



PLANNING COMMISSION SUBDIVISION COMMITTEE

RECEIVED

KAAINA S. HULL, CLERK OF COMMISSION

GERALD AKO, CHAIR

MELVIN CHIBA, VICE CHAIR

FRANCIS DEGRACIA, MEMBER

22 MAR 16 P12:25

On November 29, 2021, Governor David Y. Ige issued an Emergency Proclamation, which continued the suspension of Hawai'i Revised Statutes (HRS) Chapter 92, relating to Public Agency Meetings and Records (also known as the Sunshine Law) as it pertained to the COVID-19 Response. HRS Chapter 92 was suspended to the extent necessary to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location. In addition, on December 29, 2021 and on January 26, 2022, Governor Ige issued a proclamation suspending HRS 92-3.7 to suspend the requirement to have at least one meeting location that is open to the public.

The meetings of the Kaua'i Planning Commission Subdivision Committee will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- In-person meetings will be closed to the public to be consistent with social distancing practices.
- Planning Commissioners, Planning Department Staff, parties to agenda items, and resource individuals will appear via the **Zoom** remote technology.
- The public may attend the meeting by phone using the "**join by phone**" telephone number provided on the agenda.
- The public may also attend the meeting through **Zoom**. If attending the meeting via **Zoom**, it shall be the responsibility of the attendee to join the meeting through the **Zoom** link provided via E-mail. In addition, it shall be the responsibility of the testifier to ensure that the **Zoom** software is downloaded and operational prior to the meeting. Once you sign-in for the meeting, you will receive the meeting link.
- You may use a unique identifier (i.e., an alias name and alias email address) instead of your real name to maintain anonymity. Please note that the unique Zoom meeting link will be sent by Zoom to the E-mail that was entered at sign-in.
- In addition, the meeting will be **live streamed** and available as an archived meeting after completion at www.kauai.gov/Webcast-Meetings. Please note that the livestream broadcast does not allow interaction between the viewer and Planning Commission. Also, video production services or enhancements of the recorded video will not be available.
- **Written testimony** may be submitted on any agenda item and submitted to planningdepartment@kauai.gov or mailed to the Kauai County Planning Department 4444 Rice Street., Ste A473, Lihue, Hawaii 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be distributed to all Planning Commissioners prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
- **Oral testimony** will be taken during the public hearing portion of the meeting. Anyone interested in providing oral testimony must attend the meeting by "**joining by phone**" using the number listed on the agenda or joining by "**Zoom**".
 - All testifier audio and video will be disabled until it is your turn to testify.
 - Per the Planning Commission's and Chairs practice, there is three-minute time limit per testifier, per agenda item.
 - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.
- If any major and insurmountable technical difficulties are encountered during the meetings, the Planning Commission will continue all matters and reconvene at the next scheduled Planning Commission Meeting.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Planning Commission's website upon completion and approval.

SUBDIVISION COMMITTEE TELECONFERENCE MEETING NOTICE AND AGENDA

**Tuesday, March 22, 2022
8:30 a.m. or shortly thereafter**

To Join By Phone:

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715
8592 or +1 312 626 6799
Webinar ID: 941 0282 0366
Participant ID: #

To Join by ZOOM Link: https://zoom.us/webinar/register/WN_Z_px0WoyRu2cZj1zPpjFHg

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. October 26, 2021

E. RECEIPT OF ITEMS FOR THE RECORD

- F. HEARINGS AND PUBLIC COMMENT** The Planning Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department before 9:00 a.m. on Monday, March 21, 2022, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, March 21, 2022, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.

Oral testimony will be during the public hearing portion of the meeting. Anyone interested in providing oral testimony must attend the meeting via Zoom or "join by phone" using the number listed on the agenda. After oral testimony has been taken, members of the public may continue watching the meeting via the live stream link found at www.kauai.gov/webcastmeetings.

G. GENERAL BUSINESS MATTERS

1. None for this Meeting.

H. UNFINISHED BUSINESS

1. None for this Meeting.

I. NEW BUSINESS (For Action)

1. Preliminary Subdivision Map Approval Pursuant to Kaua'i County Code Chapter 9, Article 3

- a. Subdivision Application No. S-2022-8
(BBCP Kukui'ula Parcel X, LLC. ET. AL.)
Kukui'ula Parcel X, Phase 2 Subdivision
Proposed 2-lot consolidation and resubdivision into 4-lots
TMK: (4) 2-6-015: 010 & 011
Kōloa (Makai), Kōloa, Kona , Kaua'i
 - 1) Subdivision Report pertaining to this matter (see agenda packet).
 - 2) Memorandum Number 1 to Planning Commission (see agenda packet).
 - 3) Memorandum Number 2 to Planning Commission (see agenda packet).

2. Final Subdivision Map Approval Pursuant to Kaua'i County Code Chapter 9, Article 3

- a. Subdivision Application No. S-2020-7
(State of Hawai'i DLNR / Land Division & Division of Forestry and Wildlife)
DLNR Baseyard Facility
Proposed 2-lot Subdivision
TMK: (4) 1-8-008:020
Hanapēpē, Waimea, Kaua'i
 - 1) Subdivision Report pertaining to this matter (see agenda packet).

J. EXECUTIVE SESSION

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

1. Preliminary Subdivision Map Approval Pursuant to Kaua'i County Code Chapter 9, Article 3

- a. Subdivision Application No. S-2022-8
(BBCP Kukui'ula Parcel X, LLC. ET. AL.)
Kukui'ula Parcel X, Phase 2 Subdivision
Proposed 2-lot consolidation and resubdivision into 4-lots
TMK: (4) 2-6-015: 010 & 011
Kōloa (Makai), Kōloa, Kona , Kaua'i

2. Final Subdivision Map Approval Pursuant to Kauaʻi County Code Chapter 9, Article 3

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(State of Hawaiʻi DLNR / Land Division & Division of Forestry and Wildlife)
DLNR Baseyard Facility
Proposed 2-lot Subdivision
TMK: (4) 1-8-008:020
Hanapēpē, Waimea, Kauaʻi

K. ADJOURNMENT

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

KAUA‘I PLANNING COMMISSION
SUBDIVISION SESSION
October 26, 2021

DRAFT

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua‘i was called to order at 8:37 a.m., Microsoft Teleconference. The following Commissioners were present:

Mr. Francis DeGracia
Mr. Ako
Mr. Chiba

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

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair DeGracia: Called the meeting to order at 8:37 a.m.

ROLL CALL

Planning Director Kaaina Hull: Good morning, Chair Francis, it’s 8:37, I think we have everybody in attendance.

Chair DeGracia: I’d like to call to order the Subdivision Committee meeting for Tuesday, October 26, 2021, if we could have a roll call, please.

Mr. Hull: Roll call. Commissioner Ako

Mr. Ako: Here and by myself.

Mr. Hull: Commissioner Chiba

Mr. Chiba: Here by myself.

Mr. Hull: Chair DeGracia

Chair DeGracia: Here by myself.

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

APPROVAL OF AGENDA

Mr. Hull: Next would be the approval the agenda the Department doesn't have any recommended changes to.

Chair DeGracia: Thank you. Is there a motion to approve the agenda?

Mr. Chiba: I move to approve the agenda.

Mr. Ako: Second.

Chair DeGracia: Thank you, the motion on the floor is to approve the agenda as is. All in Favor signify by say? Aye. (Unanimous voice vote). Any opposed? Hearing None. Motion carried 3:0.

MINUTES of the meetings(s) of the Subdivision Committee

Mr. Hull: Next, we have the minutes. We've got a bunch of meeting minutes and are playing catch up on. So, we have the meeting minutes for January 12, 2021, February 9, 2021, March 9, 2021, and April 13, 2021, a motion for each individual one, or as a whole group can be done 08:31:40 really at the discretion of the committee.

Chair DeGracia: Could we have a motion to approve the minutes.

Mr. Chiba: Okay, I moved to approve the Minutes of the Subdivision Committee Meetings, dated January 12, 2021, February 19, 2021, March 9, 2021, and April 13, 2021.

Mr. Ako: Second.

Chair DeGracia: Thank you. Motion on the floor is to a approve the Subdivision Committee Minutes for January 12,2021, February 19, 2021, March 9, 2021, and April 13, 2021. Any discussion? Hearing none. All in Favor? Aye (Unanimous voice vote). Any Opposed? Hearing none. Motion carried 3:0.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Hull: Thank you Chair, we have no additional receipt of items for the record.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: Hearings and Public Request, we did not get any request for oral testimony before the Subdivision Committee.

GENERAL BUSINESS MATTERS (None)

UNFINISHED BUSINESS

Extension Request to Complete Improvements.

Subdivision Application No. S-99-49 *Kulana Association of Apartment Owners* Kulana Subdivision 23-lot Subdivision TMK: (4) 4-3-011:001
Kapaa & Waipouli, Kawaihau, Kauai

Mr. Hull: So, we're moving into Agenda Item H.1, Extension Request to Complete Improvement Subdivision Application No. S-99-49 Kulana Association of Apartment Owners, Kulana Subdivision, 23 lot Subdivision. Tax Map Key: (4)- 4-3-011:001. Located in Kapaa & Waipouli, Kawaihau, Kauai and I'll turn it over to Kenny for this Subdivision Report on this matter.

Staff Planner Kenneth Estes: Morning Commissioners, I'll read the report for the record, or I'll summarize the Report for the record.

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

Mr. Estes: Based on the forgoing circumstances, the applicants' reasons are justifiable, and no problems are foreseen in granting extension requests. The Department of Public Works and Water have no objections to the request. It is recommended that an extension until September 13, 2022, to be graduate to complete subdivision improvements, where the development.

Chair DeGracia: Thank you, Kenny. Do we have any questions for the Department or the planner?

Mr. Ako: Chair, I don't have any. Thank you.

Chair DeGracia: Thank you. I have no questions at this time. Could we hear Here comments from the applicants or applicant's representative.

Ms. Laurel Loo: Morning Commissioners, Dr. Hall, and Kenny Estes. I'm Laurel Loo, the attorney for this project, and with me on the phone and Mark Sullivan and Brad Rockwell who are the Vice President and President respectively of the association. They've spent years, taking care of all of the issues that have come up with this subdivision as you can see from the number, we've been going through this for decades. And so now we're glad that we're finally at the tail and last week the water department has accepted all conveniences. So, we're almost there, and Brad, if you wanted to add anything, and let the Commissioners know we have. We really appreciate it working with Kenny Estes, he has been a super help and super professional in getting us through this process.

Mr. Brad Rockwell: Nothing much to add, just did want to highlight that as Laura mentioned last week, the Department of Water at their board meeting did except 100% of the system. So, that is now in the hands of the DOW, which is a huge milestone, and we really appreciate your

consideration of this extension requests. We don't think we're going to need the whole year because we're so close, but obviously you know, deadline has passed so we just need a little bit more time to, to wrap up what is mostly sort of an administrative and paperwork drill at this point, because most of the physical work has been completed. So, we're fully funded to finish with this remaining portion were even funded to do some of the non-county required infrastructure like the KIUC cable polls we've already cut checks to KIUC and that those work orders have been cut. And we're currently working with Spectrum on the communication portion. I did just want; I did notice that there was a letter submitted by Mr. Bosshard and I just wanted to quickly comment that we don't necessarily agree with Mr. Bosshard's interpretation of the CCNR's. The CCNR's. As I read them, clearly intend that this is an agricultural subdivision, there's nothing in them whatsoever that indicates this is to be a gated community for any sort of gentlemen estate. There's active farming occurring within Kulana right now. That said, we've had one attorney an attorney with Laurel's firm in Honolulu, that specializes in this area, take a look, we're also getting a second attorney opinion, with respect to compliance with the State Right to Farm Law. And we've, got a committee of owners working on some suggested changes just because they are kind of dated, almost 20 years since those were written, but our intent is to fully comply with State Right to Farm Laws, and so, I just wanted to mention that for the record. Thank you, pending any questions. That's all I have.

Chair DeGracia: Thank you. Commissioners, any questions, or comments?

Mr. Ako: None for me, Chair.

Mr. Chiba: No, thank you.

Chair DeGracia: I just have one comment, Brad. Thank you for clearing up that one letter and that concern. I'm much appreciated. And if we don't have any further comments or questions, I would entertain a motion.

Mr. Chiba: Okay. I moved to grant and Extension until September 13, 2022, for subdivision application No. S-99-49 Kulana Association of Apartment owners Kulana Subdivision.

Mr. Ako: I will second that.

Chair DeGracia: Thank you. Motion on the floor is to approve Extension Request Subdivision Application No. S-99-49, until September 13, 2022. If we could have a roll call vote, please.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

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

NEW BUSINESS (For Action)

Tentative Subdivision Map Approval.

Subdivision Application No. S-2022-1 (Inouye Family Trust, et.al.)
Proposed 2-lot Boundary Adjustment TMK: (4) 2-3-018:015 & 036
Kalaheo, Koloa, Kauai

Mr. Hull: Next, we have Agenda Item I., New Business I.1, Tentative Subdivision Map Approval Subdivision Application No. S-2022-1, Inouye Family Trust, et.al. Proposed 2-lot Boundary Adjustment TMK: 2-3-018:015 as well as parcel 036, located in Kalaheo, Kauai. Subdivision Report pertaining to this matter will be turned over to Kenny.

Staff Planner Kenneth Estes: Morning Commissioners, I'll to summarize the report. The proposed development redefining the boundaries between two existing lots within the county residential R-4 zoning district, agricultural district, and open this year.

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

Mr. Estes: The Department is recommending Tentative Subdivision Approval.

Chair DeGracia: Thank you, Kenney. Commissioners, do you have any questions for Kenny or the Department?

Mr. Ako: None for me.

Chair DeGracia: Is there anyone here for the applicants or is the applicant here to make any comments or applicant representative.

Ms. Maren Arismendez-Herrera: Good morning, Commission. My name is Maren Arismendez-Herrera from Esaki Surveying, on behalf of the applicants. We would like to respectfully request for your approval. This is a boundary adjustment between the two lots, there's an existing fence. But the owners have always agreed on that was a shared boundary. So, the boundary adjustment will adjust the property line to reflect that. Thank you.

Chair DeGracia: Thank you. Commissioners, do we have any questions for the applicant's representative?

Mr. Ako: No.

Mr. Chiba: No.

Chair DeGracia: Hearing none. Okay, at this time I'll entertain a motion.

Mr. Chiba: I move to grant Tentative Subdivision Map Approval for Subdivision Application No. S-2022-1.

Mr. Ako: I second.

Chair DeGracia: Thank you, Commissioners. Motion on the floor is to approve Tentative Subdivision Map Approval for Application No. S-2022-1. Before we gave the vote are there any discussions? Hearing none. If we could have a roll call vote, please.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

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

ADJOURNMENT

Mr. Hull: With that, we have no further items on the agenda, Chair. We are ready for adjournment at your discretion.

Chair DeGracia: Commissioners, could we have a motion to adjourn?

Mr. Chiba: I move to adjourn the meeting.

Mr. Ako: I Second.

Chair DeGracia: The motion is to adjourn the meeting. All in Favor signify by saying? Aye (Unanimous voice vote). Any opposed? Hearing none. Motion carried 3:0.

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

Respectfully submitted by:

Arleen L. Kuwamura

Arleen Kuwamura,
Commission Support Clerk

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

() Approved as amended. See minutes of _____ meeting.

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

SUBDIVISION REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Subdivision Application No. S-2022-8 that involves a two (2) lot consolidation and resubdivision into four (4) lots.

Subdivision Permit No. Application No. S-2022-8

Name of Applicant(s) BBCP KUKUI'ULA PARCEL X, LLC. ET. AL.

II. PROJECT INFORMATION

Map Title	Kukui'ula Parcel X Subdivision, Phase II. Consolidation of Lots 10-A and 11-C of Kukui'ula Parcel X Subdivision and Resubdivision of said Consolidation into Lots 1 to 4, inclusive, and Designation of Easements A-1, A-2, S-1, PT-1 and R-1 and Cancellation of Easement 13, being Royal Patent 6448, Land Commission Award 5482 to Ino, being also, Portions of Royal Patent 4236, Land Commission Award 5314 to Kapa, and Royal Patent 6714, Land Commission Award 7714-B, Apana 2, to M. Kekuaiwa No. M. Kekuanaoa at Kōloa (Makai), Kōloa, Kaua'i, Hawai'i.				
Tax Map Key(s):	2-6-015: 010, 011	Area:	55.654 acres		
Zoning:	Residential District (R-10) / Resort District (RR-10) / Neighborhood Commercial (CN)				
State Land Use District(s):	Urban	General Plan Designation:	Resort / Residential Comm. / Neighborhood Center / Natural		
AGENCY COMMENTS					
<input checked="" type="checkbox"/> COK Public Works	pending	<input type="checkbox"/> State DOT-Highways:			
<input checked="" type="checkbox"/> COK Water:	pending	<input checked="" type="checkbox"/> State Health:	pending		
<input type="checkbox"/> Other(s)		<input checked="" type="checkbox"/> DLNR – SHPD:	pending		
EXISTING ROAD RIGHT-OF-WAY(S)					
Road Name	Existing Width	Required Width	Pavement YES	NO	Reserve
Ala Kalanikaumaka	60 feet	60 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lāwa'i Road	60 feet	60 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
APPLICABLE FEES					
Environmental Impact Assessment (EIA)	\$750.00				
Park Dedication	\$600.00				
Appraisal Report Required	N/A				

I.I.a.i. MAR 8 2022

III. EVALUATION

The proposed subdivision consolidates two (2) existing lots and resubdivides into a total of four (4) lots. The subdivision involves:

- 1) **Lot 1** – A roadway lot that serves as the future east/west roadway serving Parcel X and Parcel R with connection to Ala Kalanikaumaka;
- 2) **Lot 2** – Consists of the parcel that was recently purchased by Kuponu Resorts, LLC. via the Parcel X Condominium Map. The lot is County Zoned Resort District (RR-10) and Residential District (R-10). The applicant has represented that Kuponu Resorts is currently working on a master development and it is unclear as to whether the parcel will be further subdivided;
- 3) **Lot 3** – The remaining parcel that is owned by Kukui'ula Development Company, LLC. and it is zoned Residential District (R-10); and
- 4) **Lot 4** – It is the parcel that encompasses The Shops at Kukui'ula commercial complex and is County zoned Neighborhood Commercial (CN).

The intent of the proposal is to consolidate and resubdivide the subject properties to be consistent with the boundary lines that are designated in the Parcel X Condominium Map.

A portion of the property is within the Special Management Area (SMA). Any new "development", as defined in Section 1.4 of the SMA Rules and Regulations of the County of Kaua'i, may require an SMA Permit and if so, the applicant is subject to all applicable requirements/conditions of the permit. Further, a portion of Roadway Lot 1 is within the Special Management Area. The Applicant has obtained a Special Management Area Minor Permit (SMA(M)-2022-7) with the Planning Department to develop a roadway and other related improvements. In considering the subdivision, the Applicant is subject to the applicable requirements of the SMA permit.

The Applicant should also be made aware that the proposal is subject to the requirements associated with the Ka Pa'akai O' Ka'aina Analysis. This requirement is required by law to fulfill the constitutional duty to preserve and protect traditional customary native Hawaiian rights and resources.

It should also be noted that the Public Path and Trails Exhibit dated October 2020 shows the proposed subdivision as part of the trail system within the planned community. The applicant will need to work with the Planning Department to address the provision of public access.

IV. RECOMMENDATION

TENTATIVE APPROVAL	FINAL APPROVAL
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Approval
<input type="checkbox"/> Denied	<input type="checkbox"/> Denied

Tentative Approval subject to all requirements as noted on the follow pages:	All conditions have been complied with
<i>Jodi Higuchi Sayegusa</i> Director of Planning 2-24-2022 Date	Director of Planning Date

V. AGENCY REQUIREMENTS

1. Requirements of the Planning Department:

- a. An updated preliminary title report for the existing lot shall be submitted to the Planning Department for review.
- b. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
- c. Pursuant to Ordinance No. PM-2004-370, the Applicant is allowed to credit Environmental Impact Assessment and Park Dedication fees for developments within their Project Area. Since the Applicant has not resolved with the Planning Department whether they will pay fees or provide improvements for credit, the following fees are being assessed:
 - 1) An Environmental Impact Assessment Fee of Seven Hundred Fifty Dollars (\$750.00) shall be paid to the County of Kaua'i; and
 - 2) An Park Dedication Fee of Six Hundred Dollars (\$600.00) shall be paid to the County of Kaua'i.

The Applicant shall resolve with the Planning Department the method that will be utilized to satisfy these fee requirements prior to final subdivision approval.

- d. Relative to Condition No. 1.c. and prior to final subdivision map approval, the Applicant shall meet with the Planning Department to resolve the applicable requirements of Ordinance No. PM-2004-370. Specifically, the following conditions shall apply to this subdivision:

Conditions of Ordinance No. PM-2004-370:

- 3. (prohibition of Additional Dwelling Units)
- 7. (improvements to roadway system)
- 14. (EIA credit)
- 15. (recreation)
- 16. (park dedication credit)
- 23. (wastewater system master plan)
- 27. (solid waste management plan)

- 30. (blasting plan)
- e. Pursuant to Section 9-2.3 (g)(3)(D) of the Subdivision Ordinance, Kaua'i County Code (1987), streets that are a continuation of an existing street shall be given the same name as the existing street. Proposed roadway Lot 1 will be a continuation of Kaulu Street, an existing roadway that was previously created through Subdivision Application No. S-2005-25 (Kukui'ula Parcel Y Subdivision). Lot 1 shall bear the same and will be shown on the final subdivision map.

In addition and prior to final subdivision approval, the Applicant shall submit 12 copies of a map that shows the extension of roadway to Kaulu Street. The map should be detailed such that emergency vehicles, police services, postal deliveries, etc., are able to locate the street. References to roadway, such as the highway and other surrounding roads, should be shown on the street-naming map.

- f. Relative to Condition 1.e., the Applicant shall consider developing the existing easement on the neighboring lot (Lot 11-B) to provide a through road connection to Kaulu Street from Ala Kalanikaumaka that would serve as a secondary access for ingress/egress of the Kukui'ula Development project area.
- g. The Subdivider shall comply with the requirements in Section 9-2.3(e) of the Kaua'i County Code (1987) relating to the provision of curbs, gutters and sidewalks along roadway Lot 1. The extent of improvements shall be resolved with the Planning Department and Department of Public Works prior to final subdivision map approval.
- h. The Applicant shall prepare and obtain construction plan approvals for necessary road, water, drainage, electrical and telephone utilities and facilities, and either construct the same or post a surety bond for completion.
- i. Prior to final subdivision map approval, the Applicant shall work with the Planning Department and Department of Public works to establish vehicular access to proposed Lot 3 for its future development. It is the department's preference that access to Lot 3 be obtained from roadway Lot 1 and through Lot 2.

Additionally, there shall be no vehicular access onto Lāwa'i Road from proposed Lot 3. However, if it is determined that future development of Lot 3 will require access from Lāwa'i Road, access shall be permitted only for ingress/egress of a roadway for the development. The Applicant shall resolve this matter prior to final subdivision map approval.

- j. Relative to the requirements/standards set forth in Ordinance No. 777, the Applicant shall resolve with the Planning Department the provision of public access.

The subdivider shall incorporate the features of the Conceptual Trail Master Plan (dated April 2004) within the project area, if applicable. The access plan shall be

reviewed and approved by both the Planning and Parks & Recreation Departments. Furthermore, proper documents shall be prepared and ready for execution prior to final subdivision approval. The Planning Department reserves the right to impose additional conditions relating to this matter while in the process of resolving this condition.

- k. The Applicant shall establish bus stops/shelters pursuant to Ordinance No. 406. The details shall be resolved with the Planning Department and Department of Public Works prior to construction plan approval.
- l. The Applicant shall identify on the final subdivision map whether the proposed lots will be utilized for Transient Vacation Rental (TVR) purposes. If so, the total amount of the lots within the Kukui'ula Parcel X, Phase 2 Subdivision, shall be counted towards the total amount approved through Ordinance No. PM-2004-370.
- m. The subdivider is informed that a portion of the subject property is located within the Special Management Area (SMA). Additional lots within the SMA or any new "Development," as defined in Section 1.4 of the SMA Rules and Regulations of the County of Kaua'i, may require an SMA Permit and if so, the applicant is subject to all applicable requirements/conditions of the SMA Permit.

Additionally, the Applicant shall be subject to all applicable requirements of Special Management Area Minor Permit SMA(M)-2022-7. These requirements shall be satisfied prior to final subdivision approval.

- n. The applicant shall depict with a dotted line on the final subdivision map zoning lines delineating the boundaries between each County Zoning District as shown on the "Kukui'ula South Shore, Kaua'i, Zoning Refinement Area Map". The Applicant shall work with the Planning Department prior to final subdivision approval.
- o. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
- p. In *Ka Pa'akai O Ka'aina v. Land Use Commission*, the Hawai'i Supreme Court established a three-part analytical framework to fulfill the constitutional duty to preserve and protect traditional and customary native Hawaiian rights and resources while reasonably accommodating competing private interests. Prior to final subdivision approval the Applicant shall describe the actions taken and examination conducted to analyze the following:
 - 1) Identify whether any valued cultural, historical, or natural resources are present within the project area, and identify the extent to which traditional and customary Native Hawaiian rights are exercised. This part may include but not be limited to the following analyses:

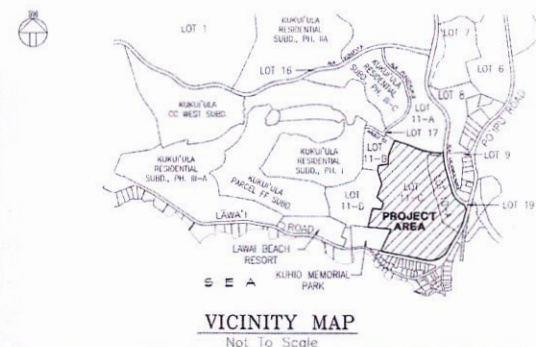
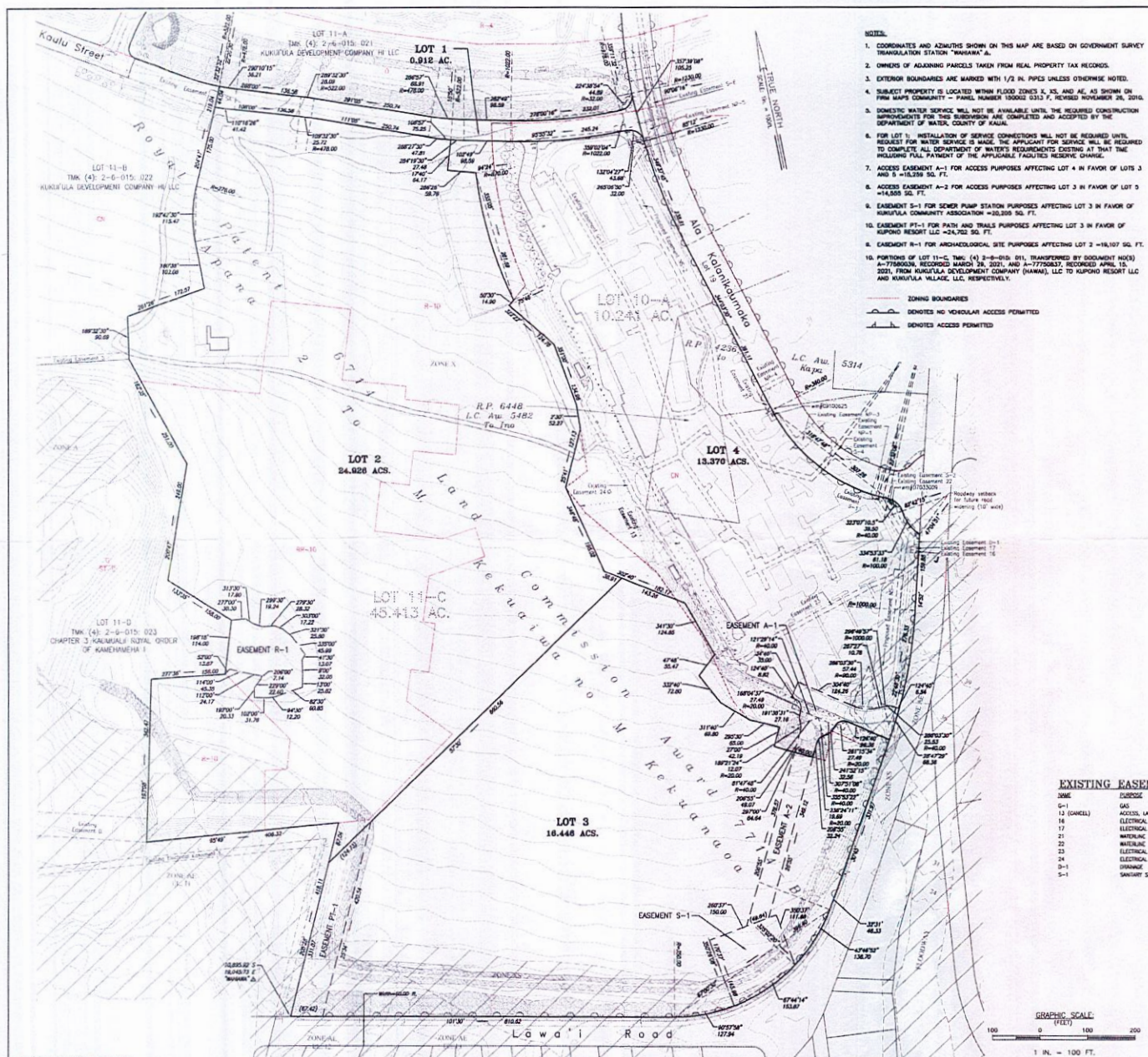
- Describe the project area in relation to traditional and customary practices that occurred in the region or district.
 - Describe the extent that traditional and customary practices were practiced in the ahupua'a and project area.
 - Describe the community members you consulted with including their genealogical ties, long-standing residency, and relationship to region, ahupua'a and project area.
 - Describe the Land Commission Awards provided on the property?
 - Describe the prior archaeological studies that were conducted for the property.
 - Are you aware of any resources that found any evidence of subsurface habitation or excavation on the property?
 - Does the property contain any evidence that trails were in existence on the property?
 - Have any individuals ever requested access to the property for any reason?
- 2) Identify the extent to which the identified resources and rights will be affected or impaired by the proposed project.
- 3) Specify any mitigative actions to be taken to reasonably protect native Hawaiian rights if they are found to exist.
2. Requirements of the Department of Public Works (DPW):
- a. The subdivider shall comply with the requirements of the Department of Public Works, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.
3. Requirements of the Department of Water (DOW):
- a. The subdivider shall comply with the requirements of the Department of Water, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.
4. Requirements of the Department of Health (DOH):
- a. The subdivider shall comply with the requirements of the State Department of Health, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.

5. Requirements of the State Historic Preservation Department (SHPD):
 - a. The subdivider shall comply with the requirements of the State Historic Preservation Department, if any, prior to final subdivision approval. The subdivider shall be notified upon receipt of their report.
6. The Applicant is advised that should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the Planning Department to determine mitigation measures.
7. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for MARCH 8, 2022 whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

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

By 
KENNETH A. ESTES
Planner



KUKUI'ULA PARCEL X SUBDIVISION, PHASE II

CONSOLIDATION OF LOTS 10-A AND 11-C
OF KUKUI'ULA PARCEL X SUBDIVISION
AND RESUBDIVISION OF SAID CONSOLIDATION INTO
LOTS 1 TO 4, INCLUSIVE,
AND DESIGNATION OF EASEMENTS A-1, A-2, S-1, PT-1 AND R-1
AND CANCELLATION OF EASEMENT 13

BEING ROYAL PATENT 6448, LAND COMMISSION AWARD 5482 TO INO,
BEING ALSO, PORTIONS OF ROYAL PATENT 4236,
LAND COMMISSION AWARD 5314 TO KAPA,
AND ROYAL PATENT 6714, LAND COMMISSION AWARD 7714-B, APANA 2,
TO M. KEKUAIAWA NO M. KEKUAIAWA

AT KŌLOA (MAKAI), KŌLOA, KAUAI, HAWAII

TOTAL AREA: 55.654 ACRES

EXISTING EASEMENTS

NO.	DESCRIPTION	AREA	RECEIVED LOT NO.
1	GAS	22,340 SQ. FT.	4
2	ACCESS, LANDSCAPE, MAINTENANCE, UTILITY	112,291 SQ. FT.	4
3	ELECTRICAL	101 SQ. FT.	4
4	WATERLINE	1,017 SQ. FT.	4
5	WATERLINE	341 SQ. FT.	4
6	ELECTRICAL	4,517 SQ. FT.	4
7	ELECTRICAL	7,243 SQ. FT.	4
8	SEWER	259 SQ. FT.	4
9	SEWER	NO SQ. FT.	4

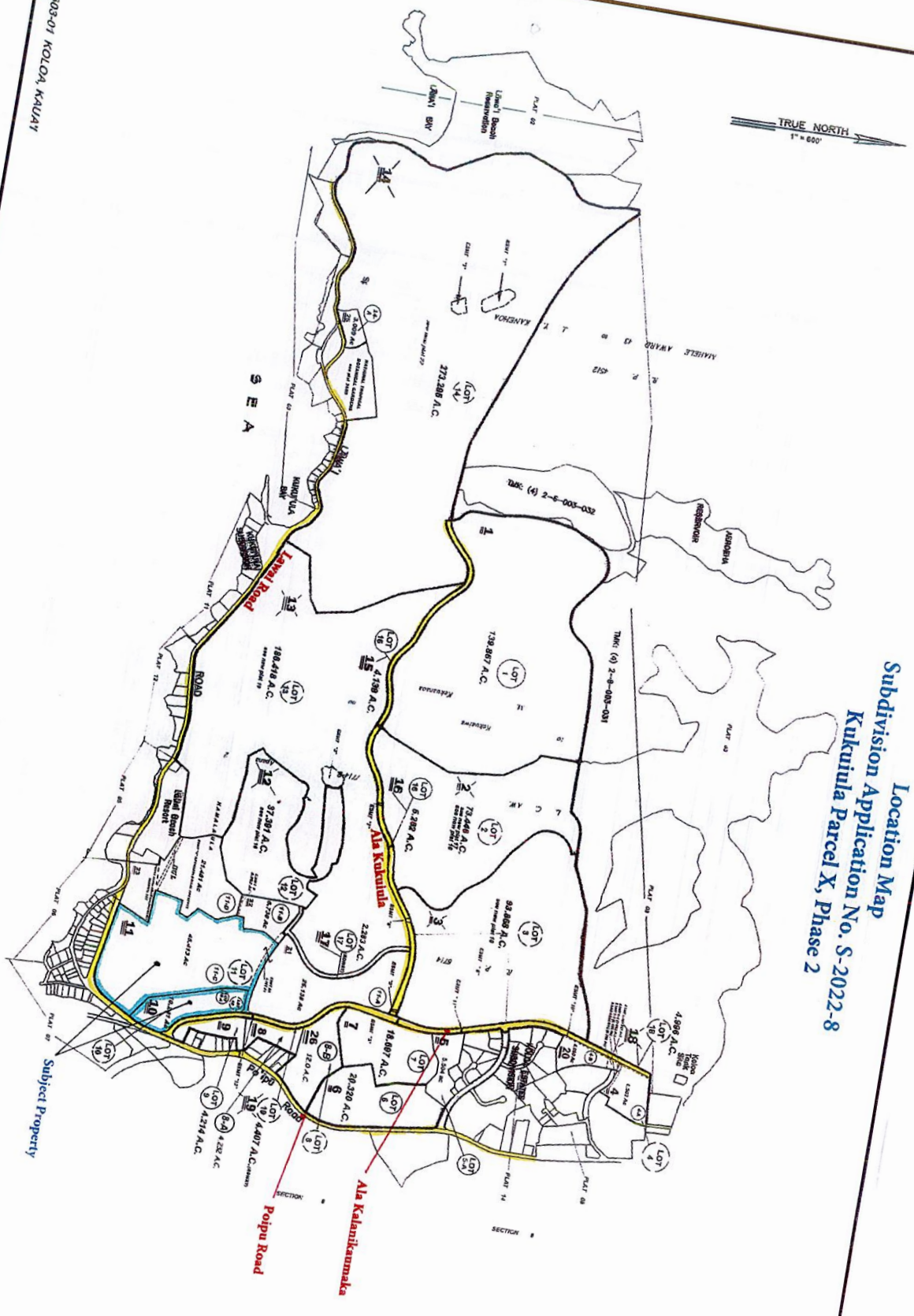
AUSTIN TRUTSHAM, ASSOCIATES INC.
501 TRUTH STREET, SUITE 201
HONOLULU, HAWAII 96813
PHONE NO. 533-3646



THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION
I, Austin Trutsham
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 9826
EXP. 04/27

REV. NOV. 20, 2021
REV. AUG. 23, 2021
MAY 10, 2021

Location Map Subdivision Application No. S-2022-8 Kukuila Parcel X, Phase 2



FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE			
ZONE	SECTION	PLAT	SCALE 1" = 600'
2	6	15	

POR TMK-2803-01 KOLOA, KAUAI



COUNTY OF KAUA'I
PLANNING DEPARTMENT
4444 RICE STREET, SUITE A473 LIHU'E, HAWAII 96766
(808) 241-4050

SUBDIVISION APPLICATION ROUTING FORM

DATE: January 20, 2022

Subdivision Map Review and Approval			
REQUEST:	<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Final	
	<input type="checkbox"/> Pre-Final	<input type="checkbox"/> Extension	
SUDIVISION APPLICATION NO:		Subdivision Permit NO. S-2022-8,	
Owner(s)/Applicant(s):		BBCP Kukui'ula Parcel X, LLC. Et. Al.	
Name of Surveyor/Engineer/Authorized Agent:		Chris Rivera	
Tax Map Key:	Tax Map Key: (4) 2-6-015:10 and 11	Assigned to:	Kenny
Improvements:			

Route To:

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

COMMENTS (Comment Due Date: 2/19/2022):

No comment or concerns from Fire

COUNTY OF KAUAI



'22 JAN 28 P1:50

PLANNING DEPT.

COUNTY OF KAUAI
PLANNING DEPARTMENT

4444 RICE STREET, SUITE A473 LIHU'E, HAWAII 96766
(808) 241-4050

SUBDIVISION APPLICATION ROUTING FORM

DATE: January 20, 2022

Subdivision Map Review and Approval			
REQUEST:	<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Final	
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Owner(s)/Applicant(s):		BBCP Kukui'ula Parcel X, LLC. Et. Al.	
Name of Surveyor/Engineer/Authorized Agent:		Chris Rivera	
Tax Map Key:	Tax Map Key: (4) 2-6-015:10 and 11	Assigned to:	Kenny
Improvements:			

Route To:

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

COMMENTS (Comment Due Date: 2/19/2022):

CTA HAS NO FURTHER COMMENT ON THIS PROJECT.

Thanks!
[Signature]
1.27.2022

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

MEMORANDUM NO. 1 TO **SUBDIVISION COMMITTEE**

RE: Subdivision Application No. S-2022-8
Kukui'ula Parcel X, Phase 2 Subdivision

Applicant: BBCP Kukui'ula Parcel X, LLC. Et. Al.

ADDITIONAL FINDINGS

Attached for the Planning Commission's reference are public testimony concerning the above referenced subdivision:

- Correspondence from Alex Stoddards received March 6, 2022.
- Correspondence from Elizabeth Okinaka received March 6, 2022.
- Correspondence from Elizabeth Lindsey received March 7, 2022.
- Correspondence from Roslyn Cummings received March 7, 2022.

By

Kenneth A. Estes
Staff Planner

Date: 3.16.2022

From: Alex Stoddards <alexkstoddards@gmail.com>
Sent: Sunday, March 6, 2022 1:41 PM
To: Planning Department; Kaaina Hull
Subject: Oppose Application S-2022-8 Kukui'ula Proposed Subdivision Action

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha Planning Commission,

I OPPOSE The Subdivision Application S-2022-8 re TMK's 2-6-015;010,011 as it is proposed by BBCP Kukui'ula Parcel X LLC.

There are outstanding questions such that even a tentative approval is not correct.

1) LAWAI ROAD ISSUE

In the Agenda Packet item 'I' appears the following notation:

"There shall be no vehicular access onto Lawai Road from proposed Lot 3. However, if it is determined that future development of Lot 3 will require access from Lawai Rd, access shall be permitted only for ingress/egress of a roadway for the development.

This shall be decided prior to final subdivision."

This is entirely contradictory.

- It seems to say that there 'Shall be No vehicular access (ie. that it is prohibited), UNLESS the Developer at some time in the future wants access (in which case it would be allowed).'

At the last hearing on parcels contiguous with Lawai Road it was made clear there would NOT be access to Lawai Road, now this sounds like it opens the door to traffic from the resort.

- It should not be given *any* go-ahead until this is decided.

Lawai Road is a historic roadway leading to the historic Kukui'ula Boat Harbor that existed hundreds of years before the resort.

- Yet somehow the resort appears to wish to begin the process of annexation as it looks to have thoroughfares to Lawai and the Harbor, a location that local people have used for fishing, gathering, ceremony for centuries.

It should not be allowed

2) KA' PA'AKAI REQUIREMENT NOT MET

Just as with the Feb meeting, this Subdivision Application omits any records describing how the developer has achieved the Ka' Pa'akai requirement.

It appears the Planning Commission gave the last Subdivision Application a 'Pass' at the Feb Meeting with some extended discussion about the importance of this regulation to keep out culture alive. But the Commission did not uphold the requirement.

There is NO REASON for the Commission to continue to approve applications such as this one that have made no attempt to reach out to the Community to ascertain significance of the area to preserve Native Hawaiian culture.

These Subdivision applications continue to pour in - to make money for the developer.

- In this case Brue Baukol Capital Partners - a development group focused only on shareholder returns. Yes they've partnered w a local builder, Not sufficient.

It is in your hands how this island develops and thus far all we have seen are approvals and more approvals without a single concern for the longer term impacts of this on the cultural preservation of the island. It appears we are moving ever closer to Kauai becoming the next Maui - and we all see how this is working out for them there, not well.

Mahalo for your time

Alex S

From: Elizabeth Okinaka <elizabeth.eolakakouhawaii@gmail.com>
Sent: Sunday, March 6, 2022 9:58 PM
To: Planning Department
Cc: Alan.S.Downer@hawaii.gov; Susan.A.Lebo@hawaii.gov; aaron_nadig@fws.gov; Council Members; Mayor
Subject: OPPOSE Subdivision Application S-2022-8 (TMK 2-6-015;010,011)

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha Kauai Planning Commission,

I Oppose subdivision application S – 2022–8

Here we are again third month in a row this same developer has been on the subdivision agenda. Please keep in mind your choices today will affect numerous future generations, you have a role and responsibility as a Planning Commission member to thoroughly and accurately ensure that these developments be held to conditions they **MUST** abide by.

Planning Commission Role:

The Planning Department advises the Mayor, Planning Commission, and the County Council on planning and land use matters for the County of Kauai. The Department is also responsible for the administration and enforcement of the Zoning and Subdivision Ordinances, as well as the County's planning program, which includes long-range and regulatory policy documents like the General Plan and Comprehensive Zoning Ordinances.

I really have to wonder what each of you see for the future of Kauai? With the choices our County and Planning Commission is making there will no local community left soon. How can you guys possibly keep this up and feel ok knowing, the Local Community is suffering?

Take it upon each yourself's to do more, research the existing agreements and make site visits. Try bringing your kids or grandkids to the beach anywhere near here. I'd like to know how The County even can foresee adding hundreds of more homes and condos to an already over congested area. It's very said to say just 10 years ago we had a Planning Commission that would help to protect the local community and neighborhoods.

Kukuiula is a monster 1,000+ acre development with NO local housing, on the island of Kauai. They are requesting yet another re-consolidation and subdivision for more of their multi million dollar homes and new "luxury boutique hotel" -exactly what we need right? -NOT

Kukuiula originally planned by A&B (Alexander & Baldwin). They have dispossessed thousands of acres of land from kanaka families and the county is helping by signing agreements and taking measly payout from many developers. We also have countless ex Kauai County Attorneys NOW working for developers, Kukuiula being no different.

The local community gets more "affordable housing" where our children don't even have yards to play in. No matter how long the families pay rent here they will never own the land. The local community is being forced into small apartments while living a servitude lifestyle forced to cater to the rich and elite. The hotels are the new sugar plantation.

Of course Kukuiula was originally approved promising entire local subdivision of homes we could own, **of course that never happened**. Approved in 1989- TIMES HAVE CHANGED

See 1989 approval here:

http://oeqc2.doh.hawaii.gov/EA_EIS_Archive/1989-04-DD-KA-FEIS-Kukuiula-Planned-Community.pdf

Kukuiula was recently sold to BBCCP-Brue Bacol Capital Partners. They have been on the Planning agenda every month so far in 2022 for various areas of the 1,000+ acres they claim to own.

This land has many significant burial sites, caves, lava tubes and caverns. A Wa'a (canoe) with burial has been desecrated here along with countless other burials and caves. One cave here is used as a re-internment site, with no proper protocol. It also holds 2 endangered species found nowhere else in the world, the Koloa Cave Spider and Koloa Cave Amphipod. The last of their remaining habitat is quickly being developed on.

March 8th 2022 Kauai Planning Commission will yet again be hearing BBCCP's request that will affect well over 100+ acres of land.

Kukuiula owners BBCCP have failed to conduct any legitimate surveys and consult any cultural practitioners or concerned community members. SHPD actually told Kukui'ula in Feb 2022 per the Ka Pa'akai Analysis they would have to consult the local community.

Once again Cultural Surveys Hawaii has claimed "No Cultural Significance" on hundreds of acres of land.

The same company that conducted a fraudulent EIS report at a nearby site with known burials and other culturally significant site plus countless other nearby developments.

Lawai Road Issue- agenda states:

"There shall be no vehicular access onto Lawai Road from proposed Lot 3. However, if it is determined that future development of Lot 3 will require access from Lawai Rd, access shall be permitted only for ingress/egress of a roadway for the development. This shall be decided prior to final subdivision."

This is entirely contradictory. Lawai Road is a Historic Roadway leading to the Koloa Boat Harbor.

2.) KA' PA'AKAI REQUIREMENT NOT MET

- workers on sites as recently as yesterday,

Planning Commission gave BBCP ok last Subdivision at Feb Meeting to continue work with some extended discussion about the Analysis and survey be conducted ASAP.

SHPD:

I has still NOT been contacted for any member of our non profit for EIS or Ka Pa'akai Analysis. Machines were onsite as recently as Saturday March 6th, 2022. This developers has requested hundreds of acres to be subdivided for development just this year alone! Burial/Lineal descent forms have been filed here. This area is very culturally significant.

Kauai Planning Commission did not uphold the requirement.

I am requesting a copy of The agreement between USFWS and BBCP. I would also like to push for more studies and protection for these endangered species found NO WHERE else in the world.

I am so disappointed in the Kauai Planning Commission and County. Who is protecting the future generations?

Mahalo for your time.

Citations:

http://oegc2.doh.hawaii.gov/EA_EIS_Library/1998-08-DD-KA-FSEIS-Kukuiula-Bay-Resort.pdf

http://oegc2.doh.hawaii.gov/EA_EIS_Archive/1989-04-DD-KA-FEIS-Kukuiula-Planned-Community.pdf

<https://ecos.fws.gov/ecp/species/7122>

<https://kukuiula.com/wp-content/uploads/2014/03/Kukuiula-Revised-Master-Disclosure-Statement-11-25-131.pdf>

<https://luc.hawaii.gov/wp-content/uploads/2014/02/A93-696-ann-rprt-2017.pdf>

<https://www.financedta.com/blog/county-of-kauai-kukuiula-hi/>

https://luc.hawaii.gov/wp-content/uploads/2014/02/2014-ANNUAL-REPORT-A93-696-KUKUIULA-DEVELOPMENT-COMPANY-HAWAII-LLC_20141204110133.pdf

<https://www.google.com/amp/s/www.staradvertiser.com/2021/11/12/breaking-news/alexander-baldwin-partnership-sells-kukuiula-on-kauai/amp/>

<https://investors.alexanderbaldwin.com/2002-04-25-A-B-Accelerates-KukuiUla-Development-Secures-JV-Partner-DMB-Associates-Brings-Capital-Experience-to-This-Kauai-Project>

Elizabeth Okinaka
E Ola Kakou Hawaii 501C3

From: Elizabeth Lindsey <lindseybitta@gmail.com>
Sent: Monday, March 7, 2022 8:24 AM
To: Planning Department
Subject: I OPPOSE the subdivision application S-2022-8 re. TMK 2-6-015,010,011 as proposed by BBCP kukuiula parcel X LLC

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

I OPPOSE the subdivision application S-2022-8 re. TMK 2-6-015,010,011 as proposed by BBCP kukuiula parcel X LLC.

I directly and strongly oppose S-2022-8, see items listed below:

- The land within the boundaries of the above TMK are reserved for LCA heirs honoring the alodial title of the property.
- Any development of these lands threaten the fragile life of native species Koloa cave spider and Koloa Cave Amphipod, found no where else in the world.
- The proposed subdivision is not for the benefit of Kauai or the local community, and will cause more damage to the island in the future.
- There is a deficit of proper cultural and environmental impact surveys. This land is not suitable for any development.
- Subdivisions, such as the proposed, are more suitable in places on the continental/mainland US. This subdivision will not be built on Kauai.

Mahalo.

From: Roslyn Cummings <roslyncummings@ymail.com>
Sent: Monday, March 7, 2022 9:40 AM
To: Planning Department
Subject: S-2022-8 TMK (4) 2-6-015 :10 & 11

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha e
Kou Inoa Manawaiakea

As a kindred to burials of those who are kanu in the Kuku'ula development I oppose any permit of projects. The county of kauai has a fiduciary duty to protect in private. I'm here to command that everyone who took oath to office uphold the United States Constitution Article 6 Section 2 Per state regulations. Section 106 Federal law.
Article 6 Section 2 common law, law of the land.

Not only are these plans detrimental to our ancestral burials; our most prized possession. They are also a direct impact. The Department of the Interior created The Office of Native Hawaiian Relations to serve as a liaison with the Native Hawaiian Community and work with the Department's.

All agencies must know the following

S-tatutes, codes, policies, rules, etc...ARE NOT laws, read it for yourself.....

A "STATUTE" is NOT a law! – Flournoy v. First National Bank of Shreveport, 197 LA 1057-3 So. 2d 244,248.

A "CODE" is NOT a law! – In Re Self v. Rhay, Wn 2d 261, in point of fact in law.

A concurrent or "joint resolution of the legislature is NOT "law". Knowing v. Flynn, 258 N.Y. 292,179 N.E. 705,707, Ward v. State, 176 OKL,368,56 P. 2d 136,137; State ex rel. Todd v. Yelle, 7 Wash. 2d 43, 110.P.2d 162,165.

STATUTE. Black's Law Dictionary, 4th Edition. The writing will of the legislature solemnly expressed according to the forms prescribed in the constitution; an act of the legislature.

U.S. SUPREME COURT DECISION – "The common law is the real law, the Supreme Law of the land, the codes, rules, regulations, policy and statutes are "not the law". Self v. Rhay, 61 Wn (2d) 261.

U.S. SUPREME COURT DECISION – "All codes, rules, and regulations are for government authorities ONLY, not human/Creators in accordance with God's Laws. All codes, rules and regulations are unconstitutional and lacking due process..." – Rodriques v. Ray Donovan, U.S. Department of Labor, 769 F. 2d,1344, 1348 (1985).

U.S. SUPREME COURT DECISION – 1796 – "There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent". Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E. This decision has never been overturned:

"There are no Judicial courts in America and have not been since 1789. "Judges" do not enforce Statutes and Codes. Executive Administrators enforce Statutes and Codes. – FRC v. GE, 281 U.S. 464 Keller v. Potomac Elec. Co., 261 U.S. 428 1 Stat. 138-178".

"There have NOT been any "Judges" in America since 1789. There have only been Administrators. – FRC v. GE, 281 U.S. 464 Keller v. Potomac Elec. Co., 261 U.S. 428 1 Stat. 138-178".

"The Supreme court has warned, "Because of what appears to be Lawful commands {Statutory Rules, Regulations and Codes- Ordinances and Restrictions} on the surface, many citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights, due to ignorance...{deceptive practices, constructive fraud, barratry, legal plunder, conversion, and malicious prosecution in inferior administrative State courts}". – United States v. Minker, 350 U.S. 179, 178,76, S.Ct. 281,L.Ed. 185 (1956).

"The Common Law is the real law, Supreme Law of the land. The codes, rules, regulations, policy and statutes are "not the law". (Self v. Rhay, 61 Wn 2d 261), They are the law of government for internal regulations, not the law of man, in his separate but equal station and natural state, a sovereign foreign with respect to government generally.

" A concurrent or "joint resolution" of legislature in not "Law", (Koenig v. Flynn, 258 N.Y. 292, 179 N.E. 705, 707: Ward v. State, 176 Okl. 368, 56 P.2d 136,137: State ex rel. Todd v Flynn, 7 Wash.2d 443, 110 P.2d 162,165). All codes, rules, and regulations are for government authorities only, not human/Creators in accord with God's Laws, "All codes, rules, and regulations are unconstitutional and lacking due process of law.." (Rodriques v, Ray donavan, U.S. Department of Labor, 769 F.2d 1344,1348 (1985):...lacking due process of law, in that they are "void for ambiguity" in their failure to specify the statutes applicability to "natural persons", otherwise depriving the same of fair notice, as their constitution by definition of terms aptly identifies the applicability of such statutes to "artificial or fictional corporate entities or "persons", creatures of statute, or those by contract employed as agents or representatives, departmental subdivisions, offices, and property of the government, but not the "Natural Person" or American citizen Immune from such jurisdiction of legalism".

A "Statute is not a Law", (Flournoy v, First Nat. Bank of Shreveport, 197, La. 1067, 3 So.2d 144,148).

A "code" or Statute is not Law", (Flournoy v. first Nat. Bank of Shreveport 197, La 1067, 3 So.2d 244, 248).

A "Code is not a Law", (In Re Self v. Rhay Wn 2d 261), in point of fact in Law)".

By approving these plans and continuing to adhere to the constitutional obligations of one party or entity and not the other. The county of Kauai and every individual officer is liable under

For I have an affidavit of truth caliming all land as a lineal descendant, kindred.

- Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.
The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

TITLE 18, U.S.C., SECTION 242

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more

than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

•
An affidavit with the alodial title of these lands

Unequivocal right of ownership

COMMITTING A WAR CRIME

Aloha No

Manawaiakea

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

MEMORANDUM NO. 2 TO **SUBDIVISION COMMITTEE**


RE: Subdivision Application No. S-2022-8
Kukui'ula Parcel X, Phase 2 Subdivision

Applicant: BBCP Kukui'ula Parcel X, LLC. Et. Al.

ADDITIONAL FINDINGS

Attached for the Planning Commission's reference are public testimony concerning the above referenced subdivision:

- Correspondence from Councilmember Felicia Cowden received March 7, 2022.
- Correspondence from Aston Reid received March 7, 2022.

By 
Kenneth A. Estes
Staff Planner

Date: 3.16.2022

From: Darrellyne Caldeira
Sent: Monday, March 7, 2022 12:55 PM
To: Planning Department
Cc: Felicia Cowden; Jade Tanigawa; Scott Sato; Jenelle Agas
Subject: Testimony Letter to Planning Commission re Kukuiula
Attachments: Testimony Letter to Planning Commission re Kukuiula.pdf

Aloha Chair Ako and Members of the Planning Commission,

Attached is a testimony from Councilmember Cowden. Should you have any questions, please feel free to contact her at (808) 241-4188.

Thank you,

Darrellyne M. Caldeira

Office of the County Clerk
Council Services Division
4396 Rice Street, Suite 209
Lihue, Hawai'i 96766

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihue, Kauai, Hawaii 96766

March 7, 2022

**TESTIMONY OF FELICIA COWDEN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

F. NEW BUSINESS (FOR ACTION)

**1. TENTATIVE SUBDIVISION MAP APPROVAL. A. SUBDIVISION
APPLICATION NO. S-2022-8 (BBCP KUKUI'ULA PARCEL X, LLC., ET AL.)
KUKUI'ULA PARCEL X, PHASE 2 SUBDIVISION, PROPOSED 2-LOT
CONSOLIDATION AND RESUBDIVISION INTO 4 LOTS, TMK: (4) 2-6-015:010 &
011, KŌLOA (MAKAI), KŌLOA, KONA, KAUAI, 1) SUBDIVISION REPORT
PERTAINING TO THIS MATTER**

Planning Commission of the County of Kauai
Tuesday, March 8, 2022 at 9:00 a.m.
Meeting Available Via Zoom

Dear Chair Ako and Members of the Planning Commission:

As an individual member of the Kauai County Council, I **OPPOSE** the above-referenced piecemeal Kukui'ula expansion. Rather than portions considered separately, a holistic evaluation is needed because what may appear to be negligible impact may actually be significant when the project is evaluated collectively.

Among my concerns regarding this location are: seabird and wetland habitat destruction; capacity for emergency regional movement in tsunami and flood conditions, especially in the event of a Waita Reservoir dam breach (not adequately studied, limited roads to enable evacuations with increases in population); strain on landfill capacity for increased luxury home construction debris; and monopolization of housing for local people that often occurs when tradespeople are brought over from off-island to build the luxury homes. Furthermore, once housing of this type is built, the new residents of these high-end developments typically are not people who enter the workforce in our local economy—we are losing the ability to house our essential workers across the range of skillsets, including small business owners, service workers, and the trades and professional classes.

Thank you for your consideration of this request. Should you have any questions, please feel free to contact me at (808) 241-4188.

Sincerely,

FELICIA COWDEN
Councilmember, Kauai County Council

JA:dmc

AN EQUAL OPPORTUNITY EMPLOYER

From: aston reid <surfwrecks@hotmail.com>
Sent: Monday, March 7, 2022 2:29 PM
To: Planning Department
Subject: Opposition of the subdivision application S-2022-8 re TMK's 2-6-015;010,011 BBCP
kukuiula parcel x llc

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha E,

I am aston carbonel and want to submit my statement of opposition in regards to kukuiula development and application. As a multi-generational resident i believe that allowing more development is irresponsible in the stewardship of our state and lands. We have seen over the years on the south side of kauai where i was raised an exponential increase of development. Along with more development came more locals being forced into affordable housing, locals moving away to america, land taxes increasing, etc. Our state moto is ua mau ke ea o ka aina i ka pono, the life of the land is perpetuated in righteousness. I hear of many instances in which projects and agendas are pushed through just for money, shame on that. Developments where contractors are ignorantly bypassing protocols of impact statements, and assessments. Native habitats destroyed; caves blown up. Aole. no longer. please stop this. look at our other islands and what's happening, desecration, over development, lack of resources (water), etc. dont let this happen to our home. I oppose this application

Mahalo
Aston Carbonel
Native Hawaiian.



COUNTY OF KAUA'I
PLANNING DEPARTMENT

SUBJECT TO CHANGE

SUBDIVISION REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Subdivision Application No. S-2020-7 that subdivides a parcel into two (2) lots.

Subdivision Permit No. Application No. S-2020-7

Name of Applicant(s) STATE OF HAWAII DLNR - FORESTRY

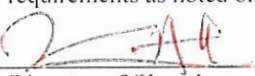
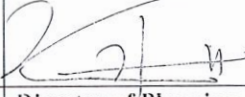
II. PROJECT INFORMATION

Map Title	Designation of lot B Being a portion of Hanapepe Government Lands, Section A (C.S.F. 9976-9979) Hanapēpē, Waimea, Kaua'i, Hawai'i				
Tax Map Key(s):	1-8-008:020 (Por.)	Area:	379 Acres		
Zoning:	Agriculture/Open				
State Land Use District(s):	Agricultural	General Plan Designation:	Agricultural/Open		
AGENCY COMMENTS					
<input checked="" type="checkbox"/> COK Public Works	4/6/2020	<input type="checkbox"/> State DOT-Highways:			
<input checked="" type="checkbox"/> COK Water:	5/2/2020	<input checked="" type="checkbox"/> State Health:	4/23/2020		
<input type="checkbox"/> Other(s)		<input type="checkbox"/> DLNR - SHPD:			
EXISTING ROAD RIGHT-OF-WAY(S)					
Road Name	Existing Width	Required Width	Pavement YES	NO	Reserve
Lele Road	40 feet	56 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8 feet
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
APPLICABLE FEES					
Environmental Impact Assessment (EIA)	N/A				
Park Dedication	N/A				
Appraisal Report Required	N/A				

III. EVALUATION

The proposed development subdivides a parcel into two (2) lots and the primary intent is to establish a ten (10) acre parcel to be utilized by the State of Hawai'i, Department of Land and Natural Resources (DLNR) as a baseyard facility.

IV. RECOMMENDATION

TENTATIVE APPROVAL		FINAL APPROVAL	
<input checked="" type="checkbox"/> Approval		<input checked="" type="checkbox"/> Approval	
<input type="checkbox"/> Denied		<input type="checkbox"/> Denied	
Tentative Approval subject to all requirements as noted on the follow pages:		All conditions have been complied with	
	6/2/2020		2/23/2022
Director of Planning	Date	Director of Planning	Date

V. AGENCY REQUIREMENTS

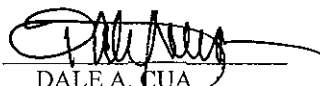
1. Requirements of the Planning Department:
 - a. An updated preliminary title report for the existing lot shall be submitted to the Planning Department for review.
 - b. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
 - c. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
 - d. An eight (8) foot wide future road widening reserve shall be established along the frontage of Lele Road. There shall be no new structures permitted within the reserves, and any new structures should be setback from the reserves. The reserves, along with the restrictions, shall be incorporated into the deed descriptions of the affected lots, of which draft copies shall be submitted to the Planning Department for review and approval.
2. Requirements of the Department of Water (DOW):
 - a. The subdivider shall pay the Department of Water the applicable charges and/or any rate increase in effect at the time of receipt:
 - 1) A Facilities Reserve Charge of \$28,230.00 (2 lots at \$14,115 per lot)
 - b. The subdivider shall prepare and receive DOW's approval of construction drawings for the necessary water system facilities and either construct said facilities or post performance bond for construction.
 - c. If bond is filed, to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map, and deeds:

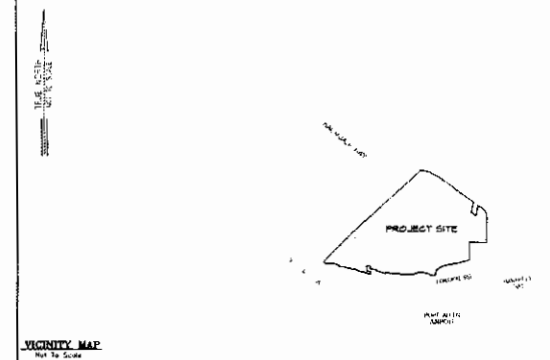
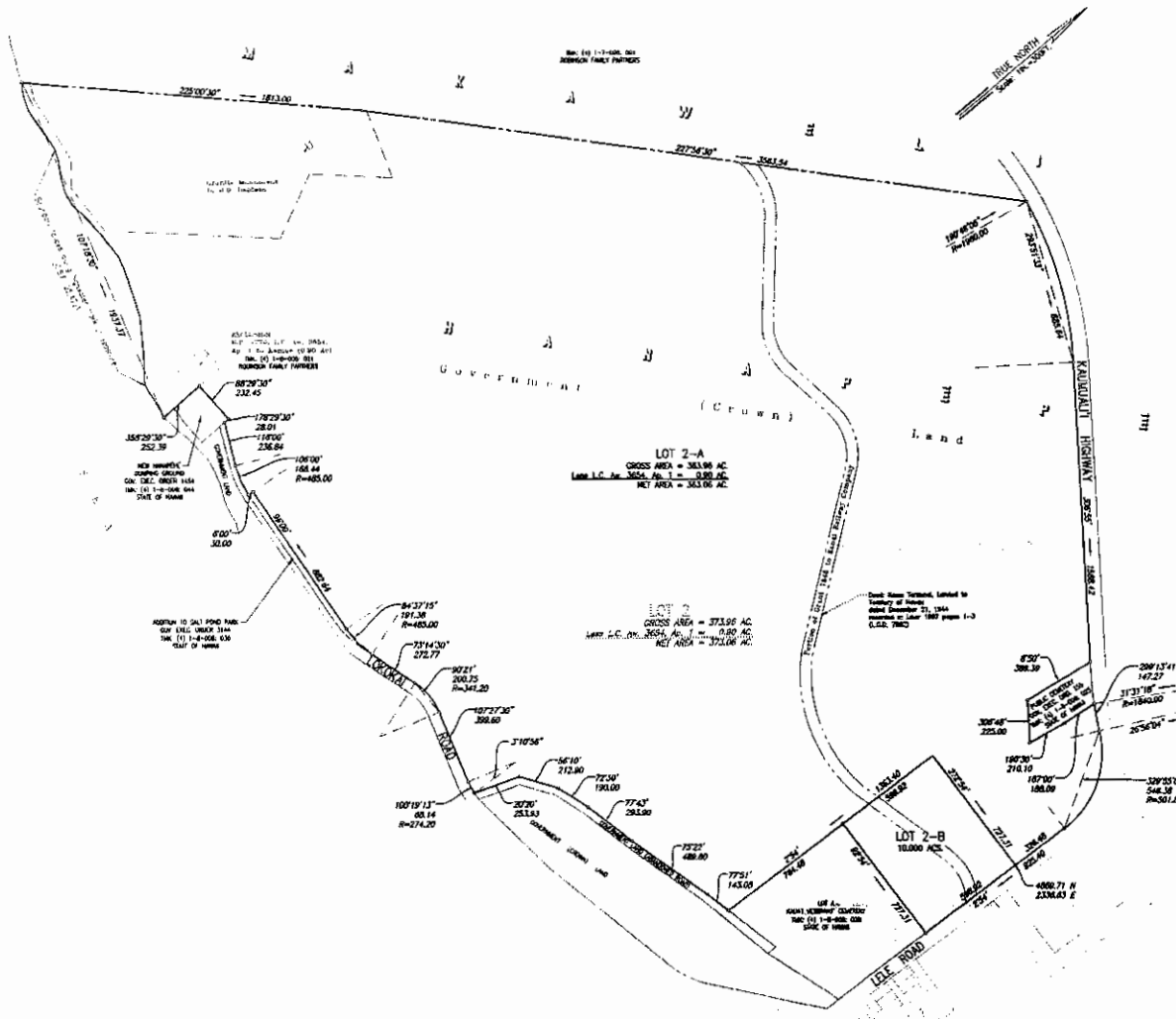
"Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai."

This deed restriction shall be recorded with the Bureau of Conveyances within (90) days of final subdivision approval by the Planning Department.
 - d. Requests for additional water meters or an increase in water meters or an increase in water meter size will be dependent on the adequacy of the source, storage, and transmission facilities at that time.
3. The Applicant is advised that should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the Planning Department to determine mitigation measures.
4. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for JUNE 9, 2020 whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

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

By 
DALE A. CUA
Planner



**SUBDIVISION OF LOT 2 OF
HANAPEPE GOVERNMENT LAND, SECTION A
INTO LOTS 2-A AND 2-B**

BEING A PORTION OF THE GOVERNMENT (CROWN) LAND OF HANAPEPE
BEING ALSO A PORTION OF GRANT 7848 TO KAUA'I RAILWAY COMPANY CONVEYED TO
THE TERRITORY OF HAWAII BY KAUA'I TERMINAL,
LIMITED BY DEED DATED DECEMBER 21, 1944
AND RECORDED IN LIBER 1897, PAGES 1-3 (LAND OFFICE DEED 7862)

SITUATED AT HANAPEPE, WAIMEA (KONA), KAUA'I, HAWAII

TAX MAP KEY: (4) 1-8-008: 020

OWNER: STATE OF HAWAII
ADDRESS: 1161 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

- NOTES:
- COORDINATES AND ADJUSTMENTS SHOWN ON THIS MAP ARE BASED ON GOVERNMENT SURVEY TRIANGULATION STATION "POO" A.
 - OWNERS OF ADJOINING PARCELS TAKEN FROM REAL PROPERTY TAX RECORDS.
 - PERMETER BOUNDARY BASED ON SUBDIVISION FILE NO. 5-2011-13.
 - SOMEWHERE WATER SERVICE WILL NOT BE AVAILABLE UNTIL THE REQUIRED CONSTRUCTION IMPROVEMENTS FOR THIS SUBDIVISION ARE COMPLETED AND ACCEPTED BY THE DEPARTMENT OF PUBLIC WORKS, COUNTY OF KAUA'I.



ATA, AUSTIN, TOULSON & ASSOCIATES, INC.
501 KALANANAKU STREET, SUITE 521
HONOLULU, HI 96857

THIS MAP WAS PREPARED BY ME
OR UNDER MY SUPERVISION
No. 9828
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 9828
EXP. 04/22

COUNTY OF KAUAI DEPARTMENT OF PUBLIC WORKS

TO: PLANNING DIRECTOR

S-2020-07
SUBDIVISION NO.

FROM: ENGINEERING DIVISION
VIA: COUNTY ENGINEER

County of Kauai
PLANNING DEPT.

OWNER: State of Hawaii
REGISTERED PROFESSIONAL LAND
SURVEYOR: Erik S. Kaneshiro, PLS

22 FEB 23 A5:32

DATE: February 22, 2022

TAX MAP KEY: (4)1-8-008:020

RE: Subdivision of Lot-2 of Hanapēpē Government Land, Section A into Lots 2-A and 2-B being a portion of the Government (Crown) Land of Hanapēpē being also a portion of Grant 7846 to Kaua'i Railway Company conveyed to the territory of Hawai'i by Kaua'i Terminal, limited by deed dated December 21, 1944 and recorded in liber 1897, Pages 1-3 (Land Office Deed 7862) situated at Hanapēpē, Waimea (Kona), Kaua'i, Hawai'i.

FINAL MAP
CONSTRUCTION PLANS (TITLE SHEET)
CONSTRUCTION INSPECTION FEE
AGREEMENT & BOND
COMPLETION OF IMPROVEMENT
FINAL MAP
DEDICATION

X

COMMENTS:

1. The proposed development shall comply with the County of Kaua'i Storm Water Runoff System Manual.
2. Best Management Practices (BMPs) shall be implemented at all times to prevent damage by sedimentation, erosion or dust to streams, water courses, natural areas and the property of others.
3. A driveway approach permit will be required for the driveway connection with Lele Road. It is our understanding that a site plan has not yet been developed; therefore, the driveway approach can be located and constructed later once the site plan is developed. The applicant is hereby notified that a driveway approach application will be required in the future when the site is developed. To submit a driveway approach application online, go to [Connect.Kauai.gov](https://connect.kauai.gov) and create an account by clicking on the Sign-Up link.

Step 1: At [Connect.Kauai.gov](https://connect.kauai.gov) login using your account

Step 2: Click in the Search box to find the form (for example, type "Driveway", or click the "Public Works\Engineering" icon)

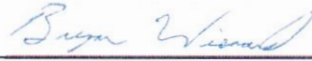
Step 3: Select the "Driveway Approach Application" icon

- Follow the system prompts and tab through the application process.
- Upload all necessary documents, including a plot plan showing:
 - The location of the driveway approach,
 - The width of the driveway at the property line, and
 - The width of the driveway at the edge of pavement.

Once the application is submitted, it will be reviewed by DPW Engineering Division staff. You will receive an automated email as to the status of your application. While the application is being reviewed, you can view its progress at any time by logging back in to [Connect.Kauai.gov](https://connect.kauai.gov).

We have no further comments. Recommend approval of Final Map.

Sincerely:

A handwritten signature in blue ink, appearing to read "Bryan Wisnall", is written over a horizontal line.

for MICHAEL MOULE, P.E.
Chief, Engineering Division



4398 PUA LOKE STREET
LIHU'E, KAUAI, HAWAII 96766
PHONE: (808) 245-5400 FAX: (808) 245-5813

Water has no substitute... Conserve it!

SUBDIVISION REPORT

TO: PLANNING DEPARTMENT
FROM: DEPARTMENT OF WATER

State of Hawaii
TMK: 1-8-08:020 NAME: DLNR Forestry SURVEYOR: AECOM REPORT NO: S-2020-7

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

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

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

Michael K. Hinazumi

Michael K. Hinazumi, P.E.
Program Administrator
Engineering Division

Oct 22, 2021

Date

SUBDIVISION REPORT NO. S-2020-7

RF:bdm
FINAL APPROVAL-

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
INTERIM DIRECTOR OF HEALTH

County of Kauai
PLANNING DEPT

STATE OF HAWAII
DEPARTMENT OF HEALTH
KAUAI DISTRICT HEALTH OFFICE
3040 UMI STREET
LIHUE, HAWAII 96766

JANET M. BERREMAN, M.D., M.P.H., F.A.A.P.
DISTRICT HEALTH OFFICER

21 AUG 12 P1:36

RECEIVED

August 6, 2021

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

Dear Mr. Hull,

SUBJECT: **PRE-FINAL** Subdivision Map Review and Approval
Subdivision No.: **S-2020-7**
Applicant: **State of Hawaii DLNR Land Division- Division of Forestry
and Wildlife**

All concerns have been addressed and the Department has no objections with final approval of this application.

Should you have any questions, please call me at 241-3323.

Sincerely,

Darren T Tamékazu
District Environmental Health Program Chief, Kaua'i (Acting)