it's a Special Management Area Permit that, is my concern because that's what controls the developments in these specific areas. So, it would be awesome if we could get clarification on that and mahalo for your time.

Mr. Hull: Is there anyone else who hasn't previously testified and would like to testify on this agenda item?

Mr. Kitchu (Inaudible): Hello Council. Hello Community. I'm Kitchu (inaudible) from Ecuador and my people are displaced, so I strongly oppose this, and I stand with my community here. Thank you.

Mr. Hull: Is there anyone else who hasn't previously testified?

Mr. Nick Lucas: Good morning, name is Nick Lucas, I'm one of those strongly oppose this rezoning from 3 to 40, seems like a big stretch 3 to 40, it's not 3 to 6, or 3 to 10, or 3 to 20, it's 3 to 40. Has anybody driven through Kukui'ula lately and just looked around at what it is, just next time you're on the South side, just drive through, just take a peek at what's being built, and what's...how many lots are still empty in there. There's hundreds and hundreds more million dollar homes. If you look at any of these homes, no one lives there. They're not members of the community. These are just investment homes. Build it for 5 million, sell for 10 million in a few years, build another one. No, they don't care about this place. You know? Just take a peek in there and you're gonna turn another 3 lots into 40 lots for who, who's this for, what for, so people can make more money, people you don't even know. Not that, you know, these people don't live here, they've probably been here a handful of times. You know, for they just, there's just an investment. They don't care about the area or anybody that lives here. It's just a way to make more money. Thank you for your time.

Mr. Hull: Is there anyone else who has not previously testified that would like to testify on this agenda item?

Mr. Craig Hawkinson: Good morning, my name is Craig Hawkinson. I appreciate you guys taking the time to sit and listen to all of us. I own a snorkeling tour company. I have permits with the DLNR to do permit, I mean to do snorkeling tours at Kōloa Landing and at Kukui'ula Harbor, we do our tours down past where the boats are closer to the houses down towards Spouting Horn. And as you may or may not know when it rains like it has in the last couple weeks, Kōloa Landing turns into a mud bath because Waikomo Stream empties into Kōloa Landing and all of the run off from mauka comes down into Kōloa Landing and it turns it just...we can't snorkel, we can't dive. It shuts me down. So that's why I went to the DLNR and asked them for another location Kukui'ula because there's much less runoff there, but I went there 2 days ago and as one of the other people already stated, the water pouring out of that culvert under the 3-culvert bridge was just mud and so I couldn't do my tour there either. So I'm basically shut down, and I just wanted to say that before you make this decision to start building a lot more homes in that area, you need to consider that it's going to dramatically increase the amount of runoff that goes into Kukui'ula Harbor. Not from septic systems, or whatever, but just from run off from the roads and the properties and the buildings because all that water is gotta to go somewhere as the hydrologist said and it's going to go into Kukui'ula Harbor and it's going to change that harbor dramatically, and it's probably going to put me out of business. So, think hard. I take a lot of

people out snorkeling, lot of locals, lot of kids. I don't want my business to be shut down because you guys can't figure out how to not build these houses. Thank you.

Mr. Hull: Is there anyone else who has not previously testified on this agenda item that would like to?

Ms. Cecelia (no last name given): My name is Cecelia, and I'm also not from here, but I was raised to fight for what is right and listening to all the testimonies. How can you deny what the development in the South won't affect the local people in the future. And adding more luxury homes would just add problems that exist. It is wrong to not let people to even enjoy what's left. Coming from the heart, I tell you to listen to the people that matter here in Hawai'i because without the people in Hawai'i, Hawai'i would not exist and be the way it is. Thank you.

Mr. Hull: Is there anyone else who has not previously testified that would like to do so on this agenda item?

Mr. Corey (no last name given): Aloha, my name is Corey. Would it be okay if I allow some of the other speakers who have already spoken to use the rest of my time?

Mr. Hull: It's at your discretion, Chair.

Chair Ako: I mean, how many more are we talking about?

Mr. Hull: It would just be for three minutes.

Mr. Corey: For the rest of my...I have 3 minutes.

Chair Ako: It'll just be for your three minutes?

Mr. Corey: That's right. Okay. I'm a fifth generation born and raised in Kaua'i. My great grandma was born and raised in Kukui'ula when it was still cane field, sugar plantation. I am highly opposed to subdividing this area in Kukui'ula for more luxury housing. Based solely off, it has no community development or cultural agenda beyond housing more off island folks that have no cultural and community ties. Again, please do not consider this a pit against progression in the islands because I know we need it and I know we need a lot of things in the south side area, but this is not the way to do it. With that said, I would like to have my sister come up here if you'd like to share some more for the rest of my minute. Thank you.

Ms. Okinaka: Aloha. Again, for the record, I am opposed to this development. I just wanna say that personally, it is heartbreaking to go to the harbor looking up and already seeing the homes that are coming up. This place is drastic, drastically changing and by allowing another subdivision here, it will change the harbor forever. We're looking up at the harbor now as our kids are swimming and there's mansions being built by foreigners. None of this will benefit the local community. Kukui'ula as always had their eyes on that boat harbor. What is the one thing that Kukui'ula can not offer the people who are staying there, it's direct beach access. I would like to know if this is approved, are all of the existing homes gonna have access? Because to me, this is exactly what it means. The harbor will now be overtaken by Kukui'ula. This entire area has become gentrified and it's at the expense of local families. There was a historical registered

sites on that property, but when I looked up, I looked them up, where did they go? They've disappeared, they've been bulldozed. So, what do we do? Just bulldoze the property again. You guys are erasing what little culture in history we have left. It sounds familiar. How many projects have we seen this, where there's registered sites that are on the property and then oh now they're gone they're bulldozed we don't know what happened so let's just build just like when Kukui'ula got approved right, we were promised homes, a community park and that never happened but what do we do we take the measly payouts we get more (profanity) apartments across the street, slave quarters so we can clean these people's houses. It's (profanity). We need houses that our families can buy and pass down through generations. This is why we have a housing crisis.

Mr. Hull: Three minutes, Mr. Chair.

Ms. Okinaka: This road is a death trap and if you guys continue to approve this in the event of a natural disaster everybody inside of Kukui'ula will be stuck.

Mr. Hull: Is there anyone else who has not testified on this agenda item and would like to testify? Seeing none, before Kenny goes into his report, is there any questions the commissioners had off of anything that was raised by the members of the public?

Mr. Ornellas: If you can address Ms. DiPietro's comment regarding the park dedication, and if can also address the young lady, sorry I've forgotten your name, her question about the SMA portion of that particular lot.

Mr. Hull: Yeah, for Ms. DiPietro's statements about the, she had two statements, one concerning the green lawn area fronting the Kukui'ula Harbor area. That is required by law, that at some point can be transferred to the county. It is also required by law for them to maintain it, regardless of whether or not they have it or the transfer happens. Right now there have been no objections with the way they've been maintaining it. There is also the aspect of if they do transfer it would there be still some (inaudible) for the Parks Department now to take care of it? And given the lack of resources in the Parks Department and you can literally see the difference between our Parks Department, which is limited resources right next door to the Kukui'ula maintained site. So, the manner in which it's being maintained, which is much more pristine than right now our understaffed Parks Department can handle. Right now, it's been set in that way, but, to the point, it can be taken, but whether or not that would essentially become a less maintained site because it's not fully within the Parks Department, that's a concern that the Parks Department has brought up in their discussions with Kukui'ula. So, having Kukui'ula continue to maintain it, in the manner it does, has seemed to work out better for the public. For the actual 20 acre parcel for the park, that was never set when it was established back in 2004 with a specific deadline because of the proposed subdivisions that happened in the past, Kenny has been working to get specific deadlines from Kukui'ula as far when that park will be constructed, (inaudible) begin to see movements on it, and once we get those deadlines to begin, you know, if they are not adequate to begin putting more pressure on them to adjust those deadlines so that they are ultimately served to meet the communities needs. I think there's another one in there with housing as far as when Kukui'ula gave these proposals, Kaua'i was developed as part of the Kukui'ula zoning amendment, so these 134 units that were constructed in 2019 we're part of the affordable housing package that Kukui'ula proposed as part of the zoning amendment, and you

know, speaking to that, to a certain degree, and I can appreciate much of all the public's frustration. I personally don't care what's being built up on that hillside, quite honestly. It is high-end spec homes that are occupied, as many (inaudible) 2, 3 weeks out of the year. There's no affordable housing in the Kukui'ula mix itself. They did provide affordable units as part of the package back in the early 2000s, but I can appreciate the public frustration. But this was set between the mid 90's to the mid-2000s, whether it was at the Land Use Commission and it ultimately through the county, and the County Council, rezoning these properties, what is occurring today is not a rezone, it is not a rezone, I want to be clear here. It is a proposal to subdivide an existing area that's been dedicated and established through land use rates, whether we like them or not, through land use rights to develop 1,500 units. That is what they can build there, 1,500 units, whether they go through the subdivision process or whether they go through a CPR process. They're allowed to build 1,500 units, and much of those units, half of those units as set by law, in 2004 can be turned into vacation rental units. There's nothing that this body can do to prevent those 1,500 units or from half of them for being used for vacation rental units.

Unknown woman from audience: Why not? Why is it?

Mr. Hull: Ma'am, ma'am, we're going to hold decorum or we're going to have people removed.

Unknown woman from audience: This is ridiculous.

Mr. Hull: So, I can appreciate the frustration, but those laws are set and once the land use entitlement is set, the residential zoning is set, the land use ordinance is in place, this body as much as I sense, there's a lot of the members, if not all of the members to a certain degree, wanna unbake those legal entitlements, wanna unbake the cake to say, you know what Kaua'i, Hawai'i has had enough.

Ms. Hammerquist: How many units are in there now, Ka'aina?

Mr. Hull: Bridget, we're not going into...

Ms. Hammerquist: Well, we should. We should study it because (inaudible).

Mr. Hull: Gavel it, gavel it.

Chair Ako: Please, help us get through this process here.

Ms. Hammerquist: (Inaudible).

Chair Ako: No, yeah. I'm not saying that we understand or anything, but I think our purpose right now get through this process here.

Ms. Hammerquist: But if he's gonna make (inaudible).

Chair Ako: We'll be in recess for 20 minutes.

Committee went into recess at 10:35 a.m.

Committee reconvened at 10:47 a.m.

Chair Ako: Yeah, let's see if we can reconvene again.

Mr. Hull: Yeah, I'll just clarify because I think there was a bit an outburst towards the end, where it may have been interpreted that I said that I don't care as a Director about Kukui'ula, I was making that statement as far as the region. Statement I was making was, I don't care for the particular development occurring in Kukui'ula, it's not really something that I'm personally supportive of. 10,000 square foot mansions (inaudible) two weeks out of the year indeed that is not something I personally agree with, but going back to my original statement, says this this area was zoned for development of up to 1500 units back in 2004 and any ability to try and unbake that zoning, that density, this body doesn't have that power, I don't have that power. I could no sooner unbake the density that this area has that I could, the Habitat for Humanity lock that was up here earlier, or the industrial lock that was up here earlier, or the local family that has the ability to have four dwelling units that was up here earlier. We don't have the ability to unbake those legal land use rights, whether we would want to or not. And so, what the Planning Commission has the authority to do, and I want to be clear, the Planning Commissioners are volunteers, the Chair worked for 40 plus years within the labor movement and is retired. He is not a developer. He has no personal skin or stake in whether or not these proposals get approved or not. What the Planning Commission is, is it's a series of volunteers and what they have authority to do today is to look at a subdivision application, again it's not a rezoning application, to look at a subdivision application as to whether or not that application meets the lot width, depth, and dimensions as required by code. (Inaudible) does have the ability to look the Ka Pa'akai Analysis to ensure that cultural practices that may have occurred in the area previously occurred or are occurring today will be protected and preserved. That is pretty much the only ability that this body has on reviewing this application. As much as there's frustrations about over-development and over too robust transient accommodations and we definitely are in agreement much with the assessment, much to that frustration that was voiced today. But (inaudible) this body just has the authority to review the lot dimensions and size of the subdivision, and whether or not traditional customary practices are being impacted, and if so, what protection measures can there be done. I know that's not an easy pill to swallow, particularly for members of the public that have been testifying, but that's all this body has the authority to do. If there's any other questions, I'm definitely available, but I can also turn it over to our Subdivision Planner to go over the Preliminary Report for this. We're not taking anymore testimony at this time.

Unknown male from audience: Ka'aina, could you please say what you said? Our oldest audience member didn't hear what you said about, maybe we didn't understand what you meant when you didn't care. Could you please say that for (inaudible)?

Mr. Hull: I was stating earlier was there might have been a miss, maybe I didn't state it clearly or it wasn't heard, there was a statement made right after we gaveled the meeting that I had made a statement that I didn't care about Kukui'ula and I wanted to clarify I was not talking about the area, I was talking about the developer. I don't care for the homes being developed there, I don't care for the developer and the nature, the product they're proposing. I personally don't, but that doesn't give me the legal authority to go in and say, I hereby, because I don't like your product denying your application.

Chair Ako: With that.

Unknown male from the audience: Can I ask one more question?

Chair Ako: I think at this time we'd like to move on...

Mr. Hull: We're turning to the report for now.

Chair Ako: ...to our staff report. Mr. Estes.

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).

Chair Ako: Thank you, Mr. Estes. Questions for our staff at this time? I think we can always revisit again if we need to, but if you'd like to address anything now, we could do it now. Okay, if not, do we have a representative from the applicant to present?

Ms. Arismendez: Good morning, Commission. Maren Arismendez from Esaki Surveying.

Ms. Laurel Loo: We've got to stop meeting like this. Laurel Loo for MP Kauai.

Mr. Mauna Kea Trask: Aloha o kou, Commissioners. Mauna Kea Trask ko'u inoa on behalf of co-applicant BBCP Kukui'ula Infrastructure.

Ms. Loo: So, Kukui'ula is the current title owner to the properties, and I'm going to let Mr. Trask begin with his presentation and if you have any questions, we as the co-applicants are happy to answer any questions that you may have for and MP Kauai.

Mr. Trask: Aloha, again. The actual development before you is being made on behalf of MP? What is it?

Ms. Loo: Both.

Mr. Trask: Oh, both, but my client, BBCP Kukui'ula is not the MP entity. Different entities, different lawyers. The reason why I'm testifying today is because I thought it was wise that the Secretary of the Commission started off with telling, making certain points clear. And one of the things he said was, this was a long process started, the entitlement studies start in the late eighties. The LUC dock was filed in 93', it was granted in 2003, the County Zoning Ordinance was 2004. So, I wanted to go over for the benefit of everybody in the audience, some of whom I've known my whole life about what has happened there and so you can know too. So, relatively briefly, Kukui'ula has contrary to popular assertion on social media been a great neighbor and community contributor for decades. Since its entitlement, Kukui'ula has done the following: regarding housing, created either directly or through land donation, approximately 301 affordable housing units from Kōloa to Ele'ele. Regarding coastal water quality, initiated and continued a 33 year near shore water quality monitoring program and prepared and implemented golf course BMPs to protect surface water quality from contamination, and I'd just like to add, you know, I was, I'm from Kaua'i myself. I remember sugar. I'm 44 years old. That harbor is much clear now that it never was when McBryde was running cane over there, just a matter of

fact. Regarding runoff and erosion, Kukui'ula has complied and all the development entities within it including the single-family homes. With all county and state soil erosion and dust control permitting requirements, including (inaudible). Regarding solid waste, submitted an integrated Solid Waste Management Plan to the Public Works in 2006 for review and approval. Which includes provisions for construction debris, green waste disposal and recycling, and implemented a supplemental on-site construction degree management plan in order to reduce the flow of waste material into county facilities. Regarding wastewater, constructed a wastewater treatment plant for the processing capacity of 1.2 million gallons a day to serve the entire Kukui'ula area, Pa'anau, and Kōloa Estate Subdivision. I reiterate it, it's sewer, there are no septic tanks or cesspools in this area. They designed and received approval of a replacement wastewater treatment plant to produce (inaudible) water for golf course use in order to minimize use of potable water. And finally entered into a will serve agreement with HOH Utilities and completed construction of an off-site 24-inch gravity sewer main to the recently expanded existing Po'ipū sewer treatment plant, which now serves all of Kukui'ula project and completed the decommissioning of the onsite wastewater treatment facility with the intent of diverting sewer flows from Pa'anau, and Kōloa Estates to the existing Po'ipū plant. Regarding air quality, prepared an air quality report and received a determination from the Department of Health, that Kukui'ula would not be a major source of air pollution, and therefore would not require an air quality monitoring program. Regarding public hazards and safety, funded and constructed civil defense measures as determined by the state and county. Regarding school impacts, entered into an educational contribution agreement with the DOE. Regarding roadways and traffic, participated in the pro-rata funding and construction of local and regional roadway improvements in consultation with DOT and the county. Developed supplemental TIAR, actively supported the funding of the Kōloa area circulation plan, prepared by Charlee & Associates on behalf of the Kōloa Community Association, and funded the preparation of environmental assessment for the planned northern leg of the western bypass road between Kōloa and Maluhia Road, which will complete the bypass loop, and I will just specifically add, they built, constructed, and dedicated Ala Kalanikaumaka western bypass road to the county. For those of you who remember growing up in Kōloa before that bypass road, everything went down to the Texaco and down that main road. Regarding parks open space and public access, developed and maintained in perpetuity, the Harbor Park parcels. The secretary is correct that those lots are covered by the zoning ordinance amendment, they're not going away, they're not judged, they're not covered by CCNRs. They're covered by county law. The issue of whether parks has the ability to maintain it according to their resources is another one, but those parks are for public use and will always be for public use, irrespective of who hold titles. They donated hundreds of thousands of dollars to mitigate impacts of shoreline recreational resources. Progressed with dedication and construction of the 28-acre regional park, which according to the most recent LUC, annual report, and that was also shared with the Planning Department. The idea is to proceed with that summer about 2025 but those discussions are continuing. Provide kama'āina public (inaudible) golf course. Developed a comprehensive pedestrian and biking trail system through Kukui'ula and to date have installed several miles of public walkways and executed a trail system declaration assuring the county that upon completion of construction the path and trail system, an easement or easements will be prepared for acceptance of the same by the county. Evidence of that today is one of the conditions, I believe it's 2.1. from the Public Works Department requesting that Kukui'ula actually maintain the sidewalk and green strip on the mauka side of Lawa'i Road because they don't have the equipment to do it. I'll defer to Ms.

Loo on her client's position on that. Regarding potable water requirements, constructed and conveyed all required off-site potable water source and storage facilities to the Department of Water, including 2 wells, 4 water tanks, and several miles of transmission lines. Regarding archaeological, cultural, and historic resources, engaged in a comprehensive archaeological data recovery, preservation, and conservation program, including a burial treatment plan and preservation area and they donated and supported the 16-acre Kamalo'ula Cultural Preserve to the royal order of Kamehameha, adjacent to the Prince Kuhio Park. Regarding endangered species in their habitat, entered into cooperative agreement with USFWS to restore and protect sub-terraining habitats of the Kaua'i cave wolf spider, and the Kaua'i cave anthropod, and is proceeding with drafting of conservation easements over these 3 separate designated habitat areas as requested by USFWS. Regarding density and unit capacity, complied with the 1,500 unit limitation as imposed by the LUC. Earlier you had testimony it was 1,700, it's not, it's 1,500, as the secretary correctly stated. Regarding setbacks, establish and comply with building setbacks along Lawa'i Kai and Lawa'i Valley. Regarding local employment, and workers, implemented a comprehensive program to assist displaced sugar workers with the closure of sugar operations in 96 and continue using local Kaua'i contractors for development of Kukui'ula projects. Regarding public information and outreach, provide the state and county with annual publicly available status reports that are available online. And, regarding recordation and public notice of all aforementioned development requirements, recorded requisite land use conditions in the Bureau of Conveyances to bind all lots to the required permit conditions. That's what they've done. This development was front loaded. The benefits conferred, were given and they continue to be given and they will continue to be given. I can also go in detail into the Hawai'i land (inaudible), I can go into detail about the Ka Pa'akai Analysis and archaeological, and cultural assessments. However, I'm gonna defer right now. I'm available for questioning. But I appreciate the opportunity to correct the record today to show you that although the requirements and concerns today have been addressed and will be continued to be addressed, you may not like, personally like this, but you can feel good granting tentative approval today because a litany of conditions, both in the state and county level have been imposed and followed, and I'd just like to state that. The development process in Kaua'i does work, it's highly regulated, right, and you can see the evidence is there, the evidence is there right now, what you see and what you can use. Thank you.

Ms. Loo: We are here to answer any questions. We are not yet the owner of the parcels, and that's until this project is improved or the subdivision, tentative subdivision is approved. So, we are respectfully requesting approval of tentative subdivision and we agree to abide by the suggested conditions.

Chair Ako: Okay. Commissioners. Questions?

Ms. Apisa: Well, I thank both Ka'aina and Mauna Kea for giving their explanations. I think that kinda cleared up a lot of questions that were existing and hopefully they were heard.

Chair Ako: I understand today that we're here to entertain the idea of a subdivision application that's in front of us, but I think and everybody in this room heard the testimony that has come forward, and I think for me, just making it as simple as I can because I don't understand everything that goes on and I probably don't understand more things than I do understand, but I think the vibe that I'm hearing is we want to keep Kōloa, Kōloa, we want to keep Po'ipū, Po'ipū,

and as much as developers have rights and all of this issues and I appreciate the fact that Kukui'ula has followed so many of the laws that are out there regarding drainage, regarding the runoff and everything that comes with this EPAs and all of this, yeah. But what is the plan of the developer right now, to keep Po'ipū, Po'ipū, and to keep Kōloa, Kōloa. And maybe there is no answer, I don't know if there is, but I think that is one thing that I'm hearing pretty much from everybody out here, and maybe it's just inevitable, change will just happen maybe and it's going and maybe the issue is how we go about it. I don't know if it would make a difference whether it was high-end housing or if it was low-income housing over there because it still changes the footprint of Po'ipū, but I was wondering whether you have any thoughts in terms of, how do we address, I guess what everybody in this room today, well those that have testified, are coming forward and saying, how do we address that?

Ms. Loo: Thank you, Mr. Chair. I think you heard at the last Planning Commission hearing where we were discussing the principle of Meridian Pacific and his community outreach plan, you heard from community leaders like Stephanie Iona who did submit testimony today in support of this application, and people like Randall Francisco, etc., testify about the community work that the principle of Meridian Pacific has done both on Kaua'i and on O'ahu, and the Big Island, and so, he has a pretty fabulous community outreach plan. He's donated quite a bit to sports teams, schools in the area, and food drives in on the west side of Kaua'i and he has an ambitious plan to continue that as he has done. You may remember that he's supported Waipahu High School seniors going to college and funded their college educations. He has similar plans to do that on Kaua'i.

Unknown woman from audience: That's not the question.

Mr. Trask: You know, and in response to your question, Chair. I'll offer a few things. One, you're right, changes is part of it. You know, that happens, but I'm not, I don't think it's appropriate, nor is it, am I trying to see any way shape or form that change is somehow inevitable in a bad way. It's just change. If you look at talking about history, you know prior to 1824, Kaua'i was run by Kaumuali'i's (inaudible), and then the Kamehameha's came and massacred everybody. So, if you look at the mahele, you look at the land tenure over here, it's all big island chiefs. You know, I'm not descended from anyone of consequence. My dad always used to just tell me, you're a limu picker from Moloa'a, and so, when I hear people come up and testify, I'm descended from the Kings of Kamehameha, I don't mind, fine. So, you're the ones that cut our head off. You know, you're the ones that kidnap Kaumuali'i and Kāneali'i and expelled George Humehume from his status and had him buried in an unmarked grave in Nu'uaniu somewhere, alright, but please, what we have to look at is how do we change and maintain the culture. In a big plan in Kukui'ula's was obligated to and maintains integration. You have public access to trailways. You have bike paths. You can, anyone can go in there. There are cultural reserves that are there. The culture preserves have not been destroyed. The archaeological sites are there.

Chair Ako: Hang on. Please. Let's keep the decorum in this room here. I'm not sure how far we are willing to go, but we have provided the time for testimony for everybody and the attention that was given to you out here. Please let us give it to everybody who comes up and sits in front of this table here. I please ask you for that. With that, Mr. Trask.

Mr. Trask: Mahalo, Chair. Preservation plans have been approved by SHPD and are enacted and people who practice your traditional customary practices or religious practices can access them. The harbor parks, the maintenance of public access ways offsite. That's how you do it, that's how you keep culture going. I live south side. I go to the beach as much as I can because the idea that anyone can push me off of my site is ridiculous. Hawaiians never owned land, we always had the right to use it and this idea about certain members of the public can access public trust resources and certain members of public can't, that's not how it works. Again, myself I love, I grew up on Kaua'i in the 80's, when there was no guinea grass there, when it was actually in cane, and when the Garden Island was actually a tended garden and not an overgrown weedy garden, alright, but changes. People take responsibilities, you know, supporting these local organizations that are willing to work with developers like Royal Order, like numerous other culture practitioners. That's how you do it. You come together because if people, people know who remember. When the hurricane comes, we all have to work together. So, what concerns me is not what the developers are doing because the developers they have to comply with these things. What concerns me are reckless, inaccurate statements that are made on social media that create misinformation and dispassionate problems. I see my friends here today, as soon as, as soon as the secretary said they're not taking away the harbor a lot of people didn't testify them because that's what they're concerned about. So, I'm concerned about both things, not only developers, but also a certain portion of the population and for some reason, find it beneficial to create misinformation. And I know I work with the people who can ensure public access. I work with the people who ensure preservation of cultural sites. I don't work with the people who post these things on Instagram and I don't know what to do with that. But it's a community, right, and we all have to do our part to maintain our community. And even as, sometimes much as I resent that you gotta work with the county too, you gotta work with the state too, gotta work all together because we're all people. Enough of the whatever, but that's my answer.

Chair Ako: I appreciate that Mr. Trask, and I think you know when I look back when you know I look at America and see where we were and you know where we are today and I think we've come a long ways, you know I look at that Native Americans, you know the plight that they had to go through and I look at the African-Americans and where they have come. I mean we lived in the days when they was talking about segregation. You get the black schools and you get the white schools, and I think when I grew up, not from here, but we had these things that we called housing, from where I came from it was Halawa Housing and that's where, I don't know, "all the bad guys lived or all the poor guys lived", and I think today as much as this project has started a ways back, you know, back in the 80's, or whatever, I think we've come, you know society through that time has moved forward too. So, I think today when you look at what's going on, I know on O'ahu when you're looking at these high rises that are coming up, up in Kaka'ako, you've got the luxury units in there, you've got the low income units in there, you've got the middle in there and when we talk about integration, how is integration or is integration part of this Kukui'ula development?

Mr. Trask: Like you said, the entitlement process began when that was, that the older model was the model, but we are going towards a future and we're seeing that the County of Kaua'i, the Planning Department, the Housing Agency is very good about that kind of stuff. That's a new, a newer idea. Like Ka'aina said, these rights and obligations have vested. Nonetheless, 300 units, people in this room live in housing, from Kukui'ula, but what I'm saying is, it's a very complex thing because not only is it this one development, it's the whole island, we have to look at

redistricting ag land, making more rural lots. A huge issue here is the Department of Hawaiian Home Lands, they have total ability to build without zoning, land use zoning permits, building permits, they have a third of all land and they have thousands of acres. The fact that DHHL can't house these Hawaiians right here, so they feel victimized by this development, is terrible and there's no excuse for that. And I'll tell you if some of my clients had their ability, and didn't have to come to Ka'aina and to you for approval, we'd build like that. And they got 600 million from the leg. So, it's not, you cannot pound everything on one developer. It's the whole system that needs to be looked at and changed and I encourage everybody, take your energy, talk with people who you grew up with that know these things, so they can help direct your passion to the right venue because they coming to you at this point not going to change these larger issues, especially the Hawaiian community, we have to look at the state specifically, Hawaiian Homes.

Chair Ako: I know I understand change is really hard and it takes a long time and it's a painful process as we go through. And yet I think, you know, everybody loves, will appreciate the fact that there's 300 more affordable housing or workforce housing, whatever we call it in the Kōloa area. I think my question about integration becomes the possibility about integrating those houses within the entire development that is being proposed now. Is that something that would work or something that you could be thinking about? Because I think that's when we're talking about real integration in today's society. Because the plans probably were from the 1980's and that's how we lived, right, George Wallace was the one that was in the way in blacks coming to my university, you know, over here, but today I think we're talking about 2024, it's people who cannot afford housing, looking for housing, we want to keep Po'ipū the same Po'ipū that we always knew, that probably will not happen, but how do we create it when we talk about community? I think community is everybody, yeah, not so much, we have the rich on this side of the street and the poor over here. Health care, same thing, we talk about health care by zip codes, or education by zip codes. I mean, although we still in Po'ipū, we still have the luxury homes here and then we've got the workforce housing here.

Mr. Trask: Yeah, and I don't want to, we can have this discussion for a long time, but at the same time, if you look at like when I was renting in Kōloa, I used to rent mauka of the missionary church. I thought it was pretty funny that I was paying 2,500 a month rent, when the people in Pa'anau live closer to the beach than me. You know, Kōloa Estates is right there on Pa'anau, it is all in one community, it's all in the same zip code, but what I'm saying is that that's the...

Mr. Hull: Sorry, Mr. Trask. We're going to entertain zero disruptions at this point. We were like, Chair said earlier, you were afforded the respect and we waited until the room was quiet, we afforded that time when people spoke into this microphone. If, decorum cannot be maintained, we'll take another hour recess and come back and see if we can. Thank you. Sorry, Mr. Trask.

Mr. Trask: No, I'll just wrap it up. I'm just saying that going forward I believe that is the new plan and we are effectuating a plan that is decades ago.

Mr. Ornellas: So, thank you, Mr. Trask. You know, the very essence of good planning and the purpose of good planning is to avoid the situation we're in right now and I'm not saying that the item on the agenda today that they're dealing with is a mistake, but everybody in this room knows that mistakes were made, injustices, and you used the word, the system, so I'm wondering is the problem, systemic. When the plantations closed down people found housing. It's amazing,

when they closed the camps down, hundreds of homes were lost, and yet all of those people found housing. That would be impossible today, so as a community, we really got to look at this situation. I don't know that we can correct the injustices of the past, I don't know if that's possible. But I do know we cannot make the same mistakes going forward and I'm not blaming those who came before me, but mistakes were made and as a community, we're going to have to correct them.

Chair Ako: Anything else from anyone? Commissioners? No? Mr. Estes, do you have a recommendation for us?

Mr. Estes: The Department is recommending Preliminary Subdivision Map Approval, with the amendment to Condition 5 of the subdivision report, that should read, should any archeological or historical resources be discovered during ground disturbing construction work, all work in the area of archaeological, historical finding 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.

Chair Ako: Okay. We have a recommendation. Are we ready for a motion?

Mr. Ornellas: I move for approval of Preliminary Subdivision Map on Subdivision Application S-2024-6 as amended.

Ms. Apisa: In light of all the discussions and testimony and explanations that have been given, I second it.

Chair Ako: We have a motion. We have a second. Any concerns we'd like to share?

Mr. Ornellas: Oh, I do have one final statement for the people that are here. I thank you all for coming up here today. I know it's hard. It's hard on you. It's hard on us. So, I thank you for taking time out of your day and coming here and let us know how you feel about it.

Ms. Apisa: And I second that, I agree with that. I do appreciate everyone's testimony. I just hope you understand that it was pointed out that this has been a land use issue from many, many years ago and thank you all for coming.

Chair Ako: Yeah, for me, I think there's just, you know, life is real different sitting up here as opposed to sitting on that side of the fence out there. And I think it was mentioned earlier, you know, I worked for a labor movement for some 40 years and at that time, I think my basic role was to be an advocate, was to be an advocate for those that needed a voice, that had the voice out there. But I think when you sit on this table here, you're no longer an advocate, yeah, I can no longer advocate for this side or that side. You up here and pretty much playing judge, making a decision about in terms of what the parameters are and how you can move within the parameters, you know, like off this subdivision committee, subdivision application that in front of us here. And for me, the frustration part becomes, you know, we dealing about something that has happened in 1980 and time has changed. You've got laws that were placed in that are still in place today, but you have attitudes that have changed. You have financial stability that has changed, everything has changed and yet that's part of the parameters that we deal in. I don't know how we deal with it very honestly. Maybe it's a matter of changing laws that's in front of

us here. But I think today, as Mr. Clerk has mentioned, yeah, these are the parameters that we have to work in and this is what we have before us. So, I think as the vote comes up I will be voting for the approval and with the motion that's before us here today.

Ms. Apisa: I guess I would just like to add also since it came up that my position as a realtor, it has been disclosed from the very beginning. I've been on this commission for a number of years. I am on the commission representing business. I am merely one of 3 members on this committee and one of 7 members of the Planning Commission and there are many different divisions of our society that are represented. I am here representing the business community.

Chair Ako: If there's nothing else, Mr. Clerk, can we have a roll call vote, please?

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

Ms. Apisa: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 3:0. We have no further agenda items for this subdivision meeting. We're ready for adjournment. We'll return at probably 12 o'clock.

Chair Ako: Yeah, with that, this would be my last meeting, you know, as the Chair of this committee and I just wanted to thank all the support from everybody from the entire staff that have been just so gracious to me, especially to Kenny, you know, for being able to tolerate me and as I was going to through some of the documents here I noticed that there's...I'm sorry, you guys, excuse me. But thanks to Jodi who, I noticed had signed some of the documents on December 26, yeah, which was actually her holiday. That's out there, but you know, and I know for the commission members, committee members here, there's another 50 to another 100 pages that you have to read at ever commission meeting that we had and I appreciate your commitment to doing that and especially the integrity that you had in placing your votes that you had. With that, I'd like to entertain a motion to adjourn.

ADJOURNMENT

Mr. Ornellas: Move to adjourn.

Ms. Apisa: Second.

Chair Ako: All those in favor say aye. Aye (unanimous voice vote). All those oppose. This meeting is adjourned. 3:0.

Committee Chair Ako adjourned the meeting at 11:27 a.m.

Respectfully submitted by:

Lisa Oyama

Lisa Oyama,
Commission Support Clerk

Approved as circulated (March 12, 2024 meeting).

Approved as amended. See minutes of _____ meeting.