

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

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

The following Commissioners were present:

Mr. Gerald Ako  
Mr. Francis DeGracia  
Mr. Jerry Ornellas

Excused or Absent

The following staff members were present: Planning Department - Director Ka'aina Hull, Planning Department, Staff Planner Kenny Estes, Dale Cua, Romio Idica, Planning Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County 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 Francis DeGracia: Time is 8:31 called to order the subdivision committee. Call to order the Subdivision Committee Meeting for Tuesday, April 9, 2024. Roll call please, Mr. Clerk.

**ROLL CALL**

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

Commissioner Gerald Ako: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Chair DeGracia?

Mr. DeGracia: Here.

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

Chair DeGracia: Thank you.

**APPROVAL OF AGENDA**

Mr. Hull: Next up would be the Approval of the Agenda. The Department has one recommended change and that would be to move Kukui'ula, the application for Kukui'ula Parcel X to immediately follow Agenda Item 1. Should be the first under Agenda Item 2.

Chair DeGracia: Okay.

Deputy County Attorney Laura Barzilai: It's a motion to amend, Chair.

Chair DeGracia: Okay, motion to amend.

Mr. Ako: Moving it from C to A?

Mr. Hull: Correct.

Mr. Ako: Move to amend the agenda.

Mr. Ornellas: Second.

Chair DeGracia: Commissioners, motion to amend the agenda as stated. All in favor, say aye. Aye (unanimous voice vote). Opposed. Hearing none. Motion carries. 3:0.

**MINUTES of the meeting(s) of the Subdivision Committee (None)**

Mr. Hull: We have no minutes for the subdivision committee.

**RECEIPT OF ITEMS FOR THE RECORD (None)**

Mr. Hull: We have no additional receipt of items for the record. As noted in previous meetings, we did receive comments from the public that we received after posting the agenda and so they have been placed at your tables, if you need extra time for reading, otherwise we continue on.

Chair DeGracia: I believe we're requesting a 10-minute recess to review the new documents and testimony.

Mr. Hull: Okay.

Chair DeGracia: Okay, we'll take a 10-minute recess.

The Committee went into recess at 8:33 a.m.  
The Committee reconvened from recess at 8:47 a.m.

**NEW BUSINESS (For Action)**

**Preliminary Subdivision Map Approval**

Mr. Hull: Coming back from break, we are now on to Agenda Item Subdivision Committee meeting, G.1. Preliminary Subdivision Map for.

Subdivision Application No. S-2024-7  
Hökūāla Resort Subdivision 1  
**Tower Kauai Lagoons Sub 1, LLC.**  
Proposed 10-Lot Consolidation and Re-subdivision into 16-Lots  
TMK: (4) 3-5-004: 100 to 109  
Kalapaki, Lihu'e, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: We don't have any members of the public signed up. Is anybody here that would like to testify on this agenda item? Seeing none, I'll turn it over to the planner for this, Kenny.

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

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

Chair DeGracia: Okay. Thank you, Kenny. Commissioners, any questions for the department?

Mr. Ako: I have a question.

Chair DeGracia: Please, Commissioner.

Mr. Ako: You know regarding the report that has come in from the Housing Director, mentioning that he had insufficient information regarding whether the workforce housing project needed to be increased based upon the, I guess the increase of the number of rooms that are going to be made, has that been addressed?

Mr. Estes: I believe in speaking with the applicant, I mean Gary can talk further on that, but I believe it, it has been addressed. It was just a matter of the applicant working with the housing agency in resolving the requirement.

Mr. Hull: And then that's something that still can be addressed before final.

Chair DeGracia: Okay. Commissioners, any further questions for the department? If not, I'd like to invite the applicant up.

Mr. Gary Siracusa: Good morning, Chair, and Commissioners. For the record Gary Siracusa, representing the applicant, Director of Construction at Hōkūāla. I apologized for a froggy voice here this morning.

Chair DeGracia: No problem. Commissioners, any questions if at this point or if we'd rather have a brief overview over the couple of applications that you have moving forward.

Mr. Siracusa: Both applications?

Chair DeGracia: Oh, maybe just this one for now.

Mr. Siracusa: Or just Division 1?

Chair DeGracia: Sorry.

Mr. Siracusa: So, what we have is an existing subdivision of 10 lots and in 2021, we up zoned the parcel from R2 to R4, and at that point in time we were looking at 24 units for that particular parcel, which we decreased with our current application to 1/3 acre lots so that we would have 14 out of 16 as marketable developable lots and that has 6.2 acre parcel and market priced.

Chair DeGracia: Commissioners, any questions?

Mr. Ako: Yeah. I would ask regarding that housing question, whether that has been addressed?

Mr. Siracusa: Yes, back in...there was an amendment to the housing agreement back in 2005, which actually increased the number of affordable units that had to be completed and as of 2010 that the total was 113 units of affordable, they were completed in 2010 with the (inaudible) project, which is on the west side of the of the Hōkūala Resort, there's another parcel of development as well, but that I think it's just an inadvertent reference to 706 units in the housing report and (inaudible)...don't either have the complete document or somehow was overlooked inadvertently. Our project goes back over 22 years if you look at the history and it's easy to see how some documents can maybe not be in the current file.

Mr. Ako: So, that 706 number is not an accurate number.

Mr. Siracusa: That's not a correct number.

Mr. Ako: Thank you.

Chair DeGracia: Commissioners, any further questions for the applicant? I have none. Thank you very much.

Mr. Ako: Mr. Chair. I have a question regarding Condition Number 6, and Condition Number 6, regarding SHPD, and we placed their phone number on it. I was kind of wondering whether that's good thing to do or not, I mean, knowing that phone numbers change and whether that shifts the burden upon the department, you know once you give somebody their number, it changes and say, yep, I called but nobody answered and...

Chair DeGracia: That's a valid point.

Mr. Hull: Yeah, it's a valid point. We didn't adjust that as a in house revision to remove the phone number. It's a valid point, Commissioner.

Chair DeGracia: Okay. Commissioners, any further questions for the applicant or department? If not, I'll entertain a motion.

Mr. Ako: I so move to approve Subdivision Application No. S-2024-7, which involves a 10-lot consolidation and re-subdivision into 16-lots, name of the applicant Tower Kauai Lagoons Sub 1 LLC.

Mr. Ornellas: Second.

Chair DeGracia: Commissioners, motion on the floor is to approve Preliminary Subdivision Map Approval for Subdivision Application No. S-2024-7 with, I believe, amendments to the condition. Could we get a roll call or any discussion before we take our vote? Okay, hearing none, could we get a roll call vote, Mr. Clerk.

Mr. Hull: Roll call, Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair. 3:0. Next on to G.1.b.

Subdivision Application No. S-2024-8  
Hökūala Resort Subdivision 1A  
**2014 Tower Kauai Lagoons Golf, LLC. /**  
**Tower Kauai Lagoons Land, LLC. /**  
**Tower Kauai Lagoons Sub 7, LLC.**  
Proposed 2-Lot Consolidation and Re-subdivision into 15-Lots  
TMK: (4) 3-5-001: 027 and 168  
Kalapaki, Lihu'e, Kua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: Turn over. Oh, I apologize. I don't have any members of the public signed up to testify but is any member of the public that would like to testify on this agenda item. Seeing none, I'll turn it over to Kenny.

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

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

Chair DeGracia: Thank you. Commissioners, any questions for the department?

Mr. Hull: We'll also make that same in-house amendment to our Condition 7.A, which would remove the phone number from Condition 7. A.

Chair DeGracia: Okay. Thanks. Commissioners, any questions for the applicant? If so I could invite him up, if not, yeah please, come up. Just real quick. I know it's very similar, but just a quick overview of this parcel as well.

Mr. Siracusa: Sure, so again, referencing the 2/20/2021 up zoning that was accomplished to R4. We had originally looked at 14 units on that parcel as part of that application and we've decreased it now down to 13, 1/3 acre marketable lots. The other two parcels referenced are part of the open zoning and golf course land surrounding it, so again, we've got a slight reduction in terms of number of units accordingly.

Chair DeGracia: Thank you. Commissioners, any questions for the applicant? Any last questions for the department? If not, I'll entertain a motion.

Mr. Ornellas: Move to approve Subdivision Application No. S-2024-8.

Mr. Ako: And I second.

Chair DeGracia: Commissioners, I believe on motion on the floor is to approve Subdivision Application No. S-2024-8 and believe as noted by the Director there were similar amendments to the prior as a prior application. So...

Ms. Barzilai: Any incorporation of water comments, Chair? In corporation of Department of Water comments.

Chair DeGracia: And incorporation of water comments. Commissioners, any discussion before we take our vote?

Mr. Ako: No.

Chair DeGracia: Hearing none. Could we get a roll call vote, Mr. Clerk?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

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

Mr. Siracusa: Thank you.

Chair DeGracia: Thank you.

Preliminary Subdivision Extension Request

Mr. Hull: Next we have up 2.C.

Subdivision Application No. 5-2022-8  
Kukui'ula Parcel X Subdivision, Phase II  
**BBCP Kukui'ula Parcel X, LLC. Et. Al.**  
Proposed 2-lot Consolidation and Re-subdivision into 4-lots  
TMK: (4) 2-6-015: 010 and 011  
Koloa (Makai), Koloa, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: I don't have anyone signed up to testify on this agenda item, but if any member of the public would like to testify, please approach the microphone. Seeing none, I'll turn it over to Kenny for the report.

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

Chair DeGracia: Thank you, Kenny. Commissioners, any questions for the department? I have a question believe for the department, there were some comments and testimony, written testimony that came in. I just had questions about, I guess the testimony stated that the, there were certain conditions placed when it went to the Land Use Commission in the form of a school park. I was just wondering if it's the responsibility of this specific landowner or is it a shared responsibility for the development?

Mr. Hull: Those conditions referenced in the public comments are responsibility of the landowner. And indeed, in line with those comments, the landowner still has to meet the condition of approval set by the LUC for either transfer of lands to the Department of Education and or to the County for housing purposes. There's also a park dedication requirement that is also the responsibility of the developer. When the LUC and the County Council adopted their respective actions, they hadn't set a specific deadline for when these improvements were supposed to be dedicated to the county or to DOE. We have been a fair amount of lengthy discussions with the developer stating that the park facility in particular, we would like to see timelines in the next series of proposals of subdivision applications. I think the developers also, somewhat consent that I can say in meetings with us over the park issues that the request for baseball parks and softball parks is was was 20-25 years old and perhaps that's not what the community totally wants and for their desire to reengage the community to see, is it a baseball park is a skate park, is it mountain climbing park, whatever it is, they're recognizing that there may be some outdatedness to what was set as a possible proposal, and if it is a baseball park, then it is a baseball park, but they want to go back and re-engage the community to see what type of park facilities they want. So, the developer and owner working on that, but we do also, the department has been saying we want timelines on these things for the parks. For the DOE site that was actually put on our radar not too long ago because the former housing director came in to explain that that condition still needed to be sufficed and I can say that the current housing director has reached out to DOE to get some form of affirmation that they do not want the

expansion area for their purposes. If and when that confirmation, we need official formal representation from DOE, they do not want to pursue expansion, then the housing director is free to work with the landowner to go back to the LUC to adjust that condition so that the land could possibly be transferred over for housing purposes, as is set under the County of Kaua'i Ordinance but is not set by the Land Use Commission, so the ball is rolling on that one, but in light of those comments, we definitely want some timelines from the land owner as well.

Chair DeGracia: Just a follow-up question on that, those timelines that the department will be requesting, there's nothing in the existing conditions for the LUC that is any hard time.

Mr. Hull: There's no hard date and from the 1500, you know, units that were essentially approved by the LUC and the County Council, they're not near completing the project. So, without a hard deadline and not being near completion of the project, we're working in a very large gray area, but to that point, we're trying to get much more specificity from the landlord at this point.

Chair DeGracia: Okay. Thank you.

Mr. Ornellas: So, the requirement is they build the park or is it covered under park dedication fees?

Mr. Hull: No, they have to build the park facilities.

Mr. Ornellas: They have to build the park. Thank you.

Mr. Ako: Mr. Chair, I got a question too, and I'm not sure whether this is for the department or whether it's for applicant, but the entire project is subjected to the building of workforce housing? The Kukui'ula project, all of them.

Mr. Hull: They went through a workforce exaction during County Council back in the 90's.

Mr. Ako: So, they need to make workforce housing as part of this project.

Mr. Hull: They...

Mr. Ako: And I don't know if they did or not, but I'm trying to figure out whether if they are subjected to create workforce housing, whether they did it or not and if they did not do it yet, does the extension of time affect those projects?

Mr. Hull: Oh, so, the workforce housing requirements were exacted during the actions in the 90's by the County Council. Generally speaking, when they've been subjected to workforce housing requirements, the new housing ordinance is not applicable, but the housing director will make that analysis on each one of these. It's kind of like what was being discussed for Hōkūala is that they have been previously subjected to workforce housing exemptions, more than likely, they won't be subject to the second time to the ordinance or subsequent subdivisions, but ultimately the housing director is going to make that determination.



Mr. Ako: Okay, so the extension of time could possibly have an impact upon the prices of future workforce housing. The longer projects delay the potential of increase prices is real or no?

Mr. Hull: Well, more than likely what it looks like is because they already suffice their workforce housing requirements, this extension is not going to affect any workforce housing requirements or (inaudible), there's not anticipated to be workforce housing exemptions based on this subdivision application because those workforce housing requirements were already granted, like things like (inaudible) that were developed down there were done under land transfers that happen during the ordinance time. So, I don't have off the top of my head, but we can put together a list of all the workforce exactions that were done for this particular large project, the 1500 units.

Mr. Ako: Got it.

Chair DeGracia: Commissioners, any further questions for the department at this time, if not, I'd like to invite the applicant up for a quick overview.

Ms. Maren Arismendez: Good morning, Commission. Maren Arismendez, from Esaki Surveying, here on behalf of the owners, would like to respectfully request the approval of the extension. The main purpose is to allow time to, for the owner to continue with all the conditions. The latest accomplishment for this subdivision is that all the construction plans have been approved and signed by all agencies. So, the next step for the construction plans is for them to be bonded, which would fulfill one of the major requirements from the tentative approval letter.

Chair DeGracia: Thank you, commissioners. Any questions for the applicant?

Mr. Ako: Yeah.

Chair DeGracia: Please Commissioner.

Mr. Ako: Regarding, I know you have three projects on the agenda today. I think one of the issues that is coming up is the fact that has your Ka Pa'akai Analysis been completed already for this?

Ms. Arismendez: Yes. So, it has been completed and was submitted to Planning Department accepted by Planning Department. So that requirement has been fulfilled.

Mr. Ako: So, did you use...

Mr. Hull: I'll just clarify real quick. The Ka Pa'akai Analysis is required of the applicant for submittal of a subdivision application. The actual Ka Pa'akai Analysis is not complete until this body takes action, and if it's finding is that the analysis that was submitted was sufficient, that's fine, but as well as if other comments come up during the process, then going through those comments and concerns at this bodies level is an extension of that Ka Pa'akai Analysis.

Mr. Ako: So, the analysis that was done, was it one analysis for the three projects or was it three different Ka Pa'akai Analysis that was done that was put together as one or how was it done?

Ms. Arismendez: So, they analyzed each project, and they made our report comprising all of them and also giving an overview of like a larger area. I believe that was the main purpose of them putting them in one report.

Mr. Ako: So, each lot had their own Ka Pa'akai Analysis done?

Ms. Arismendez: There is one report that covers.

Mr. Ako: One report. Okay, I'm trying to figure out what that means whether one report that covered all three, so we actually went and did the analysis of all of these three properties or we did we take one property figure out the analysis there, same thing for the second one, the same thing for the third one, and then we just summarize it or put it together in one report. So...

Ms. Arismendez: Our office...

Mr. Ako: ...so we wouldn't get three separate reports.

Ms. Arismendez: So, the actual procedures on how they put it together, it was prepared by another consultant, so I can't really get into specifics other with what was presented to us as a report and that we submitted. So, it does consider all three parcels. How they went about it in their office as they were preparing it would just be guessing on my part.

Mr. Hull: I think there's two approaches, Commissioner that you can do with this Ka Pa'akai concern, is one, you can just have a deferral and then you have the applicant bring their, their responsible firm in to explain and assess the concern that's being raised or they still are only a tentative approval, they can take this back and if you decide to take action today and grab the extension that they take this back and make sure that this concern is folded in and addressed in their subsequent application for final subdivision. Either area would be appropriate.

Ms. Arismendez: So, is there some specific concern or question we could relay it to the consultant and get their response back to Planning Department.

Mr. Hull: Well, you would fold it into the final application for subdivision. Whichever is your preference.

Chair DeGracia: Commissioners, I'm comfortable having them fold in, I mean, if we have any concerns now during the tentative process for them to address it before they come in front for final map approval, granted if we have any concerns at this point.

Mr. Ako: Okay, got it.

Chair DeGracia: I just have one question for the applicant concerning Ka Pa'akai. We received written testimony from Honua Consulting, are you familiar with that analysis that was put together in, I believe, June 2022?

Ms. Arismendez: Yes, I read it at the time, it might not be as fresh in my memory, but was there specific question?

Chair DeGracia: I was just wondering if you're familiar with it, if there was, if you worked with the same community members, that was that they reached out to.

Ms. Arismendez: During the Ka Pa'akai?

Chair DeGracia: Yes, (inaudible).

Ms. Arismendez: That was done entirely by Honua.

Chair DeGracia: Exactly.

Ms. Arismendez: Yeah.

Chair DeGracia: Okay.

Mr. Hull: So yes, Honua was the firm that did the Ka Pa'akai Analysis before the project.

Ms. Arismendez: So, we're representing the owner and the owner's got Honua to do the Ka Pa'akai and provide it to us to put it in, in the application packet.

Chair DeGracia: Okay, so this is the same one that I have.

Ms. Arismendez: Yeah.

Chair DeGracia: Okay, just double checking. I didn't have the others sitting (inaudible).

Ms. Arismendez: No, there's just one.

Chair DeGracia: Okay. just this one.

Ms. Arismendez: Yeah.

Chair DeGracia: Okay, thank you. No questions. No concerns. Okay, Commissioners, any further questions for the applicant or department? If not, I'll entertain a motion.

Mr. Ako: With that I move to approve the extension request of the Subdivision Application No. S-2022-8 until March 22nd, 2025.

Mr. Ornellas: Second.

Chair DeGracia: Okay, Commissioners motion on the floor is to approve the Preliminary Subdivision Extension Request for Subdivision Application 2022-8.

Mr. Estes: Commissioner DeGracia, sorry, I just...the extension is till April 11th, 2025.

Chair DeGracia: Okay.

Mr. Estes: Just to make a correction.

Mr. Ako: Oh, I'm sorry, to April 11, 2025.

Chair DeGracia: Okay. Motion on the floor is to extend to date stated. So, at this time any further comments before I have a vote on it? Any discussion? If not, could we get a roll call vote Mr. Clerk?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

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

Chair DeGracia: Thank you.

Ms. Arismendez: Thank you.

Mr. Hull: Next on the agenda, we have item 2.A. Subdivision Application No. S-20...

Ms. Barzilai: Mr. Clerk, excuse me.

Chair DeGracia: Mr. Clerk real quick...

Ms. Barzilai: Chair has an announcement.

Chair DeGracia: I have an announcement that I will be recusing myself for the remainder of this agenda.

Ms. Barzilai: We still have a quorum, and you can still vote. Is a recess necessary at this time, or we're ready to proceed.

Mr. Ako: No. Yeah.

Chair DeGracia recused himself at 9:16 a.m.

Ms. Barzilai: So, Commissioner Ako, you would Chair the item. You want to take a recess for 5 minutes?

Mr. Ako: No, I'm good.

Ms. Barzilai: Okay.

Chair Ako: Just for transition purposes, we'll take a 5-minute recess.

Committee went into recess at 9:17 a.m.  
Committee reconvened at 9:21 a.m.

Chair DeGracia reentered the meeting at 9:21 a.m.

Chair DeGracia: Call the meeting back to order. I'm going to have the Director lead.

Mr. Hull: Thank you, Chair. So, we had a bit of an error while we had amended the agenda to have the Subdivision Application of S-2022-8 be the first in Preliminary Subdivision Extension Requests, and the agenda was formally amended. The staff planner had read the report for not that application, and the individual member representing you Esaki Surveyor is also not representing that application. They were confused and I apologize for that about what application was supposed to be presented on. So, I think for the cleanest action to happen is it probably be appropriate if the Commission would consider a motion to rescind the previous action for approval of the extension request and that we essentially redo and rehear the Subdivision No. S-2022-8.

Ms. Barzilai: So, we'll hear it in the order as was intended with the motion to amend the...

Mr. Hull: Correct.

Ms. Barzilai: Correct, so it'll be a motion to rescind on the specific application number that we just heard.

Mr. Hull: Yeah. So, we're recommending a motion to rescind Preliminary Subdivision Extension Request for Subdivision Application No. S-2022-8.

Ms. Barzilai: Is that applicant here right now?

Mr. Hull: Yes.

Ms. Barzilai: Okay. Are they in agreement? Do they understand?

Mr. Hull: Yeah, they are.

Ms. Barzilai: Motion to rescind, please Chair.

Chair DeGracia: Commissioners, seeking a motion to rescind.

Mr. Ornellas: Mr. Chairman, I move to rescind Preliminary Subdivision Extension Request on Subdivision Application No. S-2022-8.

Mr. Ako: And I will second that motion.

Chair DeGracia: Okay. Commissioners, motion on the floor is to rescind stated application number. We'll take a voice vote. All in favor, say aye. Aye (unanimous voice vote). Oppose. Hearing none, motion carries. 3:0.

Mr. Hull: With the rescinded action we go back into the agenda and rehear Preliminary Subdivision Extension Request for,

Subdivision Application No. 5-2022-8  
Kukui'ula Parcel X Subdivision, Phase II  
**BBCP Kukui'ula Parcel X, LLC. Et. Al.**  
Proposed 2-lot Consolidation and Re-subdivision into 4-lots  
TMK: (4) 2-6-015: 010 and 011  
Koloa (Makai), Koloa, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: I again, don't have anyone signed up to testify on this agenda item. Is there anyone else would like to testify on this agenda item? If so, please approach the microphone. Seeing none, I'll turn it back over to Kenny, and Kenny if we get the right report on this one and we can keep it brief as time seems to be a bit of the essence at this point.

Mr. Estes: Okay. I apologize for that mix up. I'll read the report for the record.

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

Chair DeGracia: Okay, Commissioners, any questions for the department? Okay, if not, I'd like to invite the applicant to give us a quick overview.

Mr. Lindsey Crawford: Good morning, commissioners. For the record, Lindsey Crawford representing BBCPK Kukui'ula.

Mr. Shawn Smith: Shawn Smith.

Mr. Crawford: Essentially, the summary that Ka'aina gave was very accurate as far as the conditions of approval, I can try to answer any additional questions you have, but there's an ongoing movement to try to bring fruition to these parks. So, we're working with the departments to do that.

Chair DeGracia: Thank you. Commissioners, any questions for the applicant? Thank you very much. Commissioners at this time, I'll entertain a motion.

Mr. Ako: I so move to approve the extension request for Subdivision Application S-2022-8 until March 22, 2025.

Mr. Ornellas: Second.

Chair DeGracia: Okay. Commissioners, any discussion before we take a vote. Okay. Motion on the floor is to approve Preliminary Subdivision Extension Request for Subdivision Application No. S-2022-8 till March 22, 2025. Could we get a roll call vote Mr. Clerk?

Mr. Hull: Roll call. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

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

Chair DeGracia: Thank you. And with that, I will have a statement for the Commissioners that I will be recusing myself for the remainder of this agenda.

Chair DeGracia recused himself at 9:27 a.m.

Mr. Hull: Next, we have. Oh, sorry. Next, we have Preliminary Subdivision Extension Request 2.b.

Subdivision Application No. S-2022-2  
Lot 18 of Kukui'ula Parcel H Subdivision  
**Kukui'ula Vistas, LLC.**  
Proposed 7-lot Subdivision  
TMK: (4) 2-6-022: 054  
Koloa, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: I don't have anyone sign up to testify on this agenda item, but if any member of the public would like to please approach the microphone. Seeing...Sorry, we shouldn't amend agendas anymore, Kenny's correcting me. We're actually on Subdivision Application No. S-2021-5.

Subdivision Application No. 5-2021-5  
Lot 19 of Kukui'ula Parcel H Subdivision  
**Kukui'ula Vistas, LLC.**  
Proposed 8-lot Subdivision  
TMK: (4) 2-6-022: 055  
Koloa, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: Not seeing anybody signed up to testify. Would anybody like to testify on this agenda item? Seeing none, I'll turn to over to Kenny.

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

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

Vice Chair Ako: Any questions for staff? (Inaudible).

Mr. Ornellas: Can you repeat the date of extension please?

Mr. Estes: April 11th 2025.

Mr. Ornellas: Thank you.

Vice Chair Ako: Do we have a representative from the application?

Ms. Arismendez: Good morning. Maren Arismendez from Esaki Surveying here on behalf of the owner. We would like to respectfully request the extension that would allow time for the owner to fulfill the rest of the remaining conditions from the tentative approval letter. The latest update on the subdivision is the construction plan for Lot 19 have been approved in time by all agencies and next step for those plans would be to be bonded for subdivision purposes.

Vice Chair Ako: Questions, Commissioner? No. I just have one question regarding the conditions, Condition #5 and whether it's significant or not. I mean, Mr. Clerk, I hope you tell me that for that one it just has to do with the, you know, if that applicant is advised should any archaeological historical resources be discovered. I know this was done prior to the discussions that needs to be had about this, so whether it's appropriate to make a change to say that should any archaeological or historical resources be discovered that construction work shall stop.

Mr. Hull: You can, it's state law, right? Any violation of that, they will face severe penalties under it so...

Vice Chair Ako: Okay.

Ms. Arismendez: Also, not to interrupt, but it's standard note in construction plans a SHPD note relating that message.

Vice Chair Ako: Okay. Yeah, again, I was just...pointing out the fact that the applicant be advised as opposed to they just shall stop, but if it's not that big a deal then we're good.

Mr. Hull: Yeah, they have to stop period. Regardless of what our language says. I mean, like I said, if you want to adjust it, I think it could be adjusted, but...

Vice Chair Ako: With that, is there a recommendation? Oh, I'm sorry, you got a question?

Mr. Ornellas: No, I don't.

Mr. Estes: It is recommended that an extension until April 11th, 2025, be granted to obtain the final approval.

Vice Chair Ako: Hearing that, if there's no other questions, I'll entertain a motion to approve.



Mr. Ornellas: Move to, move for extension of Subdivision Application No. S-2021-5 until April 11<sup>th</sup>, 2025.

Vice Chair Ako: With that, I'll second. Any other question, concerns, if not, Mr. Clerk, if we can have a roll call vote, please.

Mr. Hull: Roll call. Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Vice Chair Ako: Aye.

Mr. Hull: Motion passes. 3:0.

Ms. Arismendez: Thank you.

Mr. Hull: And lastly, we have Preliminary Subdivision Extension Request for,

Subdivision Application No. S-2022-2  
Lot 18 of Kukui'ula Parcel H Subdivision  
**Kukui'ula Vistas, LLC.**  
Proposed 7-lot Subdivision  
TMK: (4) 2-6-022: 054  
Koloa, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: I don't have anybody signed up and just to check is there anybody here that would like to testify in this action item? Seeing none, I'll turn it over to Kenny.

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

Vice Chair Ako: Okay. Any questions for staff? If not, if we can have the applicant summarize.

Ms. Arismendez: Good morning. My name is Maren Arismendez from Esaki Surveying here on behalf of the owner. We would like to respectfully request the extension to allow the owner to complete all the conditions in the tentative approval. I would like to give an update with the construction plans, they have been submitted to county and are going through the review process. We received comments from Public Works, but we're waiting on the review comments from the permanent water and the other utilities. So, we just need time to make sure we receive the comments and make any necessary changes and send them back for review. So, it's a back and forth that can take some time.

Vice Chair Ako: Commissioner Ornellas.

Mr. Ornellas: The date of the request.

Ms. Arismendez: Of the...

Vice Chair Ako: April 11.

Mr. Ornellas: The extension.

Ms. Arismendez: It's for the 11<sup>th</sup>.

Mr. Estes: April 11, 2025.

Vice Chair Ako: So, if there's no questions. We can entertain a motion.

Mr. Ornellas: Move to approve Preliminary Subdivision Extension Request, Subdivision Application No. S-2022-2, till April 11<sup>th</sup>, 2025.

Vice Chair Ako: I'll second that and unless you have any other questions, Mr. Clerk, if we can have a roll vote, please.

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

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Vice Chair Ako: Aye.

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

Ms. Arismendez: Thank you.

Vice Chair Ako: Okay. So, before we entertain a motion to adjourn, I just wanted to pass out, our congratulations tour Planner, Kenny Estes, for being the Planning Department Employee of the Year.

Mr. Estes: Thank you.

**EXECUTIVE SESSION (None)**

**ADJOURNMENT**

Vice Chair Ako: Congratulations. You do good work. With that, I'll entertain a motion to adjourn.

Mr. Ornellas: So moved.

Vice Chair Ako: Second. All those in favor say aye. Aye (unanimous voice vote). Subdivision Committee meeting is adjourned.

Committee Vice Chair Ako adjourned the meeting at 9:36 a.m.

Respectfully submitted by:

    *Lisa Oyama*    

Lisa Oyama,  
Commission Support Clerk

Approved as circulated (June 04, 2024 meeting).

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