

KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING  
**November 10, 2025**  
**DRAFT**

The regular meeting of the Planning Subdivision Committee of the County of Kaua'i was called to order by Subdivision Committee Chair Gerald Ako at 8:30 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako  
Ms. Glenda Nogami Streufert  
Mr. Jerry Ornellas

Excused or Absent

The following staff members were present: Planning Department - Director Ka'aina Hull, Planning Department, Staff Planner Kenny Estes, Planning Secretary Shanlee Jimenez, Staff Services Supervisor Leila Kim; 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 Gerald Ako: Good morning, sorry. Today is Monday, November 10<sup>th</sup>, 2025, and I'd like to call to order the Subdivision Committee meeting of the Planning Commission.

**ROLL CALL**

Planning Director Ka'aina Hull: Good morning. Chair and Members of the Commission. First order of business, Roll call. Commissioner Streufert?

Commissioner Glenda Nogami Streufert: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Chair Ako?

Chair Ako: Here.

Mr. Hull: You have a quorum, Mr. Chair. 3:0.

## **APPROVAL OF AGENDA**

Mr. Hull: Next, we have the Approval of the Agenda. The department doesn't have any recommended changes to the agenda.

Ms. Streufert: I move to approve the agenda.

Chair Ako: Is there a second?

Mr. Ornelas: Second.

Chair Ako: All those in favor for the Approval of the Agenda, say aye. Aye (unanimous voice vote). All those opposed. The agenda is approved. 3:0.

## **MINUTES of the meeting(s) of the Subdivision Committee**

Mr. Hull: We have no minutes.

## **RECEIPT OF ITEMS FOR THE RECORD**

Mr. Hull: We have no additional Receipt of Items for the Record. Last minute comments were received from Public Works for one of the agenda items forthcoming.

## **UNFINISHED BUSINESS**

Mr. Hull: On to Unfinished Business, Preliminary Subdivision Map Approval.

### Preliminary Subdivision Map Approval

Subdivision Application No. S-2025-1

Sueoka Store Expansion Project

SMK, Inc.

Proposed 11-Lot Consolidation into 1-Lot

TMKs: (4) 2-8-008: 020, 022 - 029, 034, 035 Koloa, Kaua'i

- 1) Subdivision Report pertaining to this matter.
- 2) Supplement #1 to Subdivision Report.

Mr. Hull: I don't have anybody signed up to testify on this agenda item. Are there any members of the public that would like to testify on this agenda item? Seeing none and recognizing the business we have today, the department is ultimately recommending, requesting a deferral on this to further work, for the applicant to further work with Public Works Engineering, so, the department would just ask for a deferral, quite honestly because they'll be coming back with responses to Public Works requirements, but if you guys have any questions about it.

Mr. Ornelas: How long of a deferral?

Mr. Hull: Kenny, you have a recommendation?

Staff Planner Kenny Estes: So, we recently received; after writing this supplement report, we received updated comments from the Department of Public Works Engineering Division. So, we will be scheduling this Subdivision Application on the December 9<sup>th</sup> Planning Commission meeting, for Preliminary Subdivision approval.

Mr. Ornellas: Thank you.

Ms. Streufert: Kenny, if I could ask a question. There is a...there is a...on page four of the application, under C. It says that they're looking at a roundabout by at Kōloa Road and Po'ipū Road. I believe that's not the intersection that they're looking at, in terms of the roundabout, because at Kōloa Road and Po'ipū Road would be where the gas station is, I think. Right? It's...

Mr. Estes: Yes. That's correct. So, I think the future improvements on Kōloa Road will be for a roundabout at the ...

Ms. Streufert: Maluhia.

Mr. Estes: ... Po'ipū Road intersection as well as the Kōloa Road and Maluhia Road.

Ms. Streufert: So, there's two.

Mr. Estes: Two roundabouts.

Mr. Hull: There's actually three. There's going to be another one in Po'ipū, actually.

Ms. Streufert: Okay great. But that could be reflected in here because this doesn't make any sense that that would that this particular one at Po'ipū and Kōloa Road would actually help the, getting into Sueoka's.

Mr. Estes: Okay. Will do. We'll work with the applicant on that.

Ms. Streufert: Thank you.

Mr. Estes: Thank you.

Chair Ako: Do we have anybody from the applicant that would like to add to this discussion right here?

Ms. Maren Arismendez: Good morning. Maren Arismendez, from Esaki Surveying, here on behalf of the applicant. Just the roundabout at Po'ipū Road and Kōloa Road, that's a county project, with the work that the owners have been doing with Public Works there's, they're looking into another additional roundabout at Maluhia and Kōloa Road, right in front of Sueoka's, if that clarifies the question.

Ms. Streufert: Thank you. That makes more sense.

Ms. Arismendez: Okay.

Chair Ako: Thank you. We have any other questions?

Ms. Streufert: So, this is for deferral?

Chair Ako: Yes.

Mr. Hull: Requesting a deferral.

Chair Ako: Can I have a motion to defer?

Mr. Ornellas: I move to defer Subdivision Application No. S-2025-1 to the December 9<sup>th</sup> meeting.

Ms. Streufert: Second.

Chair Ako: Okay. We've got a motion and a second. Mr. Clerk, if we can have a roll call.

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

Ms. Streufert: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

Ms. Arismendez: Thank you.

### **NEW BUSINESS (For Action)**

#### **Preliminary Subdivision Map Approval**

Mr. Hull: Next, we have New Business Preliminary Subdivision Map Approval.

Subdivision Application No. S-2025-8

Calipio Properties, LLC.

Proposed 4-Lot Subdivision

TMK: (4) 3-3-021: 048

Nawiliwili, Niumalu, Lihu'e, Kaua'i

- 1) Subdivision Report pertaining to this matter.

Mr. Hull: We don't have any members of the public signed up to testify on this agenda item. Are there any members of the public that would like to testify? Seeing none, I'll hand it over to Kenny for the report on this matter.

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

Mr. Estes read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Chair Ako: Thank you. Any questions for Mr. Estes? No. If not...

Ms. Streufert: Is there a requirement for a Ka Pa'akai Analysis for this?

Mr. Estes: Yes. There's a...there is a requirement. It's a...it's going to be a requirement of tentative approval for this subdivision application.

Ms. Streufert: Thank you.

Chair Ako: If not, do we have an applicant that would...

Commission Support Clerk Lisa Oyama: Chair Ako.

Chair Ako: This is really hard, you know, now. So, let's see. Do we have an applicant that would like to add to this application here?

Ms. Arismendez: Good morning, Commissioners. Maren Arismendez, from Esaki Surveying, here on behalf of the owner. The Ka Pa'akai, the owner, hired a consultant back in May and they're awaiting the report. So, they will be complying with that condition.

Chair Ako: Thank you. Any other questions? Okay. If not, any other questions? Okay, if not, I'll be willing to entertain a motion.

Mr. Ornellas: I move to approve Preliminary Subdivision Map, Subdivision Application No. S-2025-8.

Ms. Streufert: Second.

Chair Ako: Okay, we got a motion and a second. Any other last discussions? If not, Mr. Clerk, if we can have a roll call vote, please.

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

Ms. Streufert: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

Ms. Arismendez: Thank you.

Mr. Hull: Next, we have.

Subdivision Application No. S-2026-3

**State of Hawai'i / Charles K. and Eileen I. Bright**

Proposed 2-Lot Consolidation

TMKs: (4) 4-6-027: 010 and 025 (por.)

Kawaihau, Kapa'a, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: We have one member of the public signed up to testify, Roslyn Cummings. Roz Cummings? Seeing none, I'm going to turn it over to Kenny for the report on this matter.

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

Mr. Estes read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Chair Ako: Questions for Mr. Estes. Questions for Mr. Estes. If not, applicant?

Mr. Thomas Ouye: My name is Thomas Ouye, Thomas Ouye, from Tommy Ouye Land Surveying, LLC. This is Charles Bright, the owner of Lot 11 that the ditch runs behind, along his back boundary. And in 2003, the state gave us approval, the Land Board gave approval to selling of the remnant, the ditch and I was on the Land Board at that time. So I'm pretty familiar with this project. And the ditch that is in question has been abandoned for years. I would say, I would say maybe about 40 years already. A lot of the ditches, you know, because of the, it was abandoned just through erosion and it's all filled, most of the dishes are filled, so there's no water passing through the ditch.

Chair Ako: Any questions for the applicant? Okay. Thank you. If not, I can entertain a motion.

Mr. Ornellas: Before we do, I just have a question for the department. You know, this is more like a boundary adjustment, right? So, why do we have to go through the subdivision process?

Mr. Hull: It still counts as a subdivision. And we got those new rules spun up for residential properties that allow us to do that ministerially. We're still awaiting, pending the clerk's enrollment, County Council and stuff to transmit it, but we anticipate this being a relatively easy subdivision, given it is essentially a boundary adjustment, but it still has to go through a formal subdivision.

Mr. Ornellas: So, I'm assuming this ditch right of way or easement is only about 15 feet, usually, right?

Mr. Ouye: What is that?

Mr. Ornellas: The width of the easement or right of way is 15 feet.

Mr. Ouye: Actually, you know, a lot of the...that was a separate parcel owned by the state, the ditch part, it wasn't an easement, it was just a...it's a ditch right of way. And when you talk about right of way, that means it isn't an easement for when it wasn't reserved by the state going through the property. So, it was a separate lot. That's why, I think it runs from all the way up Kawaihau Road and all the way down to, I think, Kapa'a High School.

Mr. Ornellas: Kapa'a High school and beyond to Mahelona Dairy, originally.

Mr. Ouye: Yeah. So, that's...that's. in this case because it's a right of way and not an easement or the state didn't reserve it through a private property, it's easier to subdivide and (inaudible) because the state actually owns it. There's no question on who owns the ditch, who owns the right of way.

Mr. Ornellas: Thank you.

Mr. Ouye: So, and then what's going to happen is that it has to be subdivided according to the Land Board approval, and the Land Board also under the approval, you have to consolidate it with your lot, because in this case, you know, if it was a big parcel and is separated to two big parcels, if in the past they didn't consolidate it, and what happened was that they separate, you know, I think Ka'aina knows that, now they get two different parcels with double the density, but by consolidating the density stays the same, yeah.

Chair Ako: So, is this something that maybe in the future would not come to the commission? But would be (inaudible).

Mr. Hull: This is...this is agricultural zoning though, right, Kenny?

Mr. Estes: No, this is all within residential R4 (inaudible).

Mr. Hull: Okay. It would potentially. It just was seen as we'd be able to do this possibly quicker through the existing process. Yeah.

Mr. Ornellas: So, my guess is we're going to be seeing a lot of these, once one parcel is sold it disconnects the ditch and now you gotta...

Mr. Hull: Yeah. Hopefully in the next month or so we hope to have the rules, the administrative rules enrolled and at which point, no, you wouldn't see any of these.

Mr. Ornellas: Thank you.

Mr. Ouye: And when I was a...I was the DLNR Land Manager for Kaua'i and then we were responsible for all these abandoned ditch and the reason the state is trying to get rid of is because we still have to maintain it, you know, we get one complaint from the adjoining lot owner that the bushes that we got to go over there and clear it. This way they put the responsibility on the owner.

Mr. Ornellas: When our Water Co-op operated that ditch, we were told that, you know, we agreed you can sell this off, but we're not, we're not going to use this, this (inaudible), but we were told well, they may want to reserve it for road widening. So, that was the excuse at the time. I guess it's no longer applicable.

Ms. Streufert: Can I ask one question? Was this, was this ever used as a ditch, a water ditch?

Mr. Ouye: Well, you know, actually that was Kapa'a Homesteads and when it was under the homesteads, it was sold as agricultural properties and the ditch in the past, the ditch was used for irrigating water for the homestead lots, but then through, along Kawaihau Road, if you look, there's a lot of subdivisions along Kawaihau Road that at one point, you know, it wasn't necessary to utilize this ditch.

Chair Ako: Any other questions for the applicant, or the staff? If not, if we're ready, we can entertain a motion.

Ms. Streufert: Do we have a recommendation?

Chair Ako: Recommendation was to approve, yeah. Recommendation was to approve.

Mr. Estes: The department's recommendation is for Preliminary Approval.

Ms. Streufert: I move to approve the Subdivision Application No. S-2026-3, that involves a 2-lot consolidation.

Mr. Ornellas: Second.

Chair Ako: We have a motion and a second, any other discussion? If not, Mr. Clerk, if we can have a roll call vote, please.

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

Ms. Streufert: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

Preliminary Subdivision Extension Request

Mr. Hull: Next, we have a extension request for.

Subdivision Application No. S-2023-1  
Kukui'ula Parcel A2F2F3 Subdivision  
**BBCP Kukui'ula Development, LLC.**  
Proposed 31-Lot Subdivision  
TMK: (4) 2-6-022: 020  
Lawai, Koloa, Kona, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: We have one person signed up to testify, Rosalyn Cummings.

Ms. Rosalyn Cummings: Aloha, Commission and Chair. Good morning.

Chair Ako: Morning.

Ms. Cummings: I see that you have your attorney present.

Mr. Hull: Will you state your...you gotta turn on the microphone.

Ms. Cummings: Oh, sorry. Haven't you been in this for a while, so...

Mr. Hull: The button, the white button. There you go.

Ms. Cummings: Thank you.

Mr. Hull: And you can state your name for the record.

Ms. Cummings: Okay. Roslyn Cummings. Aloha. Good morning, Chair and Commissioner. I see you have your county attorney present. In this particular agenda item in the application, Kukui'ula S-2023-1, this project remains an active contested case status since August of 2025. Placing it back on today's agenda violates the doctrine of (inaudible) and HRS Section 91-9, and I also want to make sure that, for the record, each subdivision listed under Section J. demonstrates continuing patterns of fiduciary duties. Applicants show systematic noncompliance with HRS Section 343-6 e, and 174 c. Mahalo.

Chair Ako: Thank you.

Mr. Hull: I don't have anyone else signed up to testify. Is there any other member of the public that would like to testify on this agenda item? Seeing none, I turn it over to Kenny for the brief report on the extension request.

Mr. Estes: I'll summarize the report.

Mr. Estes read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the

Director's Report for the record (on file with the Planning Department).

Chair Ako: Thank you Kenny. Any questions for Mr. Estes? If not, do we have anybody from the applicant that would like to add?

Mr. Mauna Kea Trask: Aloha.

Chair Ako: Morning, Mr. Trask.

Mr. Trask: Excuse me. For the record, Mauna Kea Trask on behalf of the applicant. Thank you, Chair, Subdivision Committee members. As stated by Kenny, this extension request is just to cover the time to have the subdivision docketed for final approval. All state and county approvals have been obtained as required by law. Prior extension requests were required in order to comply with the various requests of the departments sister agencies as part of subdivision review. BBCP has been diligent in moving this subdivision forward, Mr. Rivera, Mr. Crawford has been meeting with the Department, Planning, Public Works and everyone in order to accommodate the requests. We appreciate the department's recommendation and respectfully request that you follow it today. If you have any other questions, I'm happy to do my best to answer them.

Chair Ako: Any questions regarding the extension?

Ms. Streufert: Do you anticipate that in a year that this, all of the approvals that you require will be met?

Mr. Trask: They have been, I believe they have been met and construction is actually proceeding right now. They've been bonded and everything. So, we just need to get the final map approval, as I don't want to say a formality, but that's the last step.

Ms. Streufert: Okay.

Chair Ako: Any other questions for staff or for the applicant? If not, if we're ready for a motion.

Mr. Ornellas: I move to approve Preliminary Subdivision Extension Request, Subdivision Application No. S-2023-1 to November 16<sup>th</sup>, 2026.

Ms. Streufert: Second.

Chair Ako: What was the date? 16<sup>th</sup>? November 16<sup>th</sup>? Or 15<sup>th</sup>. Doesn't matter? Okay. I'm sorry. Okay, so if you have any other discussions? If not, Mr. Clerk.

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

Ms. Streufert: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

Subdivision Application No. S-2024-2

Moloa'a Farms, LLC. et al.

Proposed 11-Lot Subdivision

TMK: (4) 4-9-009: 001

Moloa'a and Papa'a, Kawaihau, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: We have one person signed up to testify, Roslyn Cummings.

Ms. Cummings: Aloha. Good morning again, Roslyn Cummings for the record. I would like to actually do all my subdivision petitions at once. I don't know if I could do it at the end. Would that be easier? I have to do one by one?

Mr. Hull: Yeah.

Ms. Cummings: Oh, okay.

Mr. Hull: We appreciate it too, Ros, but technically they're all individual agenda items.

Ms. Cummings: Okay, perfect. Okay. Thank you. So, under the fifth one, it's S-2024-2, Moloa'a Farms LLC., 11-lot agricultural subdivision with no statement of water availability required under HRS Section 174 c-5, breach of fiduciary duty to protect groundwater. Also, I'd like to make a note of record. I was looking online to see if I could do a review prior to any of the subdivisions, and I didn't find anything, so it didn't give me enough time to review it. Can you put that on public record?

Mr. Hull: I don't have anyone else signed up to testify. Any members of the public that would like to testify on this agenda item? Seeing none, the department will turn it over to Kenny for his brief report on this matter.

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

Mr. Estes read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Chair Ako: Questions for Mr. Estes?

Ms. Streufert: Just a statement. It appears that they're working on it and they have had progress in the last year towards working on this.

Mr. Estes: Yes. Correct. They are currently, the applicant is currently working to resolve the infrastructure into the subdivision.

Ms. Streufert: Okay.

Chair Ako: Do we have the applicant here that would like to add comments? Okay. Seeing none, if we have any other questions, any other concerns? If not, we can entertain a motion.

Ms. Streufert: I move to approve the Subdivision Application No. S-2024-2 for a second extension until November 14<sup>th</sup>, 2026.

Mr. Ornellas: Second.

Chair Ako: Okay, it's been moved and seconded. Seeing no other further discussion, Mr. Clerk, if we can have a roll call vote, please.

Mr. Hull: Roll call. Commissioner Streufert?

Ms. Streufert: Yes.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair. 3:0. Last, we have the Final Subdivision Map Approval.

#### Final Subdivision Map Approval

Subdivision Application No. S-2019-4

Tim Beckman and Mira Hess

Proposed 4-Lot Consolidation and Re-subdivision into 3-Lots

TM Ks: (4) 2-8-014: 038 and 042

Koloa, Kaua'i

1) Subdivision Report pertaining to this matter.

Mr. Hull: We have one member of the public signed up to testify, Roslyn Cummings.

Ms. Cummings: Aloha. Good morning again. So, my name is Roslyn Cummings for S-2019-4, Beckman and Hess, permit is over five years old and resubmitted without new public notice under HAR Section 15-15-50. This constitutes as an expired and unlawful action, so collectively, these omissions show systematic failure to conduct environmental and cultural reviews, lack of transparency, breach of fiduciary duty owed to the trust in land and water, and I request each proceedings that no approvals issues until full compliance demonstrated. I have another question. So, I missed one, two, the S-2025-1, S-2025-8, S-2026-3, am I able to provide testimony or not?

Mr. Hull: Those were acted upon.

Ms. Cummings: I'm sorry.

Mr. Hull: Those were acted upon, but they weren't Final Map Subdivision Approval, so they ultimately have to come back to the Commission.

Ms. Cummings: So, can I give public testimony or not?

Ms. Barzilai: Yes. After this item is completed, Ms. Cummings can come back up and give testimony.

Ms. Cummings: And do I have to come back for every individual one again?

Ms. Barzilai: You can just give testimony by announcing which subdivision.

Ms. Cummings: Okay.

Ms. Barzilai: Give your testimony, we'll time you. Then your next one, we'll time you.

Ms. Cummings: Okay. Thank you.

Ms. Barzilai: Okay. But wait till we finish all the items.

Ms. Cummings: Okay. Perfect. Thank you.

Ms. Barzilai: Thank you.

Mr. Hull: We don't have anybody else signed up to testify. Would any other member of the public like to testify on this agenda item? Seeing none. I'll turn it back over to Kenny.

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

Mr. Estes read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Chair Ako: Any questions for Mr. Estes? If not, do we have somebody from the, on behalf of the applicant?

Ms. Arismendez: Good morning, Maren Arismendez, here on behalf of the owners. And it's been a long process for them. And they've been patient throughout and comply with the requirements. So, they would like to respectfully request the final approval of the subdivision.

Chair Ako: Questions? You know, I believe that this is one of the applicants, application that has come in about 2019 or so, prior to the implementation of actually the Ka Pa'akai Analysis. The analysis decision came down from the Supreme Court. Was there a Ka Pa'akai Analysis done on this project here?

Ms. Arismendez: There wasn't done. It wasn't a requirement when they applied for a subdivision.

Chair Ako: Right.

Ms. Arismendez: So, the timeline is correct.

Chair Ako: Right. Would the applicant be agreeable to conducting a Ka Pa'akai Analysis on this project?

Ms. Arismendez: They've made a statement, of course their wish would be to have final approval, but if there will be a requirement then they would comply, but it's has been a long process for them. Of course, I'm sure they would prefer to be able to close this chapter, but whatever the commission would require would be...they would be open to it.

Mr. Hull: Yeah, Chair, the requirement is actually on the commission to complete it when taking action. So, that's why the department wasn't routinely accepting or requiring Ka Pa'akai's at the time when this was initially submitted, but as the courts have demonstrated, you know, an applicant can get a final subdivision map approval and if litigated and goes to court and put in all those improvements, like you see in one of the Kōloa projects, it can undo the subdivision, it would undo the subdivision. Even despite investment into the property based on that action. So, you know, ultimately a Ka Pa'akai is going to have to be required.

Ms. Streufert: So, does that become a condition of approval, in which case (inaudible)?

Mr. Hull: No. The department's recommendation would be to defer this item until a Ka Pa'akai Analysis can be provided.

Ms. Barzilai: The standard for the Commission is to comply with everything imposed by law. Ka Pa'akai is imposed by law.

Ms. Streufert: If it were to be deferred, for how long would it be deferred?

Mr. Hull: It would be up to the applicant on how long they can, how long it would take them to get the Ka Pa'akai completed.

Ms. Arismendez: For other projects I know it's been a minimum of six months to get the report. There's not a lot of consultants available.

Mr. Hull: Yeah.

Ms. Arismendez: And they're usually all overwhelmed with the long list of projects. So, it's just getting in line and waiting for them to complete the report.

Chair Ako: And that extension of the six months be reasonable for you at this point?

Ms. Arismendez: Probably maybe a year would be required because, I mean, that's for other, I can't guarantee the six months and then just the, for it to be transmitted to the planner and doing and so, that the county has time to transmit it to the Commission, I think there's additional time required there, not just the time to prepare, so...

Mr. Hull: We could, Maren, if you're okay with it, we could ask for up to a 12-month deferral, and should they get it completed before 12 months (inaudible)...

Ms. Arismendez: We could always...of course, I'm sure the owner would go in sooner if available, but I don't want to limit to six months because I'm not sure on the timeline.

Chair Ako: Okay, so if it's up to 12 months, date would be November...November 11<sup>th</sup>, 2026. Okay. If not, any other questions for the applicant? Do we have any other questions? If not, I'd be willing to entertain a motion.

Ms. Streufert: I move to defer consideration of Subdivision Application, S-2019-4, for a term up to a year ending November 12<sup>th</sup>, 2026.

Mr. Ornellas: Second.

Chair Ako: Okay. We got a motion; we got a second. Any other comments? Seeing none. Mr. Clerk, if we can have a roll call, please.

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

Ms. Streufert: Yes.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

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

Chair Ako: Thank you very much.

Ms. Arismendez: Thank you.

Mr. Hull: That ends the agenda for subdivision, however, be the member of the public asked to testify on previous active items. Ms. Cummings, if you want to come up and testify on those agenda items.

Ms. Barzilai: Ros, if you could please refer to the subdivision number from the agenda.

Ms. Cummings: Okay.

Ms. Barzilai: You have three minutes.

Ms. Cummings: Okay. So, first is S-2025-1, Sueoka Store expansion, commercial intensification in a flood zone without stormwater analysis violates the Clean Water Act, Section 402 and HRS Section 343-5.a. 3, no hydrology report or EA on file. I'd also like to make sure that we

understand there's compliance in HRS Section 91-9, which requires notice, opportunity to be heard, and a full evidentiary record, failure to (inaudible) administrative decisions, HRS 92, Sunshine Law mandates open meetings, advance public notice and disclosure of agenda items, prohibit secret deliberations. HRS Section 205, State Land Use Law establishes statewide land use districts, county zoning, must conform to state classifications and findings of the Land Use Commission LUC, HRS Section 205.a., Coastal Zone Management SMA Law, requires counties to administer shoreline and Special Management Area Permits consistent with coastal protection and policies. HRS 6.e., requires prior consultation with SHPD for burials, historic and cultural sites before permit issuance, let the record reflect and on the record for the record that SHPD has numerous violations, no trust in SHPD. HRS 343 Section, Environmental Review Law mandates environmental assessment, environmental impact statements for any action or permit with potential environmental effect. Thank you. That's it for that. And then I can go on to the next one.

Ms. Barzilai: Yeah, please read the number.

Ms. Cummings: Okay. Second, S-2025-8, Calipjo Property, Subdivision 4 lot split in Niumalu falls inside the Coastal Zone Management Area, no CZM review or shoreline determination under HRS Section 205-26, again governing law HRS Section 91-9, requires notice, opportunity to be heard and full evidentiary record, failure to comply voids administrative decisions. HRS Section 92, Sunshine Law, mandates open meetings, advance public notice and disclosures of agenda items, prohibit secret deliberations. HRS section 205, State Land Use Law, establishes statewide land use districts, county zoning must conform to state classifications and findings of the Land Use Commission. HRS Section 205 a., Coastal Zone Management SMA Law, requires counties to administer shoreline, and SMA permits consistent with coastal protection policies. HRS Section 6 e., Historic Preservation, requires prior consultation with SHPD for burials, historic and cultural sites, again let the public record reflect there is no trust with SHPD. HRS Section 343, Environmental Review Law, mandates environmental assessment or environmental impact statement for any county action or permit with potential environmental effect. Kaua'i County Charter Section 20.2, 20.3, defines the Planning Commission creation, powers and fiduciary obligation to conduct impartial hearings and preserve the record. Constitutional Article 1, Section 5, guarantees due process and equal protection. Article 12, Section 7, imposes fiduciary stewardship over natural and cultural resources and require protection. This is the record, and I'm done with this particular subdivision application. Thank you. Third, S-2026-3, State of Hawai'i, Bright, because the State acts as applicant, an environmental assessment is mandatory, under HRS Section 343-5 b., none is posted or cited. Again, for the record, I did see a tablet outside, so I just want this on the record for now, and then again, governing laws HRS Section 91-9, requires notice, opportunity to be heard and full evidentiary record. Failure to comply avoids administrative decisions. HRS Section 92, Sunshine Law, mandates open meeting, advance public notice and disclosure of agenda items, prohibit secret deliberations. HRS Section 205, State Land Use Law, establishes statewide land use districts. County zoning must conform to state classifications and findings of the Land Use Commission. HRS Section 205, if this applies, SMA Law requires county to administer shoreline and Special Management Area permits. HRS 6 e., no trust in SHPD. It requires for SHPD for burial, historic and cultural sites before permit issuance, consultation. HRS Section 343, Environmental Review Law, mandates environmental assessment or environmental impact for any county action or permit with potential environmental effect. Kaua'i County Charter Section 20.02, 20.03, defines the Planning Commission's creation, powers, and fiduciary obligation to conduct impartial hearings

and preserve the record. Constitution Article 1, Section 5, of the State of Hawai'i guarantees due process and equal protection. Article, let's see here, 11, Section 1, Article 12, Section 7, imposed fiduciary stewardship over natural and cultural resources and protection. Mahalo. That's the end of my petition on the record.

Ms. Barzilai: Thank you.

Chair Ako: Thank you. If not, we have anything else? Traditionally, I think we have our meetings done on Tuesdays, yeah, but because tomorrow is Veteran's Day, I just wanted to, I guess, acknowledge the work of the veterans that we have over here. And just to say, appreciation for all the services they have done for our country. So, with that, I'd like to entertain a motion to adjourn.

Ms. Streufert: I move to adjourn.

Mr. Ornellas: Second.

Chair Ako: We have a motion and a second. All those in favor say aye. Aye (unanimous voice vote). All those opposed. This meeting is adjourned. 3:0.

Chair Ako adjourned the meeting at 9:12 a.m.

Respectfully submitted by:

Lisa Oyama

Lisa Oyama,  
Commission Support Clerk

( ) Approved as circulated (date of meeting approved).

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